

Minutes
Highland Park Planning Board
Council Chambers, Borough Hall
221 South Fifth Ave. Highland Park, NJ
Regular Meeting—July 9, 2015

Call to Order

The July 9, 2015 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

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| Present | Kim Hammond, Alan Kluger, Steve Nolan, Philip George, Lita Greenberg |
| Absent | Paul Lanaris, Allan Williams, Scott Luthman, Stephany Kim, Padraic Millet, |
| <u>Board Professionals</u> | Roger Thomas, Esq. Board Attorney Allen Schectel, Board Planner |

Approval of Minutes

There was a motion from Mr. George with a second from Ms. Greenberg to approve the minutes from the April 23, 2015 regular Planning Board Meeting and with a voice vote from all present the minutes were approved.

Action on any other business and work session.

1. An Ordinance Amending the “Code of the Borough of Highland Park 2010,” Chapter 230, Land Use Concerning Standards for Residential Reconstruction”

Ms. Hammond announced that the board will review the proposed amendment and make recommendations to the Borough Council as required by the Municipal Land Use Law. The Planning Board will determine whether or not the suggested ordinance complies with the Borough’s Master Plan.

Mr. Kluger suggested that the board and the council wait to take action until more members of the public can be heard from. Many residents are not available during the summer months.

Councilman George said that he was part of the working group that started looking at the ordinance in December or January. The meeting dates for the hearing were a function of scheduling between the Council and the Planning Board. Councilman George said that the ordinance may not be voted on until September. Ms. Hammond said that the Planning Board might also have questions about the proposed ordinance.

Councilman George gave a brief overview of the development process and noted that there is some confusion about the zoning code. A working group made up of the zoning officer, the planner, the chairs of the planning and zoning boards and Councilman George reviewed the land use ordinance and concluded that a lot size ratio verses a building height calculation was more appropriate for Highland Park’s aging housing stock. The recommendations made by the group were for consistency in the regulations and to accommodate growth and meet current housing needs. The group looked at neighborhoods rather than zones.

Allen Schectel, Borough Planner gave an overview of the proposal, stating that the intent was to clarify the ordinance, to eliminate the need for excessive variances and to preserve neighborhoods. He said that other communities in New Jersey, with an older housing stock and smaller lots are utilizing the floor area ratio calculation.

Mr. Schectel reviewed a chart titled "Comparison of House Size Yield Under Existing Ordinance versus Proposed Floor Area Ratios (FAR)," by Allen Schectel, PP dated July 6, 2015.

Under the proposed ordinance dwelling sizes would be proportionate to the size of the lots, keeping the existing character of the neighborhoods. The examples presented were for 50' by 100' lots.

Ms. Hammond said the committee was looking at the massing of houses. While the houses in most neighborhoods are the same size the current calculations allow for a large building area if lots are combined in any neighborhood.

Mr. Schectel discussed an exemption from the zoning officer; if the existing housing stock in a neighborhood is determined to be consistent with a building proposal. In many neighborhoods development on a building lot is less than allowed. There was a discussion about how to determine a formula for consistency of building area in a neighborhood.

Mr. Kluger asked for the number applications that were before the zoning board for variances to build large houses under the current ordinance. Mr. Schectel approximated six or seven. Ms. Hammond said that the proposed ordinance was addressing a trend of combining lots rather than individual lots.

Mr. George said the issue that the ordinance change tried to address was massing, but one of the initial goals was also to allow more to be built on the many smaller lots throughout town and to add consistency. Current zoning does not allow for the full potential of what can be built on a small lot and even minor development on smaller lots can require variances and the expense of going to a board. The FAR would be a dependable, reviewable and understandable formula. Mr. George said the proposed formula could be increased.

Public Comment

Hava Bresler Freidenreich 62 Grant Ave. Affirmed and said she finds the ordinance change unacceptable. She suggested adding an amendment to the ordinance to make it more difficult to combine lots. She discussed her property; she said she purchased a larger lot with the intention of adding on to the house, but under the new ordinance she would not be able to. She said that people will start to enclose front porches. She said that it would be impossible for a homeowner to determine if the square footage of 50% of the neighborhood is similar. She said that there are better ways to clarify the rules rather than adding more rules. She said that her house will not work for her family as it grows or whether the goal was to discriminate against large families.

Josh Prusansky 141 N. 10th Affirmed and said that he testified in front of the assembly and never had to affirm. He said if people can't understand the code, the code should be made clearer. He said people will lose one third of the potential to develop their property because the current code is unclear. He sees the ordinance as absurd. He said taxes are going up and services are going down. He said that most of the people attending tonight's meeting are from the Orthodox Jewish Community who as a group tend to have large families. He said that this ordinance will drive members of the Orthodox Jewish Community out of town. He said the planning board should fix the issues but finds this ordinance change wrong and does not think it will achieve what the council wants. Mr. Prusansky suggested creating a historic district. He suggested giving Mr. Schectel the authority to further research the topic.

Brian Silvey 146 North 11th Ave. Affirmed he is a ten year resident of Highland Park, and said his home is currently under construction. He asked the board to table the ordinance until it can be discussed thoroughly; he said many members of the Orthodox Jewish community would be affected by the ordinance. He said the ordinance would have a negative impact on Jewish families in Highland Park with larger families. He asked the board to vote the measure down unless it's

changed significantly the proposal. He asked Mr. Thomas if the board has considered the disparate impact of the ordinance.

Mr. Silvey asked that the board expand their communication process.

Mr. Thomas said that in accordance with the Municipal Land Use Law the Planning Board was asked by the Borough Council to review an ordinance that the borough council introduced. The Planning Board does not have the authority to pass ordinances; the board will make a recommendation to the council about the proposed ordinance, there are many options that the board can take. Mr. Thomas said that there was a discussion at council regarding clarity about the zoning ordinance, a committee formed and recommendations made by the committee. Mr. Schectel wrote an ordinance based on the concerns of the committee that the Borough Council has introduced by first reading and under the Municipal Land Use Law that ordinance has been sent to the Planning Board for review.

Mr. Silvey suggested a looking at a case in Princeton, New Jersey that addressed preserving a historic look and feel for a community.

David Feiler 1603 Central Ave. Affirmed and said he has owned his home for fourteen years. He bought an older home, and renovated it. He said that there are between 60 and 100 houses for sale in Highland Park. He said houses should be renovated; he is worried about his property value. Policies like this will add to the number of houses for sale. The FAR process is too complex and is an exception driven policy and it will create a neighborhood of renters. Mr. Feiler questioned counting the square footage of garages and mezzanines in the calculation.

Andrew Getraer Affirmed 801 South Second Ave. he has lived in Highland Park for fourteen years. He said the ordinance change is attempting to solve a problem that does not exist. Instead of clarifying the regulations, the regulations are being changed. The ordinance change reduces the value of his property; he thinks that the town should find ways to increase property values. He urged the board to table the matter. He asked that if homeowners will be compensated if their property values decrease.

Felix Urman 102 Lincoln Affirmed and said if the goal of the proposed ordinance is to reduce variances this change will increase the needs for variances. He asked if there was historic character to the homes that the ordinance change would preserve but said this ordinance will change the character of the community.

Dvaid Tawil Affirmed 23 South Third Ave. asked to see the statute that requires members of the public to swear or affirm. Said the proposal should be discarded because the proposal is too extreme. He said the FAR rate for other towns is less. He said the borough should be responsible for determining the FAR for surrounding properties in a neighborhood; it should not be the homeowner's responsibility. If the borough will not allow tax payers to improve their homes they will sell their homes and leave Highland Park. He said the character of many houses would change; homeowners will turn porches into living space under the proposed regulations. It is his opinion that the proposal is ill conceived, overkill and is being rushed through. He suggested fixing the zoning regulations to make it easier for applicants to receive zoning approvals.

Ronnie Shilcrat 122 North 11th Ave. has lived in Highland Park for more than 30 years and added on to her house. She asked if her taxes will be reduced if her house value goes down. She said she is receiving fewer benefits and paying more taxes, she said the proposal will not benefit the town. She asked if the council meetings were public meetings.

Janie Friedman Affirmed 317 Cedar Ave. asked if there is evidence that large homes are being built on combined lots. This proposal will restrict people who

have smaller lots. The proposal will place a burden on homeowners and owners of smaller lots.

Alan Berger Affirmed 23 Ely Place Edison NJ. 50% of the housing stock was built before 1939. He discussed functional obsolesces. In his opinion property values will go down. He said the premise is flawed idea and based on a few houses.

Steve Buzbee was sworn in 401 S. 2nd Ave. Mr. Buzbee is an architect in Highland Park, he said the way that building height is calculated is a mistake and will encourage people to build large homes with flat roofs. He did not think detached garages and front porches should be included in the FAR. He encouraged the board to consider set back provisions based on lot size. He suggested that it is not possible for a homeowner to measure how large a neighbor's home is.

Martin Zaret Affirmed 418 Grove Ave. affirmed asked the board to recommend that that council not change the ordinance. He said that if oversized homes were the result of a variance, variances can be granted or not granted. The current works well, the board has the power to regulate and homes can be upgraded.

Zev Stern Affirmed 27 Brookdale Court he said that according to the rules the FAR for a 100 x 100 lot is less than the square footage to put up 2 houses on two lots. Development on a 100 by a 100 lot will be reduced by 50%. It will drive people to Edison. He discussed the reduced roof height from 35' to 32' and said it will eliminate attics spaces. He said the habitable space will be reduced by the FAR formula and by the reduced roof height.

David Tawill said that high ceilings will be calculated as double.

Ms. Hammond closed the public portion. She stated that the planning board is made up of volunteers who are residents, and that members of the board will also have to meet the requirements of the proposed ordinance. She said that some people suggested that the ordinance was directed at the Orthodox community, but she did not agree. She said that the problem of massing in neighborhoods was not about boards granting variances but rather that oversized homes could be constructed without variances under the current rules that would be out of character in some neighborhoods. In terms of communication, Ms. Hammond said that meetings are published and notices are on the website. Ms. Hammond thanked the members of the public for their feedback and said that feedback is valuable to the process. The planning board cannot do anything about property taxes.

Mr. Thomas instructed the board on the legal standard for the planning board to review an ordinance change. The board has thirty five days to act after they receive a request from Council, the board can vote on whether the proposal is consistent or inconsistent with the Master Plan. Mr. Thomas said that Mr. George could take the feedback from this meeting back to the borough council.

Mr. George suggested that there be a recommendation to send the proposal back to the council for further consideration. Ms. Hammond suggested a motion that said that the planning board did not recommend the proposal in its current form.

Mr. Kluger made a motion to reject the ordinance as written due to the fact that the board was not given sufficient reasons to justify the reduction of allowable building space as currently allowed. The council should consider changes to the current zoning law that address a lack of clarity and inconsistencies, as raised by the committee. Council should also consider expanding the committee to include members of the public, local architects, real estate professionals or planners, to come up with a more comprehensive approach. Mr. Kluger recommended Mr. Buzbee for such a committee. Council should also consider alternative

strategies that would allow for smaller additions to avoid a full zoning broad hearing.

Ms. Greenberg and Mr. Nolan agreed with Mr. Kluger's motion and Mr. Nolan concurred that Mr. Buzbee would be an excellent choice for the committee.

Mr. George said that the best thing the ordinance did was to get people out to the meeting, and he was pleased that so many people attended. Mr. George said he made a recommendation to have ordinances posted on the website prior to being heard. The ordinance proposal presented tonight was discussed at two council meetings. Mr. George thought the FAR should be greater and he did not support the proposal in its current form.

Mr. George asked that the minutes of the meeting be sent to council.

Mr. Kluger amended his motion to reject an FAR approach and to seek other formulas. The motion was amended to state that the proposed ordinance is not consistent with the Master Plan for all of the reasons noted. There was a second from Ms. Greenberg.

Roll Call

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| Ayes | Ms. Hammond, Mr. Kluger, Mr. George, Mr. Nolan, Ms. Greenberg |
| Nays | None |
| Abstain | None |
| Absent | Mr. Lanaris, Mr. Williams, Mr. Luthman, Mr. Millet, Ms. Kim |

Motion approved.

At 9:40 pm the board took a brief recess. At 9:47 pm the meeting resumed and there was a motion from Ms. Hammond with a second from Ms. Greenberg to adjourn the meeting and with a voice vote the meeting was adjourned.

Mr. Thomas reminded the board members that a special meeting will be scheduled for July 30, 2015 regarding a court order to adopt a housing element and fair share plan. The time of the meeting will be announced.

Respectfully submitted
Diane Reh,
Board Clerk