

Minutes  
Highland Park Planning Board  
Council Chambers, Borough Hall  
221 South Fifth Ave. Highland Park, NJ  
November 13, 2014-Regular Meeting

**Call to Order**

The 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 Hammond at 7:30 pm; Ms. Hammond indicated the location of the fire exits.

**Roll Call**

Present	Kim Hammond, Lita Greenberg (7:36 pm), Alan Kluger, Allan Williams, Scott Luthman, Padraic Millet, Heather Wilkerson, Stephany Kim
Absent	Steve Nolan, Paul Lanaris
<u>Board</u>	Roger Thomas, Esq. Board Attorney
<u>Professionals</u>	Allen Schectel, Board Planner Ken Zielinski, CME

Council Liaison Phil George

**Unfinished or adjourned hearings**

Abraham and Bessie Hann Charitable Foundation, Inc.  
114 Johnson St.  
Block 16 Lots 5,6,7

Mr. Ron Shimanowitz from the firm of Hutt and Shimanowitz appeared on behalf of the applicant, Abraham and Bessie Hann Charitable Foundation, Inc. Mr. Shimanowitz announced that this is a continuation of hearing that began at the September 18, 2014 Planning Board Meeting. Since that hearing the applicant considered the comments from the board and the public and has revised the plan. The revised plans prepared by Menlo Engineering dated October 27, 2014 were marked as exhibit A-5. Revised elevations prepared by Steve Druga dated Oct 26, 2014 were marked as exhibit A-6.

Mr. Scott Turner, Menlo Engineering remained under oath and continued his testimony. Mr. Turner presented exhibit A-7 a hybrid site plan with landscaping. Mr. Turner testified that the plans were revised to show two single family homes with detached garages. The plan includes two eight foot wide paved driveways separated by brick pavers. The houses on the revised plans are narrower than the houses first proposed. The houses are twenty four feet wide with a twelve hundred square foot footprint and twenty-four hundred square feet of living space. The garages are twenty feet wide and twenty feet deep and have a turnaround area. The applicant added landscaping and buffering. A variance is required for minimum lot width and distance between buildings. The applicant complies with the distance between buildings but they do not comply with the distance from neighboring properties on both sides. The distance of the garages to neighboring structures do not comply. A variance is also required for impervious coverage.

Mr. Turner testified that the applicant will comply with the items listed on the November 10, 2014 CME report. The applicant will provide a listing of trees to be removed and the location of where trees will be replaced. The applicant will provide a foundation plan.

Steve J. Druga a New Jersey licensed architect remained under oath. Mr. Druga marked exhibit A-8 dated 10-26-14 a colorized version of elevation A for lot A and exhibit A-9 dated 10-26-14 as colorized version of elevation B for lot B.

Mr. Druga described the revised plan. The roof lines on the proposed houses will be different for variation. Ms. Wilkerson and Ms. Hammond asked the architect to check the roof lines in the neighborhood to insure that the proposed roof lines are compatible with other homes in the neighborhood.

Paul Ricci, licensed professional planner 10 Georgian Drive Clark NJ was qualified as an expert in planning.

Mr. Ricci testified on the variances the applicant is seeking: Lot coverage, maximum lot width, distance between buildings and garage door facing the street.

The subject site is in the RA zone, comprised of 13, 441 square feet. Mr. Ricci referred to the Highland Park 2003 Master Plan, The Zoning Ordinance and to Mr. Schectel's report dated November 4, 2014. Mr. Ricci stated that the proposals to sub divide the lot and to construct two houses is in character with the neighborhood. Mr. Ricci reviewed the ordinance requirements for detached garages; he said that the detached garages will not be visible from the street and that the proposal meets the intent of the ordinance.

Mr. Ricci reviewed the Municipal Land Use Law. The applicant meets all the dimensional requirements but has a hardship because of the location of structures on adjoining lots.

The meeting was open to the public

Irene Silos 116 Johnson St. was sworn in. asked if the garage doors were on the right side or the left side. Answer was inaudible. Ms. Silos asked what trees will be preserved. Trees on the property line will remain. Ms. Silos read a prepared statement and thanked the planner, engineer and applicant for taking the impact of the development on the neighborhood into consideration. Ms. Silos asked the applicant to consider proper removal of wildlife living in the uninhabitable property, proper removal of asbestos and measures to insure that during demolition there no residue from the site on neighboring properties. Ms. Silos is opposed to the impervious cover for garages and parking. She suggested a single car garage to reduce impervious coverage.

Ms. Silos presented her letter and it was marked as exhibit O-1.

Colleen McKay Wharton 119 Johnson St. asked about additional variances, Mr.

Shimanowitz said that any additional variances would require another board hearing.

Ms. McKay Wharton asked for assurance that the house would be demolished safely.

Mr. Luthman said that the demolition would be done by permit with oversight from the construction office. Ms. McKay Wharton asked why the applicant was seeking approval for a two car garage. Mr. Turner said it was a decision by the client, and appropriate for the size of the house a one car garage would not significantly change the percentage of imperious coverage.

Susan Liebell 113 Johnson St. expressed her appreciation and said the current proposal is a better plan. Ms. Liebell said she is opposed to the two car garage. She said the building was used in the past as a substandard rental property and was not used as storage and headquarters for a religious organization.

Alan Kluger asked the speaker to discuss the application before the board.

Ms. Hammond asked speakers to keep their comments to planning issues for this application.

Mr. Thomas returned the statement marked as exhibit O-1 to Ms. McKay Wharton because the information in the document included statements and emails from individuals who were not present.

Mr. Kluger asked if the applicant would still require a variance for a one car garage. Mr. Turner said yes.

Josephine Gaiamo 123 Johnson St. summarized a prepared statement. She is in favor of the subdivision and the lot width distance between buildings and is happy that the new plan fits with the character of the neighborhood. She is opposed to the two car garages and the apron; she asked if there was an alternative to the asphalt, she said there was a problem with water runoff on her property. Mr. Turner said the applicant is obligated to demonstrate that there will be no runoff; he said that alternative materials present maintenance problems and are not completely pervious.

Ms. Gaiamo said she would be in favor of a one car garage rather than a two car garage. Mr. Thomas marked a letter from Ms. Giamio as exhibit O-2

Catherine D'Agosta 122 Johnson St. said she was concerned about water runoff for environmental reasons. Mr. Turner said most of the runoff is clean runoff from the roof but some of the runoff is from the new driveway. Mr. Turner stated that this application does not meet the threshold requirement covered under the storm water management regulations for mitigation. The applicant will provide designed drywells on each of the corners of the houses conditioned on soil conditions or provide some other storm water collection system. Ms. D'Agosta submitted a letter marked as exhibit O-3.

Hillel Newman 130 Johnson Street Mr. Newman is in favor of the application.

Mr. Zielinski, said the application is for a small project and CME recommends directing the runoff to the storm sewers. The applicant is not permitted to increase runoff on neighboring properties.

Ms. Wilkerson commented that the impervious coverage a concern, she stated that she was pleased with the changes to the application but urged the applicant to comply with the 40% requirement for impervious coverage.

Mr. Shimanowitz summarized the application. Mr. Shimanowitz asked the board to consider the planning issues on the application. The applicant plans to demolish the existing structure; that members of the public described as a problem property. The applicant proposes to construct two new houses; the impervious coverage will be 45.5% on one lot and 45.7% on the other lot. If the applicant provided a one car garage the reduction would not be significant. The applicant took the board's concerns into consideration when redesigning the project with a detached garage in the rear of the property.

Mr. Thomas stated that as a result of the revised plans three variances were eliminated however there are now variances required for lot width, minimum distance between buildings, impervious coverage and front facing detached garages and the sub-division. The board discussed the variance for impervious coverage. Mr. Kluger stated that the variance is a result of the board's request to move the garages to the rear of the property. Ms. Hammond said she was pleased with the changes to the application however since the town is so developed even slight changes can create an impact. She also said that since the proposal is to maximize the coverage it will limit options for future owners.

Ms. Greenberg said she did not think the impervious coverage was relevant and the proposal will provide a new look for the site.

Ms. Wilkerson said the impervious coverage impacts the town and has environmental and economic implications on the storm water management system for the town.

Mr. Williams said the impervious coverage was not significant, and the soil is mostly clay. He said the applicant made concessions and the plan has improved.

There was further board discussion about the variances.

There was a motion from Mr. Luthman to approve the variance for impervious coverage with the condition that the applicant complies with the CME requirement to not increase runoff on adjoining property. There was a second to the motion from Mr. Kluger.

Roll Call

Ayes	Kim Hammond, Lita Greenberg, Alan Kluger, Allan Williams, Scott Luthman, Padraic Millet,
Nays	Heather Wilkerson
Abstain	Stephany Kim
Absent	Paul Lanaris, Steve Nolan

Motion approved.

There was a motion from Padric Millet with a second from Lita Greenberg to approve the sub-division, and additional variances with the conditions that the applicant comply with the CME report dated November 10, 2014, the Highland Park Tree Ordinance, the Allen Schectel reports dated November 4, 2014 and November 5, 2014, and the revised maps 8, 9 and 10. Also, there can be no increase in runoff on adjoining properties.

Roll Call

Ayes	Kim Hammond, Lita Greenberg, Alan Kluger, Allan Williams, Scott Luthman Padraic Millet
Nays	None
Abstain	Stephany Kim
Absent	Paul Lanaris

Motion approved.

At 9:06 pm the board took a brief recess and resumed at 9:14 pm.

### **Approval of Minutes**

#### **September 18, 2014 Minutes**

There was a motion from Scott Luthman with a second from Lita Greenberg to approve the Sept. 18, 2014 minutes and with a voice vote the minutes were approved.

#### **October 23, 2014 Minutes**

There was a motion from Scott Luthman with a second from Lita Greenberg to approve the October 23, 2014 minutes with corrections on page 3, changing the word "will" to "could be" and changing the word "released" to "calculated," and with a voice vote the minutes were approved. Kim Hammond abstained.

At 9:15 pm Kim Hammond recused herself from the meeting and left the dais. Alan Kluger chaired the meeting.

### **Memorialization of Resolutions**

The adoption of the resolution approved November 3, 2014,

**1. Preliminary Ordinance Review in Conjunction with Litigation Settlement Agreement American Properties at Highland Park, LLC v Borough of Highland Park, et.al. Docket No MID-L-006942-00**

There was a motion to approve from Lita Greenberg with a second from Stephany Kim.  
Roll Call

Ayes	Lita Greenberg, Allan Williams, Padraic Millet, Stephany Kim
Nays	None
Abstain	Alan Kluger, Scott Luthman, Heather Wilkerson
Absent	Kim Hammond, Paul Lanaris, Steve Nolan

Motion approved.

**2. Merriewold at Highland Park-Kaplan & Sons  
433 River Rd.  
Block 189 Lot 4**

*This matter will be held until the next regular meeting.*

**Action on any other business and work session**

**1. Amendment to the Master Plan Land Use Element and Land Use Map Block 170 Lora 5 & 6**

Mr. Schectel reviewed the changes to the amendment that he prepared. There were no comments from the board on the amendment.

The meeting was open to the public. No one from the public appeared.

There was a motion from Padraic Millet with a second from Allan Williams to approve the amendment to the Master Plan.

Roll Call

Ayes	Lita Greenberg, Alan Kluger, Allan Williams, Scott Luthman, Padraic Millet Stephany Kim.
Nays	None
Abstain	Heather Wilkerson
Absent	Kim Hammond, Paul Lanaris, Steve Nolan

Motion approved.

**2. Proposed Land Use Ordinance Amendment: Amended Master Plan Dated October 1, 2014. American Properties at Highland Park, LLC v Borough of Highland Park, et al. Docket Number MID-L-006942-00**

There was a motion from Mr. Luthman with a second from Mr. Millet to approve the proposed land use ordinance amendment.

Roll Call

Ayes	Lita Greenberg, Alan Kluger, Allan Williams, Scott Luthman, Padraic Millet Stephany Kim
Nays	Heather Wilkerson
Abstain	None
Absent	Kim Hammond, Paul Lanaris, Steve Nolan

Motion approved.

Mr. Schectel reported that he received a revised zoning map that included the PURD 2 zone but the PURD 1 zone was not included in the revised map. There was a motion

from Alan Kluger with a second from Padraic Millet to change the zoning map to include both the PURD 1 Zone and the PURD 2 Zone.

**3. Revise Maps to include PURD 1 and PURD 2 Zone**

Roll Call

Ayes	Lita Greenberg, Alan Kluger, Allan Williams, Scott Luthman, Padraic Millet Stephany Kim
Nays	None
Abstain	None
Absent	Kim Hammond, Paul Lanaris, Steve Nolan

Motion approved.

There was a motion from Lita Greenberg with a second from Allan Williams to adjourn and with a voice vote by all present the meeting was adjourned at 9:38 pm

Respectfully submitted

Diane Reh  
Board Clerk