

Minutes
 Highland Park Planning Board
 Council Chambers, Borough Hall
 221 South Fifth Ave. Highland Park, NJ
 Special Meeting–November 3, 2014

Call to Order

Mr. Thomas announced that the chair was not available due to conflict and the vice chair was not available because of a business meeting. Mr. Thomas called the meeting to order at 7:43 pm and read the Open Public Meetings Act. Mr. Thomas indicated the location of the fire exits.

Roll Call

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

Council Liaison Philip George

There was a motion from Mr. Lanaris with a second from Mr. Millet to appoint Steve Nolan to facilitate the planning board meeting in the absence of the chair and vice-chair.

Roll Call

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

Motion approved.

Mr. Nolan serving as chair resumed the meeting.

The first matter before the board was a motion to adopt the resolution on the action taken by the board on October 23, 2014 regarding the settlement agreement with American Properties. At the October 23, 2014 meeting the planning board asked for more time to review the ordinance and changes to the Master Plan and a special meeting was scheduled for November 3, 2014.

There was a motion from Mr. Millet with a second from Mr. Williams to approve the resolution In The Matter Of Approval of Litigation Settlement Agreement American Properties at Highland Park, LLC v. Borough of Highland Park, et al. docket No. MID-L-006942-00 with the amendments.

There was board discussion of the resolution. Mr. Thomas agreed to a comment on the resolution sent by email from Mr. Kluger that suggested adding the phrase “in light of litigation to the last paragraph on the first page. Mr. Kluger also suggested adding language to the resolution that that the Planning Board approved the settlement after the Borough Council’s approval and language indicating that there would be no substantial changes to the agreement that the Planning Board reviewed. Mr. Williams noted that the vice chair, Mr. Kluger, should sign the resolution, since the chair, Ms. Hammond was recused from the hearing. The agreement on file is dated October 24, 2014.

Roll Call

Aye	Lita Greenberg, Allan Williams, Padraic Millet, Heather Wilkerson, Stephany Kim
Nay	none
Abstain	Steve Nolan, Paul Lanaris
Absent	Kim Hammond, Alan Kluger, Scott Luthman

Motion approved. The resolution was adopted.

At 7:54 pm there was a motion from Mr. Millet with a second from Ms. Greenberg to go into executive session.

At 9:01 pm the public meeting resumed.

Mr. Nolan announced that the action before the board is for a zone change and is not a development application.

Mr. Surenian summarized the action before the board; the pending ordinance to be discussed will be appended to the settlement agreement. If the borough council agrees to the revised ordinance it will be introduced and that revised ordinance will come back to the planning board at which point the board can comment again. The agreement provides the option for the borough to continue litigation. The ordinance is part of the litigation settlement agreement; The Master Plan Amendment is another aspect of the agreement.

There were no comments from the board on the proposed changes to the Master Plan, prepared by Allen Schectel dated October 1, 2014.

Mr. Surenian reviewed the language changes to the proposed ordinance. The changes to the ordinance mirror the settlement agreement and the developer has agreed to the ordinance changes.

1. Page 1: language indicating the purpose was added.
2. Section D (6): Permitted accessory uses, sales and construction temporary trailers.
3. Section F (4): Bulk and other regulations Maximum building height-Three (3) stories (no more than 48 feet)
4. Section K: Tree Replacement, development will comply with the Tree Removal and Protection Ordinance.
5. Section N: Language that states: Essential and Non-severable Condition: All approvals pursuant to this ordinance shall be subject to an essential and non-severable condition that the developer shall fully comply with the settlement agreement dated_____.
6. Section 3 B: Language that states: The PURD-2 Zone shall include: up to 104 market units and six (6) affordable units if the all the housing is initially offered for sale; or up to 95 market units and five (5) affordable units if some or all of the housing is initially offered for rent. In any case, there shall be a five percent (5%) set aside for affordable housing. Addition new language in this section: The affordable housing units shall be (i) compatible in appearance with Page 2: Open space: There shall be at least 10,000 square feet of open space on site intended

for use and reasonably accessible and usable for as passive or active recreation. Bikeways may be provided at the sole discretion of the developer.

7. Section F: (3) Minimum building set-back from interior site roadways – 10 feet
8. Section F: (9) The board reserves the right to prohibit fencing facing any street.
9. Section H. Any sign illumination shall be directed downward (or shielded to minimize upward light pollution) and projected primarily on the sign.

Mr. Nolan thanked the Shade Tree Commission for their input which resulted in an agreement from the litigant to comply with the Tree Removal and Protection Ordinance.

Ms. Wilkerson stated that she was opposed to the 70% impervious coverage for the proposed PURD-2 Zone which will be a residential use. The PURD-1 Zone is 55% impervious coverage.

The meeting was open to the public.

Larry Perfetti, 214 Cleveland Ave. stated that he represents a coalition of neighbors in the area; he read a letter dated 2014.11.3 to the board. Mr. Perfetti thanked Mr. Surenian and Mr. Caton for their work. Mr. Perfetti stated in his letter that he is opposed to the agreement for financial, environmental and social reason and that the development would create a financial hardship and tax burden on the borough. Mr. Perfetti stated that he wanted the borough to be in charge of the development. Mr. Perfetti suggested that the borough pay American Properties the cost of the lawsuit and ask the court to dismiss with prejudice. A copy of the letter was presented to the board clerk.

Karen Swaine 55 Cleveland thanked Mr. Perfetti. Ms. Swaine asked the planning board to change the percentage of impervious coverage. She suggested putting up less housing.

Melony McDermott 330 South Third Ave. asked why the impervious coverage was an open question and whether or not the 70% cap could be lowered and if there is still time for input. Mr. Nolan said that if a site plan came before the board there would be professional reviews to make sure that the requirements worked. Ms. McDermott asked the board and professionals to try to gain leverage in negotiations.

Mr. Thomas suggested that the board consider a motion to approve or deny the draft ordinance that will go to Borough Council for adoption at their next meeting November 12, 2014.

Mr. Millet stated that the borough council will make the final decision about the ordinance, and that the matter is a litigated matter. Mr. Millet made a motion to approve the ordinance with the noted changes, there was second from Ms. Greenberg.

Roll Call

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

Mr. Nolan commented that he had great respect for Mr. Surenian and the rest of the counsel, and that the litigation has taken a long time. He said he wanted to be able to decide the outcome even if it was not exactly what he wanted for the town, rather than have someone else decide which could be something even worse.

Mr. Nolan said he took issue with the suggestion that educating children was a financial burden. He said that having families move in was the mark of a good town.

There was a motion from Mr. Williams with a second from Ms. Greenberg stating that the planning board has reviewed the amendment to the Master Plan and finds no changes and will consider the adoption of the changes to the Master Plan at the November 13, 2014 Planning Board meeting.

Roll Call

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

Motion approved.

There was a brief discussion between Mr. Perfetti and Mr. Nolan about the financial implications for the school system with development. They agreed that it is a benefit to have school aged children move to town.

At 9:48 pm the meeting was adjourned.

Respectfully submitted

Diane Reh
Board Clerk