

DRAFT
Minutes
Highland Park Planning Board
Council Chambers, Borough Hall
221 South Fifth Ave. Highland Park, NJ
Regular Meeting–October 23, 2014

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

Council Liaison

Correspondence and Reports

Ms. Hammond announced that the application
Abraham and Bessie Hann Charitable Foundation, Inc
114 Johnson Street
Block 16 Lots 5,6,7

Would not be heard tonight but would be heard on November 13, 2014 at the regular planning board meeting. The applicant will re-notice the public.

Unfinished or adjourned hearings

**Merriewold at Highland Park-Kaplan and Sons
Site Plan Approval
433 River Rd.
Block 189 Lot 04**

**Preliminary and final Major
#P2014-01**

Bret Kaplan, Esq. appeared on behalf of the applicant “Merriewold at Highland Park-Kaplan and Sons.” Mr. Kaplan called Mr. Fred Coco; Menlo Engineering to resume his testimony, Mr. Coco remained under oath.

- Mr. Coco presented exhibit A-16 a plan entitled Parker Buffer Landscaping Exhibit Dated October 14, 2014 and a letter from Stevens and Lee dated October 20, 2014.

Mr. Coco reviewed the site plan and discussed the concerns of the neighboring property, Parker Nursing Home. The applicant will move a trash enclosure away from the Parker Nursing Home property line. The applicant agreed that the retaining wall between the two properties will look similar. The applicant will install a four foot high solid vinyl fence between the two properties and provide additional landscaping. The applicant agreed to the thirteen technical issues outlined in the letter from Stevens and Lee dated October 20, 2014. Mr. Coco testified that he reviewed the CME report dated September 9, 2014 and the applicant will comply with all of the items noted in the CME report. Plantings will

be along the property line, turning radius for emergency vehicles will be calculated by the applicant and reviewed by CME.

Mr. Schectel reported that the Shade Tree Commission has not agreed to the applicant's suggestion to increase the size of the plantings for additional credit.

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

Christopher S. Tar, Esq. from the firm of Stevens and Lee representing Parker Nursing Home was introduced and requested that his letter from dated October 20, 2014 become a condition of approval. The board agreed to this request.

Karl A. Pehnke, P.E, PTOE, Langan Engineering and Environmental Services was sworn in and qualified as an expert in engineering. Mr. Pehnke reviewed the traffic study he prepared dated March 18, 2014. Mr. Pehnke reviewed traffic projections and testified that the driveway will continue to function safely. Mr. Pehnke testified that the projected volume of traffic was increased by 10% and the driveway access to the site continued to operate safely and efficiently and would be able to accommodate further growth in the area; traffic generated from the Castle is consistent for the size and use of the building. The site is in compliance with RSIS standards and Mr. Pehnke testified that in his opinion the site would operate safely and could accommodate the types of vehicles that would use the site. The site also has sidewalks for pedestrians. The parking garage will accommodate handicapped vans; the garage has a sprinkler system and is accessible to emergency personnel but not fire vehicles. The applicant will install flashing lights at the River Road crossing pending Middlesex County approval. Mr. Pehnke testified that parking in front of the garages will have no impact on traffic circulation. The applicant will provide 458 parking spaces; the speed limit on the site will be 25 miles per hour. Mr. Pehnke discussed the analysis of traffic entering and exiting the site, and said the flow of traffic would be adequate.

Jason Kaplan described the open ventilation for the parking garage.

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

The applicant agreed to the conditions on the CME report dated July 28, 2014.

Jason Kaplan, 433 River Rd. a principal for Kaplan Construction was sworn in. Mr. Kaplan testified that his family has owned the property for fifty years and it was their intention to retain ownership of the property. The proposed development will have an in-house management company with on-site personnel. The proposed application is an upscale development for a mix of residents. The proposed application will also create COAH units for Highland Park. The COAH units will be deed restricted; the applicant is a certified COAH management company. The COAH units will be dispersed throughout the development and will not be distinguishable from other units on the exterior. The development proposes a tot lot for ages 2 to 12 the applicant agreed to an ADA component to the playground equipment. The proposed development and the existing Castle will share dumpsters with the residential units, a private hauler will remove trash. All of the buildings will be handicapped accessible. Studies of similar projects indicate about twenty school children.

The meeting was open to the public, no one from the public appeared.

Bret Kaplan addressed the issue of tree replacement; the applicant would like to receive additional credit for planting larger trees. The number of trees will not change but the monetary contribution will change. The applicant agreed to plant trees at other sites in the borough. The monetary contribution was calculated as \$175,000.00 however, if an additional credit for larger trees is granted the monetary contribution will be \$127,000.00. The monetary contribution will be part of the developer's agreement.

Mr. Schectel suggested a façade easement for the Castle to avoid substantial changes to the façade if the property is ever sold. The applicant agreed to come back to the board for an amended site plan if substantial architectural changes to the Castle are proposed in the future.

There was a brief discussion about tree replacement as part of a developer's agreement between the applicant and the borough council or strict adherence to the tree ordinance.

Mr. Schectel had a question about exterior lighting along the access drive and in the garages. Jason Kaplan agreed to select a lighting fixture to be approved by Mr. Schectel.

Mr. Millet made a motion to approve the application with all the noted conditions; but to allow the payment for trees to be part of a developer's agreement between the borough council and the applicant. There was a second to the motion from Ms. Greenberg.

Roll call

Ayes	Ms. Hammond, Ms. Greenberg, Mr. Kluger, Mr. Luthman, Mr. Millet
Nays	Mr. Williams, Ms. Wilkerson
Abstain	Ms. Kim
Absent	Mr. Lanaris

Motion approved.

At 8:57 PM the board took a brief recess, at 9:13 PM the Mr. Kluger called the meeting to order, and announced that Kim Hammond recused herself and left the dais for this portion of the meeting.

Mr. Thomas introduced the public hearing regarding matters of litigation between American Properties and the Highland Park Borough Council and the Highland Park Planning Board. The Planning Board held an executive session at the September 18, 2014 Regular Planning Board Meeting.

Mr. Jeff Surenian reviewed the primary objectives; density, control of the appearance of Cleveland Ave. and Janeway Ave., and the safety of the site. Mr. Surenian reviewed the possible scenarios for the site. If the site is developed as a rental project a density of 100 units maximum, including 5% affordable units will be granted. If the site is developed as a sale project or begins as a sale project and later converts to a rental project a density of 110 units including 5% affordable units will be granted. However the applicant will be obligated to honor the site plan proposed. A sale project would permit 18 units at the intersection of Janeway and North 2nd; a rental project would permit 12 townhouses at that location.

There was discussion about the safety of developing the site because of contamination on a portion of the site. Mr. Surenian reviewed the precautions in the agreement. Before a bond can be released the developer will provide a plan outlining how the site will be developed safely, CME will review the plan for approval.

If an agreement is approved by the planning board and the borough council, the agreement will be presented to the court for the court's approval. Mr. Thomas discussed the materials and plans that were presented to the board. The planning board will review and approve any changes to the Master Plan and will review an ordinance from the borough council. The applicant will appear before the planning board for site plan approval. Mr. Surenian reviewed changes to the Settlement Agreement document and discussed the fiscal analysis pertaining to public school children. Mr. Surenian reviewed the exhibits to the Settlement Agreement that the board received on September 18, 2014.

Mr. Caton reviewed the concept plans with exhibits and renderings of the proposed development. Under the settlement agreement American Properties will make a site plan application to the planning board with plans that are substantially similar to the concept plans that was outlined. The Zoning Ordinance will apply to the site; the applicant can apply for waivers or variances but must comply with the Municipal Land Use Law. The site must meet the standards of the Department of Environmental Protection. A Licensed Site Remediation Professional will monitor the site for proper environmental cleanup during the development.

The borough council has asked for input from the planning board on a proposed ordinance. The board discussed the proposed ordinance; there were questions about the tree ordinance. Members of the board requested more time to review the ordinance and the Master Plan Amendment.

Mr. Kluger made a motion to go into executive session at 10:12 pm to discuss litigation. At 11:10 pm the public meeting resumed.

There was further discussion of the settlement agreement, the ordinance and Master Plan Amendment. The board agreed by motion to approve the settlement agreement and concept plan.

Roll call

Ayes	Ms. Greenberg, Mr. Kluger, Mr. Williams, Mr. Luthman, Mr. Millet, Ms. Wilkerson, Ms. Kim
Nays	none
Abstain	none
Absent	Ms. Hammond, Mr. Lanaris, Mr. Nolan

Motion approved.

The board will hold a special meeting on November 3, 2014 at 7:30 pm in the council chambers at borough hall, 221 South Fifth Ave. Highland Park, NJ to discuss the proposed ordinance and the Master Plan Amendment.

There was a motion from Mr. Kluger with a second from Mr. Williams to adjourn the meeting and with a voice vote by all present the meeting was adjourned at 11:27 pm. Respectfully submitted,
Diane Reh, Board Clerk