

**HIGHLAND PARK PLANNING BOARD  
MINUTES  
FEBRUARY 13, 2020 @ 7:30 P.M.  
Council Chambers, Borough Hall  
221 South Fifth Ave. Highland Park, NJ**

**Call to Order**

The March 12, 2020 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 7:35 pm; Ms. Hammond indicated the location of the fire exits.

**Roll Call:**

Present	Kim Hammond, Scott Brescher, Matthew Hale, Rebecca Hand, Alan Kluger, Paul Lanaris, Padraic Millet, Stephen Nolan, Allan Williams
Absent	Jeffrey Perlman
<u>Board Professionals</u>	Roger Thomas, Esq., Jim Constantine, Planner, Bruce Koch, Engineer,

**Public Hearing**

Conduct a Preliminary Investigation of Conditions of the Study Area for Determination as an “Area of Redevelopment” with Condemnation Powers (Block 173, Lots 41, 42, 44 and 45 – Gateway)

Mr. Baumann, Special Counsel said the Borough has forwarded a request for the Planning Board to consider pursuant to the Local Redevelopment and Housing Law and the Board will decide to recommendation whether each property meets the criteria or not.

Mr. Constantine, Borough Planner said this was a .675 acre assemblage of four lots. He said that these properties have already been designated an area in need of redevelopment and we are talking about heighten that with powers of condemnation. Everything that will be presented tonight is in the report. These properties that were formally in the central business district in 2005 became a part of the downtown redevelopment plan. There are eight criteria in the statue and spelled out the ones that apply. ; Criteria A: The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions; Criteria C: the land has been unimproved vacant land that has remained so for a period of ten years prior and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital; Criteria D: areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community; Criteria E: growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general; Criteria H: the properties that were formally in the central business district in 2005 became a part of the downtown redevelopment plan. He said that there was a

section that applied to two of the properties stating that the Redevelopment Statute does not require all properties located within the Study Area be in need of redevelopment, but rather that a majority or generality of properties meet the criteria for determination.

**Block 173, Lot 41 – 133 Raritan Avenue**

This property has frontages on two streets, Raritan and Denison with over 200' in depth that 93' of conforming lot frontage on Raritan and tapers down to 16' of non-conforming lot frontage on the Southside of Denison Street. The vast difference in width results in the properties irregular shape, property is mostly vacant, there is a small parking lot located to right and the remainder of the property is unimproved, contains several trees, it is constrained by change in grade and slopes as you move back to Denison Street and there are no public sidewalks along the frontage. It is an NJDEP active site and review of the file indicates that there are several underground storage tanks that were removed in 2008, incident report indicates that these were removed and contained either heating oil or waste oil and a release of these materials were observed from the underground storage tank removal and NJDEP was contacted and incident was reported. The current extent of contamination, if any, is unknown as no reports have been provided by the NJDEP. Nevertheless, the Active Site designation may discourage the undertaking of Improvements, have a negative impact or otherwise be detrimental to the health, safety and welfare of the surrounding area and community. Due to the property's irregular shape, the existing parking lot along the wider Raritan Avenue frontage is exposed and constitutes a large "gap" in the Downtown. Given that the Downtown Redevelopment Plan does not permit parking between buildings and Raritan Avenue or otherwise to be located fronting on or to be accessed from Raritan Avenue, any future redevelopment would require parking to be accessed from Denison Street. However, the property's irregular shape provides insufficient frontage along Denison Street in addition to the existence of a change in grade and steep slopes along this frontage makes future redevelopment of this property on its own complicated and more costly. The present layout of the parking lot is non-conforming with the Downtown Redevelopment Plan and obsolete by the recently adopted Land Use Plan Element as well as best practices in land use and site planning. The parking lot lacks adequately designed vehicular ingress and egress or defined parking areas that would otherwise provide conforming parking spaces with adequate maneuvering area as well as accommodations for handicap-accessible parking and pedestrian amenities. There are two (2) access points along Raritan Avenue, each accommodating ingress and egress. However, these driveways are excessive in width, much wider than the standard driveway width of 24 feet for two-way traffic and 12 feet for one-way traffic. The pavement of the driveway and parking lot extends across the property line to abut the public sidewalk along Raritan Avenue without any drive aisle definition, buffering or delineated edge. This condition promotes unsafe maneuvering where vehicles utilize an excessively wide apron crossing the public sidewalk and where vehicles can back out of parking spaces, cross the property line and block or contact pedestrians utilizing the public sidewalk. Additionally, there are no handicap-accessible parking spaces, associated access aisles nor signage and there are no pedestrian amenities such as walkways, buffering, landscaping and lighting. These conditions may result in driver confusion and contribute to a circulation pattern that is dangerous for both motorists and pedestrians. Finally, striping delineating parking stalls is non-existent, and the majority of the parking lot shows signs of deterioration as evidenced by vegetative overgrowth, settlement contributing to ponding, as well as cracked, broken and missing pavement. The parking lot presently contains what appears to be an abandoned trailer as well as garbage, trash, litter, rubbish and debris throughout.

A review of the permit file indicates that a board on board fence and chain-link fence were constructed in 1998, with the purpose of providing an enclosure for the storage of vehicles. The fence has since fallen into a state of disrepair, with several missing and broken panels. Beyond the fence is a large yard area with dead and/or dying trees, limbs, and/or other overgrowth. The lack of maintenance or deteriorating conditions constitute a hazard or nuisance to persons and/or adjacent properties. Mr. Constantine indicated due to a combination of the dilapidated conditions, faulty arrangement or design and obsolete layout of various improvements as well as the fact that the property is also listed as an Active Site which may discourage the undertaking of improvements, the property is detrimental to the safety, health, morals and welfare of the community in accordance with Criterion D. Due to the combination of the following in accordance with Criterion E the irregular shape of the property, the improper improvements along the wide frontage along Raritan Avenue, the inaccessible narrow frontage with a change in grade and steep slopes along Denison Street, the lack of maintenance of the site and continuing deterioration of the existing conditions that constitute a hazard or nuisance to persons and/or adjacent properties; the growing lack or total lack of proper utilization of the property discourages the undertaking of improvements and impedes land assemblage, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding community in general.

**Block 173, Lot 42 – 127 Raritan Avenue**

Mr. Constantine explained that this was a nearly rectangular-shaped mid-block through lot with frontages on two (2) streets with an average lot depth of approximately 195 feet as measured from Raritan Avenue. The property has approximately 55 feet of conforming lot frontage along the north side of Raritan Avenue and approximately 58 feet of conforming lot frontage along the south side of Denison Street. This property contains a two-story building fronting on Raritan Avenue and a large one-story building attached to the rear, both of which have had limited occupancy and improvements over the past several years. The two-story building contains a vacant storefront on the first floor and at least one (1) apartment on the second floor. The rear of the property remains unimproved, containing several trees and constrained by a change in grade and steep slopes along Denison Street. There are no public sidewalks along the property's frontage along Denison Street. This site was also an active NJDEP site, The current extent of contamination, if any, is unknown as no reports have been provided by the NJDEP. Nevertheless, the Active Site designation may discourage the undertaking of improvements, have a negative impact or otherwise be detrimental to the health, safety and welfare of the surrounding area and community. The property has adequate conforming frontage along Raritan Avenue but given that the Downtown Redevelopment Plan does not permit parking to be located fronting on or to be accessed from Raritan Avenue, any future redevelopment would require parking to be accessed from Denison Street. However, the property contains a change in grade and steep slopes along Denison Street, making redevelopment of this property on its own complicated and more costly. A review of the Borough permit file indicates that there has been a relative lack of maintenance. In 1991, a permit was filed for electrical service upgrades, 2004, a permit was filed for the removal of rotted wood under the soffit at the front and side of the two-story building, and in 2007, a permit was filed to install five (5) receptacles, which was in response to a Fire Inspector's request to replace "outlets which were run with zip cord to BX wiring." Later in 2007, a permit was filed for the removal of a 2,000-gallon UST, which was completed several months before the USTs were removed from the adjacent Lot 41. No other permits have been

filed in the past nearly 30 years that would otherwise show that the buildings have been routinely or periodically maintained, such as replacing roofing storefront windows, heating, ventilation, air conditioning and other mechanical equipment. A review of the complaint, violations and police and fire records further shows that there has been lack of maintenance. In 2014, a complaint was filed with the Building Department regarding loose bricks at the front of the building along Raritan Avenue, constituting a safety hazard. The complaint indicated that adequate repairs were made within a few weeks. In 2018, a violation warning was issued by the Building Department regarding broken windows along Raritan Avenue and it was not clear if any repairs were made. Additionally, there have been some police and fire activity, including removal of a tree on top of a person in 2011, fire alarm activity in 2014 as well as gaining entry to the building due to receipt of a burglar alarm in 2018. While access to the interior of the buildings was not gained, a visual inspection indicates that the exterior of the buildings and various improvements are showing signs deterioration, dilapidation and are otherwise in a state of disrepair. On all visible portions of the masonry façade, numerous cracks were observed, as were prior attempts to repair the masonry façade as evidenced by different-colored brick and mortar. At the front of the two-story building, there is evidence of horizontal displacement such that the masonry façade appears to be “bulging” toward the public sidewalk along Raritan Avenue. Several bricks were missing behind the pent roof above the storefront systems and at the top of the parapet wall above the garage door. The flanking storefront systems feature broken windows and the stucco finish has broken off in a couple places, exposing the underlying concrete structure to the elements. The center storefront system is constructed of wood, which exhibits various stages of rot; a downspout along the side of the two-story building has been disconnected, potentially contributing to water infiltration and/or water damage to the foundation of the building. The one-story building at the rear has several broken and/or boarded-up windows and there lacks a properly designed landing and railings for the stairway leading to the rear door. The masonry façade exhibits long horizontal and vertical cracks and it is otherwise in a state of disrepair. The fascia at the top of the masonry façade exhibits various stages of rot. A brick chimney at the northeast corner of the building has partially collapsed. Along the perimeter of both buildings, there appears to be water infiltration and/or water damage on various portions of the masonry façade. As such, both buildings appear to be substandard, unsafe, unsanitary, dilapidated or obsolescent so as to be conducive to both unwholesome living and working conditions. Additionally, a combination of these or other factors are detrimental to the safety, health, morals or welfare of the community. Given the above, there is little remedy to the above conditions short of a major renovation and reconstruction, which may be cost-prohibitive, or the replacement of both buildings. In between the one-story building and Denison Street is a modest yard area with dead and/or dying trees, limbs, and/or other overgrowth as well as garbage, trash, litter, rubbish and debris throughout. The lack of maintenance of the site and continuing deterioration of the existing conditions constitute a hazard or nuisance to persons and/or adjacent properties. Due to the substandard, unsafe and obsolescent characteristics of both buildings, the property is conducive to unwholesome living or working conditions in accordance with Criterion A. Due to a combination of the dilapidated conditions, faulty arrangement or design and obsolete layout of various improvements as well as the fact that the property is also listed as an Active Site which may discourage the undertaking of improvements, the property is detrimental to the safety, health, morals and welfare of the community in accordance with Criterion D. Due to the combination of the following in accordance with Criterion E: the property frontage along Denison Street with a change in grade and steep slopes; the lack of maintenance of the site and continuing deterioration of the existing conditions that constitute a hazard or nuisance to

persons and/or adjacent properties; the growing lack or total lack of proper utilization of the property discourages the undertaking of improvements and impedes land assemblage, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

#### **Block 173, Lot 44 – Denison Street**

Mr. Constantine indicated that Block 173, Lot 44 was an irregularly shaped mid-block lot, with approximately 51 feet of frontage along the south side of Denison Street, with an average lot depth of approximately 92 feet as measured from Denison Street. This property is vacant and undeveloped, containing several trees and constrained by a change in grade and steep slopes along Denison Street. There are no public sidewalks along the property's frontage along Denison Street. The property is undersized with respect to lot area and is constrained by a change in grade and steep slopes along Denison Street, essentially precluding any as-of-right development. The property has been vacant for more than 10 years and while it does not necessarily suffer from remoteness and has frontage on a public street, the constraints of the property due to accessibility because of its topography along Denison Street means that the property is not likely to be developed on its own. Additionally, these conditions impede land assemblage and/or discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare of the community and can be more effectively developed as part of a larger comprehensive redevelopment plan. The existing condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. The property is not actively maintained, containing dead and/or dying trees, limbs, and/or other overgrowth as well as garbage, trash, litter, rubbish and debris throughout. The lack of maintenance or deteriorating conditions constitutes a hazard or nuisance to persons and/or adjacent properties. Due to the unimproved vacant land that has remained so for a period of 10 years prior to the adoption of this Study, by reason of lack of access and topography, the property is not likely to be developed through the instrumentality of private capital in accordance with Criterion C. Due to various conditions, the growing lack or total lack of proper utilization of the property discourages the undertaking of improvements and impedes land assemblage, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general in accordance with Criterion E.

Furthermore, this lot can also qualify as a condemnation area in need of redevelopment under the "Section 3 Criteria" as previously discussed, which states that "A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part."

#### **Block 173, Lot 45 – Denison Street**

Mr. Constantine said that Block 173, Lot 45 is an irregularly shaped mid-block lot, with approximately 47 feet of frontage along the south side of Denison Street, with an average lot depth of approximately 94 feet as measured from Denison Street. This property is vacant and undeveloped, containing several trees and constrained by a change in grade and steep slopes

along Denison Street. There are no public sidewalks along the property's frontage along Denison Street. The property is listed as an Active Site as enumerated by the NJDEP, specifically identified as NJEMS Site ID No. 594825 and Preferred ID No. 747269. Coordination with Borough professionals indicated that this Preferred ID No. was established based on the submission of a Hazardous Discharge Site Remediation Fund (HDSRF) application to the NJDEP to conduct a Preliminary Assessment (PA) and Site Investigation (SI) of this property on behalf of the Borough. To date, the PA and SI investigations have not been initiated due to access restrictions by the property owner. Coordination with Borough professionals found that during the investigation of the nearby Ubry's service station in 2013, it was found necessary to conduct offsite investigation work of this property, including two (2) soil borings and two (2) temporary groundwater monitoring wells. A sample from one of the soil borings has been analyzed for Volatile Organic Compounds; none were identified above the NJDEP standard. A sample from both temporary groundwater monitoring wells have been analyzed for Volatile Organic Compounds; the chlorinated Volatile Organic Compounds tetrachloroethene (PCE) and trichloroethene (TCE) were identified in both wells above the NJDEP standard. The Active Site designation may discourage the undertaking of improvements, have a negative impact or otherwise be detrimental to the health, safety and welfare of the surrounding area and community. The property is undersized with respect to lot area and lot width, and is constrained by a change in grade and steep slopes along Denison Street, essentially precluding any as-of-right development. The property has been vacant for more than 10 years and while it does not necessarily suffer from remoteness and has frontage on a public street, the constraints of the property due to accessibility because of its topography along Denison Street means that the property is not likely to be developed on its own. Additionally, these conditions impede land assemblage and/or discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare of the community and can be more effectively developed as part of a larger comprehensive redevelopment plan. The existing condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. The property is not actively maintained, containing dead and/or dying trees, limbs, and/or other overgrowth as well as garbage, trash, litter, rubbish and debris throughout. The lack of maintenance or deteriorating conditions constitutes a hazard or nuisance to persons and/or adjacent properties. Due to the unimproved vacant land that has remained so for a period of 10 years prior to the adoption of this Study, by reason of lack of access and topography, the property is not likely to be developed through the instrumentality of private capital in accordance with Criterion C. Due to other factors such that the property is listed as an Active Site which may discourage the undertaking of improvements, the property is detrimental to the safety, health, morals and welfare of the community in accordance with Criterion D. Due to various conditions, the growing lack or total lack of proper utilization of the property discourages the undertaking of improvements and impedes land assemblage, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general in accordance with Criterion E. Furthermore, this lot can also qualify as a condemnation area in need of redevelopment under the "Section 3 Criteria" which states that "A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety

or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part.”

Mr. Constantine said the analysis shows that this designation is appropriate due to the existence of challenges mainly related to dilapidation and faulty arrangement or design. Additionally, there are issues related to: multiple Active Site designations by the NJDEP; irregular shape and non-conforming size of several properties; change in grade and steep slopes associated with all properties; various dilapidated and/or obsolete improvements; and, lack of maintenance or deteriorating conditions exhibited throughout the Study Area.

Mr. Kluger said about 20 years ago these lots were approved as areas in need of redevelopment; we are doing this tonight because of the change in law in 2013 that you have to identify if you're going to make it a condemnation area in need of redevelopment. He did not see a significant difference in the criteria today as to what they were years ago. Mr. Baumann indicated that the criteria did not change, the process changed. Mr. Kluger said this was approved it back then and there has not been any really improvements to the properties since then it would be clear they continue to meet the criteria.

Ms. Hammond opened the meeting up to the public.

Cristian A. Ossa, Esq., Attorney for Estate of Aziz said he would like to register a complaint, he said he understands that lot 42 only meets statutory criteria based on A, and they both meet it based on B and E. He knows that the owners have changed hands, Aziz passed away a few years ago and they have been working on the property and wanted to register his objection to the fact that it needs to be the E Criteria, he is unable to compare them to the H criteria as he hasn't seen the smart growth planning principals in full. He noted that they are working with the Borough to see the property and hopes that resolves itself. He wanted to ensure that his client's rights were protected and had the ability to object. Mr. Thomas asked if he was referring to only one lot or two. Mr. Ossa said that he was referring to Lot 42 and 41, only 42 you are saying meets the statutory criteria of A and they both meet D, E, and H and we are objecting to all at this point.

Dean Adi, owner of Block 173, Lots 44 & 45, said he also wanted to register his objection. Ten years ago the Borough did declare the area a redevelopment site, as a result it prevented anybody from having the opportunity to develop the property because the town would have objected to having something different built on the properties then what the town wanted in its Master Plan. For this hearing to happen again now, and for the chairperson to make a comment to say something like “obviously nothing has changed” and that is because the ordinances that were passed 10 years ago prevented the property owner from changing anything and now we are here today. It is his understanding that is being condemned the town or designated redeveloper has an obligation to engage in negotiations with the property owners, and there has been no good faith attempts at negotiations, there have been offensively low offers made with no counter offers and he thinks it is important for these citizens whose properties are going to be condemned by the municipality to get fair market value for their properties based on the ordinances in order to determine fair market value and hopes to hear from the Borough Attorney soon. Mr. Nolan asked Mr. Aldi, in the 15 years that these two parcels were placed in redevelopment and asked if he owned it for those 15 years. Mr. Aldi said no he owned them for the last 3 years. Mr. Nolan asked to his knowledge has he or anyone else filed an application to develop that property. Mr. Aldi said he attended numerous redevelopment agency meetings and was told by the agency and

the zoning office that nothing would be approved on this site because it's a site that has already been marked for redevelopment with Highland Park and attempted multiple times and the feedback from the municipal employees was don't bother because there is already a plan.

There being no one further, Ms. Hammond closed public comment.

Ms. Hammond said that at this time the Board would determine whether or not the criteria presented does meet the letter of the law. Mr. Thomas said that it what you have been asked by the Borough Council, you have a copy of the resolution referring the matter to the Board, the testimony has been heard, as well as the testimony from the public, you have had the opportunity to review report for the properties "Gateway" and you are in a position to make a determination as to whether or not these properties meet the criteria based on the testimony of Mr. Constantine as well as the information received by way of the report which was submitted to the Board prior to this meeting.

Ms. Hand said that she was disturbed by the implication that was set forth by one of the property owners that they were or may have been informally discouraged from pursuing their rights to develop their land, and wanted to make it clear this evening was voting on whether they meet they meet statutory criteria not whether that discouragement actually occurred and if it did occur that is something for the Council members to address and act of in the future so that the property owners rights are not disturbed. But for the purposes of saying I think the testimony presented shows all four of these lots for their various reasons meet the criteria.

Mr. Kluger said that he too was surprised by the comment from Mr. Adi, because especially because those of us that were here when the redevelopment plan was initially prepared back in 2005 we made it very clear that we wanted individual property owners to develop their own properties and specially stated that in the plan. If it is the case that is not the information that is being presented or given to them by people in the zoning office that should not happen, but as far as the redevelopment plan was concerned there was significant encouragement for individual property owners to develop their own properties and that was the clear intention of this Board at that time.

Mr. Nolan said that he agreed with Mr. Kluger, and added that most of the redevelopment projects in Highland Park have been the individual property owners developing their own properties and the property right around the corner from this property is being done by the property owner. He said that he finds the idea that we would be discouraging people to be inconsistent with what we have been doing 15 years now.

It was MOVED by NOLAN and seconded by MILLET that based on the facts and the record the evidence for the parcels and the designation of Block 173, Lots 41, 42, 44 and 45 "Gateway" as an "Area in Need of Redevelopment" with Condemnation Powers be approved.

ROLL CALL: Ayes – Brescher, Hale, Hand, Kluger, Lanaris, Millet, Nolan, Williams,  
Hammond

Nays – None

There being (9) nine ayes and no nays, the motion passed.



Mr. Thomas said that a draft resolution had been distributed, prepared by Mr. Baumann and the Board is in a position to adopt the resolution as a memorialization of the action if you are comfortable with that.

**Memorialization of Resolutions**

**Resolution P2020-03**

Resolution of the Planning Board of the Borough of Highland Park, County of Middlesex, New Jersey, Recommending that the Borough of Council of the Borough of Highland Park Designate Those Parcels on the Borough's Tax Maps Identified as Block 173, Lots 41, 42, 44 and 45 as a Condemnation Area In Need of Redevelopment Pursuant to the Local Redevelopment and Housing Law, NJSA 40a:12a-1, et.seq.

Mr. Thomas said after the fourth whereas clause he would add, whereas the meeting was opened to the public and that there were objections made with regard to Lots 41 and 42 by Mr. Ossa and objections with regards to Lots 44 and 45 by Mr. Adi owner of the property and outline the reasons they indicated in that paragraph.

It was MOVED by HALE and seconded by MILLET that Resolution P2020-03 as modified be approved.

ROLL CALL: Ayes – Brescher, Hale, Hand, Kluger, Lanaris, Millet, Nolan, Williams,  
Hammond  
Nays – None

There being nine (9) ayes and no nays, Resolution P2020-03 as modified was approved.

**Resolution P2020-04**

Resolution of the Planning Board of the Borough of Highland Park, County of Middlesex, New Jersey, Recommending the Adoption of the 433 Cleveland Avenue Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law, NJSA 40a:12a-1, et seq.

Ms. Hammond said memorialized of said Resolution would be carried to the March 2020 meeting.

**Action of any other business and work session.**

Review and Recommendation - - 433 Cleveland Avenue Redevelopment Plan, Block 153, Lots 15, 17, 18 and 19, Block 154, Lots 6.01, 10 and 11 and Block 191, Lots 6.01 and 6.02

Mr. Constantine said they began about a year ago with the Council charging us to begin the process of looking at a potential redevelopment at 433 Cleveland Avenue but the critical issue was the fact that Cleveland Avenue as a corridor has been undergoing dramatic change over the past decade. Historically it was a light industrial corridor but at the lower end of the street there has been residential redevelopment, and the light industrial area has been shrinking, and is need of a vision. If the vision could be worked as well as looking at a particular proposal for a private girl's school we may end up with a better outcome. The criteria set a year ago: involving the neighbor and community in the process of creating a plan, identify any existing conditions that

could be improved, consider any buildings, open space, landscape features that might need to be preserved, reviewing the Master Plan recommendations from 2003 and we were able to take input from this process and place it into the new Master Plan that was just adopted in December 2019. What are the appropriate uses based on the outdated light industrial zoning geared to a time in the Borough's past more than half a century ago and the transition issues because it is right up against a single family neighborhood and there is a thin band of lots. There was a concern in the community and one that was taken into the criteria, the concern of the potential loss of tax producing revenue producing properties to tax exempt uses and the fiscal impact of nonresidential uses including the proposed girl's school. How can we put a smart growth lens and step back and see how this fits in the Borough. Community open house was approximately a year ago, there was a stakeholder meeting with some of the property owners and businesses in the area to ask what is the future of the Cleveland Avenue corridor and there was pretty participation from people who live in the neighborhood, people spoke about the existing problems, pedestrian/traffic hotspots, Madison and Cleveland intersection no sidewalks, people spoke about what they liked the most and least and a real concern with what happens with the corridor as it comes down to River Road and that was also addressed in the Master Plan. There was lots of community input from last January, and something that they looked at further in the Master Plan process, there were two Master Plan workshops in September and October and one of the specific corridors looked at was the Cleveland Avenue corridor. A lot of the input received out of the redevelopment and corridor study and went into the Master Plan itself and looking at the Cleveland Avenue corridor along with the other special focus areas. There were lots of meetings in the Master Plan process, there was a Cleveland corridor station at two of the open houses, there was also a chance for people to comment, hundreds of responses from the online survey, and one of the things asked was how many would like to see the corridor remain the same and it was only 4% so the community want to see change and they really tried to harness that in the Master Plan based on the input received in January through September and October. The vision of the Cleveland Avenue corridor is to try and preserve the town qualities that are there, meeting current conditions and merging trends by transforming and enriching the mix of uses on this outdated commercial corridor and try to support safer more attractive livable compete streets and that is the vision in the Master Plan. Some of the issues identified in the Master Plan for the Cleveland Avenue corridor: despite that it is near the historic Northside neighborhood, it's an area that lacks any identity and tying it back to rest of the Borough, there were some connection points, mid-block cat walks that run through several blocks, lack of the appropriate mix of uses and community facilities, no gathering places, lack of park and public greenspace that promotes community gathering, high speed traffic and cut through, parked cars on both sides of Cleveland, missing sidewalks and street trees, the neighborhoods on the Northside of the railroad are even more disassociated, one of the comments we've heard was to try and open up the type of businesses that are permitted in the area, maybe some smaller commercial uses, people said back in January there are new neighborhoods along Cleveland Avenue and maybe we need to allow for some service use. They also found that adding possible four way stops, doing some other things to deal with the traffic issues and when identified that some of those new commercial uses might mean Cleveland could take on perhaps, convenience, commercial restaurants, cafés, things that are not permitted today. They identified potential infill and redevelopment sites, including the girls school site, there are some other properties owned by the same owner and one of the reasons to for the redevelopment plan, was to try to pull those smaller parcels that transition to the single family neighborhood in, they also had the pedestrian and bicycle master plan which called for certain types of pedestrian and bicycle infrastructure both along Cleveland and Madison one of the bicycle boulevards, so all of that created more

tension on that intersection which is closest to the potential school. One of the ways to bring all of these issues together and try to address in the redevelopment plan because there will be more impact at that intersection. Some people indicated some additional housing; we definitely heard more shade trees, more pedestrian friendly infrastructure, and more bicycle facilities in this area. There are very specific strategies for Cleveland Avenue in the Master Plan, one being custom tailored infill and redevelopment by utilizing site specific redevelopment plans, shape things on different assemblages on land in a better way, accommodate different uses other than light industrial and professional office that could better serve the adjacent neighborhood and entire community, explore repurposing some of the vacant properties including maybe pocket parks, dog parks, recreational facility, enhance a trail connection from the North end of Cleveland Avenue across the ravine, improve pedestrian safety and connectivity, trying to upgrade the connections to the adjacent neighborhood including the mid-block walkways and new pedestrian and bicycle infrastructure and create a mixed use transition zone that can really transition from a more intensively developed commercial corridor to the neighborhood. Out of the Master Plan it allowed for looking at the corridor as a whole and this specific site. Some of the comments from the public were: to see some sort of economic benefit that such a school could take away from the town so how can we deal with this type of use in place of a tax paying industrial entity, and one of things provided back in January was clear indications that the light industrial area is really challenged, it is not in the path of light industrial development, the response to that was that the applicant has offered to voluntary contribution to off-set the cost of municipal services. There were comments on traffic and circulation, dealing with the Madison intersection also concerns about any increase in traffic on the street, it was looked into that developing the site as of right under the light industrial zoning has an impact in terms of trucks and trips that you need to way if you are looking at a specific application for a school, other comments were received about adding sidewalks to the Harrison Street corridor where they are missing and needing a whole traffic circulation study, and look at the impacts of how this school relates to other schools. Some of the recommendations: reviewing operations of this school to other AM peak activity and providing time limits on bus idling, Cleveland Avenue right of way improvements that are proposed that are required in the redevelopment plan and the Cleveland/Madison intersection there would be a whole series of public safety improvements that are also required in the redevelopment plan. Also in the redevelopment plan is a commitment to have some of the school hours offset in comparison to others, complete streets improvements along Madison Avenue heading into the Northside neighborhood from Cleveland Avenue, some sort of improvement to Millbrook pathway, and having the traffic and circulation study that the applicant did reviewed by the Borough's own professionals. Coming out the Borough's Traffic consultant's report, they made some spot counts that correlated with the same volumes that were identified by the redeveloper's consultant and found that the streets that are affected will still be operating at pretty reasonable level of service when you take into account a more holistic way. This particular school use will not exacerbate existing traffic, a commitment for arrival and dismissal times will be staggered in comparison to the middle and high schools, demonstrating how bus and truck maneuvering will take care of the pick-up and drop off and then having a three way stop at the Cleveland/Madison intersection, the consultant's Engineer as well as the Borough's Engineer identified that it does not meet the warrants. Other recommendations were adding in pedestrian access, completing the network along Madison, adding a crosswalk at Cleveland/Madison, missing sidewalks on Harrison north of Madison, reducing the speed through Cleveland/Madison with a bump out with a speed table, stripping and these have all been committed to by the redeveloper and have been required as elements of the redevelopment plan. Also to include elements of the ped/bike plan in terms of some of the bicycle infrastructure that

is currently non-existent. On the larger parcel will be the proposed school, with a whole series of streetscape improvements along Madison, security and drop off for busses and a turnaround at the end Cleveland and small parking area in addition to the parking area across the street which services the school, parcel C sits between an existing home and a vacant lot next to the physical therapy office and that would be used for some sort of residential use as required in the redevelopment plan. Mr. Constantine said that if you go back to where this all started, January 2019, when they were given the tasked to explore a vision for the corridor, a specific redevelopment plan, they have identified some ways to improve the community, some of that involves recommendations in the Master Plan calling for the change in existing zoning which was also identified in the 2003 Master Plan, dealt with some of the existing problems that could be mitigated or improved, landscape features improved along the streetscape, revisited the Master Plan recommendations and those have now been updated in the 2019 Master Plan, there has been a commitment to provide some financial contribution to cover Borough services and the really that fact that we were stepping back and doing all this for the 433 Cleveland Avenue site, as we looked at the Cleveland corridor both in this study and in the Master Plan allowed us to put what's proposed in this plan in terms of a broader planning context for the corridor, neighborhood, and for the Borough as a whole.

Mr. Nolan asked about the house between parcel b and parcel c, and asked him to describe the efforts that have been made to reduce the impact of this change. Mr. Constantine said that he has gotten to know the residents who reside there through multiple meetings; they indicated on multiple occasions that they were supportive of this plan and the improvements called for and basically built in some light residential design requirements to try to mirror what was recommended in the Master Plan update. He noted that it backed up to other single family homes and their yard on Harrison the transition is critical.

Ms. Hammond opened the floor to the public.

Susan Edmunds, 440 Grant Avenue said that she lives on the edge on Millbrook and said in the Cleveland Avenue redevelopment plan section 5.4.5G indicates rain gardens, bio swells, storm water treatment drains and other best management practices related to storm water management shall be incorporated into the landscaping plan to the extent practical. She urged that this be mandatory because they entrance to the stream runs past the end of Cleveland and under the railroad track and currently they the tunnel under the track is not large enough for the amount of water that comes down when there is a sudden storm which happens often in the summertime. The water backs up so the low lying houses on Harrison get wet and backs up into the Grant Avenue basin where there is severe erosion and she owns the only little piece of flood plain left on Millbrook and it gets covered with debris of the upstream and whenever that flooding happens and it becomes her expense to get rid of that. She said that she was concerned if the impermeable surface that is going to be built in that area of Cleveland and if all of the water the water that falls on that surface goes right into Millbrook then it is going to exacerbate the flooding and will happen more often than it does now. She requested that it be required. Mr. Constantine said that they built that in there knowing it was still an issue to be addressed and will be further looked into.

David Copperman, 120 Hill Street, asked about safety and construction given the proposed location of the school. The top of the parcel is hard against the railroad corridor is there a barrier for safety purposes for children. Mr. Constantine said that the redeveloper is proposing a fenced

yard in the entire back of the school. Mr. Copperman said that when you say fence that could be anything, and there are trains running at 70-90 miles per hour and the distance from what you are proposing is not much. Mr. Stern said it would be wire fencing. Mr. Copperman said that there is no note that indicates the ravine and on the side of the property there is a drop off of 20' or so and pretty much at a 90 degrees and asked if the same fence would take care of it according to regs. Mr. Constantine said that what they heard with the ravine is to try to allow for the sidewalk to come to the edge of the property as a potential future trail connection, and there is a lot of issue related to that, accessibility issues, trail pave condition, this is was spoke about at Council, maybe right now it is a beaten path, maybe it's a soft path, may be less improved. He said that there are people who travel it today and that was why it was identified as an issue and maybe difficult to try and come in and do a hard improvement through there but there is the reality that people are using it. It is a delicate balance. Mr. Copperman said that if thing is not solved does that reject the project, so you still have this development and asked where the school property would be continuous to this drop off and is it going to be the same type of fencing that provides protection. Mr. Constantine said that it is a completely secured rear yard. Mr. Copperman asked about emergency access, the reports that out about general transportation access and asked if that accounted for fire and police. Mr. Constantine said that the Borough's Public Safety Official is reviewing this for public safety access. Mr. Copperman said that the reports state that the building has to look like a school and did not mention anything about construction, public schools in New Jersey have pretty strict code on how they need to be built is it the same for private schools. Mr. Constantine said the architectural plans for the school have to be prepared in conformance with the building code. Mr. Copperman said that it might be something they would like to note just to be sure. Mr. Brescher said that there were slight differences between public and private school but ultimately that will be done at plan review.

Ms. Hammond said in terms of the street parking on Cleveland, and asked if there was going to now be no parking from Madison on down. Mr. Constantine said that is to be determined with the public access review.

Ms. Hammond asked about the traffic and the intersections, and asked about Harrison and Madison and asked what improvements or recommendations have made about that intersection. Mr. Constantine said they are identified as something to be looked at, the intersection that would receive the most treatment is Cleveland and Madison and what there has been a commitment is trying to go down two blocks on Madison where there are no sidewalks and bicycle infrastructure for those same two blocks. Ms. Hammond asked about traffic calming. Mr. Constantine said that he was not they specifically focused on the Harrison/Grant/Madison intersection. Ms. Hammond said that going in the other direction at Second Avenue and Cleveland, "if someone was going to drop off their child at school and head to work there is a good chance they are going to head down Cleveland to River Road. We are discussing adding bus, vehicular and pedestrian/bicycle and wants to ensure that we are not only looking at the intersection where they are already slowing down because they are about to turn into the school, but think about the areas where people are zooming around and those are going to be some critical intersections to ensure that we are managing. Joseph Stern, President of Yeshiva Shaarei Tzion, said that the traffic report that they produced identified each one of the intersections that we have heard in the last ten minutes, Harrison, Madison/Cleveland, Madison/Harrison, Madison/Grant, Second/River and the concern raised by one of the residents was that now there is a new development being built of 100 units and all this reporting doesn't comply with what we produced which their traffic consultant as well as the town's traffic consultant confirmed that all

the numbers that were used were including the American Properties development. Ms. Hammond said if were improvements were needed at Cleveland and Madison because the school is right there it is then implied that you would need something also at Harrison and Madison. Mr. Stern said that both traffic consultants verified that the impact this redevelopment is at Madison and Cleveland they have no direct burden on anything beyond Cleveland and Madison, their buses come from either from Raritan Avenue or from Edison coming through the side streets and will not be traveling in that direction, and the traffic reports states that there will be a reduction of traffic because their school buses, the same buses would always be traveling down Cleveland.

Mr. Koch asked if Ms. Hammond if she was asking more about pedestrian traffic, improvements that protect pedestrians. Ms. Hammond said she is not seeking improvements, such as roads being paved, she feels that because more pedestrians may be walking this school buses that are currently coming towards the River, west on Harrison are now continuing all the way from Harrison Street up Harrison Avenue down to River Road to go to the current school. Mr. Stern said they travel Cleveland Avenue and have been for the last 29 years. He said that there might be one bus that picks up children that live on Harrison, and the other three go down Cleveland Avenue. Ms. Hammond said that bus is coming up Harrison and is making a right onto Madison and a left onto Cleveland Avenue to get to the current school. Mr. Stern said to get to the current school they go down Cleveland and make a right on River Road. Ms. Hammond asked how they got to Cleveland Avenue. Mr. Stern said go down Madison or Second depending on where they are coming from. Ms. Hammond said that the intersection at Madison and Harrison is going to have those school buses; there might be more pedestrian traffic. Mr. Stern said that he is talking about four school buses currently and there is a lot more school buses traveling throughout the town.

Ms. Hammond said that she sees the traffic back up in the morning, and she is familiar with that intersection and asked they we be careful in this moment so we don't create a situation where a child gets hit on their way to school and wants to ensure that the plan provides for that, or if the Borough Engineer looks at indicates that they have looked and assessed all the traffic studies and they know for fact that there is zero impact then great. Mr. Koch said the analysis was for vehicles not for pedestrian traffic, there has to be a separate study that analyzes foot traffic, the number of people who will walk or bicycle to the school, which never existed there before, and how that interacts with the vehicular traffic. Well we have reviewed a study that was based on vehicles; he does not believe any of it was set up intending for that use and in terms of reviewing walkers, bicyclist or other modes of transportations in order to get there.

Mr. Kluger said as part of the recommendation back to the Borough Council we can note this is something we would like the Council, the professionals and applicant to discuss. Mr. Stern agreed.

Mr. Constantine said that the study that was done by the applicant's professional, Cleveland Avenue and Madison Avenue, Madison Avenue and Harrison Avenue and Madison Avenue and Lincoln Avenue, Madison Avenue and North 4<sup>th</sup> Avenue, and what Mr. Koch stated is correct this was all vehicular traffic and a provision was added after meeting with Council and the redeveloper shall provide a bus routing plan be submitted as part of the application for development as well as annually to accommodate and changes in enrollment. Item 13 in the Engineer's report: to the extent that people may walk between proposed Yeshiva and the

residential neighborhood to the east there is currently no sidewalk along North 2<sup>nd</sup> and Madison for the first two blocks east of Cleveland Avenue and recommend the consideration be given to adding the missing sidewalk which will result in more complete pedestrian accessibility network and recommend that crosswalks striped and appropriate school crossing sign be considered at the Cleveland and Madison Avenue intersection. He said that he wanted to be clear: Madison and Harrison, Madison and Grant, Cleveland and Second Avenue, have them all looked at and get it as safe as possible. Mr. Koch said the minimally invasive LED, they have ones with one of each side and it does catch your eye and improvements such as that may not be offensive to the neighborhood but provide a little more catch your eye attention for folks. Mr. Stern agreed and said they are just as interested in safety.

Ms. Hammond asked why they do not have the emergency vehicle access report; it would be very helpful to have before the Board says yes this works. Mr. Constantine said that it was raised as issue of site plan review and was discussed at Council, and we now have a Certified Public Safety Officer. Mr. Hale said that point was raised at Council as well. Ms. Hammond said that plan looks really good but if in the end they say no it's not accessible and now we have approved something that can't happen.

Mr. Millet said that the real objection of the Board is that the facts should have been determined ahead of time. Mr. Stern said that the facts were determined by Menlo Engineering and they have the responsibility to ensure that emergency vehicles need to access this site and the time for a fire department or safety committee to review is at the time of site plan and a plan will not be submitted that does not work and that has been his experience for the last forty years and has never been done before.

Mr. Hale said that we can all agree that we would like to have Emergency Management taken care of and would have preferred it happen before hand. This is something that the Council had also recognized that needed to be done and we have made a process to make that happen as fast as we can.

Mr. Williams said on page 9, it stated that Cleveland Avenue from Madison to Second Avenue it is characterized a very low parking on the street, on the Southside of Cleveland there are typically 25-30 cars during the workday and asked that be corrected. When the Pedestrian/Bicycle report was approved it indicated in the resolution that there would be a task force that would review any improvements separate from the Planning Board and he feels that is very important. He said making Madison a bicycle boulevard with all the potential traffic of buses and cars, he can't imagine that will work particularly in the morning and five in the evening. It was mentioned about a path from close to the school up to the Yeshiva in Edison, and he thinks the only path people have used in the past is along the railroad tracks and there is now a big metal gate preventing you from getting to the path and there is also the issue of the triangular section is owned by Amtrak, and you would have to get permission from Amtrak in order to cross it.

Ms. Hammond said that the goal is to seek that connection, and that may be a very long term goal because of the difficulty. She understands the connection in terms of connecting Edgemont right to the school, however she has been back there and it is very treacherous and it's really difficult to picture it becoming a trail that would be usable and is it more dangerous than an asset. Mr. Nolan said that it is almost aspirational that it would be nice but the reality of the

typography and work and maintenance to get it to that point might be so overwhelming. Mr. Thomas said that the language could be changed to indicate the path would be desirable if it is feasible so it is recognize the fact that it maybe not be even aspirational.

Mr. Constantine said that they have built in the flexibility, they are going to work with the Borough, the Safe Walking and Cycling Committee, the Borough Engineer and there is a more detailed analysis, we did not prescribed the exact solution but they have committed to make whatever improvement and the collective minds in the Borough will decide what the best solution would be.

Mr. Nolan said that there was a resident who lived on the upper end of Grant who made a comment about water impact and suggested a recommendation that Council takes a hard look at mitigating any water impact both from a planning perspective and a good neighbor perspective. The fiscal impact and there is a reference that these parcels currently paying a hundred thousand in taxes a year and that there is some sort of pilot program and how much does that mitigate that lose in tax revenue. Mr. Constantine said that it's being discussed. Mr. Nolan said that he would ask the Council to pay attention to that issue because it is important.

Mr. Millet asked if Cleveland Avenue have any storm water running it length. Mr. Constantine said there are three inlets at the Madison/Cleveland intersection, and one is not currently functioning and based on the comments heard at Council and there is a requirement to have the applicant look into that. Mr. Williams said that he believed there was a drain close to the Millbrook which feeds into the Millbrook.

Mr. Stern said that he observed the flooding around the catch basin right as you're going from River Road towards Cleveland, there was recently paving done along Madison and suggested that the Borough Engineer have some check it out because he thinks there is hump in the recent paving creating flooding. Mr. Koch would be look into it. Mr. Hale said when Council learned about this it was their understanding based on the resident comments it has been that way for a long time and the recent paving may have exacerbated the issue.

It was MOVED by MILLET and seconded by WILLIAMS to recommend the adoption of the plan pursuant to the local redevelopment and housing law and consistent with Master Plan with the following recommendations: for the pedestrian/bicycle/traffic study to extend to the intersections beyond Cleveland Avenue and Madison Avenue, storm water collection be evaluated, the issue with the trail in regards to the ravine and modifying that language from being a goal but that it is a possibility subject to typographic and other safety conditions, mindfulness of the fiscal, be approved.

ROLL CALL: Ayes – Brescher, Hale, Hand, Kluger, Lanaris, Millet, Nolan, Williams,  
Hammond

Nays – None

There being nine (9) ayes and no nays, motion passed.

**Correspondence and reports.**

Zoning/Building Officer report – Scott - None

Rehabilitation Screening Committee report – Kim - None



Mt. Laurel status update - Roger/Jim - None

Fair Share Housing Obligation report - Jim/chair of FSHO committee - None

Master Plan Prep report – None

**Public comment on any item not on the agenda**

Ms. Hammond opened the meeting for public discussion and called upon all those wishing to speak to identify themselves, there being no one Ms. Hammond closed public discussion.

There was a motion to adjourn from MILLET and a second by WILLIAMS at 10:29 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago  
Board Clerk