

**HIGHLAND PARK PLANNING BOARD
MINUTES
DECEMBER 3, 2020 @ 7:30 P.M.
Council Chambers, Borough Hall
221 South Fifth Ave. Highland Park, NJ**

Call to Order

The December 3, 2020 regular meeting of the Highland Park Planning Board was held via Zoom, and was called to order by Kim Hammond at 7:30 PM. Annual Notice of this meeting was provided to The Star Ledger, Homes New Tribune and Highland Park Planet on January 13, 2020. In addition, notice of this meeting via zoom was faxed to The Home News Tribune and emailed to The Star Ledger and the Highland Park Planet on November 30, 2020 and was posted on the Borough website at www.hpboro.com and on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, NJ on November 30, 2020 and has remained continuously posted as required by law.

Roll Call:

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| Present | Kim Hammond, Scott Brescher, Khahlidra Hadhazy, Matthew Hale, Rebecca Hand, Alan Kluger, Padraic Millet, Steve Nolan arrived at 8:26 pm, Jeffrey Perlman left the meeting at 9:30 pm, Allan Williams |
| Absent | Paul Lanaris |
| <u>Board Professionals</u> | Roger Thomas, Esq. Board Attorney, Jim Constantine, Planner, and Bruce Koch, Borough Engineer |

Motions for adjournment of any scheduled cases and any other motions

Unfinished or adjourned hearings.

Hearing of New Cases.

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| Lionsgate Homes LLC 402 South 7th Avenue Block 47, Lots 7, 8, 9 & 10 | P2019-04 Minor Subdivision & Bulk Variance |
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It was MOVED by HAMMOND and seconded by WILLIAMS to deem the application for Lionsgate Homes LLC, 402 South 7th Avenue complete by recommendation of the Planning Board professionals, be approved.

ROLL CALL: Ayes - Brescher, Hadhazy, Hale, Hand, Kluger, Millet, Nolan, Perlman, Williams, Hammond
Nays - None

There being ten (10) ayes and no nays, the application was deemed complete by recommendation of the Planning board professionals.

James F. Clarkin, III, Esq., Clarkin & Vignuolo, P.C., 86 Washington Avenue, Milltown, New Jersey representing the applicant Lionsgate Homes LLC sworn and affirmed. This is an application to subdivide the subject property into two conforming lots. There is currently an older, one-story dwelling on the property proposed to be demolished. The applicant is proposing two (2) single detached dwellings with attached garages on each of the lots. The application requests four bulk variances for each lot, single and combined side yard setback, coverages building and impervious, a variance for minimum distance between buildings. There is a request for an exception from the Borough's design standard so they may have forward facing garage.

Acknowledged receipt of two review memorandums from Jim Constantine's firm LRK dated November 20, 2020 and from Bruce Koch of CME Associates dated November 24, 2020 the items in both letters would be addressed. He introduced Roger Winkle, Architect, Paul Fletcher, Engineer and Planner.

Roger Thomas, Esq., Board Attorney indicated that the plans were made available for inspection by for the public 10 days in advance of this meeting. Anyone from the public who was interested in those plans did have the statutory opportunity to do so.

Roger Charles Winkle, 947 Park Avenue, Plainfield NJ, licensed Architect, sworn and affirmed. He prepared the elevations and floor plans for the two new homes, He indicated that the floor plan in both houses are similar, the house is a total of 33'4" wide, the main section of the house is 23' wide, the garage and mudroom area is 10' 4" wide; both houses have a front porch, a garage that is set back 16' which was a recommendation of future zoning. When you walk into the house you would walk into a large living room space, through a hallway and the dining room would be on the left, stairs and a full bath on the right, and to the rear is an open kitchen/dining room/family room and to the right of the kitchen is a mudroom and single car garage. The first floor measures 1,355 feet, walk up to the second floor to a hallway with a pair of bedrooms to the front of the house, in the middle is a third bedroom and common bath and the rear is a master bedroom suite with a master bath and walk-in closet. The second floor is 1,259' and the total for each house is 2,614 square feet. The elevations for house no. one, the front porch material is a stone veneer, vinyl siding, the roof is a hip roof design with standard shingles, windows on house no. one are placed together and a little more narrow then on the second house, there is also a double window in the unfinished attic. The overall height of the structure is 27' 10". Most of the homes in the area are small ranch style homes, a few by-levels, and a two-story house is a bit unusual for this site but with an renovations in that area would be expanding to two-story. House no. two has a similar roof, no window in the attic space, windows are separated on house two and are together in house one, the mullion pattern is different and additional trim above the windows. The porch roof is a shed roof with a gable over the center, the door has sidelights, porch will have cultured stone base, vinyl siding and standard roof shingles. The Second house is also 27' 10" with the same square footage of house no. one.

Ms. Hadhazy indicated that these two homes would be a great addition to the neighborhood, and fits in well with what is presently there and what will likely come in the future. Ms. Hammond said that question would be covered under the Engineer's testimony.

Mr. Millet asked what the spacing was between the two houses. Mr. Winkle indicated that it was approximately the length of the garage door.

Ms. Hadhazy asked what the distance was between the two proposed homes and the existing homes on each side. Ms. Hammond indicated that would be addressed in the Engineer's testimony.

Mr. Williams asked why they designed the homes with front facing garages when the Ordinance prohibits it. Mr. Winkle said that the sites are narrow and would be impossible to have anything but a front facing garage and you would need 25' for a sidecar garage and if the garage was in the back you would lose the rear yard. He said that the garage is 16' back from the house and the porch is 9' so it is a total of 22' back from the front porch line.

Mr. Nolan asked if there any other homes in that area with front facing garages. Ms. Hammond said that she did drive through the area and most of the homes have driveways that lead to the backyard with no garages. Mr. Winkle confirmed that most of the homes did not have garages. Ms. Hadhazy said that there were a few homes in close proximately of these homes that have front facing garages but it is not the majority. Ms. Hammond said that it is not an anomaly to the neighborhood and with the possibility of more updating and renovating coming the scale of the homes larger then the homes in the area and asked the Architect the speak on the necessity for the setbacks , bulk variance and coverage issues.

Mr. Winkle said that the total square footage is 2600 sq. ft. and is on the small side of homes being built today and the existing bungalows are maybe 1200-1500 sq. ft. and the width of the proposed homes is about the same as the existing homes in the area, so the scale of the proposed homes will not look out of place, however it is two stories and most of the homes in the area are single story but when you have a neighborhood that is growing with a mixture of homes you will have more two story homes and believes the scale is not out of place. Ms. Hadhazy mentioned that most of the bungalows are less than a 1,000 sq. ft.

Paul J. Fletcher, 54 West Pond Road, Hopelawn NJ, licensed Planner and Engineer in the State of New Jersey sworn and affirmed. He said that he prepared the subdivision plans (3 sheets), the steep slope analysis, garage identification analysis and the stormwater calculations. He has visited the property and toured the neighborhood, familiarized himself with the Borough's Master Plan and Zoning Ordinance. The lot is 100'x100' (a double lot), in the RA Zone, and the required lot width if 50' and required lot area is 5000 sq. ft. Currently there is a one and half story older and deteriorating 685 sq. ft. structure with a paved patio and shed in the rear yard. The current structure does not have an attached garage; setback of front yard is approximately 14'. The applicant proposes after demolition of the existing structure, patio and shed to subdivide into two conforming lots and construction of a two-story single-family home on each lot. Because of the offset of the garage there will be three off street parking spaces, the garage is setback 16' from the porch and 22' from the front of the porch, the applicant proposes to replace the sidewalks, any damaged curb would be replaced as needed, four trees will be provided, two street trees and two flowering trees, lighting at the doorways and above the garage entrance, there is significant landscaping proposed around the foundation, landscape screening around the AC units, utilities connections to the existing services in the street. Lot coverage by building a variance is being requested of 34.4% versus the 30% that is allowed; impervious coverage proposing 46.6% versus the allowable 40%. CME memo dated November 24, 2020, items 1 and 2 are informational, item 3 - foundation for all structures to be razed will be removed, agreed, Item 4- agrees to comply with taking all measures necessary to mitigate any negative impact to adjacent and/or downstream properties; Item 5 replacement of curbing will be required to be fully formed and a pavement repair strip will required along same, a construction detail for same has been provided, the application shall also replace any remaining curbing that is in disrepair along the roadway frontage – agreed, item 6 – concerning existing utility service – the existing water and sewer connection is in very good condition (per builder) and the Engineer's report requests that we replace it and suggested a video inspection to show that it is in good condition with satisfaction with the Engineer. Mr. Koch indicated that he would defer to the Board and explained that as he explained to Mr. Fletcher, if he were to buy a brand new house he would anticipate that my utilities were brand new and not 60 years old and would hate to see someone buy a new home and two years later have to replace the utility service. Mr. Fletcher said that they would leave that up to the Boards discretion. Item 7 – test pits and foundation drain collection – applicant agreed; Item 8 – legal descriptions, applicant agreed. Applicant agrees to confirm with the Tax Assessor of lot numbers, approvals have been obtained from Freehold Soil and the Middlesex County Planning Board, there are no easements, taxes are current and agree to

replenish the escrow as needed. Mr. Fletcher indicated that the applicant would comply with each of the recommendations as stated. In regards to the single side yard set back 10' is required with a combined 20' is required and the applicant is proposing 8.33' for single set back, on one side of the house 6.34' and the other combined 14.67' vs. the 20' as required. Lot coverage 30% is required and 34.4% is proposed for each property. Total lot coverage of all impervious required is 40% and proposed is 46.6%. Minimum distance between buildings 14.67' is proposed vs. 20' as required. The distance of the proposed house and the house on the right (facing the homes) is 19.44' and the distance between the proposed house on the left and the house immediately to its left is 16.53'. He noted that the house to the left is only 8.2' off the property line but did not do an analysis. Mr. Clarkin indicated that in Mr. Winkle's testimony he indicated that it was consistent with the distances between other houses.

Mr. Fletcher said with regards to the side yard setback variance single and combined, the Master Plan recommends a side yard setback less strict than those the RA ordinance currently requires. The setbacks conform to those in the Master Plan but not in the ordinance. The foremost portion of each of the homes conform to both the single and combined side yard setbacks it is only the set back portion of the homes that require the setback relief. On the northerly side yards it is only the first floor that does not conform because of the attached garage that is only one-story high. The applicant is seeking modest variances and scope, 4% over on lot coverage and 6% on impervious coverage. The Master Plan recommendation is that coverage requirements can vary and lot and impervious coverages are often granted for smaller residential lots and with each lot being 50x100 we are in the category of being a smaller residential lot. The applicant is seeking relief for front facing garages for both homes (technical variance). He prepared a garage identification analysis and 13% of houses on this block between Donaldson and Benner have front facing garages and you're only permitted a front facing garage if the total percentage is 50%. The applicant was encouraged to work with the staff and that was done with the building footprint and design, with goal of a less boxy appearance and a garage that is substantial setback and believe these variances can be granted under the flexible C2 analysis. The benefits to the Borough is a better zoning alternative of a superior building design and a step back garage. He sees no detriment to granting the side yard setback variances. When considering these lots are permitted to be only 50' wide, we believe that the setbacks do not impair light, air and open space and the balance out ways any detriment. Because we do not meet the side yard setbacks we not meet the minimum distance required between buildings, 20' separation is required and our range is between 14.67' and 19' and this would be covered within the side yard setback variances. Coverage variances – under the flexible C2 analysis part of the coverage is taken out by the garage and having an enclosed garage space is beneficial to the Borough because it has reduces the number of cars that are visible, provides an indoor storage space and keeps cars off the street. The other benefit is to have a house size that is compatible with today's market demand and not inconsistent with the sizes of the structures already in the neighborhood. What is being composed are modest home sizes with a total floor area of 2600 sq. ft. and would be his opinion that the site over coverages are not overly apparent to the naked eye. The overall benefits of the project is the replacement of an old deteriorated home which is substantially non-conforming to the front set back requirement and being replaced with two esthetically pleasing homes which will have a positive esthetic effect on the neighborhood and a positive impact on property values. He believes that the benefits substantially outweigh the deterrents. The design standard for the front facing garage can be proven by a hardship analysis, to have a side entry garage on a 50' wide lot is not possible and dove tailed Mr. Winkle's testimony. Modern home buyers demand an attached garage for both convenience and safety reasons. In taking all of the variances together these variances can be granted without substantial, if any detriment to the public. The excess coverages are modest in scope as are the side yard setbacks and can be granted without substantial impairment to the Borough's zone plan and zoning ordinance. This

situation is unique and he does not believe there are too many double lots within the neighborhood and sees no breakdown in the zone plan or any potential domino effect. He acknowledged the LRK report dated November 30, 2020 and with respect to item 7.1 regarding the front yard setback and the prevailing front yard setback pattern is greater than 20' it is recommended that the proposed dwellings be moved back accordingly and the applicant will comply with that and he would provide that analysis to the Planner. Item 7.4 with regards to parking, the applicant will revise the plans to show a conforming number of parking spaces. Item 7.5 the applicant agrees to wrap the sidewalk around the tree. Item 7.6 the applicant will comply with the tree removal and replacement. Item 7.7 the applicant agrees to provide the additional trees as indicated.

Mr. Constantine said in regards to Item 7.6, two additional trees were requested in coordination with the office and consultation with the Shade Tree Advisory Committee.

Mr. Nolan asked for clarification, as he understands it the prominent setback of houses on that street is 20' and the applicant agrees to push back to that. He said that the house to the right when looking at it from the street that is set forward a significant amount compared to the other houses on the street and we have has others put houses in that did not line up with the other houses on the street and it looks awkward. He asked that the houses line up with the rest of the street as a whole. Mr. Constantine said that their comment in 7.1 was if the prevailing setback pattern is greater than 20' it is recommended that the dwellings be moved back accordingly.

Ms. Hammond indicated that if the prevailing setback is 15' but the code is 20' that would help the applicant because now you are at the prevailing setback and that appears to be the case. Mr. Clarkin said that he knows that the Board has knowledge of local conditions and does a tremendous job at examining an application and the neighborhood. He suggested in consultation with Mr. Constantine to determine within that immediate block what is the prevailing setback and would conform to that recommendation.

Ms. Hadhazy said that the setbacks on this street are a little odd; there is a tremendous amount of diversity in architecture on the street. She said her concern is setting a precedent in relation to the distance between homes (side yard) between the new houses and the existing homes. Mr. Nolan asked if she would be more comfortable if an analysis was done with consultation with Mr. Constantine to examine the distance between existing homes and conformed to the average so the neighborhood is not changing in a significant way. Ms. Hadhazy agreed.

Ms. Hammond indicated that she questioned Mr. Fletcher whether he had done an assessment of the other houses, in Highland Park there are varied neighborhoods and housing stock and varied sized lots and in many neighborhoods there are these very small lots and smaller homes and the houses are much closer together and would not be surprised if the houses on that block are only 16' apart and not the 20' but would be nice to know in this moment to know that information.

Mr. Millet indicated that on google maps it appears that most of the homes are 15'-20' and the proposed homes are larger and feels if they are set back it would be less of an impact.

Mr. Thomas indicated that Mr. Nolan's suggestion might be reasonable and if there is going to be any action, before any building permits are issued to get an analysis done of what the prevailing distances are between the homes in the immediate neighbor and determine what is being proposed is in that character.

Mr. Constantine said that one of aspects in working with the applicant was to use this application as a test case for the Planning Boards 2019 Master Plan. We had done an analysis of the existing residential zones and trying to rectify it with what the zoning calls for, much of the town is zoned RA and so many diverse conditions. It was discovered that there was a high degree of nonconformity and different neighborhoods have different patterns, and there were recommendations that the applicant testified to and in fairness: 2019 Land use Element, section 7 beginning on page 91-92 it talks about the potential recalibration of bulk standards and for lots 40'-50' in width going to a single side yard of 6' with a combined of 18', lots 50'-60' 8' with a combined 18', then there is a residential design standard recommendation which was also in the 2003 Master Plan and I know that there is some hopes of getting this moving in the coming year if Council agrees. There is a recommendation to have front facing attached garages set back 16' and the applicant is proposing that 16' in addition they are proposing a 6' porch. It is important to note that the whole garage massing is shifted back 22' from the front of the house and what that means when looking at the side yards of the main body of the house, the testimony was that these homes are consistent with the width of the other homes in the neighborhood, there is actually an addition 10' the width of the garage and driveway that at least at the very front of the streetscape where the homes are closest to the front property line and curb line, the homes are actually 10' further separated because the driveway goes deeper back to the recessed garage, which has also gotten a provision in the design standard in the adopted 2019 Master Plan on page 100 which basically indicated that on lots 50' wide or less the single car garage can extend up to 5' into the side yard. He believes that there is greater spacing when you walk, or drive along then looking at the pure numbers and everything that they are doing is following the direction of the Master Plan. Councilman Hale indicated that it is the full intention of the Council to move ahead with those changes outlined in the Master Plan and Land Use Element. Granted those are not there now hence the need for the variances but the goal is to get that done sooner rather than later.

Ms. Hammond opened the floor to the public.

Elena Gerstmann, 127 North 6th Avenue and owns 412 South 7th Avenue as a rental property sworn and affirmed. She indicated that she did not object to the buildings, she has a concern with the garage, doesn't know what they are going to price these properties at because it is one of the few affordable places in town, and hopes that is taken into consideration. Her property is on the left with a 20' set back and there was a comment about 8' from her house and the new proposed home and believes that is house to house and not property line to property line, she believes that there is only 10' between the new house and her property line and she is worried about the distance between the two new homes and her house because of noise and privacy. Very few of the homes in that neighborhood have garages. She indicated that a couple of doors down they did major renovations and did not put in a garage and garages come with a lot of cost and that cost is going to be the cost of privacy and the cost the distance between the homes. On the drawing she is pretty sure when she moved in she needed permission from the folks in that house to install a fence the wooden fence and the chain link now needs repair and asked if the new owners were going to repair or replace the chain link between 412 and their property. Mr. Clarkin said that they would accept as a voluntary condition to repair the wooden fence as well as the chain link fence. He also indicated that they have not established a price point for the homes at this time. Ms. Gerstmann indicated that the garages make the home much more upscale and could change the affordability of the neighborhood. Mr. Thomas indicated that the Board does not have any jurisdiction over pricing, it is really a question of the land use plan and what is being proposed and the standards for what the variances being requested are being met and does not include the cost of the home. Ms. Hammond mentioned that the Ordinance does

call for keeping with the character of the neighborhood and the fact that they are not putting one massive home on that lot is reasonable.

Mr. Perlman said that the Board is looking at this application specifically and the Board did take into consideration affordability when updating the Master Plan and there are specific recommendations in reference to a diverse community of all incomes. He asked Mr. Constantine about the affordable housing ordinance and if there was a contribution for residential development. Mr. Thomas Esq., indicated that yes there is a requirement for payment and he is sure that the Borough has taken that into account and if for some reason it hasn't it is still going to be a requirement because it will go to the State.

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

Ms. Hadhazy indicated that she would like to see more information on the side set back and the variance more specifically between Eden Avenue to Donaldson Street, on that stretch of South 7th Avenue because when you get from Eden Avenue to Benner that is where you will get the greatest mix of different style of property but from Eden Avenue to Graham and to Donaldson there is a more consistent style of home. Mr. Thomas indicated as indicated by Mr. Nolan earlier that if there is an inclination to approve the application and additional condition would be required to ensure to the extent possible that the distances between the houses is in the character of the area in the immediate neighborhood, four houses on either side of the lot in question. An analysis done by the applicant and verified by either the Boards Planner or Engineer. Mr. Clarkin, Esq. indicated that his applicant would be in agreement with that approach but ask that it be delineated to what portion of the street do you want us to look at.

It was MOVED by WILLIAMS and seconded by HADHAZY that the application to subdivide along with the variances be approved with the following conditions: 2 fences, chain link and stockade fence (lot 42 side) be maintained; analysis of the distance between existing houses and the character of the neighborhood along with character of the front yard a distance of approximately four houses on either side of the double lot, those outlined in Mr. Koch's report dated November 24, 2020 and specifically item no. 6 that Mr. Koch is recommending installation of all new utilities for both new homes; and as well as those items outlined in the report from LRK dated November 30, 2020 be approved.

ROLL CALL: Ayes - Brescher, Hadhazy, Hale, Hand, Kluger, Millet, Nolan, Perlman, Williams, Hammond.

Nays – None

There being ten (10) ayes and no nays, the motion passed.

433 Cleveland Avenue LLC
Yeshiva Shaarei Tzion Girls Division
433 Cleveland Avenue
Block 153, Lots 17, 18 & 19
Block 154, Lots 6.01, 10 & 11
Block 191, Lots 6.01 & 6.02

P2020-02
Preliminary & Final Major Site Plan

It was MOVED by HAMMOND and seconded by HALE to deem the application for 433 Cleveland Avenue LLC complete by recommendation of the Planning Board professionals, be approved.

ROLL CALL: Ayes - Brescher, Hale, Hand, Kluger, Millet, Nolan, Williams, Hammond
Nays – None
Absent – Hadhazy, Perlman

There being eight (8) ayes and no nays, the application was deemed complete by recommendation of the Planning board professionals.

James F. Clarkin, III, Esq., Clarkin & Vignuolo, P.C., 86 Washington Avenue, Milltown, New Jersey, representing 433 Cleveland Avenue LLC, sworn and affirmed. The application is for preliminary and final major site plan to construct a religious school for girls. The property is a part of the redevelopment area and the applicant is the redeveloper. The Yeshiva has had a presence in Highland Park in excess of 31 years (1989). The development of the property is governed by the 433 Cleveland Avenue redevelopment plan, which the Planning Board endorsed and was adopted by the Borough Council. The proposed development is two (2) years of design and planning by the applicant in conjunction with the Highland Park Council, the Highland Park Redevelopment Entity and many officials and professionals consultants of the Borough. During that period a number of stakeholders have offered their input and insight into the process resulting in the final form of the application and project being presented. In order to develop the site the applicant requires no deviations from the redevelopment plan, no variances are required from the land development ordinances, The Borough's Planner identified three (3) potential deviations from the requirements of the redevelopment plan but are able to modify their plan to be totally conforming. The application is a clean one in using jargon of land use professionals. In further redevelopment of this property the applicant has entered into a redevelopment agreement with the Borough and under that agreement the Borough will receive an unprecedented level of off-site improvements. The applicant stands ready to comply the various obligations under that agreement. Specifically the applicant will be responsible for all the costs associated with the operation of the school, such as school crossing guards, refuge and recycling removal and bussing. The furnishing of bussing by the applicant will effectuate a cost savings to the Board of Education of \$80,000 per year, additionally the applicant will provide the Borough will a number of public benefits, \$200,000 in infrastructure improvements, and an additional \$85,000 in improvements to the Community Center. The applicant recognizes based on the numerous meetings conducted by the Borough Council, and Redevelopment Entity concerns were expressed over the condition of several intersections within the vicinity of the property. The applicant and the Borough professionals have reviewed these concerns at numerous intersections improvements have been included among the off-site improvements being provided by the applicant under the redeveloper agreement. At the closest intersection of Cleveland Avenue and Madison Avenue will undergo significant construction, the nature and scope of these improvements will be outlined during the Engineer's testimony. While there are numerous benefits which will result in the development of the property the applicant recognizes that the construction may cause temporary inconveniences to the surrounding area. The applicant's development activity will comply will all of the requirements of the Borough's construction code and other ordinances including the times construction may occur. The application will work with Borough officials to minimize the effect of the construction activities by coordinating the timing of site activities and providing traffic management. The applicant will also conduct periodic meetings with the Borough in order to inform them of site activates as well as progress and receive feedback of ways to mitigate the impact during the construction process. As a permitted use traffic generated by the proposed school is not typically taken into consideration however during the redevelopment process, the applicant and the Borough examined and addressed any potential traffic issues. The applicant commissioned a traffic study which was reviewed on behalf of the Borough by the Borough's own traffic consultant. The

applicant agreed to the recommendations made by the consultant and the applicant's traffic study as well as the Borough's traffic study as well as responsive memoranda by the applicant's traffic engineer were all incorporated into the redevelopment plan and addressed by the redevelopment agreement. In light of the prior uses at the site, and in anticipation of this development the applicant commissioned a preliminary assessment referred to as a phase one, as a result of the phase one there were several areas of concern requiring further investigation. The applicant secured a site investigation report as well as a remedial action work plan and that plan determined that no further action was required with respect to site soils. Due to presence of ground water contamination, a full forty feet below the surface, additional measures with respect to remediation will take place. These steps were identified in the work plan, by the Board Engineer and the applicant agrees to comply. The applicant acknowledges receipt of reports from LRK dated November 30, 2020, CME Associates dated December 1, 2020, from the Environmental Commission dated November 30, 2020 and the Safe Walking and Cycling Committee dated November 13, 2020. The applicant will be presenting three witnesses, Mr. Joseph Stern, principal of the applicant, he will describe the operation of the school, Steven Cartilage, Architect and Scott Turner, Civil Engineer.

A. Joseph Stern, President of Yeshiva Shaarei Tzion, 19 Brookdale Court, Highland Park NJ sworn and affirmed. Mr. Stern indicated if the application is approved the Yeshiva Shaarei Tzion Girls division will occupy the site and 433 Cleveland Avenue LLC is owned by A Joseph Stern as well as the President and founder of Yeshiva Shaarei Tzion. He currently operates a school at 31 Park Avenue in Piscataway for the last 31 years, 228 girls are currently enrolled, if the application is approved he anticipates an increase of one to ten students yearly. The maximum number of students enrolled on-site would be 450; he anticipates that number may change over the next twenty years or so. Part of the redevelopment agreement was chart that showed over the last ten years an increase of 34 children. The maximum number of teachers on site would be approximately forty, there are currently two administrators, plus two office staff employed at the school, if the school is relocated to this site he anticipates a total of six administrative staff members. In addition, there is custodial help in the evening, during the day music, art and dance teachers, and will be employed at the new site. If the school is relocated there will be new positions of a part-time secretary, a physical therapist, and gym staff for a total of approximately sixty employees including office staff. There would be approximately 30-35 staff members would be on-site at any one time because there would be shifts for morning and afternoon. Under the plan there are 55 parking spaces and 4 designated bus spots, from an operational perspective this will meet the needs of the school. The students who will attend the school reside in Edison, Highland Park (prominent – 81 girls), Carteret, East Windsor, Manalapan, North Plainfield, Princeton, and Plainfield. Approximately 90-95% of the girls who currently attend are bussed or drop off/carpool and no walkers. If we relocate to this site bussing would be 80%, drop off/carpool about 10% and 10% bikers and walkers. The busses are a typical 54 passenger bus, school starts at 8:35 AM younger students dismiss at 3:30 PM and the older students get out at 4:30 PM. During normal school hours there may be a holiday school play, young students will perform for their parents one or two classes at a time sometime in the evening, outside of school hours on Sunday's or evening there is an annual fundraiser, graduation, special guest speakers with a typical attendance of 100-200 attendances. The school does not participate in any intergalactic sports and there are no plans for the future. There are typically one or two deliveries day of either milk, snacks, maintenance supplies, and cleaning supplies and he does not anticipate any changes if relocated to Highland Park, Waste and Recycling will be handled by a private company. There are two open play areas for the students, a tot lot and a fenced in open play area and will be open during school hours. This project is consistent with the goals and objectives of the 433 Cleveland redevelopment plan prepared by LRK dated February 3, 2020, in particular the plan addresses the issue of parking, circulation,

streetscape improvements, shade trees, landscaping and pedestrian and bicycle network. The LRK report also states that the redevelopment plan is consistent with the Borough's Master Plan. The project will be constructed in phases, phase one is parcels A&B, phase two parcel C and parcel D at a later date. Parcel D is slated for a single family home.

Stephen Carlidge, Licensed Architect and Principal with Shore Point Architecture, 108 South Main Street, Ocean Grove, NJ sworn and affirmed. He said that he prepared the architectural drawings that were submitted with this application. The proposed building is L shaped with the longer two story portion parallel (educational wing) with Cleveland Avenue and the other wing (core) is wider. There are two primary entrances to the building, one in the center of the front elevation and the second for the preschoolers located at the east end of the building. The building is two stories with a partial basement under southeast corner of the building strictly for mechanical purposes and storage. The eastern half of the first floor (educational wing) the two entrances there are control stations to monitor who comes and goes into the building, the main office is located immediately adjacent to the front entrance, at the other end of the building there is an indoor play area for the youngest of the children and classrooms are allocated along the main corridor, two classrooms per grade and everyone on the first floor will be first grade and younger. At the southeast corner of the building is a large prayer room, immediately behind it there is a kitchen space, adjacent to the cafeteria, behind the cafeteria is a gymnasium which doubles as an auditorium and this portion of the building is what is called the core. The second floor provides the upper grade classrooms 2nd grade through 8th grade (2 classrooms per grade), there is a secondary office area on the second floor, library/media center and science lab is located to the rear of the second floor. There is a multi-purpose room in the front of the building and above the prayer room. The building is 78,655 sq. ft. and at its highest point it is 36.8' tall and the classroom wing is 31.27' tall. The building will be clad in two subtly different red brick veneer, set on a cast stone base, in the front is a metal roof canopy at the drop off zone, the windows will be peli clade windows, roof will be a modified asphalt flat roof with a ¼" per foot pitch, The building will be radon vented as a precaution and all slabs on grade will be on vapor barrier, there will be an emergency generator on site located at the rear of the building.

Ms. Hand asked if there was an intention to use the prayer room for services on Saturday's. Mr. Stern said that praying is a part of the religion, 3 times a day, 7 days a week so the answer is yes. Ms. Hand asked if those meant to be held on a weekly basis as done at other Temples or an occasional service limited to the school population. Mr. Stern indicated that they pray seven days a week. Ms. Hand said she understood but the purpose of the application is to build a school and we have heard testimony about use of the school during the week and would to hear about the intended use on the weekends given there is a large community space, she is concerned about the increased traffic to that area on weekends when it would not normally be expected. Mr. Stern said there would be no traffic at all they do not use vehicles on the weekends Ms. Hand said that we heard about the traffic patterns anticipated during the week for the weekend use is there more details such as the size of the population that would use it during the weekend. Mr. Stern said that nothing will increase. Mr. Thomas asked if the Saturday services were limited to the student population or will he be soliciting or having parishioners that would be coming in addition to the student population. Mr. Stern at this time there are no plans for a public synagogue to take place at the school.

Mr. Thomas, Esq, said that when the school opens there will not be a public synagogue. He asked Mr. Stern to convey to the Board that, that would be his continued plan for the next thirty years, or if it is the intention to gradually turn this into a school with a public synagogue. Mr. Clarkin, Esq., indicated that the applicant recognizes that they would have to return to the Board is that were ever the intent. Mr., Thomas made it clear that any service that takes place on site

whether on the weekdays or weekends would only be for the student population anything beyond that would be beyond the scope any approvals that might be given in this matter. Mr. Clarkin, Esq, indicated that in the event there is a service on a Saturday it would be limited to the student and their immediate family. Mr. Stern said they are reserving all legal rights to use this if religious services are permitted. Ms. Hand indicated that there is no objection to the use of the building for religious purposes she is concerned for the public that the application is advertised as a school and would clarification on non-school hour activities for the benefit of the people in the area. Mr. Thomas, Esq. Indicated that this was a land use issue not a religious issue and whether you have it or not is not the issue it is a question of the impact of activities on the school and the record needs to be clear.

Ms. Hand said that the proposal is for a beautiful looking building and she is focused on the aspect that it could also serve as a venue for weddings, bar mitzvah, or other social events over time and she recognizes there is a line between school plays and school events, and more formal events that are not anticipated at the moment but the facility could accommodate such events. She just wanted to make it clear that the application is for a school and not a community event center more focused on what would be traditionally a synagogue or other community event space uses as opposed to a school focused orientation. Mr. Thomas, Esq. indicated in light of the conversation, any of those types of events to turn it into a different type of facility would be subject to a separate and distinct application, those would not be permitted on the assumption that this is approved as a school. Mr. Clarkin, Esq. agreed.

Ms. Hammond asked if there are any non-school related or synagogue related activities at the Piscataway location. Mr. Stern said there was not and there was not any community type events open to people outside of the school community. Mr. Stern indicated generally not. Mr. Thomas, Esq. said that the application does not include that so any action that Mr. Stern would take in that regard would be beyond any approval that is being sought tonight, and the Board is not going to be inclined to amend the application after all the work that has been put in at this point and what it to be understood that what may have been done in Piscataway is not something you are going to be allowed to do in regards to outside activities in the Highland Park location. Ms. Hand added that it was not the bat mizvah ceremony in and of itself that is being referenced we are talking about using the venue for larger parties and large community gatherings and bat mizvah is being said because it is a common type of such event and having a 200 person bat mizvah celebration might perhaps fall beyond what's being discussed as a girls school. Mr. Clarkin, Esq., agreed.

Scott Turner, Licensed Professional Engineer, Menlo Engineering Associates, 261 Cleveland Avenue, Highland Park, sworn and affirmed. This project is a part of the 433 Cleveland Avenue redevelopment plan and consists of three parcels. Parcel A (Block 154, Lots 6.01, 10 and 11) is the largest parcel where the actual school will sit, and Block 191, Lot 6.01 and 6.02 and totals 3.83 acres, 430' of frontage along the north side of Cleveland Avenue. The property is currently vacant with remnants of former industrial uses that were located on the property. There is a wooded area that is located on the northwesterly portion closer to the rail line. The topography in the existing condition slopes towards Cleveland Avenue and Millbrook. There is a small isolated wetland pocket located in the northeast corner of the property that has been verified through an NJDEP wetlands letter of interpretation and there are no plans to disturb the wetlands. Parcel B located on the south side of Cleveland Avenue, that is where the new parking lot will be located and that is Block 153, Lots 17, 18 and 19 and total .034 acres of vacant land (remnants of a former parking lot) with a 150' of frontage along Cleveland Avenue. The topography slopes in an easterly direction towards Millbrook. Parcel C, Block 153, Lot 15 totals 0.11 acres and located west of Parcel B, there is an existing single family home located in between Parcel C and

Parcel D and is not a part of this application but is situated within the development area and thought it would be important to mention it for everyone's reference and it will be subject to a separate site plan application in the future for a single family home. All of the parcels are subject to the zoning standards as set forth in the 433 Cleveland Avenue redevelopment plan. He noted that this project was located at the end of Cleveland Avenue, approximately 125' from the Madison Avenue intersection to the southwest corner of parcel A, Millbrook and a Highland Park pumping station are located east of the parcels, the Amtrak borders the northerly boundary of parcel A, and there are single family and a professional office on the south side of Cleveland Avenue. There is commercial and office as well as some industrial uses on the Northside of Cleveland Avenue. The site plan for Parcel A, which is the school, seeking preliminary and final major site plan to construct a two story private girl's school, the building contains a total area of 78,655 sq. ft. with a 6,314 sq. ft. basement, and a footprint are of 48,360 sq. ft. The school itself is set back 66' from the Cleveland Avenue right of way, a bus drop off zone and a eleven space parking lot located along Cleveland Avenue situated between Cleveland Avenue and the front of the building, access to that parking lot by way of two one way driveways which will function in a counter clockwise fashion. The bus drop off lane and the parking lot are separated by a concrete island 5' in width, in addition there is a twenty-eight spot parking lot located on the east side of the building with access off of a new col-de-sac which will be built at the end of Cleveland Avenue which is now a dead end. The parking lot will terminate at the most North West corner of the building with a depressed curb for emergency access to the back of the property as well as access for Amtrak personnel, there is currently a blanket easement to permit Amtrak personnel to access for maintenance. There is a fenced in tot lot area immediately adjacent to the northeast corner of the back of the building, and a large fenced in playground beyond that area. The entire property is going to be fenced in, 8' chain link fence along the sides and rear of the property, from the sides it will terminate about halfway and converts over to a decorative 4' metal fence along the remainder of the sides and along the frontage of Cleveland Avenue. The driveways will all be secured with gates, so between the fencing and gates the entire property will be secured. Mr., Turner mentioned that the plans everyone was provided it indicates a 5' fence but should indicate 4', the redevelopment plan allowed for a 5' fence but in order to eliminate an expectation noted in Mr. Constantine's planning report. Concrete sidewalks, ADA ramps, crosswalks, will be provided along the frontage of Cleveland Avenue, as well as along the school building to provide safe pedestrian movements. A bicycle rack will be installed that can accommodate up to 20 bikes located at the southeast corner of the building just left of the driveway that will leads into the 28 space parking lot. There will be a refuse and recycling pad which will be enclosed with a masonry enclosure on the right of the driveway and will be picked up by a private hauling contractor. Utilities exist and are available on the property from a previous development and will be brought into the site with new services, all underground. A conventional Storm water management system was designed on the property, a series of inlets, underground piping, storm water runoff collection system and connecting to an existing inlet located on Cleveland Avenue prior to it being discharged into Millbrook which is its current discharge point. A rain garden feature is being installed between the two parking areas in the front grassed area. Acknowledge and understand that there are certain comments that were brought forth in the staff reports that need to be addressed in regards to storm water management and they will certainly do that. He indicated that they would work with the Borough professionals and address and accommodate all of the storm water comments as set forth in the reports. He said because of the existing conditions of the site historically, they did an analysis of what the site held in terms of coverage over the years and they are reducing the overall impervious coverage by approximately .38 acres when compared to the prior development.

Mr. Turner said with regards to Parcel B, seeking preliminary and major final site plan, looking to construct a sixteen space paved parking lot, with four bus spots designed to accommodate those busses with wheel stops located on the most easterly side of the parcel. The parking lot will be curbed; access will be by two one-way driveways in a clockwise circulation. They are providing concrete sidewalks, ADA ramps along the entire frontage and around the cul-de-sac. Storm water is to be handled by a sheet flow off the parking lot heading towards Millbrook by way of a flush curb. When the analysis was done for existing and proposed impervious coverage, the impervious coverage on this parcel is being decreased by .05 acres. The total parking for both parcels is fifty nine parking spaces, four designated as bus spaces, lighting is being provided on both parcels, LED pole mounted lighting as well as wall mounted fixtures on the school building for safe and adequate lighting with a 0.5 foot candle minimum provided in the parking area and access isles, all of the lighting will be dark sky compliant, placed on dimmers as requested by Mr. Constantine. The landscaping has been prepared after careful vetting over a number of months and worked with the Borough's professional staff and carefully in terms of the landscape program and how things are laid out, providing forty two indigenous trees, seventy five evergreens, nine flowering trees, two hundred thirty shrub's as well as four hundred and twenty ground covers. The rain garden is not only a storm water management feature but a landscape feature. Evergreens will screen the building /parking, street trees along Cleveland Avenue, as well as shrubbery between the sidewalk and the angled parking in parcel A. The landscaping is very comprehensive, significantly enhancing the area and the parcels. The only signage will be for a façade sign there is no freestanding sign. Parcels A and B will be constructed at the same time as well as the Cleveland Avenue improvements, construction will be done in total compliance with local ordinances, in coordination with Borough officials and the police department.

Mr. Turner indicated that there was a lot of time and discussion about the Madison and Cleveland Avenue intersection and the improvements set forth are consistent with the redevelopment plan, and the offsite improvements that are required for this application. Currently there is stop condition Madison Avenue, Cleveland Avenue is a through street, and the proposal is to provide stop conditions at all three legs of the intersection. Madison Avenue will continue to be a stop with stop bars and stop signs on either leg of Cleveland Avenue creating a three way stop condition as opposed to the one way stop condition there now. New crosswalks, new ADA ramps, new sidewalks, new stop bars, the stop signs are proposed to be installed with the solar powered flashing lights so that they are highly visible. There is a requirement in the redevelopment plan to have the three way stop to be discussed with the Board and is a discretionary item at the Board level in consultation with the Borough Police Department, if this how the way the Board would like this intersection handled. He said that there is a small drainage issue at the southeast corner of Madison Avenue and Cleveland and it appears when the Borough did a paving project that area was a little low and prevented the water from reaching the inlet and the applicant is willing to address that issue. He said that in his opinion the engineering plans are fully compliant with the redevelopment plan requirements, and did speak to the three exceptions, a couple landscaping issues, and the tree replacement obligation and we are confident that those exceptions will be complied with. The Middlesex County site plan application pending and Freehold soil pending and any other permits that may be required as part of the application process they would certainly apply for and provide to the Borough as they are received. There were four reports received from Borough professionals and committees, the LRK report dated November 30, 2020 and we agree to the required items that have been outlined in the report, there are a couple of recommended items that they would review and take under consideration and if we can accommodate them they will do so, but the required items under the redevelopment plan will certainly be addressed and will continue to work with Mr. Constantine's office to ensure we have a compliant plan. The CME report dated

December 1, 2020 and agree to comply with all of Mr. Koch's requirements and requests and will be working with him and his staff; the Environmental Commission report dated November 30, 2020, the preliminary assessment report has been addressed, the soil issues and storm water management plan and we again agree to take all of those comments under advisement, any conditions with regards to the storm water management will be complied with under the redevelopment plan, and any of the other additional requests or recommendation if they can be addressed we would certainly do so but have to be mindful of the use of the property and there will be children on and do not like to have any areas with storm water or open areas of water that are not contained underground as much as we can but will certainly take those under consideration. Item no. three in that report, the removal of trees and we do recognize that we are removing trees however we will comply with the tree removal aspects of the redevelopment plan and the Borough Ordinances and if there is any way to save a few more trees they will look into that as well. With respect to the Safe Walking and Cycling Committee (SWACC) comments they are also willing to take those under consideration.

Ms. Hammond asked what take under advisement actually mean with regards to some of the very specific items and will allow the Board professionals determine whether they are comfortable with that situation. She asked if they would be indeed incorporating the environmental and SWACC comments into the plan. Mr. Clarkin, Esq., said that would not be the case, for example in the Environmental Commission report there is a situation that they are not sure how far we have to go with regard to remediation but are certainly committed to including a vapor barrier and depressurization system if the LSRP indicates that is something we have to do in order to obtain a clean bill of health. With regard to the SWACC report we are not committing ourselves to do this, they are helpful suggestions that will be considered but are not agreeing to make them a condition of a hopeful approval.

Ms. Hammond asked the Board professional if they were comfortable working out those points in each of the memos afterwards or do we need further discussion at this time with regards to the recommendation and suggestions. Mr. Constantine said that he was comfortable working out and solving the points. Ms. Hammond asked Mr. Constantine to explain the comment that their plan substantially conformed with the redevelopment plan and that there are two elements that actually do not conform. Mr. Constantine said that the applicant indicated earlier that they had addressed those items/waivers and they are in full compliance with the redevelopment plan. He said that the plan went through extensive review for more than a year and a lot of the issues that he provided comments on have been incorporated into the plan and the redevelopment plan.

Mr. Koch said that he too was comfortable and the items outlined in the report are easily addressed. He had a conversation with Mr. Turner regarding the storm water management system and he believes if there is any contention, and if the Board is comfortable he is comfortable. It really is a matter of interpretation of law and if input is needed from the Board Attorney and the applicant's Attorney to sort this out we will. He said our position is that they have to comply with the NJDEP and the Borough regulations and they are approaching it from a different stand point and all that needs to be done is vet that out first and then depending on the outcome of that they either comply with all of these conditions or prove to us that our position is wrong. Mr. Thomas, Esq., said that he would discuss this with Mr. Koch and Mr. Clarkin, Esq. He said that if it turns out that these are things that Board professionals and the applicant cannot solve and the Board decided to motion to approve the application subject to the conditions as outlined in Mr. Koch's report and they cannot be resolved the applicant would have to come back to the Board to try and modify the approval.

Mr. Turned indicated that they are in agreement with Mr. Koch's position that it a major development, we have to comply with the NJDEP standards, as well as the Borough's standards, and his office will work with Mr. Koch and his office on how we get to the point of meeting those standards. He said that they certainly aren't challenging Mr. Koch's office in terms of standards we have to meet and we are confident we can meet those standards. Mr. Koch said he was comfortable with that and he has no reservation about being able to sort this out and if we do come to a standoff, but does not think it will, they will have to come back to the Board.

Mr. Clarkin, Esq. said that there are also a whole category of other comments in Mr. Koch's report that are easy to handle, such as adding notes to the plan, asking for title 39 jurisdiction and we agree to those. There is a whole category of items that are easy to do and we will do them. Mr. Koch mentioned item number four, the ground mounted electric transformer and asked for input. Mr. Turner indicated that he was certain a ground mounted transformer would be needed and will locate that on the site plan after consultation with the electric company, he believed there was testimony on a generator to be located behind the building to mitigate noise issues.

Mr. Thomas, Esq. said that it is up to the Board entirely on how you want to handle this, there has been discussion and you could either take action tonight, there have been some suggestions the fundamental issues that are in both Mr. Koch's report and Mr. Constantine's report can be worked out, there are some vague responses regarding some of the recommendations and you could defer that to the consultants, or defer any action until you have an understanding of which recommendations are going to be met and which are not. There are the other reports which are advisory, the Environmental Commission report, the SWACC report and it was stated that they will attempt to comply with certain things and others they will not. The Board could rely on that in consultation with your consultants or wait a month to see which they will comply with and which they will not.

Mr. Williams said that the architect indicated that there was going to be a system to handle radon which presumably is an active system. Mr. Carlidge said that they are prepared to properly vent the subsoil of the building with an active ventilation system. Mr. Williams said that the LSRP indicated that you shall have a passive system to remove vapors that may be in the soil from past uses to make active if appropriate. Mr. Carlidge said that was correct. Mr. Koch said that there would be vapor testing prior to a CO being issued to determine whether activation is needed. Mr. Williams asked if that was done periodically or just one time. Mr. Koch said he recalls with a couple of the other plans that there was a plan for that but would make a note of that and consult with the LSRP about that.

Mr. Williams said that in reading over the redevelopment plan his interpretation was that there was going to be a lot more green infrastructure to handle the water but if Mr. Koch is happy and work out a deal with Mr. Turner that will handle all of the appropriate regulations he is happy. Mr. Koch said that is his intent to have them comply with the NJDEP regulations and the Borough regulations.

Ms. Hammond asked about a traffic engineer. Mr. Clarkin Esq., said that they would not be presenting a traffic engineer as indicated in the opening remarks, the traffic issues were vetted extremely vigorously with traffic reports that were reviewed by the Borough's traffic engineer, recommendations were made and accepted, a counter memorandum was prepared and we believe all of those traffic issues have been put to rest in the redevelopment plan. Ms. Hammond said

that she thought it to be odd that there is still no testimony from a traffic engineer but would defer to the Board Attorney.

Mr. Thomas, Esq., said that typically yes you end up hearing traffic testimony; however this is a redevelopment plan, with a long history and a lot of back and forth involving Borough experts and consultants, so therefore since they have complied with all of those requests they did not think it was necessary. He said that Ms. Hammond is saying that she would like to hear for the benefit of the Board and the public what the results of that analysis were. Ms. Hammond said that it was presented with the packet but if there was a simple question who would be able to answer that question.

Ms. Hammond said that what was provided to the Board was the applicant's traffic engineers report and a second report indicating that they would take into account whatever the feedback was but has not seen those comments. She said that there was no mention of Madison Avenue and Grant Avenue and was curious as to why that intersection was not mentioned since it is nestled between them all. Mr. Constantine said that there was a round of planning that began regarding the Cleveland Avenue corridor in January 2019, Council announced, there was community engagement, and what came out of that process was identifying that traffic was a big issue, when we moved from that earlier stage of let's get our hands around the issue and get community input, into actually coming under contract to do the redevelopment plan, at that point the applicant had his traffic expert provide some information and raised more questions than answers in some respects, they were asked to bring a traffic consultant under our umbrella in the redevelopment plan so IH Engineers was engaged, they reviewed the work that John Rea, the applicant's traffic engineer had prepared, came back with a host of questions, Mr. Rea's initial report, IH Engineers report are both contained as appendix in the redevelopment plan as well as the applicant's engineer agreeing and signing off and resolving the issues raised by the Borough traffic engineer which are all appendices and incorporated in the redevelopment plan. The redevelopment plan was not advanced until every single traffic issue brought to closure. On top of that there was a whole series of infrastructure improvements that looked at intersections beyond identified in the traffic study in part because of issues raised by the Planning Board when the list of public infrastructure improvements that is an appendix or attached and a major element of the redeveloper agreement that Council approved.

Mr. Clarkin, Esq., said that he reached out to the traffic engineer to answer Ms. Hammond's question, he did not study Grant because he believed that it would be no different of levels of service than any of the other intersections that he did study and this one would have less of an impact because it is a dead end street.

Ms. Hammond opened the floor to the public.

Michael & Ester Reiss, 401 Grant Avenue, sworn and affirmed. He said that the sidewalks being added to Madison between Cleveland and Harrison, as well as Harrison and Grant, and it indicates that the location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the redevelopment area to be developed, sidewalks shall continue across all driveway openings. It indicates that the minimum width of the sidewalk along the north side of Cleveland for the Madison Avenue/Cleveland Avenue intersection to the front entrance of the structure on Parcel A shall be 6', he is good with that but his concern is section d says the minimum width of the sidewalk for all other areas shall be 5'. He said section b says it should be consistent with the existing sidewalks; all the other sidewalks on Harrison and on Madison and Grant are all 4' wide and would like to see it consistent with the 4'. He asked

that was something that could be addressed now. There is an also in response to item k is recommended that the missing sidewalks along Harrison Avenue, north of Madison Avenue and he assumes that is going to the border of Edison Township (response letter dated January 22, 2020. Mr. Turner indicated that they would installing the improvements that are necessary and required in accordance with the redevelopment plan as outlined in exhibit two, the plan is to not install any sidewalks over and above what is covered in the plan. He indicated that there would be easements the Borough would have to obtain in order to install sidewalks along that area. Mr. Reiss said with the safety of the children walking to school if they are coming from that direction along Harrison from the Edison border and the bridge there are no sidewalks on either side of the street and based on what he has read that area may or may not be covered and it sounds like its being said that the area from Edison to the bridge is not being covered. Mr. Turner said that was correct. Mr. Reiss said related to the traffic patterns his concern is safety at the corner of Harrison and Madison that it is not a four way stop and there are frequent accident there including cars flipping over. Mr. Turner said that extent of the improvements at that intersection are the installation of a new crosswalk, restripe the existing crosswalk, new ADA ramps with a detectable warning pad, and delineate the yellow no parking boxes in all directions. Mr. Reiss said from a safety perspective he would recommend making that a four way stop. He asked about the cycling path on Madison and asked what side of the street that would be on. Mr. Turner said that it is to be determined in working with the professionals and the town on what side of street would be more appropriate to locate the shared lane markings along Madison Avenue and that would go from North 4th Avenue to Cleveland Avenue. Mr. Reiss said that it would make more sense to put that on the side with no parking. He asked about the drainage on Cleveland and Harrison had some similar roadwork that was done and the rainwater/sewer was moved farther into Madison from Harrison and when there is a bad rain there is a lot of water that comes across that and concern for the students when they are going to and from school. Mr. Turner said that any of the sidewalk that is being replaced will be replaced in-kind in terms of width, the sidewalk as you get closer to the school gets wider in width with the idea that the students will congregate as they get closer to school and would be more appropriate to have a 5' - 6' wide sidewalk once you get past the point where parents and students will be entering the school and that is why that width is a little wider then what you would see in a normal residential standard of 4'.

Ethan Schoolman, 423 Harrison Avenue, sworn and affirmed. He thanked everyone for the presentation, he is delighted to see a school potentially moving in, his property backs up to parcel c and would like to see the renderings in terms of the trees that would be put in lot b to create some barriers between the buses and the traffic. The Highland Park middle school, high school and elementary schools have been doing a lot of tree plantings and would be beautiful to have trees there and make the schools much more pleasant for the kids. He said that their bedrooms are on the second floor of the house and some of the light population from some of the warehouses and light industrial uses across the street is pretty intense and asked that be taken into consideration. He shares some of the concerns raised by the Board members such as large scale community events off school hours, and asked if buses would be used in off school hours and asked if there were any regulations for use of school vehicles during non-school hours. He is interested in hearing a little more about lot c, he did hear that is was planned for a single family home sometime in the future which is very appropriate but was concerned if there was any thought in making that another parking lot.

Avi and Marna Wolf, 403 Harrison Avenue, sworn and affirmed. Ms. Wolf said that her concern was also the width of the sidewalks on the corner of Madison and Harrison and going towards the school and how far onto our their driveway it would be and would they be able to park their car. She asked if there were any proposed plans to plant trees along the sidewalk that would

potentially go in and asked if something could be provided to the Borough for future maintenance because it is a homeowner's responsibility for maintaining the sidewalks if a tree were to pull them up. Mr. Turner said that the sidewalks installed along Madison Avenue from Grant Avenue to Cleveland Avenue would be 4' wide, assuming that is the width of the current sidewalk, it will be placed within the public right of way, not on private property and there will be street trees planted throughout the same area. Ms. Wolf asked if there would be monies allocated to provide maintenance for those trees in the long term. Mr. Turner replied no. Mr. Constantine said that the infrastructure improvements within the redevelopers agreement states that the new sidewalk along the Northside of Madison Avenue from Cleveland to Grant will measure 5 ½' to 6' in width and because there is no existing sidewalk on those lots that is a place where there was the potential to have a wider sidewalk and collects the other sidewalks and funnel point coming down Madison Avenue to the school and in other areas where they measure 4' that would be matched and located inside the exiting curb line will include the replacement of the existing curb, and the driveway aprons.

Mary Botteon, 709 Madison Avenue, sworn and affirmed. She supports the school and the drug free zone that would be created. She said this being a seven (7) day a week situation was new to them and they were under the impression it would be used five (5) days a week and appreciate the clarification. She said that it would be important for the town to keep track of what events would and would not take place at this location on the weekends and its use as a school is predominant. She said to Mr. Reiss' point she also was under the impression that the sidewalk would in fact be extended on Harrison all the way to the Edison border, this has been discussed several times and if there is confusion or it is not going to happen this is our opportunity to ensure that does happen. It makes no sense to have children walking up that way through Highland Park on no sidewalk there until they get half way up Harrison Avenue. There is a lot of confusion on whether the sidewalks are 4', 5' or 6' and those of us who have sidewalks pending on the front of their house or side and were told by the Mayor and several other members on this panel that would be negotiable and we are not looking to have 5 ½ to 6' sidewalks put in along those stretches and is not consistent with the sidewalks that run along Harrison, Cleveland or Grant at a maximum they are 4' and we are not looking for anything beyond 4' and requested they be less than that if possible because this cuts across the sides of all of our homes within the reach of fences, cars, air conditioners, and is something that really needs to be looked at. At the intersection, the placing of planters in the street and plastic stantions and flashing lights all things they would be very concerned about and does not know how the fire trucks, large delivery vehicles would be making their way through that intersection, trucks go over the Birnn corner often and does not think narrower is the answer she thinks wider would be better. No planters in the street as indicated in section one. The flashing lights on the stop sign let's put that on the back burner, and only installed if absolutely necessary. There were flashing lights at the corner of Lincoln and Madison for years they were so awful they were taken down it extremely disruptive to their quality of life. The issue with sidewalks being installed across our four properties on her property that is an extra 100' of sidewalk and her neighbors would have similar situation and asked the developer to put something aside for them for that increased homeowners burden, maybe something in escrow, and with the trees there are going to sidewalk slabs coming up and that is a big burden to bear of no initiation of their own. She was under the impression that the trees being put in front of the school would be put in at 4' tall to grow to fuller heights, and one of the renderings she saw they looked like small bushes.

Lou Garlatti, 401 Cleveland Avenue, sworn and affirmed. He said he is the adjacent property to the proposed site, he said that he was concerned with the parking with regards to the non-school uses. He said that he did send a note to Ms. Santiago that he noticed two errors in the application that may exist, the disclosure of the stock holder the entity names was misspelled, and the parcel

offset list that was posted did not include his property but acknowledged that they did get the certified notices he just couldn't find them on the list.

There being no further, Ms. Hammond closed public discussion.

Ms. Hammond said that the public general questions on how the sidewalks are going to impact their own private property did bring up some inconsistencies with where the sidewalks were going or the width of said sidewalks. She asked for some guidance with this issue.

Mr. Millet said based on the increased traffic and will that actually be the case, he can justify wider sidewalks in front of the school and he does not feel that there will be a lot of walking traffic or the amounts don't necessitate the wider sidewalks.

Ms. Hand said that she attended the other Yeshiva day school and all the kids thirty years ago walked to school and when you got to the front entrance students congregated and you needed the extra space and from that perspective and everyone is trying to make first bell and a lot of kids are there is going to be the need for some extra space.

Mr. Nolan said that the given the impact this is having on people's homes we need to be as gentle as possible, and a better understanding of what is actually proposed would be helpful and we need not do more than is needed.

Mr. Clarkin, Esq., said that the applicant does not have any objection to reducing the width of the sidewalks to 4', but would defer to Mr. Constantine as this was his design.

Mr. Thomas, Esq., said if you look at exhibit two in the plan, the pedestrian and sidewalk safety subsection c makes it very clear that the sidewalks will be between 5 ½ and 6 feet. If there is a general consensus that they should not be that, that is up to the Board and it does change the agreement and would require the Board to grant that exception or wait until the next meeting to see some sort of plan showing the sidewalk locations and width.

Ms. Hammond said that there were also comments about sidewalk being constructed from Madison on Harrison down towards the ravine. She said that everyone did receive an email with the sidewalks and believed it showed the width of those sidewalks. She indicated as an antidote that her children as well as her neighbors children walk to school and all of the sidewalks are 4' wide and there does not seem to be a bottlenecking problem. She thinks that making sure some of these sidewalks connect is important but 6' wide seemed disproportionate.

Mr. Hale asked about procedure, and what happens if the agreement indicates 5 ½' to 6' and tonight the Board decides that 4' wide is sufficient.

Mr. Thomas, Esq., said that this application is before the Board, the applicant's Attorney has indicated that they have no objection to reducing the sidewalk to 4' wide and you could indicate that the Board's decision is that the sidewalks on Madison are to be 4' wide and you are grant an exception from the developers agreement and especially since the applicant is not objecting.

Mr. Constantine said that this was one of the special routes that is in the Bike/Ped plan, generally complete streets pedestrian advocates and professionals have been trying to move communities where possible from 4' to 5' minimum sidewalks. It comes from two people walking

comfortably, pass people comfortably and inducing more comfortable pedestrian behavior. Having had several conversations with Teri Jover, the Redevelopment Coordinator and Borough Administrator, that the intent of the Borough is to go out and talk to the neighbors before we finalize the plans on these blocks, they put into this public infrastructure, exhibit what would be the widest possible sidewalk we might want. It is four neighbors along those two blocks, and the intention is to meet with those neighbors, and if the Planning Board wishes to recommend reducing that in an approval and he believes that to be on table and would definitely take that into consideration.

Mr. Nolan said that this was going to create a certain amount of anxiety, if we say this is what we prefer but will take it under consideration and see how it works out.

Mr. Hale said that the Safe Walking and Cycling Committee do indicate that wider sidewalks are better for pedestrians and they made a series of recommendations that are not being included. Mr. Nolan said that from a biking or walking stand point yes but is it fair to the individual homeowners and he is not comfortable saying we will see how it works out. He said that if all the other sidewalks in the neighborhood are 4' wide he is comfortable with that but not 5-6' wide.

Mr. Thomas, Esq., said that the Board has three options: 1. can say that you will take this action but with regard to the sidewalks on Madison it will be 4' and you are granting an exception; 2. you could defer to the Planner and Engineer in conjunction with the Developer and property owners and they will work it out or 3. You could work it out over the next month and come with a definitive decision at the January meeting.

Mr. Williams said that we are worried about the safety of children on the sidewalks and the Harrison Avenue issue up to the Edison border needs to be resolved as well. Concerning the Storm water, he would like a progress report from Bruce Koch in January and then we approve the application in January assuming the sidewalk issue is resolved. Mr. Thomas Esq., said that with regard to the sidewalks on Harrison he would defer to Mr. Clarkin, Esq. Mr. Clarkin Esq., said that the applicant is not willing to spend any additional monies on infrastructure improvements over and above the very generous \$200,000 he has already committed to.

Mr. Kluger asked Mr. Clarkin, Esq. asked how he responds to the McDonough & Rea Associates January 22, 2020 document that indicates that the applicant agrees to construct the missing sidewalks provided Highland Park obtain the easements. Mr. Clarkin Esq., indicated in those areas we will. Mr. Kluger said he certainly understands why the applicant may not want to do it because he would bet many of the other students walking are attending the other school in that area, but would like to hear what the rationale is that response that is a part or attached to the redevelopment plan. Mr. Stern said when Harrison was being discussed, Mr. Constantine can verify it, he was ready to pull the entire redevelopment plan and go into court to have this resolved. It was decided clearly that there are no sidewalks on Harrison Avenue of our responsibility and if you want anymore he will pull the application.

Mr. Hale said that if we look at the totality of what is being offered in this process and everything that we are getting in this process as a Borough is quite significant and as Mr. Stern very clearly indicated this was not something that he is prepared to do. Given the significant amount of other things that is something he feels is reasonable and is comfortable moving forward with.

Mr. Constantine said they had a clear direction in doing something for traffic, they looked at direction of Council at portions of streets beyond and tried to create a large bundle of public improvements and benefits related to infrastructure, 5,000' liner feet of pedestrian and bicycle improvements and no other application has ever supplied this much and the Borough's Ped/Bike plan is taking a huge leap forward. Harrison north of Madison at the municipal boundary, they looked at and there was a lot of concern whether the Borough was going to undertake in negotiating the easements, so what is proposed and what is in the exhibit two is the requirement for a green bicycle lane that would act to narrow the street in terms of traffic calming, provide a safe bicycle route all the way to the municipal boundary which is above and beyond what is called for in the Bike/Ped plan and pedestrians may also avail themselves to that bike lane for a safer walking route.

It was MOVED by HAND and seconded by HALE that the application be approved with the following conditions raised in the LRK report dated November 30, 2020, the Environmental report dated December 1, 2020, subject to the sidewalk dimension (width) on Madison Avenue as well as the corner property on Madison and Cleveland to be determined by way of review by the Borough Planner, the Applicant and the members of the public who are directly impacted, the fence in front of the building would be 4' not 5' in height, that this is an approval for a school and non-school activities are not subject to any approval being granted by this Board.

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

There being ten (10) ayes and no nays, the motion was approved.

Mr. Clarkin, Esq., thanked the Board for their time and efforts and the result. Mr. Stern thanked the entire Board.

Correspondence and reports.

Zoning/Building Officer report – Scott - None

Rehabilitation Screening Committee report – Kim - None

Action on any other business and work session.

Annual Reorganization Meeting – January 14, 2021

Ms. Hammond asked that the Board Clerk ensure we have a quorum and to proceed with scheduling.

Ms. Hadhazy reiterated her concern about the distance between the homes being built of South 7th and will set a precedent. Ms. Hammond said that it why we are here and why it is important to have people from different neighbors and have different experiences and we love feedback from the public because that's the only way we find out about issues that we otherwise would not know about or what really matters to people and that information comes up at many meetings and is invaluable.

Public comment on any item not on the agenda - None

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.

Adjournment

There was a motion to adjourn from MILLET and a second by HADHAZY at 12:25 am the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago
Board Clerk