

**HIGHLAND PARK PLANNING BOARD  
MINUTES  
March 11, 2021 @ 7:30 P.M.  
Council Chambers, Borough Hall  
221 South Fifth Ave. Highland Park, NJ  
Via Zoom**

**Call to Order**

The meeting was called to order by Chairperson Kim Hammond at 7:30 pm. Annual Notice of this meeting was provided to the Star Ledger on December 4, 2020 and to the Home News Tribune on December 4, 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 March 8, 2021, and was posted on the Borough website at www.hpboro.com and on the bulletin board and doors at Borough Hall, 221 So. Fifth Avenue, Highland Park, NJ on March 8, 2021, and has remained continuously posted as required by law.

**Roll Call:**

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

**Minutes:**

February 11, 2021 Regular Meeting

It was MOVED by WILLIAMS and seconded by HAND that the February 11, 2021 Regular meeting minutes as distributed be approved and with a voice vote by all present, and abstention from Perlman, Kluger, Nolan and Hale the minutes were approved.

**Hearing of new cases.**

Jassin, LLC	P2019-02
236 South 11 <sup>th</sup> Avenue	Minor Subdivision & Bulk Variance
Block 68, Lots 18, 19 & 20	

Roger Thomas Esq., indicated that there was a report from LRK indicating that they have reviewed the file and have recommended that it be deemed complete and suggested that the Board if in agreement, also deem the application complete for purposes of the record.

It was MOVED by HAMMOND and seconded by WILLIAMS that the application P2019-02 for minor subdivision and bulk variance from Jassin LLC, 236 South 11<sup>th</sup> Avenue be deemed complete, and with a voice vote by all present, the application was deemed complete.

Dominic Cerminaro, Esq., said he represents Jassin LLC for a minor subdivision, creating two conforming lots of 50x100 and not subject to any variances at this time as it is compliant with the requirements of a buildable lot in each case it does require the Board to review the performance standards as they deal with the slope at the rear of the property as well as the front facing garage. It is the intent of the application to build two homes one on each of these lots, each to have four bedrooms, three and half bathrooms. Mr. Patel the architect will address the garages and how they will fit into the Master Plan, how they comply, how they do meet the test in a certain way of the 50% but even if they don't they will review how each new home built on each side of this

location have front facing garages. Mr. Fletcher will deal with the slope issue and that appears to be the two required waivers of these performance standards.

Paul Fletcher, Professional Engineer/Planner, 54 West Pond Road, Hopeland, NJ, sworn and affirmed. Mr. Fletcher said that there were steep slopes on the northerly side of the site behind an existing retaining wall. The retaining wall is approximately 10' from the property line and in order to put a 30' home on the property and comply with the side yard setback of 10' it is necessary to move or construct a new retaining wall closer to the property line. This will allow some access behind the building, and the necessity of disturbing a small area of steep slopes. The extent of that disturbance would be approximately 72 square feet and would be constructed from modular masonry blocks, what is commonly know as Allen block, it would become somewhat higher because it is going sort of up the slope. There would also be at the suggestion of the Engineer, a safety railing would be installed on top of the wall. The approximate height of the wall would be between 5' and 6' and the approximate height of the wall now if approximately 3' or 4'. The existing wall is functioning but tired. There would be no impact on stormwater runoff as a result of moving the wall closer to the property line. Stormwater calculations were submitted to the Board and as a result of doing those calculations it was determined that the construction of the two homes as it affects Stormwater runoff it was found there was a nominal increase for the 100-year storm of 0.07 cfs, cubic feet per second. The Engineer has recommended that we provide stormwater mitigation in the forms of either a dry well or perhaps rain barrels and agreed to work that out to the Engineer's satisfaction. He assured the Board that there would be no adverse impact to the neighboring properties and by doing that would also create an improved situation just from the amount of runoff. The property in the front tends to slope towards the road and we are directing the runoff from the backyards to the road, and again will reduce the flow to the rear. In review of the Engineer's report, Mr. Koch, and feels that the application can comply with report, they are either statements of fact or suggestions that we will comply with.

Ms. Hammond said that she understood that the retaining was moving and you are still within your own setback of your side, and asked how far off the property that property to the right is from their property line, do they meet their 10' standard. Mr. Fletcher said that he did not know.

Vinu Patel, VP Architectural Design LLC, 200 Perrine Road, Ste, 202, Old Bridge NJ, sworn and affirmed. He designed the two new homes with front facing one car garages, the lot is relatively narrow, and taking the homes on either side of the proposed homes into consideration. The homes on either side also have front facing garages and they are relatively new homes. Because if the conforming lot size to fit any side entrance garages because the lot is very narrow, for a side entry there would need to be a minimum of 25' for the turning radius of the cars. The setback of these particular proposed homes are between 2'-3' forward than compared to the homes on either side to maintain as much of the rear for as a recreational area anticipating because of their closeness to Irving school and as four bedroom home they may have children. From a site angle, the 2' would barely be noticeable. He sees no detriment to the Master Plan by building these two homes with front facing garages.

Mr. Nolan asked what the setback of the front of the current structure to the street. Mr. Fletcher said the setback was 25.3' and the proposed setback is 20'. Mr. Nolan said that setback of the two houses next to it on either side is about 22'. Mr. Fletcher said that he did not know that exact setback of the adjoining properties. Mr. Cerminaro said that it was in the Planner's report,

which indicates 28' and the approximate of this is 26'. Mr. Nolan said that he was trying to get a sense of what the general setback of the neighborhood was. There is probably some back and forth and trying to get a sense of where these two new proposed houses would fit. Would they be the most forward setting of any house on the street or would they be somewhere in the range. Mr. Cerminaro said that the block is made up of apartments, older homes, and new homes within the last five years; the assumption was that the Board in placing these two new homes felt that was essentially in uniform with other houses on the block. Ms. Hammond said the homes on either side are newer maybe within the last 15 years, and their massing effects this application but that you know when we look for some uniformity and thinks there's other elements of uniformity, there are front facing garages on both of those other homes, they are built two and half stories high, so there are lots of similarities and she drove and tried to assess as best she could and most likely those other two houses are more at the 25' line and that this house will be somewhat in front of that. Mr. Cerminaro said that he could represent to the Board with the consent of the applicant that if the Board wants to move the house back 2' that does not pose any problem for the applicant but does reduce the area of recreation in the rear. Mr. Nolan said his general concern in the character of the neighborhood and that if the houses as they are developed start to creep up towards the sidewalk it changes the nature of the neighborhood. Mr. Kluger said that he walked the neighborhood and it is a very mixed block of older and newer homes, garden apartments and was not sure that it was an area that you would get consistency.

Mr. Fletcher said that the homes on either side are in front of the existing home at 236, and pointed out there third house going in the northerly direction can't be more than 5' from the front property line, besides that coming south is in line with the existing home immediately to our right.

Mr. Kluger indicated that he would have no issue with the front facing garages in this case and from the calculation perspective. Ms. Hammond agreed and some blocks in Highland Park are very regimented and this happens to be a somewhat odd block in terms of it curves and where the cross streets and agreed it was a fair analysis.

Mr. Cerminaro said he would like to address the Planner's report and indicated that he and applicant will consider all of the considered requests in proceeding forward. A lot of them have been discussed but those are decisions that they will make later on in the actual building of it and the permit applications. Mr. Thomas asked if the things talked about in the Planner's report, is your client willing to do. Mr. Cerminaro said that they will be considered as they are considerations, they are not requirements and the reason is because to simply say at this moment for trying to put a sidewalk around the tree, one has to look and see where the roots go, how far they go, whether or not that's the most efficient and best way to do it. Obviously, there is going to have to be a permit and it is going to have the design for the sidewalk, so all of those types of things would have to be considered. Ms. Hammond indicated that typically, we go over the Planner's report and we make sure that anything that is reasonable that can be agreed to is agreed to.

Mr. Constantine said that a comment on the Master Plan was provided in Item 6.1 and what is proposed is somewhat contrary to the recommendation in the Master Plan relative to the design recommendations for garage placement. The application that the Board approved in December on South 7<sup>th</sup> Avenue actually embraced those recommendations but had to ask for side yard variances in order to shift the single car attached garages, twice as far back but they floated into

the side yard which requires those setback variances. He also noted that this is a very unique context, you have two larger wider homes and wider lots flanking this and thinks the Board's comments about the "micro character" of that immediate piece of streetscape is different. He said that he did not think that the homes should protrude further as we recommend in the adjoining homes but the way they will not blend in because the way this street works is that starting at the north you have about a 65' wide lot then this is sort of its own terrace at its own level because of the retaining walls on each side. The next house down which is on a much wider lot with the two car forward facing garages is there so they are going to stand out on that middle tier on their own and they pop versus blend to the neighbors. The specific recommendations in Item 7.3 on the tree removal because the plans indicate that several trees are being removed but there is not replacement plantings and suggested some ways to adjust the landscape plans and try to incorporate the trees that are not being provided that are required by the Ordinance. Mr. Cerminaro said absolutely but that would be in conjunction with the Shade Tree Advisory Commission. He said that is not something you could agree to this evening, you have sit down with the Shade Tree Advisory Committee, tell them what you may suggest, once you take a look then obviously whatever they are going to say is going to have a great impact as to what you are going to do. He said that he is not trying to tell you that his applicant wants to avoid any of those things, he is just saying that he does not know that he can this evening. He said that he thinks the Planning Board and the Borough made those considerations not requirements of the standards. He is not here to not do many of those things he just does not know that he can commit this evening because if he did and then something had to be changed he would have to come back to the Board. Ms. Hammond indicated that he could commit to the number of trees. Mr. Cerminaro said that he was not sure that he could commit to the number of trees for example but suppose that Shade Tree came and says no you cannot put it there the roots system and that so now he would be putting in less than what you want. He said that they would gladly move the house back but from a planning standpoint, a decision needs to be made.

Mr. Thomas said that in regards to the trees and landscaping there could be a condition of approval that the applicant will end up agreeing to work the Borough Planner and the Shade Tree Advisory Committee in consideration of the tree removal and landscaping plan to accommodate the concerns. Mr. Cerminaro agreed.

Ms. Hammond asked Mr. Constantine in terms of the front yard setback, whether the two feet is better served in the front or the rear of the property. Mr. Constantine said that he feels it is better served with trying to have the alignment because the public has long expressed concerns about the way new homes fit into the character of existing neighborhoods. Ms. Hammond said so you would prefer to see the homes as on the plan pushed back 2' so they align with the front. Mr. Constantine said yes. Mr. Cerminaro said the applicant would agree to that.

Mr. Thomas, Esq. asked Mr. Constantine if there was anything else he wanted to point out to the Board or if he was comfortable with the items dealing with what amounts to Item 7.0 the fact that the alignment will be 2' back, there are a number of other items. Mr. Constantine said it is Item 7.4 the tree removal and replacement and 7.6 is the front yard setback.

Ms. Hammond opened the floor to the public, seeing no one public comment was closed. Mr. Kluger asked Mr. Koch, Borough Engineer, earlier the applicant said that they agreed with everything in your report or had no issue and asked if he was okay with that response or was there anything he needed or some affirmation responses from. Mr. Koch said he has spoken with

Mr. Fletcher about this and as long as it is on record and in the resolution then he was fine with it.

Ms. Hammond said that issues are the garage and the front yard. She knows that Alan Kluger and she feel that it is in keeping with the block and feel that actually the houses would be very much in keeping with the one house of the right and the two house to the left, facing this house and that the houses are directly across the street from garden apartments which really are of a completely different nature and couldn't compare. Mr. Nolan agreed.

Mr. Thomas said if there is a motion in favor and based upon what he has heard, it would talk about inclusions of the comments by Bruce Koch's of CME report, there was also specifically a reference to providing either a dry well or a rain barrel that would be worked out in the field, that there would be an agreement that they would move the front yard setback 2' on both houses, and that in regard to the Planner report that it would be included that items that they would work with the Shade Tree Advisory Committee as well as Mr. Constantine to incorporate appropriate landscaping plans generally in accordance with Item 7.5, Item 7.6 and 7.4.

It was MOVED by WILLIAMS and seconded by HALE to approve the application as indicated by Mr. Thomas: including of the comments by Bruce Koch's of CME report, there was also specifically a reference to providing either a dry well or a rain barrel that would be worked out in the field, that there would be an agreement that they would move the front yard setback 2' on both houses, and that in regard to the Planner report that it would be included that items that they would work with the Shade Tree Advisory Committee as well as Mr. Constantine to incorporate appropriate landscaping plans generally in accordance with Item 7.5, Item 7.6 and 7.4.

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

There being eight (8) ayes and no nays, motion passed.

### **Correspondence and reports.**

Zoning/Building Officer report – Scott

Ms. Hammond said at the last meeting Ms. Hand asked about the five parking spots at the former international food market. Mr. Brescher said that he had the spots secured and would be reaching out to the Planner about that. Mr. Constantine said that they have spoken, he has received a verbal but we need the agreement for those parking spaces and they may be at the dry cleaners.

Mr. Williams asked about the progress on the sidewalks on Madison Avenue. Mr. Constantine said that he spoke with the Administrator and we are going to meet with the neighbors once the weather breaks.

Mr. Williams asked Bruce Koch about the stormwater system. Mr. Koch said that he has not received anything yet.

Mr. Williams asked Mr. Hale that it appears that eminent domain was off the table for Ubry's. Mr. Hale said the Council is not in favor at all of using eminent domain for a working existing business, and many believe it is a policy choice to not use it on existing working and thriving

businesses. We currently do not have the requirements for eminent domain on that property and in order for use to even consider, it would require a whole other level of process. As designated right now even if the Borough wanted to we could not and if we wanted to it would require a significant amount of public hearings in order to move that forward. Mr. Williams said that he read somewhere that we could use that. Mr. Constantine indicated that we do have a potential to use it but that does not mean that we will, it was used for 4 properties, Gun & Boat, its parking lot and those two small parcels on Denison that are tucked behind it.

Mr. Kluger said there were some rumblings on social media about the warehouse being build on Cedar Lane right over the Highland Park border, and a number of people commented did the town know and if we did anything about it or did we get involved in the application to talk about the potential traffic issues coming into Highland Park. He said he asked the Board Clerk and was sent a copy so the town was aware and asked what the usual process was. Mr. Thomas said that the Borough Clerk would have received the notice and any property owner within 200' of the site would have been noticed. Mr. Kluger said that he did listen to that Planning Board hearing and they actually did have discussion about potential traffic coming into Highland Park and said the applicant is installing signs and would instruct their truckers to turn right and not left into Highland Park. It was discussed that they think the trucks will turn right anyway because that will be good access to 287, the turnpike and they don't necessarily want to get onto River Road. There is also some signage that's already there that talks about either trucks or certain traffic not being allowed at certain hours of the day if your coming into Highland Park. They made a few jokes about the Highland Park police will certainly be there on the border sitting there with their ticket books when the place first opens.

Mr. Constantine updated everyone on South 7<sup>th</sup> subdivision, we were supposed to report back to the Board when we received this exhibit that showed the proposed homes and the setback garages in relation to four homes on either side and we reminded the applicant this week in resolution compliance that we are still waiting for the exhibit. The applicant indicated they thought they had sent that but to have something next month.

Rehabilitation Screening Committee report – Kim – None

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

**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 WILLIAMS and a second by NOLAN at 7:52 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago  
Board Clerk