

**HIGHLAND PARK PLANNING BOARD
MINUTES
October 14, 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 January 29, 2021 and to the Home News Tribune on January 29, 2021. 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 October 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 October 8, 2021, and has remained continuously posted as required by law.

Roll Call:

Present	Kim Hammond, Scott Brescher, Khalidra Hadhazy arrived at 7:33pm, Matthew Hale arrived at 7:33pm, Rebecca Hand, Paul Lanaris, Padraic Millet, Jeffrey Perlman, Allan Williams
Absent	Alan Kluger, Steve Nolan
<u>Board Professionals</u>	Roger Thomas, Esq, arrived at 7:45 pm, Bruce Koch, Engineer, Chris Cosenza, Planner

Minutes:

August 12, 2021 Regular Meeting

It was MOVED by WILLIAMS and seconded by HAND that the August 12, 2021 Regular meeting minutes with revisions as distributed be approved and with a voice vote by all present, the minutes were approved.

September 9, 2021 Regular Meeting

It was MOVED by HADHAZY and seconded by MILLET that the September 9, 2021 Regular meeting minutes with revisions as distributed be approved and with a voice vote by all present the minutes were approved.

Action on any other business and work session.

- Ordinance changes per Master Plan recommendations

Ms. Hammond said that she had met with Teri Jover who indicated that the Council is preparing to get into the various recommendations that really came out of the Master Plan in terms of different land use aspects. She said that Ms. Jover asked if there were a need for a subcommittee to discuss those various aspects and her reaction was that those recommendations did come out of a planning board process and that really we had already made those recommendations; but after reviewing them with Mr. Cosenza, we realized that it may be worthwhile to perhaps have a quick conversation updating the board as to whether there was anything controversial. The process would be that an ordinance would be introduced by Council, then the Board would determine if it was not inconsistent with the Master Plan. She said that Mr. Cosenza was going to brief the Board on those recommendations and then we could determine if there should be a subcommittee review.

Mr. Cosenza, Planner, said it comes down to three main bullet points, the first would be recalibration of the bulk regulations, including setting a prevailing front yard setback requirement, proportional side yard setback requirements based on how large or small the lot is, everything right now is 10' in the RA zone. We would also be looking at building coverage and impervious coverage and maybe looking at lowering them on large lots and increasing them on small lots with a reasonable understanding that we are in a wetter climate and that we also do not want to trigger many variances for homeowners. There could also be ways

to add credit to incentivize green infrastructure without requiring it. The second group of revisions that we are looking at are small lot exemptions, adding a sentence or two that allows undersized lots to be built on without requiring a variance. The same could be applied, to a certain extent, for side yard setback requirements. And then (third), really the meat of what we went through two years ago, which was the massing of the structure for single-family and two-family dwellings. These include requiring a front walkway to the public sidewalk and clarifying that a sidewalk is required in all applications, wall length dimensional standards as well as fenestration requirements on both the front and the side of the house as well as the provisions regarding the location and the setback requirements and the orientation of garages. These also include driveway standards, as he understands it from working with Scott Brescher and Mike Mullin, there are none right now. And finally, in working with the Shade Tree Advisory Committee, setting some minimum numerical / dimensional standards for plantings which would include street trees, front yard trees, flowering trees, foundation plantings and the like. As a side separate ordinance, he was also working with Scott Brescher and Mike Mullin to clean up the fences, walls and hedges ordinance. There is another ordinance in the set of recommendations from the Master Plan which relates to non-residential uses - basically the development process of clarifying what is needed and what exemptions could be made for minor improvements to commercial properties, making it more business-friendly than what is being done right now. We are finally ready to move forward with the form-based code and Ms. Jover and I thought that you really only get one bite out of the apple - which is yes it is not inconsistent with the Master Plan - but we thought you may want to talk about it. You could have a subcommittee, which would only need to meet once or twice, since I believe the recommendations are about 90% there so it's just a matter of getting to that last hurdle and tweaking and testing a few things. The other option is, if not a subcommittee then, we could certainly be willing to have a presentation to the Planning Board before introduction of the ordinance to Council.

Ms. Hammond said that the idea of a presentation to the full board would give us just enough time to give some feedback and enough time to respond to that feedback. Mr. Thomas, Esq., said that he agreed, this board has its own personality whereby there are opinions and there are opinions of those opinions, there is a need to hear those opinions and therefore I think the full presentation is the way to go so that everyone has an opportunity to voice his or her opinion.

Ms. Hadhazy said she very much liked the idea of a presentation to the whole board and if we could convene a special meeting for this presentation so that we don't have to make any decisions about the information we receive from the presentation right on the spot. She would like to have some time to understand what it is she is being presented and give an opinion and thinks that would be beneficial to everyone.

Ms. Hammond said that would be a simple enough thing to accommodate even with our regular schedule. There is no special time line, she thinks they could have a regular meeting, supply the materials before they made the actual presentation, maybe even a short memo to describe in layman's terms what it is we are trying to achieve.

Mr. Perlman said that he concurred with Ms. Hadhazy and Mr. Thomas, Esq. He said his experience with form-based codes is it's a little different than perhaps what we are used to as a planning board when we are receiving applications and reviewing memos about what variances are needed. We should all have the same amount of understanding none of us should be left behind as we learn and are exposed to the new code. He said that it would have to be a meeting where there are no applicants waiting for us to finish up. Ms. Hammond said that this would be on our own schedule there is no deadline to be met. Ms. Hammond indicated to the Board that Mr. Cosenza had another meeting to attend. Mr. Cosenza left the meeting at 7:45 PM.

Councilman Hale said that the Council knows that this is coming, but wanted to ensure the Planning Board has all the opportunities that you feel like you need to advise and consent and to put it together, so there will be no pressure from the Council to get it done immediately, so take the time you need and take the time needed to do it right.

Mr. Williams said Ms. Jover mentioned that they were going to have in the e-code the ability to put in a lot of graphics, which is worth a thousand words. Ms. Hammond said that will be an interesting new aspect. The code was always all written words and this is the first time it is going to be permitted that there can be diagrams or examples. I hope that that will be an asset and it will be interesting to see how that plays in.

- Change on Completeness/Development Application

Ms. Hammond said in January as a board, it was discussed that we wanted to kind of formalize that whatever materials and professionals were going to the redevelopment entity that we had the same access both to materials and those professionals for planning board hearings. Roger Thomas, Esq. wrote a memo to the Council and she had met with Teri Jover about that, and they were fine with that, she provided an example of where there had been a situation where we had further questions for someone that no one could answer. She said that they would be formalizing that into the code. Councilman Hale said that it makes perfect sense and the Council was happy to do it, so we gave that direction to Ms. Jover.

Ms. Hammond said that with any application it behooves us to look over any materials as we can sooner rather than later, drive by sites and a lot comes out of the actual hearing that you can't anticipate and some of the reasons we wanted to have access to those professionals were things that were really just coming up at meetings so maybe that will make things a little bit better.

Mr. Thomas, Esq. asked Mr. Hale about the memo that was sent, and he is assuming that the Council will direct Mr. Schmierer to do the ordinance. Mr. Hale said that was his understanding, as long as Mr. Thomas, Esq. was okay with the memo that is what Mr. Schmierer outlined in his memo and as long as it is good on your end, I think we are ready to move ahead.

Correspondence and reports.

Zoning/Building Officer report – Scott

Ms. Hammond said that it was discussed and we asked that the Code office think about whether someone in your office or if you could at some future time do a permit 101 or give us just a quick statement even, there was an interest in board members understanding the bullet points of the permitting process. Mr. Brescher said that he thought Ms. Jover has mentioned it to her; she mentioned it to Mr. Williams that you were working on that over the last couple of days.

Ms. Hammond said that was great, Ms. Jover did mention you were looking into different aspects of the permitting like the demolition, if it's a special sort of site where we know there's been other know contaminants and looking into to whether that would be a different demo process. If there is a structure or property that is being demoed in one of those areas so that is good to know.

Ms. Hammond asked about the parking agreements for the old international foods. Mr. Brescher said that was received, they have one unit rented that he knows of, they have one of the storefronts that is going to be rented shortly by a business already in town and is relocating.

Councilman Hale said that he and Mr. Williams sat with Ms. Jover about some of those things you were mentioning to Mr. Brescher, he thinks it was a good meeting, there was a lot of ideas in that memo that he thinks they are going to be able to implement, it is a work in progress before any of those things happen and we will run them by everyone but came away from the meeting thinking there was a lot of common ground particularly around demolition and how to move that forward.

Mr. Williams said that he agreed with Mr. Hale, Ms. Jover indicated that in a sense the planning board would be a partner, we get to see it, it will go through a couple of iterations, so he is confident we will come out with a better process and that we will avoid situations like 238 Cleveland in the future but it is going to be a couple of months or so to get everything right. We have to also check with the lawyers that we are not overstepping our authority, but he was very happy with the meeting.

Mr. Millet said that he would like to add after reading the memo which was very concise and very understandable, the one thing that came to mind was in not normal residential demolition of bits and pieces but if somebody's coming in and buying a property and scraping a house that may be a situation where contaminants are kicked up into the air and that should be included and not just in old commercial sites. There is plenty of houses in Highland Park that have nine by nine tiles in their basement or something to the effect so when somebody is coming in and buying two lots and scraping the houses and putting up their "McMansion" and that should be looked at as well. Mr. Williams said that some of the insulation used in old homes you could not use today.

Mr. Williams asked Mr. Koch about the compliance review for 238 Cleveland Avenue, have we received any additional reports. Mr. Koch said that he has been amassing the documents and will be moving forward with that, he did not want to do it in piecemeal, so he is going to base it on what he currently has. Mr. Williams asked if it was more than just the LSRP report and the testing. Mr. Koch said that it should be the updated plans outside agency permits, all of the things in his reporting; Mr. Cosenza will do it for his report as well. Mr. Williams asked concerning contamination, have we received any additional reports? Mr. Koch said that he did not recall seeing anything additional, Ms. Santiago agreed, anything received in the office is immediately distributed to the board members and professionals.

Ms. Hammond asked if the project was on hold until all that is that you are amassing all of that information. Mr. Koch said not the project but the resolution compliance was. He will go through everything now, as will Mr. Cosenza and we will issue our memos and then the applicant can start to address them.

Rehabilitation Screening Committee report – Kim - none

Public comment on any item not on the agenda.

Ms. Hammond opened the meeting to the public,

Lois Lebbing, 100 North Second Avenue, said when listening to these new applications and developments would you please review perhaps at a work session the Municipal Land Use Law 40:55D, paragraph 35 concerning building lot abutting a street, talks about public health, safety, and general welfare on that particular street but more importantly section 38 of the Municipal Land Use Law under provisions ensuring that the contents of the ordinance provisions ensuring number three adequate water supply drainage, shade trees, sewage facilities and other utilities necessary for essential services to residents and occupants. As you know, I am sure you and your neighbors got some floodwater; she got more than floodwater, first time in 32 years. The Borough neglected to do their jet vac. The sewer clean outs we have not seen for years and years and so now it's come back to haunt us as it did in 1988-1989. The new toilet and backflow valves almost four thousand dollars that did not go to the Borough or to anything else thanks to not jet vac'ing and

not clearing the storm drains, which overflowed even though the manhole cover was bouncing up in the section of North Second and Denison. She said Ida was bad but Floyd didn't give us any basement water for a 30 year old rug never got wet until beginning of September, Irene and Sandy no problem, any of kind of flooding we have no sump pump and the neighbors got worse than our six-seven inches, thirteen to eighteen inches by us at this intersection. So please, she doesn't know how you check the facilities, the drainage, the town whether the governor should call a moratorium, 30 people had to drown and die in the flood across the state, there has to be some kind of checking on the over development of this Borough on these antiquated sewer lines. You cannot put a 450-cv engine into a 1922 sewer line or 1992 model a ford. Consider your neighbors and yourselves, I am sure you suffered too.

There being no one further, public comment was closed.

Adjournment

There was a motion to adjourn from HALE and a second by MILLET at 8:05 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago
Board Clerk