

HIGHLAND PARK PLANNING BOARD
MINUTES
December 9, 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 December 7, 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 December 7, 2021, and has remained continuously posted as required by law.

Roll Call:

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

Minutes:

November 4, 2021 Regular Meeting

It was MOVED by WILLIAMS and seconded by MILLET that the November 4, 2021 Regular meeting minutes with revisions as distributed be approved and with a voice vote by all present, and abstention from Hale, Hammond, Lanaris, the minutes were approved.

Presentation:

Chris Cosenza-Land Use Ordinance Amendments per Master Plan

Mr. Cosenza said it has been almost two years since we adopted the land use plan element of the master plan, which contained recommendations on how we should tackle residential code based on some issues we identified. As you know, when there is an ordinance to be adopted relative to land use, it is introduced by the Council, and the Planning Board does a consistency review to ensure the ordinance is not inconsistent with the master plan. Since this would be a really big change to the zoning ordinance for residential properties, we thought it would be a good idea to do a review of the provisions. The proposed amendments include a recalibration of the bulk requirements, small lot exemptions, and residential design provisions. Highland Park is interesting and unique; it mainly has one residential district, the RA Zone. We identified 2 out of every 5 residential lots are not conforming. These lots are not located just in the triangle as we know it, they are located in the entire community. Even though neighborhood character and prevailing conditions suggest that on a 100 foot wide lot you typically have a 20 foot setback, there are lots that are 100 feet wide with 10 foot setbacks, 35 foot wide lots with 10 foot setbacks, and a setback as narrow as three feet where the requirement is 10 feet so there's a bit of disconnection. This first of three amendments, as indicated in the master plan, include setting prevailing front yard setback standards. We will set the prevailing front setback for a neighborhood, if the neighborhood setback is 30 feet, a new home would need to comply with the 30 foot setback. There should also be some flexibility to deal with those cases where a setback varies slightly within the prevailing setbacks. Regarding side yard setbacks, instead of having a fixed 10 foot setback on each side no matter what lot size you are, the setbacks would be proportional depending on the

lot size. For example, if the lot width was less than 40 feet, the single side yard setback would be 5 feet with a combined setback of 15 feet. If you have a larger lot width of 100 feet or more, the single side yard setback would be 12 feet, with a combined setback of 30 feet.

The second proposed amendment would be revising the building and impervious coverage percentages based on lot area. A lot 4,000 square feet or less would have an allowable building coverage of 35%, with an allowed impervious coverage of 45%. A lot 20,000 square feet or more would have an allowable building coverage of 20% with an allowable impervious coverage of 30%. The current ordinance allows for an additional 5% of building and impervious coverage for decks, our suggestion would be to allow an additional 5% coverage for porches to incentivize porches, and possibly an additional 5% coverage for green infrastructure to reward people for doing the right thing. Also proposed are exemptions for undersized lots. For single family and two family dwellings we would get rid of the trigger of the automatic variance for lot size and width deficiencies that cannot be controlled. Exemptions can be added for non-conforming setbacks to allow additions in certain situations without triggering a variance.

The last amendment pertains to the residential form based code. The idea here is to make clear what is permitted and add provisions that are more in line with the neighborhood no matter what neighborhood you live in. Right now the zoning ordinance does not require sidewalks, but this would codify public sidewalks are required in the right of way for every single application for a new home, and private walkways shall be provided to facilitate pedestrian access between the front entrance of the dwelling and the public sidewalk. The obvious thing is you need a front entry that faces the street, and the maximum length of any wall facing the street shall be 40 feet. The maximum wall length allowed would be 40 feet, but it can be longer by stepping it inward or outward. These are some of the advancements considered over the past couple months, limiting blank walls to 15 feet, and requiring minimum fenestration as well spacing between windows. For the side walls it is really the same thing, maximum wall length allowed is 40 feet, with a maximum blank wall of 25 feet allowed. Moving onto garages, for a front entry garage it should be recessed behind the nearest portion of the principal structure's front facade by a minimum distance of 16 feet, and the maximum garage width should not be more than half the house. If the garage is located at the side or rear of the house, the minimum setback would be 8 feet. On corner lots the garage shall be located on the side of the dwelling farthest away from the intersection, and on a corner lot 60 feet or less in width, the garage shall be accessed by a driveway from a side street unless it is a one way. A driveway should not be more than 10 feet at the property line, and can flare out to 20 feet in the yard with a maximum coverage of 35%. For u shaped driveways a lot width of 100 feet or more is required.

There will be minimum standards for the number of foundation plantings to be provided along the front and side of the home. A variety of species are encouraged to avoid mono-cultures. For front yard trees the average plantings should be 2 ½ inches in caliper at the time of planting. Street trees should be provided at intervals of approximately 25 to 40 feet, and there will not be any trees allowed within 25 feet of an intersection.

The next steps for these recommended changes would be to coordinate with the borough attorney to lay the legal framework. A first reading/introduction would need to go to the Council, the changes would return to the Planning Board for a consistency review, and would go for a final reading/public hearing with the Council.

Ms. Hammond commented that there is a diagram for minimum fenestration but there are not any numbers or formulas provided. Mr. Cosenza stated those details are already listed in the land use plan element. Mr. Millet asked how neighborhoods are going to be defined. Mr. Cosenza explained the best way to deal with that is through dynamic zoning which will adopt regulations according to the lot size and prevailing setbacks and conditions. Mr. Thomas, Esq. said in practical terms of recognizing Highland Park does have

some unique streetscapes, I think in some ways maybe the term should be streetscapes as opposed to neighborhoods because neighborhoods imply maybe more than one street or larger area of uses. Mr. Perlman stated that he agreed with Mr. Thomas using streetscape as the defining characteristic for looking at setbacks and other bulk standards, and he asked if there would be anything in the revised ordinance about shared driveways. Mr. Cosenza commented that shared driveways would be worth addressing in the revised ordinance. A homeowner made an application to put a fence up on a shared driveway so something should be written to address keeping the driveway open by adding a requirement of a deed restriction. Mr. Hale said he likes the reward for green infrastructure but it seems that it could be quite complicated to define what exact amount of green infrastructure you have to do to get the bonus. The details on that bonus are going to be important. Mr. Cosenza stated the simplest thing to do is when there is a recharge area of a certain square footage, a certain percentage is given back and doesn't count as coverage. Ms. Hand stated while she likes the incentive for green infrastructure, if you keep doubling and tripling up on the bonus coverage, suddenly you have more lot coverage. Open space should be protected which is why we have coverage issues in the first place. Also there was not anything in the design standards regarding building height. A 35 foot home was built, but the first floor was 10 feet in the air. It looked ok for where it ended up, but it did raise the question of how high are we going to let people build from ground level. Mr. Cosenza stated he did not put anything in the presentation about the maximum height people can build from ground level but it is an important issue that he has run into in other towns. In Princeton, the maximum distance between the finished floor elevation of the first floor and the existing grade cannot be greater than four feet, which worked successfully; I will definitely share how we wrote that. Ms Hammond asked when it comes to defining a neighborhood it leaves a lot of discretion to the zoning officer. It could be a can of worms when a homeowner thinks a property falls into the code a certain way versus the way the zoning officer may look at a property. Mr. Cosenza said to make it as simple as possible, the ordinance will provide guidelines of how to measure the setback of the home, for example, you would measure the front yard setback from the curb to the front of the house. This is something we need to discuss with the council, but in the end I want to create something workable.

It was agreed any further comments can be sent to the Board Clerk by the beginning of January to relay to Mr. Cosenza with Mr. Hale copied on the email.

Motion for adjournment of any scheduled cases and any other motions.

Request for Extension:	Jassin, LLC	P2019-02
	236 South 11th Avenue	Minor Subdivision & Bulk Variance
	Block 68, Lots 18, 19 & 20	

Mr. Thomas, Esq. stated a minor subdivision deed needs to be filed with the county in 190 days. The applicant has not filed a deed with the county yet, and asked for an extension. Since the applicant seems to be close to filing, my suggestion is an extension of 45 days from today should be given. Mr. Cosenza said he and Mr. Koch need to review the plans before the deed can be filed. The applicant's engineer was delaying getting us the revised plans which were received last week so additional time is needed. It was agreed to grant an extension for 90 days.

It was MOVED by MILLET and seconded by WILLIAMS to approve the extension for 90 days.

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

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

Consistency Review-Ordinance Concerning Performance, Maintenance, and Related Guarantees

Mr. Thomas stated several years ago there was a change made to the MLUL, and as a result it gave way to a change in the statutory language in terms of how guarantees, bonds and things of that nature were established. Our ordinance was never amended to be consistent with that change so what is being done now is the ordinance is being amended to be consistent with the MLUL.

It was MOVED by HAMMOND and seconded by MILLET that the ordinance is not inconsistent with the master plan.

ROLL CALL: Ayes - Brescher, Hale, Hand, Kluger, Lanaris, Millet, Perlman, Williams, Hammond

Nays – None

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

Consistency Review-Affordable Housing Ordinance: Restricted Control Periods for Ownership and Rental Units

Mr. Thomas stated as a result of discussions between the Borough Attorney, Ed Schmierer, and Jeff Surenian, Affordable Housing Attorney, there are proposed modifications to the affordable housing ordinance. The change talks about the affordability regulations at the end of the original 30 year period. This is something in the best interest of the Borough because you want to end up having the ability to have as much credit for affordable housing as you can.

It was MOVED by PERLMAN and seconded by HALE that the ordinance is not inconsistent with the master plan.

ROLL CALL: Ayes - Brescher, Hale, Hand, Kluger, Lanaris, Millet, Perlman, Williams, Hammond

Nays – None

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

Correspondence and reports.

Zoning/Building Officer report – Scott - None

Rehabilitation Screening Committee report – Kim - None

Public comment on any item not on the agenda.

Ms. Hammond opened the meeting to the public for matters not on the agenda; see no one public comment was closed.

Ms. Hammond stated she is resigning from the board, her term is up at the end of the year so she will be stepping down. Alan Kluger and Steve Nolan will also be stepping down from the board as well. Ms. Hammond nominated Ms. Hand as Chair, and it was seconded by Mr. Hale.

ROLL CALL: Ayes - Brescher, Hale, Hand, Kluger, Lanaris, Millet, Perlman, Williams, Hammond

Nays – None

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

Adjournment

There was a motion to adjourn from WILLIAMS and a second by MILLET at 8:44 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago
Board Clerk