

**HIGHLAND PARK PLANNING BOARD
MINUTES
October 13, 2022 @ 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 Rebecca Hand at 7:40 pm. Annual Notice of this meeting was provided to the Star Ledger on January 29, 2022 and to the Home News Tribune on January 29, 2022. 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 11, 2022, 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 11, 2022, and has remained continuously posted as required by law.

Roll Call:

Present	Rebecca Hand, Alvin Chin, Matthew Hale, Padraic Millet, Jeffrey Perlman, Allan Williams
Absent	Scott Brescher, Khahlidra Hadhazy, Paul Lanaris, Daniel Stern Cardinale,
<u>Board Professionals</u>	Clifford Gibbons Esq., Chris Cosenza, Planner, Bruce Koch, Engineer

Action on Any other business:

Consistency Review: Concerning the Borough of Highland Park Affordable Housing Program and Amending Chapter 230 of the “Code Of The Borough of Highland Park” Concerning Deed Restricted Control Periods and Mandatory Set-Aside Requirements.

Ms. Hand noted that this ordinance has been proposed by Council and referred to the Planning Board for a consistency review. This means that the Board has to determine if this proposed amendment to Chapter 230 is not inconsistent with the town’s master plan. Anyone needing guidance on where they can find the master plan, it’s located at hpboro.com under the tab government, sub tab planning and zoning and there’s a link to the master plan and its re-examination reports.

Mr. Hale noted that this sets aside specific percentages of new development housing as affordable. In rental units that would be 15% and for sale units it would be 20% which is consistent with what is standard procedures throughout the state. It is consistent with what was put in the most recent RFP redevelopment requests and is essentially codifying the amount of affordable housing set asides that Highland Park wants in all of their new developments which is over 5 units. It is making sure that the affordable housing requirements for Highland Park are set in stone. It does allow in a redevelopment plan for negotiations to go either higher or lower on that but the basic standard requirements will be 15% for rental and 20% for sales.

Attorney Gibbons noted that he has reviewed the proposed ordinance and he believes that it is legally sufficient as to form and content. It does comply with the set aside requirements and he believes it is legally sustainable and he has no objection to it. He did have the opportunity to review it at length the last couple of days.

Mr. Chin commented that when this was proposed in May or earlier this year, he was trying to figure out why we took this approach and one of the things he heard from the Borough Council was that our affordable housing attorney pushed this as necessary for us to be compliant with the MLUL. He was hoping to get some clarity on what that means. Attorney Gibbons noted that in terms of compliance with the MLUL you have to have a housing element. It is a mandatory aspect of your master plan. A housing element to be legally sustainable itself has to have an affordable housing component. By doing this we have made our master plan legally supported. It has all the detailed aspects that it must have in order to be a complete

housing element. If we were sued, which happens a lot, we would not be overturned on that basis. This is a key consideration because to leave this out of the master plan is like leaving yourself exposed. It is good that the board has done this. The 20% set aside and the other details that are in the ordinance are consistent with the prevailing law. We are doing what we need to do to be right where we need to be.

Mr. Millet commented that having worked on the affordable housing issues and all the lawsuits, this 15% and 20% totally aligns with what our standards were in the past. It is codifying what we have already done and establishing in the master plan what we have done and what we hope to do in the future. The only thing he saw that was an actual addition was something about after 30 years the borough having the right to continue it as long as they want or add to it. Attorney Gibbons noted that this is consistent with what the borough's practice and pattern has been for at least a decade or two. He agrees with Mr. Millet. It codifies what your procedure has been.

Mr. Williams asked if this is going to impact redevelopment, making it less desirable to redevelop. Mr. Hale noted that his interpretation is that it will not because in 30 years, he thinks most developers expect that most towns will have set asides like this. Our affordable housing attorney has said that he believes that that is the trend in the state and he believes that us saying that after 30 years we have the ability to extend it that is something that is happening elsewhere and is something that will be the standard practice. He does not expect it will have a detrimental effect on redevelopment.

Mr. Chin asked if that was the Princeton versus the Avalon Bay developer. Attorney Gibbons noted that was correct. Mr. Chin commented that given the exceptions for developments of four units or fewer that most of the affordable housing generated by this set aside will be either along the downtown strip or at the fringes where there is still some land that is possibly developable. He asked if it is anticipated that most of the affordable housing will be in the downtown area generated by this law. Mr. Hale noted that all of the current redevelopment along Raritan Avenue would include affordable housing set asides.

Ms. Hand commented that looking at it there is also the opposite problem talking about discouraging people from redeveloping if you include four family units. Number one, how do you determine the 20% it'll just automatically go up to 25%? If you tell people that if you're building is something as small as a four family one of those units is going to be restricted it will discourage smaller developments or single property owners just looking to rebuild what was already there. From the projects she has seen on the board over the years, the board has consistently taken the strong position that the affordable housing units have to be accounted for and all the new developments that have been coming down the pike. She thinks that is very consistent with the town's goals overall to ensure that there continues to be affordable housing set asides because our town is very expensive to live in as a medium price value to either rent or own. It is important that we protect and preserve the ability to live here for people. She views mandatory set asides for affordable housing to be consistent with our master plan.

Mr. Perlman commented that he thinks it is desirable to have affordable housing across the town, across the board, not just on the arterial or at the periphery. He is fine with the way this ordinance is written and he thinks it brings up a good policy discussion that the Planning Board could take up at some point and really think through and the other issues in the master plan which was exploring accessory dwelling units and that missing middle density stuff.

Ms. Hand noted that the upcoming developments do all seem to be downtown. Let us not lose sight of the fact that it was part of the development on Cleveland Avenue for the American Properties development and the two big townhouse developments and it is going to be part of the Buck Woods development. It happens to be the next set of projects are downtown focused, but the larger projects as they have developed did have

and continue to have that mandatory set aside that are not on downtown and are set back in the residential neighborhoods. She is proud to note that it did occur and it has been ongoing. It is down on South 5th Avenue, it is up between North 2nd, 3rd and 4th. It is very challenging to find that affordable set aside in a more single family neighborhood when you are building individual lots. The problem of finding affordable housing and addressing the missing middle is an ongoing discussion.

Ms. Hand opened the meeting to the public. There being no public present wishing to speak, public comment was closed.

It was MOVED by MILLET and seconded by PERLMAN that this ordinance is not inconsistent with the Master Plan.

ROLL CALL: Ayes – Chin, Hale, Millet, Perlman, Williams, Hand.

Nays – None

There being six (6) ayes and no nays, motion passed.

Correspondence and reports.

Zoning/Building Officer – Ms. Hand reported on behalf of Mr. Brescher that there is not much going on in town. The Cleveland Avenue houses are progressing. The two modular homes on South 7th Avenue are almost complete and 37 Cedar Avenue brought in a demolition permit to remove an eight car garage.

Board discussion of status and implementation of prior matters – Mr. Perlman commented that he has seen a lot of the emails about completeness review for Gabrielle Estates and more recently the project on Raritan Avenue. The applications come in and are distributed to the professionals and some of the boards and commission. The memos are coming in, but they do not have context and he does not have the application. He asked about the process for when the board actually receives the application. Ms. Hand commented that she does not think the full application is part of the checklist. We had been talking about updating the checklist to include the full application. Planner Cosenza noted that the professionals are reviewing the application for completeness in almost all the cases. For Buck Woods and 130-134 Raritan Avenue, they are missing quite a bit of information so they cannot legally deem them complete. Maybe the question being asked is, can the board members look at the plans while the professionals review them for completeness? Ms. Hand noted that before an application is deemed complete, those applications do get revised and changed. If the board saw how the sausage was being made before the final presentation, it might be prejudicial to their final application if they had taken the time and effort to make changes that would have upset the board or violated other procedures. She agrees with his frustrations when she gets the memos. She thinks applicants have to have the freedom to make those adjustments in order to preserve what they intend to fully present as their actual application as opposed to what's just in the works.

Mr. Williams commented that in the past, sometimes the Environmental Commission got the application but did not have time to review it before the Planning Board meeting. That is how they now get the initial application so that they have time to review it. If Mr. Perlman wants to see the plans, he can get them from the Board Clerk. Mr. Perlman commented that he does not need to see the first draft of everything. Mr. Williams as part of the Environmental Commission does see initial site plan submissions and is not prejudiced by reviewing them. He represented that he would not be prejudiced either. The Planning Board is constructed of town officials and members of other committees/advisory committees who sit on the board that is structured under law. He would appreciate if there was a little more predictability or at least some sort of guidance where something is along the process other than just seeing memos coming across his

email. It is his responsibility to read the memos but he does not have anything to reference and that is what makes it not efficient with my time.

Ms. Hand commented that this is our last zoom meeting. Our next meeting will be in person at borough hall. We are discontinuing our zoom meetings although there is a plan to continue to record the meetings and post them online for public review.

Mr. Perlman asked if there will be a hybrid option for members of the public who do not wish to attend and might be immunocompromised. Mr. Hale noted that the Administration Committee, the Mayor and Borough Administrator are exploring what the potential options are for a hybrid option but he does not think that they have come to that decision yet about how to offer that effectively. Mr. Perlman commented that he wished they had figured that out before pulling people back in. He commented about meeting duration now that they will be back in person. The bylaws indicate that no testimony will be taken after 10:30 p.m. and public hearings terminate at 11:00 p.m. There are some board members who work the next day and there have been some meetings that have gone past midnight which was fine when it was remote. If it is in person, he thinks they need to advise applicants and members of the public about the bylaws and the regulations. Ms. Hand agreed with his concerns. They will have to make a more concerted effort to spread out applications and avoid double bookings on bigger plans.

Mr. Millet commented that there was talk of combining planning and zoning and he wanted to know if there was any movement on that. Ms. Hand noted that it is news to her.

Public comment on any item not on the agenda – None.

Adjournment

There was a motion to adjourn from WILLIAMS and a second by MILLET at 8:12 pm the meeting was adjourned.

Respectfully submitted,

Tania Varela
Board Clerk