

HIGHLAND PARK PLANNING BOARD

MINUTES

April 13, 2023 @ 8:30 P.M.

Council Chambers, Borough Hall

221 South Fifth Ave. Highland Park, NJ

Call to Order

The meeting was called to order by Chairperson Rebecca Hand at 8:30 pm. Annual Notice of this meeting was provided to the Star Ledger and to the Home News Tribune on January 31, 2023. In addition, notice of this meeting was faxed to the Home News Tribune and emailed to The Star Ledger and the Highland Park Planet on April 4, 2023, 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 April 4, 2023, and has remained continuously posted as required by law.

Roll Call:

Present	Rebecca Hand, Scott Brescher, Alvin Chin, Khahlidra Hadhazy, Matthew Hale, Paul Lanaris, Padraic Millet, Jeff Perlman, Daniel Stern Cardinale, Allan Williams, Stephen Eisdorfer
Absent	None
<u>Board Professionals</u>	Roger Thomas, Esq., Bruce Koch, Borough Engineer, Chris Cosenza, Planner

Public Hearing:

Review of 420-424 Raritan Avenue Redevelopment Plan, Block 3002, Lots 3, 4, 5, 6, 8, 30, 34, 35, 36 & 37.

Ms. Hand noted that the Planner is going to give a presentation on what the Borough Council would like the Board to review. We'll review it to make sure this plan is not inconsistent with the borough's master plan which can be found on the borough's website.

Planner Cosenza noted that the Borough found out in the summer about the pending closure of the grocery store and it created a real need for interim steps about what to do with the area because there would be a time period where the borough will be faced without a local grocery store. In regards to planning for the development/redevelopment of the grocery store site, the Borough Council decided it was best to be proactive with its planning for the site through the local redevelopment housing law. Through that process, there's a number of benefits that can be done and gained from going through that process, one of which is a redevelopment plan which is what the board is here to review tonight. Before you adopt the redevelopment plan, an area must be designated first as an area in need of rehabilitation or an area in need of redevelopment. In 2016, the entire municipality was declared an area in need of rehabilitation and recently we went through the area in need of redevelopment site through a preliminary investigation to get the better benefits through the redevelopment designation as opposed to rehabilitation. That is the process by which the Borough Council advised, through the redevelopment entity and the Planning Board to take. First, do an investigation through these steps by adopting a resolution to authorize a study, asking the Planning Board to review the study and make recommendations, which this board did just a couple of months ago with the recommendation that this area should be declared as an area in need of rehabilitation, non-condemnation. Then the Governing Body decided whether or not to delineate that area, which they did, and they designated the area as an area in need of redevelopment and sent the resolution to the state DCA office. The next step is to do the plan and that's what we're here doing tonight. The redevelopment entity prepared the plan and they introduced it like a land development ordinance and referred that ordinance to the

Planning Board. Tonight we are doing a consistency review of the redevelopment plan with the master plan. As part of that ongoing process, we had a community meeting at the end of February to explain this is what's happening. Among the various topics that were discussed were what we are going to be doing in the meantime. We also expressed and released a couple of concept plans of what we're thinking for redevelopment. Those plans were shown and incorporated into this plan. Mayor Foster held the community meeting and expressed that this is an important issue to the Governing Body. There are certain statutory requirements necessary for a valid redevelopment plan. There needs to be a statement of relationship to the local master plan as well as the neighboring municipalities, the county and the state plan, some sort of provision for relocation of housing units and zero emission, EV charging equipment for public use. A redevelopment plan is a mini master plan and a mini zoning ordinance for a very specific area in the borough. The Planning Board's role is to within 45 days provide a report containing its recommendations and make a determination on whether the plan is consistent with the master plan or is it designed to effectuate and promote the master plan. The original study area for the preliminary investigation contains various lots, including the Wells Fargo lot, the Park Town Center, the Stop & Shop property, the Wells Fargo parking lot, and the landmark building. The redevelopment plan only pertains to a smaller portion of that including the Stop & Shop site and a parking area for the Wells Fargo lot. The Stop & Shop property formally had two dwelling units as well as another structure facing on South 4th Avenue. In the 1960's, those structures were removed and the grocery store was built fronting on Raritan Avenue. The current store was built way back with a huge gap in the streetscape. The four main goals of a master plan are to preserve and enhance the small town feel of a community, ensure a vibrant downtown, protect the sensitive areas of the community and promote a high quality of life for all residents. In 2019, the master plan took an approach of looking at different corridors of the community as well as an overall residential analysis. Part of the corridors that they looked at included downtown Raritan Avenue. Four years ago they looked at the Stop & Shop site and noticed that there's a big gap between Park Town Center and the Hair Loft and Landmark Supply building. We felt that it was an opportunity for infill housing on top of the Park Town Center. The purpose of the study of the corridor was to explain that we want to expand opportunities for mixed use redevelopment. There's a number of strategies developed for the downtown corridor. One of them is to do custom tailored redevelopment planning, which is what we're doing, expand a variety of ground floor active uses which this plan aims to do through its zoning, expand downtown customer base, meaning adding housing in the downtown area, and then encouraging any level of upgrade and reinvestment. With regard to the bike/pedestrian plan, the master plan seeks to improve mobility and safety accessibility for all users and is based on the four e's – engineering, education, enforcement and encouragement. What this plan seeks to do is take that goal and try to reactivate the streetscape and try to calm traffic down to make it safer for pedestrians and cyclists, including improving sidewalk conditions, improving buffers and some traffic calming measures. The project area is in the core of downtown far away from the edges of the municipality so there's no conflict between the proposed plan and those of adjacent towns in terms of land use. With regards to Middlesex County, the land use element plan is still being updated. The land use plan will incorporate all redevelopment plans or zoning of its municipalities for updating their plan. We don't anticipate any conflict with the Middlesex County plan. With regards to Edison and Middlesex County, both of those documents refer to Route 27 as a key corridor in terms of improving safety and using redevelopment to improve and infill. The state plan advocates for revitalizing downtown and using redevelopment. According to the state policy map, the Borough of Highland Park is situated in the metropolitan area (MA1) zone which advocates for revitalization of its downtown and keep into a compact form and using smart growth development. This plan is not inconsistent with the state plan.

Planner Cosenza explained the vision for the project: (A) flexible approach to ensure grocery store use is reactivated as soon as possible; (B) expanding customer base and nearby businesses; (C) facilitate revitalization of frontage condition, particularly along Raritan Avenue; (D) improve driveway connectivity and pedestrian experience; and (E) mitigate long-standing issues associated with storm water infrastructure. He went on to explain some of the scenarios for the site. Scenario A is where the existing grocery store is reused and rehabilitated and there's some form of reinvestment in the streetscape through either green infrastructure improved buffer or some infill building along Raritan Avenue and some investment in the parking area. Track two is wholesale redevelopment but with a more focused approach to the zoning that benefits the redevelopment plan. The goal is to improve connectivity, vehicular and pedestrian, both from South 5th to South 4th, throughout the site with an improved entry corridor and raised speed table and pedestrian crossings through high visibility crosswalks and bump outs and bollards, narrow that driveway if it's reused as a one-way, close that driveway going out and the parking lot is reorganized and improved with a buffer with landscaping, which could include rain gardens and green infrastructure. Scenario B is similar approach by improving pedestrian/vehicular connectivity from South 4th and South 5th Avenue with the speed table and narrower driveway and a different arrangement of parking which will reduce impervious coverage and improve storm water retention. At the session on February 28th, they described this as a three-story building. When they codified the redevelopment plan that's been adopted before the board, they decided that they would utilize the same methodology they did with other downtown plans which allowed up to a four-story building with a fifth story step back. The reason they showed three stories was because that's what works for parking. If a redeveloper comes in and is able to solve the parking, they could go up to a fourth or fifth story. Any redevelopment option is subject to the review and approval of the Borough Council before it comes to the Planning Board for site plan approval. Scenario C is a wholesale redevelopment. The current zoning allows for four stories. They felt that through this redevelopment method they would utilize the creative approach of stepping back and building on the portion of the site that's adjacent to the residential areas. It is a better zoning alternative to have the masking and ability to reduce from four to three stories and allow for the taller masking on a five-story building up close to Raritan Avenue. They have provisions in this redevelopment plan for prescribing very specific setbacks that deal with making sure there's a sufficient amount of light and air between buildings. It will allow for enough creativity to be done for infill housing on the site. The building will have some sort of donut shape with a courtyard in the rear. The proposed zoning for the site is dividing the site into two parcels. Parcel A would contain the grocery store and they wrote the zoning that is before the board and a grocery store is a required use. Any developer who wants to come to Highland Park has to accommodate the Borough's desire for the grocery store. Parcel B has some flexibility and could accommodate a building. They do allow for this parcel to serve as overflow parking if Wells Fargo is party to the application. They talked about this being a mini master plan and customized zoning for the site. They tried to be flexible in terms of what could be built which is why there's several alternatives or scenarios of what could be developed on the site. The bulk regulations are loosely done to accommodate these scenarios and the design standards are fairly straightforward, very similar to the downtown plan that was done a couple a years ago. One main difference is the parking regulations are not as aggressive as the downtown plan because this site is not as close to the New Brunswick train station and with the combination of a grocery store, which has a little higher intense use than a typical retail use, they felt it was necessary to have increased parking requirements for the grocery store as well as a higher standard for the residential use. They set it at 1.33 parking spaces per unit to create a balanced approach to how the site could be developed. The proposed zoning for the site is intended to be a superseding plan, meaning it replaces the zoning underneath it. It's not an overlay so that

means any developer that comes into the borough seeking to be named the redeveloper has to come up with a concept plan that's agreeable to the Redevelopment Council before it comes to the board for site plan approval. There's a short section regarding temporary uses understanding that the grocery store use is now vacated. They wrote in a simple statement saying that temporary uses could be accommodated and coordinated with the redevelopment entities. With regard to EV charging stations, the plan encourages that parking spaces that are utilized for EV charging infrastructure be utilized and shared with the public. All other provisions regarding affordable housing and redevelopment are consistent with all other land development procedures.

Ms. Hand opened the meeting to the board for questions of the Planner.

Ms. Hand asked about the building setback requirements for an infill liner building with regard to the property line. Planner Cosenza noted that the property line is about 10 to 15 feet behind the curb so it generally does not include the public sidewalk.

Mr. Stern-Cardinale wanted clarification about the difference between an overlay zoning plan and a superseding zoning plan. With an overlay plan they could build under the zoning ordinance and if this plan passes and is implemented, they must adhere to this plan and include a supermarket. Planner Cosenza concurred.

Mr. Eisdorfer commented that he found it puzzling why the borough is doing plans with such specificity and detail that a redeveloper can come in and do a preliminary site plan. Planner Cosenza noted that it is not unusual to include zoning requirements in any redevelopment plan. The reason they do specific zone requirements is because there are things we want to pay respect to with regard to building setbacks and coverage. The design standards are pretty straightforward and it's really a rehash of the underlying zoning but using the better aspects of what is in the underlying zoning. The redevelopment plan allows for relief from the ordinance so it doesn't have to be completely in compliance with the plan. The redevelopment plan does allow for variances to be granted.

Ms. Hadhazy asked what role does the present owner of that property play in the redevelopment plan. Planner Cosenza noted that they can be party to the redevelopment entity negotiations with the redeveloper. The borough has been in negotiations with the property owners and there's a healthy relationship between the current property owner and the borough to really facilitate something to happen. Ms. Hadhazy asked if the owner plans to maintain their ownership stake in that property and develop it themselves or are they planning to sell that space to someone else. Councilman Hale noted that it is unclear at this point which route they're going to take.

Mr. Perlman asked where the 15,000 square foot minimum requirement for the grocery store came from. The existing building is 23,000 square feet. He asked if this redevelopment plan opens up the possibility of the building being cut up and having a smaller grocery store. Planner Cosenza noted that one of the scenarios was if the redeveloper wanted to rebuild a store fronting on Raritan Avenue. The typical Aldi or Lidl stores average 15,000 to 20,000 square feet. Mr. Perlman noted that one of the scenarios is to reuse the building, the whole space, and not take a third of it and make it into something else. Planner Cosenza noted that under the plan that could happen, but since the borough has the authority to name a developer and a concept plan has to be approved by the Redevelopment Entity before the redevelopment agreement is established. Mr. Perlman asked if the new parking ratios are more or less than what's currently in place for the

current grocery store. Planner Cosenza noted that in terms of the zoning it is less. In terms of what's actually being utilized it's pretty comparable to what's actually needed for the site. Those are the minimum requirements and a developer may say they need more.

Attorney Thomas asked what the standard would be for a Trader Joe's or an Aldi's or something of that size. Planner Cosenza noted that he has done several studies but couldn't give a number but it would probably be about 20,000 square feet.

Attorney Thomas commented that the board needs to make a determination as to whether or not there is consistency between this plan and the master plan. He thought it might be helpful for the Planner to put his opinion on the record and the reasons for that. Planner Cosenza noted that it is consistent with both master plans and local objectives as well as those of contiguous municipalities in Middlesex County and the State plan. The fact that we had a downtown corridor plan where we advocated for the utilization of custom infill redevelopment planning to encourage economic growth as well as providing opportunities for housing and infill on the missing teeth of the core of downtown, including a sketch of the site from four years ago of potentially an infill building at the site. Even if the ultimate redevelopment concept is to simply reuse the store and to add the green buffer along Raritan Avenue that is consistent with the master plan because it does seek some level of reinvestment in the streetscape. With regards to the pedestrian bike plan, any type of traffic calming and pedestrian improvements to mitigate all the issues that we identify and study would be consistent with that effort as well.

Ms. Hand opened the meeting for comments on the redevelopment plan and called upon all those wishing to speak to identify themselves.

Diane Feldman, 409 North 4th Avenue, noted that she had two minor comments on wording in the plan. In the section that talks about universal design, it refers to handicapped accessible ramps and handicapped parking spaces. There was an effort in the borough a couple of years ago to remove the word handicapped from all of our ordinances. The handicapped parking ordinance was renamed to the accessible parking ordinance. She would like those sections to be reworded. Attorney Thomas noted that those corrections can be incorporated if the board concurs.

Diego Rosenthal, 451 South 5th Avenue, commented that it doesn't seem to him that this development is consistent with keeping this town as a small community. This seems to him to be a very large development. He would like the board to consider that. He mentioned the requirement for a grocery store. He is worried about developing something without having specifics. He would like to see a contract for 10-20 years with a supermarket before they develop and not the other way around.

There being no other public present wishing to speak, public comment was closed.

Ms. Hand asked the Board members if they had any final comments.

Mr. Williams commented that he has concerns about the number of parking spaces that would be required for a 15,000 square foot building. With residential above some parts of the buildings, parking spaces for them is going to be within a 1,000 feet. Planner Cosenza noted that's a general statement similar to other redevelopment plans. If a redeveloper can prove that they have the parking or parking could be provided in coordination with the borough, that off-site

parking can be counted towards the requirement. They are trying to accommodate all the parking on this site, including an improvement on the Wells Fargo lot. The parking requirement for the grocery store is low as they found that this grocery store is in an extremely walkable location and when it's renovated it will probably maintain its walkability. In the past few years maybe half the parking spaces were used and many of those used were patrons parking for Landmark Supply as well as the Park Town Center.

Ms. Hadhazy disagreed with the grocery store being walkable for some people. If you're toting lots of groceries you're going to drive, you're not going to walk. Many people don't have the luxury of going to the grocery store every day so when they go, they stock up and need to bring their vehicle. The current parking lot is not just used for the grocery store when the grocery store was open and operating. That parking lot is used as a public parking lot for patrons of other businesses that are nearby. She does have concerns with the size of the parking lot that's being presented in scenarios B and C.

Attorney Thomas commented that there have been other development approvals that have made reference to off-site parking. He asked if there is some coordination so that this developer doesn't come in and say we have a spot within a 1,000 feet but a few years ago that was utilized by someone. He asked if there is some coordination so that there's an understanding of what spots are already taken and what spots are not taken. Planner Cosenza noted that they had the parking study which showed not too much of a capacity issue. In order to get off-site parking approved and integrated it has to be coordinated with the Redevelopment Entity before a final redevelopment agreement can be reached. There is a reason why that project hasn't moved forward because that hasn't been done yet. Public parking at that site does occur and it is used out of convenience. He hopes that as part of the redevelopment discussions and negotiations with a would be redeveloper that there be an effort to utilize other areas to increase parking demand because there are many areas of the parking lot that are underutilized.

Mr. Williams commented that most families that shop once a week will need a car to get their groceries home.

Mr. Perlman commented about the utilization of the Wells Fargo parking lot that will increase the parking for the potential grocery store. Planner Cosenza commented about his investigation of the area and it was done in the afternoons. He did not see very much utilization of the lot with only 60% of it being used and that was with users occupying spaces for other sites. Mr. Perlman commented about the bike and pedestrian plans and having a walkable community and a safe cycling community and to do that you need fewer cars. He thinks the lower parking ratios are consistent with the master plan and bumping them up is really inconsistent with the master plan.

Ms. Hadhazy commented that we're not taking into consideration the popularity of whatever this new grocery store/supermarket may be. If it ends up being a store like Trader Joe's for example, that's going to attract people from nearby towns to come to Highland Park and the amount of traffic coming in and out of the parking lot is going to be very different than what we saw at our present Stop & Shop. She thinks those things should be taken into consideration especially with regards to scenarios B and C which create mixed use buildings that are partly residential and partly commercial and the traffic that goes in and out of residential buildings. Scenario A is the closest to the way the space is being utilized presently. Scenarios B and C give her a lot of pause in terms of usability, the space, the traffic and the congestion. Planner Cosenza noted that those

are valid concerns and they're applicable to whether we do a redevelopment plan here or we just rely on underlying zoning. That's something we'll deal with during a site plan, but if you have that additional layer where we can negotiate that. We may need to amend the plan or they'll seek the waiver of exceptions and parking regulations. There's lots of flexibility in the plan and a lot of the power is given to the Redevelopment Entity before it comes to the Board for traffic analysis. Ms. Hadhazy commented that making the zoning strictly inclusive of a grocery store, does it have to include mixed use for that space or can it be strictly commercial or does it have to be commercial/residential. Planner Cosenza noted that it can just be a grocery store like it is today. Ms. Hadhazy asked in voting on whether or not this plan is consistent or inconsistent with the master plan, can that be left out. If we vote that this is consistent with the master plan we're leaving open the possibility for this space to be a mixed use space instead of strictly a grocery store. Planner Cosenza commented that he doesn't think leaving it only as a grocery store use would be inconsistent with a master plan because it also talks about some sort of level of reinvestment into the frontage condition which is the last strategy for the downtown area. This was developed that way 50 years ago so it's not inconsistent with the existing zoning patterns. Ideally, there is a mixed use, but it doesn't make it inconsistent in my opinion. Ms. Hadhazy commented that in the borough there is no other area that we can foresee a grocery store being located. Planner Cosenza state no. Ms. Hand noted that there is a mini Greek grocery store going in. Ms. Hadhazy noted that Park Deli has stepped up their produce section.

Mr. Millet asked if there is anything in this plan that limits the developer's ability to put in a below ground parking structure. Planner Cosenza noted that it doesn't prohibit them. Mr. Millet commented that requiring the supermarket is the only thing that the town really wants and everything else we'll figure out. We're more in need of a supermarket than a developer is in need of coming in and building one. That's the type of attitude I think we need to keep focused on and that's why we want to keep that flexibility because we want to do a lot of that option here.

It was MOVED by HADHAZY and seconded by MILLET that this plan is not inconsistent with the Master Plan and that the wording "handicapped" be changed to "accessible" and that parking be looked at more closely with the possibility of a larger grocery chain coming to Highland Park.

ROLL CALL: Ayes – Brescher, Chin, Lanaris, Millet, Williams, Hand, Hadhazy, Perlman, Hale, Stern-Cardinale. Eisdorfer.

Nays – None

There being eleven (11) ayes and no nays, motion passed.

Hearing of new cases.

JSM at Highland Park LLC
Gabrielle Estates
South 6th Avenue
Highland Park NJ 08904
Block 3301, Lots 27-75

P2020-01
Preliminary & Final Major Site Plan, "C"
Variances, Exceptions and Request for
Waiver of Submission Requirements

Mr. Eisdorfer noted for the record that he represented Mr. Morris and Mr. Morris' entities before the year 2000 in various land use matters. He also represented an objector to one of Mr. Morris' projects in Monroe approximately 10 years ago. Attorney Thomas noted that Mr. Eisdorfer was

an attorney in the land use field for many years and it is appropriate that he indicated those matters for the record. As long as there's no objection by the applicant and no objection by board members, Mr. Eisdorfer can continue to sit for the application. Ms. Hand noted for clarity that Mr. Morris is the principal of JSM.

Borough Engineer Koch mentioned his report of April 7, 2023. Two comments were previously discussed in his earlier reviews as it relates to completeness. The first one is the application is requesting a waiver from the checklist requirement for providing existing topography for 200 feet around the parcel. Given the developed nature of the land he didn't have it and he did not take exception to that. The other item is the typical retaining wall construction details but not the retaining wall designs are required by the checklist. The applicant is agreeing to do that but they'll do it prior to construction when they apply for building permits. If the board is willing to grant those two waivers, from an engineering perspective, this application could be deemed complete.

Ms. Hand asked the Borough Engineer to clarify why the waiver of the topography requirement was not needed for this application. Borough Engineer Koch noted that he's seen this request on other applications when it's fully developed around the perimeter of the subject parcel and we have the topography of the whole town so it didn't limit his ability to do a drainage review. He was able to determine the total drainage area to this site all the way up into Edison so that's why he didn't feel it was necessary.

Planner Cosenza noted that there is one other waiver from the checklist related to the tree removal plan. The applicant has agreed to provide one prior to construction given that any development requiring tree removal has to be reviewed and approved before the building gets built. He does not think it's prudent that the board sees it first before the Construction Office does. Either way, it's going to be looked at prior to any sort of construction. He has no objection to that waiver being approved for purposes of completeness.

It was MOVED by MILLET and seconded by WILLIAMS to deem the application for JSM at Highland Park LLC, Gabriel Estates, South 6th Avenue, complete by recommendation of the Planning Board professionals, be approved, granting the waivers outlined.

ROLL CALL: Ayes - Brescher, Lanaris, Millet, Perlman, Stern-Cardinale, Williams, Hand, Eisdorfer.

Nays – Chin, Hadhazy,

Abstain – Hale,

There being eight (8) ayes, two (2) nays and one (1) abstention, the application was deemed complete by recommendation of the Planning Board professionals.

Doug Wolfson, Attorney for the applicant noted that they are here in conjunction with the proposed development of the Buck Woods property. This is the property that was subject to a settlement agreement through litigation in conjunction with the Borough's affordable housing requirements. This has resulted in a structure and a building where the Borough was heavily involved in the design with good effort and results to make sure that it is keeping to the traditions and history of the borough and in conjunction with the neighborhood that surrounds it. He thanked the Borough professionals for their substantial and significant guidance and coming up with the proposal and the design that we had to run with. With him tonight is Ronald Aulenbach, Director of Planning and Development for Edgewood Properties and Principal Jack Morris.

Ron Aulenbach, 1260 Stelton Road, Piscataway, NJ appeared to testify and was sworn. Attorney Wolfson noted that they were tasked with putting forth a development application to comply with the settlement agreement and ordinances that were enacted to provide a 75 unit project with 15 set aside for affordable housing. He asked Mr. Aulenbach to explain to the Board how they did that and go through the plans and he distributed copies to the Board.

Mr. Aulenbach noted that the site has a long history with their company and with the Borough and within the last few years we were able to come to a settlement with the Borough to agree on the 75 unit four-story building. They were tasked with providing the development and all the development features for the site and the architectural drawings which have a lot of standards both in the ordinance and both for your professionals. The professionals have been a pleasure to work with. We've had several meetings over the years to go through the plans and try to clean them up the best way we can to try to minimize the amount of comments and to provide compliance with the plans.

Mr. Wolfson handed out a packet that was marked into evidence as Exhibit A1 consisting of 20 pages that starts off with an aerial view of the property. Mr. Aulenbach noted that he does not plan on going over all 20 pages of the plan as some of the pages are redundant to what's in their package that was previously distributed. The property is located at the terminus of South 6th Avenue and is surrounded by South 7th Avenue residential houses to the north and residential houses on South 5th Avenue on the other side. It comprises about 45 individual 20 or 25 foot lots that were part of an assemblage that was put together 25 years ago. Mr. Aulenbach referred to page 2 of the exhibit that showed a rendering of the site plan. As you come in off of South 6th Avenue, you have the motor court here for the drop off area. As you proceed around the building, you go down below to a parking level below the structure itself. The entire structure underneath has one big parking level. You have a walkway as well as emergency access that traverses the entire site. One of the things that the Planner will go into is something that the Borough required early on in the design. They originally didn't have full access for fire all the way around the building. They were asking for them to accommodate vehicular access all the way around the entire building. They had to make some changes and slide the building down, but they have now accommodated that. They have a no comment letter from the Fire Official but they did provide that at the southern end of the property. They have detention basins as well as a walkway, a public walkway, which traverses the site and ends at the terminus of a property at the southern end. There are retaining walls on all three sides (north side, west side and east side). There's severe topographical issues with the site and as part of what was negotiated with the Borough was the height of the building. They will be digging out to put the building down into the bottom of the hole. There are existing utilities that currently run through the site as this used to be a paper street on South 6th Avenue that ran all the way through. There's existing water, sanitary sewer and storm that will be relocated as part of the development. They will be relocated around the building and then go back into where they go now as well as our own private utilities that will be accommodated onto the site itself. The storm water is anticipated to meet all new storm water regulations. They are working very closely with the Borough Engineer. When you come off the motor court there are several visitor parking spaces. This is a rental project so the leasing office will be off of the motor court. The garage itself will be a private entrance for residents only to go down. It will be gated for the residents to go in and out and they can buzz in visitors. On the outskirts of the project is the outdoor garbage/trash area located in the northeast corner of the site. It's a U-shaped building and there's units that face both the outside of the development itself as well as an interior courtyard that is in the middle

located on top of the parking level or podium deck. Because of the slope of the site, the deck is exposed about halfway on each of the sides and fully exposed in the back, again tasking advantage of the natural terrain the property.

Attorney Thomas noted that he was just handed a letter by Mr. Wolfson from the Middlesex County Department of Public Health and Safety dated January 11, 2023. It is from the Deputy Fire Marshal, Mr. Perlman, indicating that they have reviewed the site and they have no comment. The letter was marked as Exhibit A2.

Mr. Aulenbach noted that there are terraced walls that come off of the sides to accommodate the differential between the adjoining properties and our development. Mr. Aulenbach displayed the architectural plans showing the parking level A1. He noted that it is important to show the Borough because this is how the parking level functions. As indicated on the left side of the page on the north side is where the ramp would be. It comes down into the parking level and then you have a series of parking spaces all the way around. You can see the columns that support the structure above, the stairwells that are required by code, several mechanical rooms, and a trash compactor. The individual units will have trash chutes. The building itself will have trash chutes and there's an internal trash compactor located in this underground parking level. There's an elevator to the right of that. A portion of it on both sides is exposed to get natural air into the deck as well as the southern end or the bottom piece of the deck is exposed again to allow for natural ventilation and natural air.

Mr. Aulenbach referred to the first floor plan. You come in at grade off the motor court and enter the lobby where you have the building amenities that straddle the lobby. Then you have your courtyard again and then you have the various units. These are two-story townhouse units that are located on the first and second floor. There's individual stairwells into the units. You come into your unit and you have your living room, family room, bedroom and dining room, and then additional bedrooms located on the second floor. The units at the corners are what they refer to as flats they're not the two-story units. The ones at the corners are one single level. He referred to Sheet A-3 which is the second floor plan showing the upper level of the townhouse style units. As you work your way up to the third floor, the entire floor becomes just single level flats and that's shown on Sheet A-4. The difference is you have a central hallway that runs down the entire center of the three legs and that feeds the units off of either side. They have the units the back southern end and they have the open courtyard that faces the southern direction and then you have the stacked units around the perimeter of the site itself. The fourth floor, Sheet A-5, is where it gets a little trickier when you're looking at the units because one of the things that the Board Professionals tried to implement in the ordinance was that the upper level or the fourth floor from the outside didn't give a true appearance of a fourth floor. There's a lot of areas in here where there's outside roofs and gables because they wanted to give the appearance of almost a half-story from the outside. Instead of having just four units stacked on top of each other for a traditional flat roof or gable roof, the Board professionals felt it was important to try to bring the scale of that down and introduce some dormer windows along the top to kind of bring down the scale of that roof as those areas would be facing the backs of the houses on both 5th and 7th Avenues.

Mr. Aulenbach noted that they received a letter from LRK dated April 5, 2023. They were able to provide a few renderings based on the suggestions by Chris Cosenza slightly different than this, Sheet A-7. If the Board acts favorably on this application, they agree to work with Chris'

office to come up with some of the suggestions in his latest letter. There's some minor comments on the front elevation that Chris had asked about. The architect had come up with a couple of suggestions. The Architects have really worked very well with the professionals and accommodating a lot of their concerns and comments through the development process of this site.

Mr. Aulenbach addressed the letter from Borough Engineer Bruce Koch dated April 7, 2023, specifically the items of general site improvements on page 2 of 8. He noted that #6, #7 and #8 they will comply. #9 is a statement and #10 is they will comply. On #11 Mr. Koch is asking about the segmental walls and structural retaining walls and the bench area being tiered and how to be maintained. When they designed the site, the walls are designed to have access along the tiers from the grading end so they get in there and they can maintain the tiered wall from both the lower and upper sections. There's access on all sides of the retaining wall. #12 talks about the feasibility of replacing the structural wall. Based on their manufacturer's specifications these types of retaining walls have a 75 to 100 year lifespan, although at some point they will need to be replaced. Some of the walls range from six to ten feet and they are confident that they can be replaced from the downside or low side if and when they ever need to be replaced. #13 they will comply. #14 is a statement that says the Borough will maintain easements for their utilities and they will maintain ownership and maintenance of their private utilities on the site. #16 they will comply. #17 is a statement. With regard to storm water management, there are several items in here and he has had the opportunity to speak with the Engineer and he feels that the majority of these items are minor and can be worked out between the developer and his office. Borough Engineer Koch noted that many of the comments are entwined and what it comes down to is the approach to it. They're relying on a wetlands delineation. We believe it should be based upon a flood hazard area verification. He and Mr. Aulenbach have had an opportunity to discuss that and he thinks he understands what our concern is. His understanding is that they will reconvene if the Board takes favorable action. If they need to get that verification, they will, but he believes in the end the design for the outcome will be the same. It's just the approach and which approach he is more comfortable with. They have had a meeting of the minds about that. They're going to approach it from the angle that we're looking at it from and if everything pans out right then all these comments will either disappear or be addressed. All the comments that he asked for further testimony on may be resolved and the ones that they agree to address will be addressed. His review of this plan is still subject to these recommendations regarding storm water management or all the other sections being complied with in the future by the applicant. This addresses the comments #18 through #44.

Mr. Aulenbach addressed the traffic control review section. This is something that they could provide to Mr. Koch's office and to the Borough. They did a circulation plan showing how a fire truck can access around the entire site. They felt it was not necessary to do a garbage and recycling vehicle plan as these are smaller vehicles than a fire truck. Sheet 21 of the plans shows the fire turning plan. As Mr. Koch pointed out, flood hazard is one that we have to work out. Everything else is a will comply under #46. #47 and #48 is a will comply. #49 is a statement about title 39 and obviously we would agree with title 39. #50 refers to the report by the Fire Official. #51 is a will comply.

Borough Engineer Koch asked if the ambulances can get into the parking deck. Mr. Aulenbach indicated yes. Borough Engineer Koch asked if the elevators are large enough for a gurney. Mr. Aulenbach indicated yes.

Ms. Hand summarized the CME Associates letter of April 7, 2023 that they are complying or will comply with everything except for #15 which has not been discussed yet. Mr. Aulenbach agreed.

Mr. Wolfson referenced the letter of LRK dated April 5, 2023. He noted that the Borough's professionals are tireless and they give them letters and they make revisions and then the professionals revise their reports.

Mr. Aulenbach started with section 7 of the LRK report. They will come back to section 5.2 and section 6. He noted that 7.1 starts off with the baseline calculations and it's more of a statement talking about the calculations for the parking spaces. Required is 153 and they have 156. Electrical vehicle calculations is a new statute but they agree to comply with the number of spaces required now as well as the make ready. The follow-up is what you have to do over time in the next three to six years. They agree to comply with everything in the electrical vehicle calculations section of this letter, section 7.2. For Section 7.3 they added the concrete wheel stops. They had them on the site plan, not on the architectural plan. They agree to comply with that. They provided the 75 bicycles located on the lower level and they agree to comply with the recommendation of replacing the bike rack and doing the inverted new racks as suggested by the Planner. For the motor court entry, they would like to have the ability to work with the Board's professionals as it talks about introducing rain gardens around the circle where the signage is. We have our storm water management system that works, but he's talking about doing some changes around there. They don't have an issue with that, they would just like to work with them exactly on the details of that to capture and allow further slow release before it goes into the inlets. The final design of the motor court will be coordinated and they agree with that. Under 7.6 they provided the walkway from the motor court or from South 6th Avenue all the way through the site and it's versus at the southern end of their site. The Planner is asking for clarification on a note that's on the site plan that says tie into future sidewalks by others. The ordinance that was written for this site requires the developer to install a sidewalk to the terminus of the property at the southern end which is what they are doing. They just put the note by others assuming that at some point it's borough property. Somebody else might be extending it, not them. If there needs to be clarification on that note they could certainly work with the Planner's office on that, but they are putting in the walkway for the ordinance. Planner Cosenza commented that it sounds like a possibility to work with the Borough Council on the ability to coordinate a design that would extend it to the existing walkway. Mr. Aulenbach addressed paragraph where it talks about substituting a potentially wider asphalt as you get down the southern end of the property. They don't have an issue with that to keep it consistent with the trails that are located in town already. On paragraph 7.7 that deals with open space, there is not a whole lot of open space here. When they originally sat down with the Borough and talked about the development of the site it was anticipated that a portion of the bottom third of the site would be left for potential open space. Obviously that's been encumbered by the detention basins needed to facilitate the development of the site so they don't anticipated any dedicated open space on this property. Maybe the walkway would be a permanent easement that allows residents outside of this development to traverse from South 6th Avenue through the site to the terminus of their property. It's not their intention to have any dedicated open space to either the Borough or the County. Paragraph 7.8 deals with the steep slopes. The ordinance is written to not apply with the steep slope ordinance and it only applies to open space areas. Ms. Hand asked whether they were going to provide an open space/steep slope map. Mr. Aulenbach indicated that it is not needed because there is no open space. Planner Cosenza indicated that he did not

have an objection to that. Mr. Aulenbach noted that paragraph 7.9 deals with tree removal and replacement and we spoke about that earlier with the waiver of providing the tree removal plan. He deferred to Mr. Wolfson on the replacement portion of it. Ms. Hand clarified that it was just for purposes of the checklist not to waiver the tree removal plan in general. Mr. Aulenbach noted that under the landscaping there's some minimal comments about some additional foundation plantings. They would be happy to work with the Board professionals to supplement or add additional landscaping around the base of the building itself to provide some visual along there. They will work with the Planner and Engineer on that. For lighting, they agree to comply. It goes back to the motor court and one of the comments earlier was working with the Planner's office about the final design of the motor court. It kind of ties into that with some of the lighting that they're looking to do in there with some low ambient bollard lights around it. They don't have an issue with it and they would like to work with the Planner's office on the final design on that and the dark sky compliant is not an issue and they would comply with that. They do have an outside trash enclosure that's for additional trash and recyclables. They do have the indoor trash compactor that's located in the parking structure. There's obviously requirements in the ordinance that pertains to screening for the outdoor trash enclosure and they agree to comply with that. As far as the appropriate size to accommodate this, it comes down to frequency of pickups. They own and will manage the property. For mechanical equipment, they indicated in one of their meetings that the AC condensers would be on the roof. They do anticipate a generator but they're not sure where it's going to go. They would work with the Borough on placement and he's not sure if a permit is required. Transformers are out of their control as the utility company installs them wherever they want. They will screen it as best as they can and abide by their rules and regulations. Ms. Hand asked about any concern with additional placement affecting their impervious coverage calculations. Mr. Aulenbach noted that they don't anticipate anything large for the transformer and they have room in their impervious coverage calculations. Borough Engineer Koch asked about the generator. Mr. Aulenbach noted that they put a generator in that'll operate emergency lighting and elevators. They do have outlets in the lobby in several areas that still operate under the generator situation so that people can charge their phones. Concern was raised about noise level of generator. Attorney Thomas noted that generators need to be tested monthly and he thinks it would be reasonable to request that the generator be enclosed in some type of soundproofing structure. Borough Engineer Koch noted that it should be silencer hospital grade. Mr. Aulenbach referenced paragraph 7.14 and noted that they are working with the Planner's office and the Engineer's office. There are items that they don't have an issue with and some items that they would like to work with the professionals on. Planner Cosenza noted that all of the comments are recommendations. He likes to give the opportunity to take a sketch over a couple rounds. The goal is not to add cost, but find little ways to try to hit that Tudor style. Attorney Thomas clarified that for purposes of the record if there's ultimately going to be an approval that with regard to 7.14 that these are suggestions that the developer will agree to work with the Planner's office to accommodate where reasonable. Planner Cosenza noted that the latter half of the questions are more of the suggestions. The first half are really questions pertaining to the townhouse units. There's greater livability for those units and they should provide a hallway down to the flats at the corners. There's just some questions about how the layout of the building is situated. You provided some general testimony, but get some feedback about the townhouse units and how it relates to the lack of the corridor for the end unit, for the flat, particularly on the first floor. The two shallow wings, he thinks it's just an issue regarding some line weights and missing hatching. It's unclear what's indoors versus exterior. As you work on a design for construction those issues will be resolved. In the last two sections he thinks it's been addressed. The roof plan he was seeking a copy of so he could get a better understanding if the mechanical units were situated in it well similar to the

Borough Engineer's comment by making sure the HVAC units were shielded from view. It looks like it's situated in a well so the units aren't visible and the sound attenuation has improved. Mr. Aulenbach noted that 7.15 is an affordable component required to put 11 and a half units. They are providing the 12 units as required by the ordinance.

Attorney Thomas addressed the fact that the meeting was held at the end of the religious holiday of Passover and that is why the meeting started at 8:30 p.m. There was a need to address some Borough business prior to hearing this affordable housing application. The application will not be able to be completed this evening and would be listed for the agenda for the May meeting.

Christine Nazzaro-Cofone, Planner, 125 Half Mile Route, Suite 200, Red Bank, NJ07701, appeared to testify and was sworn. She noted that she is a licensed professional planner and has been practicing for 28 years in the State of New Jersey. She has been qualified here in Highland Park and has been qualified before over 400 Planning and Zoning Boards throughout the State of New Jersey. She is also a court-appointed affordable housing special master serving about two dozen communities. Attorney Thomas noted that he is familiar with her work and he has no questions regarding her qualifications for planning.

Mr. Wolfson noted that there was a requirement variance for a buffer violation. Ms. Nazzaro-Cofone noted that they are required to have a 20 foot perimeter buffer and at some certain points we only have eight feet. As Mr. Wolfson indicated and as is indicated in the Planner's review letter, that is because the County Fire Marshal asked them to have an access around the entirety of the building. They are balancing the requests of the Fire Official and trying to provide some buffering in accordance with the ordinance. She thinks the Board can grant it under the C2 statutory criteria that it presents a better zoning alternative. We generally always try to accommodate the Fire Officials request, but they also try to balance that with the request in the ordinance and the request of your professionals. They do have a planted buffer around the entirety of this tract and she does believe that the Planner recognized that in his review letter, but they are seeking summary relief. The Planner does also make some suggestions in his review letter as to things that they could do to improve the efficiency of the buffer and they are doing that by adding some additional foundation plantings but also focusing on the quality and type of plantings, having some native species there. She thinks the applicant would accept a condition of approval to work with your Planner's office, but under the statutory criteria, she believes the Board can look at it as a C2 advancing purposes A of the municipal land use law which talks about promoting the general welfare, criteria G of the land use law which talks about providing sufficient space in appropriate locations for a variety of uses. This is an "as of right use" in the MFAH multi-family residential overlay zone, so certainly it's an appropriate zoned location, and Criteria I which talks about promoting a desirable visual environment. In addition to the bulk criteria in the MFAH, there are some building design guidelines in there and they certainly comply with those. This is what she would consider a substantially conforming, inclusionary development. The developer is proposing to build the units on site and it's an important part of your housing plan. As far as the negative criteria, the land use law does not ask you to hold them or any other applicant to a standard that there be no detriment, just that the benefits of the grant to the variance outweigh the detriment and that there's no substantial detriment on the intent and purpose of the land use plan or the ordinance. When you look at the stated purpose of the MFAH zone, which is this residential overlay district, established in order to potentially address the Borough's future fair share obligation and for the following general purposes. This was a zone that was created to address the Borough's fair share. The Planner also asks for the

applicant in his review letter to talk about the variance relief as it relates to the master plan. Highland Park last re-examined their master plan in 2019 and it was an incredibly well done plan. It had a whole section on community engagement which she thought was really fantastic. One of the things in that master plan that the Planner asked them to relate to this variance relief to the goals in that. One of the goals in that 2019 plan is to promote housing diversity and the plan talks specifically about promoting a variety of housing types, single-family, multi-family apartments, townhomes, rentals, etc. to serve a diverse population, age, income and family living structure. She thinks that this application accomplishes creating that type of diversity and is consistent with the vision of the MFAH zoning district as well as the recently adopted 2019 master plan. She thinks it is a project that is substantially in conformance not only to the zoning and the master plan, but to your affordable housing settlement agreement. She thinks they meet their statutory burden of proof for the grant and this is the only variance relief that's required in conjunction with this application. Ms. Hand noted that with their original application there were additional C variances requested and all of those have been removed, including the sign variance. Ms. Nazzaro-Cofone agreed. Planner Cosenza noted that the proofs provided for in his view are sufficient for the Board to consider weighing the C2 variance. With regard to the eight foot setback, it might not be a question for you but perhaps Ron could clarify where on the site plan they are deficient to down to eight feet. They put up sheet PS1 in the plan set date 8/24/20 with revisions current to 8/24/23 prepare by EP Design Services. The deviation is along the paper street on Graham where they have a nine foot buffer and then along the eastern property line. They have approximately a 10 foot buffer in that area. You can see on sheet 2 of A1 marked in evidence shows that they do have green around the entire perimeter of the site, but the deficiency is along the eastern property line and along the paper street of Graham. Planner Cosenza asked what is within the Graham Street paper street area. Ms. Nazzaro-Cofone noted that the area is wooded. Planner Cosenza noted that the deviation doesn't really impact any properties and it's not viewable from the street. It doesn't really impact the public. The east side is the basis for the deviation request. The west side has a 20-foot buffer as required. Ms. Nazzaro-Cofone noted that the east side is the deviation. They are contiguous with a single-family area and we have a single family buffer along there. Their deviation goes to the rear yards of the adjoining single-family homes. Planner Cosenza asked what her experience is with the width and buffer and heights that screen between residential uses. Ms. Nazzaro-Cofone noted that it depends on the context of the community. If it's a more urban or a denser community, you may see a fence is sufficient for a buffer with no landscaping. If you're buffering between two residential uses it depends what you have. If you had more active recreation in that area or fields, or lights. They don't have any lights in that area that would be spilling over onto the adjoining property lines and because we're balancing the provision of fire safety she thinks ten feet if you do provide for an evergreen screening gives you ample space to create an evergreen. If you put in evergreen so that you have a year round screen, she thinks you can certainly accomplish a sufficient buffer from residential to residential in 10 feet. Ms. Hand noted that they are asking for 8 feet. Ms. Nazzaro-Cofone noted that they are asking for 8 but that's along Graham but it's really 9. Along their property line contiguous to the east with the single family homes they have 10. Planner Cosenza noted that the deviation request against the ordinance is intended to protect the neighbors who front on both South 7th and South 5th Avenue. Relative to the deviation request for those residents who front on South 7th Avenue is now limited to a 10 foot buffer. He agrees with the Planner that typically you see a 5 to 10 foot buffer between residential uses. If it's a non-permitted use or commercial use the tendency is 20-25 feet or wider. They were aggressive with the ordinance and negotiation trying to get the 20 foot buffer and he thinks it's also helpful to know what is the structure that is encroaching into the 20 foot requirement. Ms. Nazzaro-Cofone noted that it is not a building, it is actually tiered walls in that area. You have the 8 foot

buffer and then you have some tiered retaining walls which are required to construct the street. It's not as if we have 8 feet and then we're at those property lines. You have 10 feet and then you have a tiered wall system. Planner Cosenza noted that the tiered wall system steps down from site meaning that the residents won't see a wall stepping up. He thinks the open space is in a sense being preserved notwithstanding the narrower buffer as requested by ordinance. The intent of a buffer is to provide an opportunity to screen something and in his opinion he thinks there's sufficient space to achieve that so long as the applicant agrees to work with his office. He'll probably defer much of that to coordination/consultation with the Shade Tree Advisory Committee to advise on the proper species/density to achieve the intended buffers. He thinks it's a workable solution that they can achieve. Borough Engineer Koch pointed out that a portion of the Graham Street right-of-way that you're referring to will have to be cleared in order to allow the water main to loop through to 7th Avenue. We can ask that they do that in as little space as possible in terms of width and probably still preserve the 8 that's there and maybe another 12 and probably maintain 20 feet. He thinks they can do it in a careful manner were that piece of woods remains on the community side.

Mr. Millet commented that it is difficult to picture what they are talking about.

Ms. Hand noted that it is after 10:40 p.m. and she will allow conversation to continue for a few more minutes. Out of respect for their rules and meeting requirements and in recognition that the Board cannot give this the attention it needs and to hear from the public on this application before the end of this evening's meeting, they will adjourn this and hear it again at their May 11th meeting.

Ms. Hadhazy commented that she can picture this area because she grew up on South 7th Avenue and she played in Buck Woods as a kid. She knows how the elevation works and she can completely picture where the retaining walls are and can picture their tiered system. She asked about the retaining walls and their placement and how they would be reinforced to avoid erosion. She asked if they would have to be at that location regardless of the size of the building. She asked if the building was narrower and if they lost some square footage in the courtyard would the retaining walls where they are currently placed still need to be there. Mr. Aulenbach noted that in order to get a building in there whether it's narrow or not, those walls are going to have to be up along the perimeter and they're going to have to be tiered. Attorney Thomas noted that it's the topography, not the building that's dictating the placement of the retaining walls.

Mr. Stern-Cardinale asked about the typical setbacks/spacing between existing structures on those two streets. Planner Cosenza noted that one of the sheets on the plans as boxes representing the homes. He doesn't have a scale with him, but would estimate 50 to 60 foot setbacks in a rear lot line. Mr. Aulenbach noted that building to building is somewhere around 12 to 15 feet.

Mr. Perlman asked for an explanation of the ground floor amenities. Mr. Aulenbach noted that typically in their rental communities they would have a business center for people to work at. There's typically going to be a gym/fitness area and a great room/large gathering area. It depends on the needs of the tenants as the project is built. Mr. Perlman noted that families would be living there and all the amenities seem to be geared to adults and not children. There's no outdoor play structures for children. He called their attention to three parcels that are just at the southwest corner of Mansfield and South 6th Avenue that are owned by the town, lots 5, 6 and 7.

It is about 6,000 to 7,000 square feet of borough property that he thinks is well suitable for potential contribution from them to put a play structure in since you don't have one on your property. At a minimum the borough property should be graded in the front because half the property is like your property. They should work with the Borough Engineer to have their retaining walls match the needs of our borough owned property so it's graded in such a way that a playground or whatever the borough needs can be accommodated.

Ms. Hand noted that this is a good stopping point for the evening. She has questions and she has no doubt other members of the board have questions. Members of the public have issues that need to be more thoroughly discussed. The Board will resume their application at their next meeting. They do need to continue to get testimony from them on CME point 15 and LRK point 7.9.

Attorney Thomas noted that the application is carried to the May 11th meeting without having to provide any further notice and the meeting will be at 7:30 p.m.

There was a motion to adjourn from MILLET and a second by HADHAZY at 10:52 pm the meeting was adjourned.

Respectfully submitted,

Sonia Monroy
Board Clerk