

**HIGHLAND PARK PLANNING BOARD**  
 Highland Park Borough Hall-Council Chambers  
 221 So. 5th Ave.  
 Highland Park, NJ 08904  
**MEETING DATE – June 8, 2023 @ 7:30 P.M.**

**Call to Order**

The meeting is called to order. Annual Notice of this meeting was provided to the Star Ledger, Home News Tribune and Highland Park Planet on January 31, 2023. In addition, notice of this meeting via zoom was emailed to the Home News Tribune, The Star Ledger and the Highland Park Planet on June 6, 2023, and was posted on the Borough website at www.hpboro.com and on the bulletin board at Borough Hall, 221 So. Fifth Avenue, Highland Park, NJ on June 6, 2023, and has remained continuously posted as required by law.

**Roll Call**

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

**Resolutions:**

**Resolution P2023-02**

JSM at Highland Park LLC, Gabrielle Estates) Preliminary and Final Major Site Plan and “C” Variance with Exceptions, Application No. P2020-01

Mr. Thomas, Esq., said that he reviewed the changes that have been made to the Resolution, page 8, second full complete paragraph and it is a second sentence. That second sentence currently reads “the applicant agrees to submit the LSRP report to the Environmental Commission for review and for informational purposes.” There were some questions that were raised by the representatives from the environmental position, there was also agreement that some additional plans would be submitted, they had conversations with Allan Williams and we talked about certain things called a mitigation plan and a mitigation final report. There was some concern as to whether or not those terms were terms of art or whether or not they were somehow either misleading or otherwise. We ended up having a conference call with the representatives from the applicant and I included Mr. Wolfson who is the attorney as well as the engineer and then there was a gentleman who identified himself or he was identified to me as the former Commissioner of the NJDEP and he happens to be in the employee of Edgewood Properties. As a result of that conference call to get some more specificity as to what was what I think the Environment Commission was really looking for, that sentence would be eliminated. It would now read “the applicant has agreed to submit the LSRP report and the remedial action work plan and the remedial investigative report to the Environmental Commission for environmental or for informational purposes only upon issuance of remedial action work plan and the remedial investigative report to the Environmental Commission for environmental or for informational purposes only upon issuance of remedial action outcome for the RAO and a copy of that will be sent to the Borough and to the Environmental Commission for informational purposes only.” That language would be substituted for the sentence that was just read in addition there is a condition that reflects that and that is a condition number four on page 12. That language that is in there will now be eliminated. The only modification that I would offer to that you have not otherwise received and with that Madam chair I would offer the resolution for your consideration. Mr. Thomas, Esq., the modifications with the Board members.

It was MOVED by WILLIAMS and seconded by PERLMAN that the Resolution be adopted as amended.

ROLL CALL: Ayes - Brescher, Chin, Eisdorfer, Hale, Lanaris, Perlman, Stern-Cardinale, Williams, Hand  
Nays – None

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

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

- Planning Board to Conduct An Area in Need of Redevelopment Investigation of Certain Property Identified as Block 2202, Lots 1, 13, 19, 31, 37, 38, and 39 on the Borough's Tax Map to Determine whether the Planning Board finds that the Property Satisfies the Local Redevelopment and Housing Law In Need Criteria and Should be Declared In Need of Redevelopment without Condemnation Powers - Authorizing Loony Ricks Kiss To Conduct The Area In Need Of Redevelopment Study (Tract C)

Ms. Hand said that the Board has received a referral to conduct an Area in Need of Redevelopment investigation of certain properties identified as Block 2202, Lots 1, 13, 19, 31, 37, 38, and 39, this came to the Board originally two meetings ago, we missed the first meeting because it didn't make it onto our agenda and we adjourned it from the second meeting to give members of the Board the opportunity to review. She requested the Board Attorney to provide the Board what their role is with regards to this.

Roger Thomas, Esq. said under the Local Redevelopment and Housing Law that there has been a resolution which you've all seen from the Governing Body asking that you authorize an investigation of these properties for purposes and determining whether or not they meet your standard for redevelopment it is my understanding that, it is not a request, and that it is a mandate and as I understand statute, it indicates that the municipality shall by resolution authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed Area in Need of Redevelopment area according to the criteria. He mentioned that the relevant material that the Board needs to be aware of so it's not a question that you are authorized to decide whether or not you're going to investigate it, I think you are required to investigate. Once the investigation is done then you as the Board will have an opportunity to ask questions as will the public with regard to the results of that investigation and whether or not you believe that the lots in question meet the criteria and therefore it would be referred back to the Governing Body as an Area in Need of Redevelopment or not depending upon: one, what the result of the studies; or, two, what your determination is in relation to that study.

Chris Cosenza, Planner said he included a map color coded in a blue area are lots designated back in 2005, and given that it was designated an area in need of redevelopment prior to 2013 that means it does qualify for a condemnation. An RFP was issued and potential redevelopers submitted proposals and one of the proposals for this particular Tract was accepted and the Borough is currently in negotiations. His understanding is that the potential redeveloper is looking at other properties that made us think about, similar to how we did the Stop and Shop site, let's look at the expanded area. As you recall in the 2005 plan, we have a checkerboard pattern, such as why does it not go all into this all the way to the street corner. This gives us an opportunity to investigate, first of all, if the properties do qualify, in this case, under the non-condemnation designation, , then they can be pulled into an amended redevelopment plan, all under the redevelopment designation. Otherwise, as of right now, we can still do an amended redevelopment plan which may make it a little bit easier including the financial aspects. The Planning Board resolution is to authorize LRK to do the study on behalf of the Board

Mr. Cosenza said, to summarize the different properties that we're looking at, other lots to the south and the to the east may potentially offer better benefits for access to the redevelopment area. While we do not know right now, if they will qualify, that is the reason why the Borough Council has requested the study.

Mr. Eisdorfer thanked the Planner for the map, he asked what the Council or new vision would be accomplished if we determine that these were indeed qualified as areas in need of redevelopment, what is the purpose of this. It is not symmetric. Mr. Cosenza said the possibility to extend street corners squaring off lots may give better access off the side streets

Mr. Thomas, Esq., said that his opinion is that once the Governing Body does the resolution pursuant to the Redevelopment Law, there is not really a lot of leeway from them to say well we are not going to take it up because we don't think it is not got any efficacy. The Planning Board has the obligation to start the plan/study. That being said, when the study comes back for comments it then becomes relative, it is a situation where it may very well turn out that the study reveals all or some of the lots may be determined not be needed that may be determined to be in need of redevelopment and members of the Board may disagree, that very well may be a debate of any public hearings in relation to the adoption. He appreciates the thoughts, and they are important but it is preliminary at this stage and should be held to such time as the study is done.

Mr. Eisdorfer said that he was concerned about the opposite situation, we make the technical determination that there all in need of redevelopment as many are in the community and I still don't know what the point of it was. Mr. Thomas, Esq., said that if it is determined that all of the lots are in fact in need of redevelopment, then what ends up happening, if everybody agrees that that's the case, then what I understand would be the process of familiar with as I am that recommendation and that study will then go back to the governing body. He said that it was determination of what upgrade means but nonetheless to try and make it more economically viable among other things and also so that would be one of the issues that would have to be discussed. The question becomes what will be that plan, the owners and the public will have input, members of the Board will have input

Mr. Lanaris asked what the definition was for rehabilitation and redevelopment. Mr. Cosenza said that they are both types of designations. You can do a redevelopment plan, vision and specific zoning design standards to facilitate a project under with designation. As to the determination, the processes are slightly different. To qualify for the redevelopment designation, whether it's condemnation or non-condemnation, it involves more of a scrutinized test, for example, it's dilapidated or has certain features that are unwholesome living or working environments and others. The rehabilitation designation, it's more of a practical analysis where a majority of the lots in the delineated area meet certain objective criteria. The key difference between to two designations is that through rehabilitation designation, you can do up to a five-year PILOT, whereas through an area in need of redevelopment destination, you can do up to a 30-year PILOT and the use of condemnation.

Mr. Perlman said the existing redevelopment plan, there is only one point of access off of Magnolia, and you and the Council spoke about the viability of a Redevelopment area the shape the way it is, and was there thought about looking into other parcels that would enhance the viability of the site or Redevelopment. Mr. Cosenza said that is a part of the process, to look at different access points.

Councilman Hale said that this could assist in different access to the site, Lots 37, 38 and 39 are right next to what we are may be a plaza but before we include it we have to study the area before we say yes or no. We need to see if it qualifies and then after if it qualifies then we move forward from there.

Ms. Hand asked the Board Attorney if the Board was directed to undertake a study and its really Council's directive that we must do it, what is it that we are voting on tonight. Mr. Thomas, Esq., responded that the Board is voting to authorize the implementation of a study by the Board Planner.

Mr. Chin said that he recalled hearing that the Board was in the past focused on redeveloping areas that it already had control of through ownership or where the owner has expressed some willingness to entertain a redevelopment proposal, and asked with these proposed study areas that are in front of us is that still the case. Mr. Cosenza said it was his understanding that it was a combination, there may be some parcels that are not under the same ownership of the additional redeveloper. Councilman Hale said some of them are owned by people who have said they are interested in doing some of them are not, also that does not mean they will never be, it is early in the process.

It was MOVED by CHIN and SECONDED by STERN CARDINALE to authorize the implementation of the study to be conducted by the offices of Looney Ricks Kiss.

ROLL CALL: Ayes - Brescher, Chin, Eisdorfer, Hale, Lanaris, Perlman, Stern-Cardinale, Williams, Hand  
Nays – None

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

#### **Correspondence and reports**

Zoning/Building Officer report – Scott

Mr. Brescher indicated there was a zoning application for a two-family house on South Third Avenue. The school is moving along.

Board discussion of status and implementation of prior matters - None

#### **Public comment on any item not on the agenda**

Ms. Hand opened the floor for public comment, seeing no one Ms. Hand closed public comment.

#### **Adjournment**

There was a motion to adjourn from Mr. Lanaris and a second by Mr. Perlman 8:16 PM the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago  
Acting Board Clerk