

HIGHLAND PARK PLANNING BOARD  
Highland Park Borough Hall-Council Chambers  
221 So. 5th Ave.  
Highland Park, NJ 08904  
MEETING DATE – November 9, 2023 @ 7:30 P.M.

**Call to Order**

The meeting was 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](http://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, Stephen Eisdorfer, Matthew Hale, Jeffrey Perlman, Dan Stern Cardinale, Allan Williams
Absent	Khahlidra Hadhazy, Paul Lanaris, Padraic Millet
<u>Board Professionals</u>	Roger Thomas, Esq., Bruce Koch, Borough Engineer, Chris Cosenza, Planner

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

Consistency Review                      Ordinance No. 23-2080                      An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning Residential Density in Central Business District

Mr. Thomas, the Board Attorney, indicated to the Board and the members of the public that Ordinance #23-2080 is currently before the Planning Board for a Consistency Review pursuant to the Municipal Land Use Law. He explained that the Consistency Review is a hearing and that there is a need for the Board to take appropriate action at the end of the Consistency Review. He then deferred this matter to Ms. Hand, the Chair.

Ms. Hand stated there are two consistency reviews for ordinances proposed by Council to determine if they are or are not consistent with the town’s master plan. She began with Ordinance #23-2080. Ms. Hand asked the planner, Mr. Cosenza, if he had any comments to make to the board about the proposed amendment. Mr. Cosenza stated that Ordinance 23-2080 is rather a simple amendment. He said it’s a requirement that not more than 33% of the gross floor area of the building will be for residential use. Mr. Cosenza explains that with a three story building, the residential use will be the 3<sup>rd</sup> floor, the non-residential use such as office use will be the 2<sup>nd</sup> floor and probably retail use on the 1<sup>st</sup> floor. He also mentioned there are not many three story buildings in Highland Park. He goes on to explain there are a lot of two story buildings that have residential use that are probably non-conforming which means any addition or any change will most likely trigger a use variance. It can make the subjective argument that it’s probably one of the regulations in place that does not stimulate reinvestment. Mr. Cosenza noted the suggestion by mayor and council is to simply remove the density cap of 33%. He said the suggestion is to simply strike it literally with dash dash to be consistent with other districts in the chart that it will no longer be applicable to the CPD district.

Ms. Hand asked the board members if they have any comments about the proposed amendment. Mr. Chin stated that removing the 33% restriction, there is still the expectation that there will be a retail or commercial component to the buildings in the CBD. Mr. Chin asked if they are still going to have a business use in addition to residential so they are not taking away opportunities for businesses in the commercial. Mr. Cosenza said that is correct. He said this regulation simply removes the residential cap. It does not affect the land use regulations CBD district.

Mr. Eisdorfer asked if its unambiguous that removing that would mean 100% rather than 0%. Mr. Cosenza stated it will not apply. Mr. Eisdorfer said he has some doubts as to whether removing it is unambiguous. He stated it seems to leave it open to interpretation what that blank means. He also said you're telling me the blank means any number you pick so long as it's above the floor. He said that is not clear. Roger Thomas, Esq. agreed with Mr. Eisdorfer. Mr. Thomas agrees that the language was interpreting it differently. He said now that he sees the attachment it is consistent with what the attachment itself says. Mr. Thomas stated it makes more sense after looking at the attachment.

Ms. Hand opened the meeting to members of the public who wish to be heard on Ordinance #23-2080. There being no public present wishing to speak, public comment was closed.

Mr. Thomas explained that the Municipal Land Use Law requires that the Planning Board make a determination as to whether or not Ordinances that affect land use are not inconsistent with the Master Plan of the Borough. He advised that the Board could rely upon the testimony of Mr. Cosenza, who has indicated that he believes that the Ordinance does meet that standard. He acknowledged the comments of Mr. Eisdorfer. However, he indicated that when you read the amendment in conjunction with the attachment, the language now makes sense.

It was MOVED by CHIN and SECONDED by Eisdorfer that Ordinance 23-2080 is not inconsistent with the master plan.

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

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

Consistency Review	Ordinance No. 23-2079	An Ordinance by the Borough of Highland Park, Middlesex County, New Jersey Amending Chapter 230, Land Development Concerning New Construction on Non-Conforming Single- And Two-Family Residential Lots
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Mr. Thomas indicated to the Board and the members of the public that Ordinance #23-2079 is currently before the Planning Board for a Consistency Review pursuant to the Municipal Land Use Law. He again explained that the Consistency Review is a hearing and that there is a need for the Board to take appropriate action at the end of the Consistency Review. He then deferred this matter to Ms. Hand.

Ms. Hand moved to the next consistency matter Ordinance #23-2079. She asked Mr. Cosenza to speak on the ordinance being proposed for review. Mr. Cosenza spoke regarding analysis of the residential district in 2019. He said part of the analysis showed that nearly 40% of lots are non-conforming. Mr. Cosenza said the previous regulations meant that anytime you want to do any work or additions to the property it would trigger a variance. Mr. Cosenza said the ordinance is a little unclear on what is changing. He said the only

word that is being added is under Section B, the second line. The word “constructed” implying that a new home may be constructed on a lot that’s deficient with lot area, lot width and lot depth as long as they meet all other provisions of the ordinance. This will encourage home building in town. He said incremental steps to help improve livability in town.

Mr. Cosenza ask Mr. Thomas that in case law if there’s a finding of a lot of properties needing a variance, the appropriate remedy is not to grant a variance but actually to change the ordinances. Mr. Thomas said that is absolutely correct. Mr. Cosenza said to make incremental steps to help improve livability in town which Mr. Thomas agreed.

Mr. Perlman asked if by adding the word constructed for undersized lots or for existing undersized lots, would this not encourage or try to encourage subdivision to undersized lots? Mr. Cosenza said not necessarily because through the subdivision process if you have a variance request for undersized the board is not obligated to approve those.

Mr. Chin said they have both RA single family zone and RB two family zone. A lot of homes in two family zones might not have two. He asked would this mean that it would be possible as long as setbacks are followed for an existing structure to be divided into two units regarding RB Zone? Mr. Cosenza said this would allow for undersized single and two family homes in the RB zone to be constructed so long as they comply with setback, coverage and life insurance.

Mr. Eisdorfer wanted to know if an undersized lot that has a house on it and does not comply with the setback standards then the house predates the setback standards. He asked how does this affect alterations to that house if at all? Mr. Cosenza explained that the ordinance does not affect any existing house wishing to extend it because there are other provisions that allow for non-conforming setbacks.

Mr. Cosenza asked Mr. Thomas and Ms. Hand if the Borough could take action on November 21<sup>st</sup>. Mr. Thomas said yes.

Ms. Hand opened the meeting to members of the public who wish to be heard on Ordinance #23-2079. There being no public present wishing to speak, public comment was closed.

Mr. Thomas again reiterated that the Board is obligated to make a determination as to whether or not the Ordinance is not inconsistent with the Master Plan and reiterated his position with regard to the comments of Mr. Eisdorfer and Mr. Chin. He recommended that the motion should indicate that the Ordinance is not inconsistent with the Master Plan so that the Board members are clear that if they vote yes, they are voting to indicate that the Ordinance is inconsistent with the Master Plan.

It was MOVED by Stern-Cardinale and SECONDED by Perlman that Ordinance 23-2079 is not inconsistent with master plan.

ROLL CALL: Ayes - Brescher, Chin, Eisdorfer, Hale, 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 - None

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. Perlman and a second by Mr. Stern-Cardinale 7:59 PM the meeting was adjourned.

Respectfully submitted,

Sonia Monroy  
Board Clerk