

HIGHLAND PARK PLANNING BOARD
Highland Park Borough Hall-Council Chambers
221 So. 5th Ave.
Highland Park, NJ 08904
MEETING DATE – December 14, 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 October 16, 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 October 16, 2023, and has remained continuously posted as required by law.

Roll Call

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

Public Hearing:

- Preliminary Investigation Report of a Non-Condensation Area in need of Redevelopment – Downtown Area- Tract C Expansion
Block 2202, Lots 1, 13, 19, 31, 37, 38, & 39

Mr. Millet began the meeting stating we just have one major item of business tonight and that is the Preliminary Investigation Report of a Non-Condensation Area in need of Redevelopment – Downtown Area- Tract C Expansion, Block 2202 Lot 1, 13, 19, 31, 37, 38 & 39. He stated the Planner, Cosenza will be giving the report.

Mr. Eisdorfer asked to speak before Mr. Cosenza begins. Stephen stated he has a matter he needs to put on record. He said he has a connection with Garden Homes which is the conditional redeveloper. He said to be precise, his law firm, which he is now a retired lawyer, represented several LLC's connected with Garden Homes. Specifically, he represented Duck Pond & Associates in 2015. It is a single purpose LLC which owned property in West Windsor. Mr. Eisdorfer said he represented them for about a year on a long tedious trial. His firm continued to represent Duck Pond for another two years. He ceased connection with the firm 4 years ago. The firm still does represent two LLC's associated with Garden Homes which one is in North Brunswick and the other in Englewood Cliffs. His question is whether he needs to excuse himself from the meeting.

Attorney, Mr. Lynch stated he consulted with Roger Thomas, Esq. earlier. Mr. Lynch asked Stephen if his past representation eight years ago would affect his ability to participate tonight. Mr. Eisdorfer responded with a No. Mr. Lynch said he and Mr. Thomas checked into this matter and they don't see a conflict of interest. Stephen accepted Mr. Lynch's response. Mr. Millet stated that Mr. Thomas also gave him a heads up tonight. Mr. Millet thanked Stephen for bringing it forward.

Mr. Millet told Planner Cosenza, he may begin his presentation. Planner Cosenza began saying this is a preliminary investigation for study of certain properties within a 200 block of Raritan Avenue. We will go over the summary as well as the overview and scope of the study, redevelopment statute, study area context in terms of the background, the study area evaluation which is the evaluation of the seven properties. The conclusion would be our recommendations

on what to do moving forward. So in terms of context, it is indicated that the seven properties located in the 200 block south side of Raritan Avenue are a little scattered. Lots 1, 13, 19, 31, 37, 38, 39. I will explain why the Borough Council selected those properties for investigation for potential expansion of the existing area that was established in 2005.

Planner Cosenza said this started 20 years ago in 2003 noted in the Master Plan. They started to evaluate areas of the downtown that were potentially useful for redevelopment. Beginning in October 2004 and concluding in June 2005 redevelopment designation was established for various properties in the downtown area incorporated into that plan called the downtown redevelopment plan which was adopted in September 2005. In 2016 – Area in need – Engage in a process with the borough council with CME to prepare a study determining whether or not the entirety the Borough qualifies the area needed rehabilitation. The ordinance was passed adopting that designation such as the entire community is as area rehabilitation as several other communities throughout the state have done including nearby Metuchen just three years ago. In 2019, we did a master planning effort including a strategic update to the land use plan element which focuses on a lot of matters including several corridors which include downtown corridor. The theme of that was how we leverage redevelopment recognizing the lack of activity in the downtown area.

In 2021, during the pandemic, we prepared a redundant plan that also did a scatter site investment plan designation underneath utilizing the rehab designation. As you can see on the chart more scattered sites but at the time it was more focused on properties that the Borough had some control over. At that time it was for Tract B. For example, the logical location for a parking structure or some sort of parking strategy that would benefit redevelopment of the other tracts. Many of these tracts were actually already in the 2005 designated properties and 2005 plan. This is more of a focus approach in 2021. When that plan was adopted, the Borough engaged in RFP process to select conditional redevelopers for various tracts. Here we are today in 2023 performing a study determining whether additional properties would qualify as area in need of redevelopment specific to Tract C.

The Borough issued the RFP with specific expectations for the redevelopment area of each tract. Tracts A through D in 2021 plan as part of the RFP release, the Borough did allow respondents to propose development on adjacent properties outside of designated areas and relative to Tract C. The Borough did select 232 Raritan Ave, LLC (Garden Homes) as a conditional redeveloper. Their initial concept plan as presented to the Borough council as redevelopment entity did include additional properties as anticipated and allowed for in the RFP release. The Borough also decided it was in the best interest of the community to consider the expanded portions in order to do that in the best interest of potentially using the powers under the redevelopment designation as opposed to just a rehab designation. They did authorize a concept to expand redevelopment area to include the remainder of the block on Raritan Ave and to potentially facilitate better access to this potentially larger redevelopment area. At its meeting on February 21, 2023, the borough council adopted a resolution #2-23-71 which authorized and directed the planning board to conduct a study. I believe in June the planning board did recognize the need for a license professional to prepare the study on behalf of the Borough. This is the culmination of that report. This presentation is meant to give an overview of the findings. As of 2013, the State Legislature has required that whenever you do a resolution for a study it has to indicate whether or not may use condemnation or eminent domain. You have to declare it as a condemnation area for redevelopment study. The alternative is you are not going to use eminent domain. You will need to declare it or title it as a non-combination development. This resolution was adopted in February by Council specifically called for non-condemnation in need of redevelopment.

Planner Cosenza said he conducts inventory of the properties through mapping or viewing the records such as building permits, zoning permits for approvals, police and fire records as well as DPW and Health Dept. records if they are available. Review against the zoning map, zoning ordinance and master plan and then do the site inspection. In this case, he states he was not able to get into all the properties. In some cases he was refused access. He was able to do some analysis of the physical conditions from the public right away and through the permit records. He used photographs to illustrate the findings that are found appropriate.

Redevelopment Statute – Starting with the purpose of the statute. The statute purpose of the local redevelopment housing law is that its planning and financial tool that grants local governments including municipalities various redevelopment powers. It includes the ability to initiate a process that could transform underutilized or poor designed properties with the principal goal of promoting the physical development most conducive to the social and economic improvement of the state and its municipalities.

Planner Cosenza spoke about two projects recently completed. 31 River Road which is the Frederick 40 unit apartment building adjacent to a residential neighborhood consisting mostly single family homes. With regards to 137-139 Raritan Ave, it is taking a one story building with no parking lot site, having off-site parking requirements and promoting a mixed use building. With regards to the redevelopment process, it's a very detailed process for the investigation as well as upon designation of a redevelopment area. Statutory requirements for investigation are detailed. There is recent case law that sort of restricts or narrows the focus of how you can make a finding of a property to meet the criteria. To be clear, a piece of property does not need to meet A through H in the Statutory Criteria to qualify. It only needs to meet one of them other than H. As long as it meets one of the top seven criteria then it is deemed a redevelopment. Redevelopment in the statute is defined as a redevelopment area that may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety, welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. "The Section 3".

Planner Cosenza said the redevelopment handbook second edition, reiterates that this section allows for the inclusion of properties that do not meet the statutory criteria but are essential to be included in a destination to effectively redevelop the area. An example of this includes providing better access to the property. Simple things as even just infrastructure or utilities could be a viable use of it as well as property that could be determined to be critical to the area's successful redevelopment. The common theme we use for using section three criteria are access whether it's pedestrian or vehicular as well as squaring off an area which might lead to a better building form. Planner, Cosenza goes over the study area map, the land use map, the zoning map and the master plan map. He says that was an overview of why we are doing this and how we got to where we are now. We are potentially expanding the redevelopment area that was already designed in 2004 with this study so that we could potentially improve access in potential building form with the additional lots. The redevelopment plan can still be created under the rehab designation using any lots or the entire block if the Borough so chooses. But it was determined that it was in the best interest to expand the study. That way the properties as a future project for amended redevelopment plan would be all under the redevelopment statute.

Block 2202 – Lot 1, known as 202 Raritan Avenue is a non-conforming lot with respect to lot area, lot depth and presently contains non-conforming use because offices are not permitted on the ground floor in the CBD zone. Any modification requires a use variance. The property is a corner lot with undersized conditions. It contains a two and a half story frame building. Initially it was constructed as a residence and was eventually converted to an office use. This building has a nice front porch wrap around accessible ramp to a rear parking area. When I did my record search I found it was subject to two board applications in 1980 and 1994. In 1980, permission was sought from zoning board to maintain a driveway that was built without permits. The board granted approval to maintain driveway despite the fact that the driveway is too close to the street intersection. It does not meet code. In 1994, the property received site plan approval to convert the residence into an office use with an undetermined second floor use. The free standing sign in the front yard received several variances mainly because the CBD zone does not permit free standing signs.

Mr. Eisdorfer said that Mr. Cosenza described this property as nonconforming. He asked if that means it does not comply with the existing ordinance. Stephen asked is it conforming to the variances. Planner Cosenza said it is conforming to the approval. Mr. Eisdorfer said ok so it is not really nonconforming. It is conforming to the standards that were established in the variances. Planner Cosenza replied stating by the standards of the board. Mr. Eisdorfer said it's not really nonconforming. It is conforming to the standards to which it is subject. Planner Cosenza said yes they received approval to deviate from the standards.

Planner Cosenza said that upon review of other various records, permits were regularly issued from the 1980's to 2000's including various sign permits, changes of occupancy, replacing the roof and repairing the walkway. However, there has only been one permit issued in the last 25 years relative to electrical and plumbing indicating there may be deferred maintenance projects within the building. There have been a few police and fire calls mainly related to fire alarms.

As far as conditions of the site, the present layout of the parking area is nonconforming with respect to the zoning ordinance. It did receive approval in 1980 to maintain it. It is still in a condition that is obsolete in terms of site plans best practices. Parking area lacks properly designed vehicular access for ingress and egress. The defined parking spaces are not appropriate. The accommodations for accessible parking are basically non-existent and pedestrian

amenities and buffering is not to code. The driveway that provides access to the rear yard is very narrow and it is located in the front yard. It's narrow and blocked by landscaping such that when you drive one way out of the parking lot towards the street, you are very close to the intersection. There is a tight turning radius that tightly wraps around the building and is shielded by very tall shrubbery which is a violation of the clear site triangle. It makes it difficult for vehicles to simultaneously enter and exit the site at the same time which creates conflict with pedestrians on the sidewalk. It is a condition that is dangerous. As with recent case law this year indicates that you can't just make a finding of the belief that it has an improper layout, faulty arrangement or design. It needs to show harm. In this case I believe this layout is harmful to the community because of the violations of the clear site triangle, the inability for two cars to traverse at the same time. If this was still a house this would be appropriate. You are not going to get the same amount of traffic back and forth. But this is an office use that has appointments only. You can have conflicts of people coming in and out at the same time. You also have the upper floor office use as well. There is a lot of in and out of the space. It could potentially be a hazard to pedestrians and people utilizing the parking spaces. We also know that the parking area lacks adequate space to back out. It's simply a square. There is really no room to maneuver. So they are banging into the site and onto other properties causing damage. The parking lot also lacks accessible ADA parking space. There was one approved through that site plan application in 1994. But if you go to the site now it's no longer there. There is no signage. The striping is not there for the access aisle. There is no striping for the space at all and the buffering is non-existent. It's just a fence. All these conditions show that there is insufficient space to maneuver around the site. In my opinion, these conditions result in driver confusion. Contribute to circulation patterns unsafe for motorists, bicyclists and pedestrians. The parking area itself shows significant signs of deterioration. Regarding ADA access to the building parking area has sunken a bit. You need more than a quarter inch, almost a half inch to step into the sidewalk. The concrete walkway lacks bollards for the first several feet.

With regards to solid waste and recycling, there is a lack of designated space. There is no trash enclosure which is required for non-residential buildings. The building is in generally fair condition. It is beginning to show signs of deterioration and water damage. The exterior of the building is showing signs of deterioration. There is apparent water damage and moderate deterioration on several parts of the side including underneath the bay windows and the foundation of the building. The building interior is actually in fairly good condition with respect to the first and second floor. The second floor has a nice space, very clean and no obvious problems. But in the basement there is a fair amount of clutter and some deterioration, peeling paint, water stains and possibly mold growth in various areas. While the exterior of the building has conditions which are fixable, the interior is in very good condition. I find that the combination of the faulty arrangement design of the parking area to be detrimental to the safety, health, morals and welfare of the community in accordance with criteria D of the local housing law. Additionally, because the property qualifies under D you can utilize criteria H which is a smart growth statute.

The next property is the property next door on South 2nd Avenue which is Block 2202, Lot 31 – 11 South 2nd Avenue. This property is a conforming lot but presently contains a non-conforming use because single family dwelling is not permitted use in the CBD zone. The property is a mid-block lot adjacent to the corner lot. It contains a one and a half story three bedroom dwelling. It is managed by the Reformed Church of Highland Park as an affordable unit for special needs as noted in the housing element of their share plan. Records show that consistent with the timing of the conversion of that dwelling to an affordable unit in 2018, various permits were issued for equipment and interior renovation. They took a second floor bedroom and split it into two smaller rooms. They replaced all the wiring in the building. However, no permits have been issued since that time. From 2018 through 2023 representing a 5 year period there have been thirty police and fire calls. Not all the calls may be associated with incidents on the property itself because the police records include traffic incidents in front of the property. There were various calls associated with ambulance, behavioral mental health crisis, civil matters, disputes, harassment, several welfare checks and four incidents of theft.

Regarding the property itself, the tenant of the house does not have full use of the property. A portion of the yard has been fenced off. It serves as a playground area that is managed by the church. The solid waste and recycling is lacking because the trash can is left out in the open at least at the time of the inspection. When I went back the second time it was out in the front yard area again. I would not call that a condition that warrants any criteria. The building exterior is actually in pretty good condition as with the case with the conversion of the 2008 renovations to the interior/exterior were done. There were some over growth and paint chipping but nothing substantial. There were some missing and broken slats relative to the window system in the front porch. The front stairway lacks a landing. When you step on it, it's sagging. The building interior is generally in fair condition. There is somewhat limited

circulation as the hallways and stairways are very narrow. It is an old home. There is limited space between range and kitchen. It is sort of an obsolete layout. There is really no space for the refrigerator as it is located in the dining room instead. There is at least one outlet being used daisy chained to power other smaller appliances. There were also other outlets exposed without protective cover. That can easily be fixed by putting covers on them.

The second floor bathroom has some deterioration because it was leaking. There was water damage from a giant hole in the kitchen ceiling and water damage on the floor. When I was there with the manager of the building they were in the process of repairing those damages. It is really for those reasons that I found that while there are various interior conditions throughout the property, it does not appear that they rise to the level of criteria A. It is my opinion the property does qualify as a con-demnation area development under the statutory criteria as we discussed before. Given the property's proximity to South 2nd Avenue and adjacent to the corner lot that has been designated, I feel it meets criteria D. This includes the property into the already designated property which allow for appropriate access point from South 2nd Avenue. As of right now the current redevelopment area only has access from Magnolia Street. So future redevelopment only have one access point for Magnolia Street which is a mostly residential street. A lot more traffic is generated. There is a need to consider a secondary access point. That includes both vehicular and pedestrian movements throughout the block. This additional access point would relieve pressure from that only access point. Providing additional access point other than Raritan Avenue further promotes the goals and objectives of master plan. The other option is to just put a couple driveways in. I think we all agree that's not an option. So we need to look at options where we can get access to these redevelopment areas from the side streets and not rely solely on existing Magnolia Street. Combining Lot 31 with Lot 1 also encourages for a design element that could be incorporated into a larger redevelopment area. If you only include Lot 1 a very narrow lot and it's difficult to use a form with appropriate parking behind it. So when you combine this lot with lot 1 it's appropriate to expand redevelopment area to South 2nd Avenue. It's basically to square off that access point.

Block 2202 – Lot 37, known as 242 Raritan Avenue is a two story building with a two and a half story home behind it. Lot 37 is non-conforming with respect to lot area and lot width. It presently contains a non-conforming use since apartments are not permitted on the ground floor in the CBD zone. There is a residential use in the back of the building on ground floor. The property is a mid-block lot on the other side of the corner that we were just referring to in lot 1 and 31. It contains a two story building in front of a two and a half story frame dwelling. It doesn't have a driveway or a garage. All parking is offsite. The rear yard area is actually very well maintained. It contains a fenced in pool area, at least observed from the neighboring property. This is the property that was refused access. I was not able to get into the building or even on the site. Almost all the photos you can see are from the public right of way or looking from another property where I was given access to. With regards to the use, Salon Envy is on the ground floor. It's a very attractive storefront. It's one of the nicest storefronts in town. The second floor does not have windows which is an odd condition. It does not meet the design standards of the Borough. As I described in the report, multiple building types are actually pretty common in Highland Park where you have a commercial building in front of a house. This is one of those situations. It's really indicative of the early development for Raritan Avenue.

In the case of this lot, the single family dwelling was converted into two apartments. One is on the ground floor which is non-conforming as well as another apartment on the second floor. There is a two story building up front with the commercial use on the ground floor. There is another apartment on the second floor. When I reviewed the records permits were regularly issued in the 1970's and 1980's. However, there has been a number of concerns raised by hazardous conditions from 1989 to mid 1990's which more or less has been addressed. Since that time permits have been issued regularly for renovations including for Salon Envy back in 2000. Salon Envy has been here for over 20 years. There were other improvements in 2008 as well as 2014. There does not be to appear any mechanical permits since the late 1990's. Over a five year period view of the police and fire records show there have been 24 police and fire calls. Half of them are related to traffic. With regards to the property as I indicated I could not get into the property. I noticed that the rear yard area really serves the residential use to form a home being converted to an area in good condition. As with the above ground pool while the gate and fence system surrounding the pool was not self-closing and self-latching it would be a violation of both zoning and construction codes. It is noted that the ladder flips up. That prevents from children who are unsupervised unwanted entry into the pool. The gate has to be closed manually. The building exterior is actually in pretty good condition. Particularly the store front as discussed. There was no access to the interior. Given that with the lack of information I did not find this property met the criteria. However, it is directly adjacent to the 2004 designated area and is also adjacent on the other side of the building on the left side of properties yet to be discussed in the presentation but were found to be an area in need of

redevelopment for different reasons. It's appropriate that the property be considered for redevelopment under the section three criteria because the property in itself does not meet the criteria. It would be appropriate to merge it as part of a larger redevelopment area.

Block 2202 – Lot 38, known as 246 Raritan Avenue. It is a corner lot. Tax records indicate that 246 Raritan Avenue is actually three businesses associated with the site. 246 Raritan Avenue is the “Make Me Take Me” space. 248 Raritan Avenue is the “KitTea” restaurant space. On the side street, 8 South 3rd Avenue is the Highland Park taxi business. Lot 30 is non-conforming with respect to lot area and lot width. Again another non-conforming lot with respect to the size and it contains a non-conforming use given that offices are not permitted on the ground floor in the CBD zone. That is specific to the Highland Park taxi business. The property is a corner lot located on the south side of Raritan Avenue, Route 27 at the west side of South 3rd Avenue. The property presently contains a one story building split into three storefronts. There was a small parking lot- driveway on the rear of the building. It's accessible from the side street. There are several street trees which are within the Raritan Avenue South 3rd public rights of way.

Records Summary – The permits have been regularly issued for the last 50 years for these properties. There have been oil tank removals as well as installation. Chemical equipment has been replaced in a timely manner. In 1980 a major renovation project for a corner confectionary at the corner store including inside renovations and street scape improvements. It is a relatively good looking building. The review of the police and fire records call show there have only been three minor incidents on the property. As far as the conditions on the property while there is no off street parking area there is a small curb cut that allows for access to an apparent shared driveway between this property and the property to the south. Because of that curb cut cars often park in the public right of way blocking the side walk. Not only is that not permitted but also because of the over growth of the plantings on either side there is a violation of clear sight triangle when you're trying to use that for vehicular parking. This creates dangerous conditions for pedestrians on the side walk as well as for motorists in the street. Therefore, the driveway no longer functions as such. These conditions may result in driver confusion and contributes to a circulation pattern that is unsafe and dangerous.

With regards to solid waste and recycling, there is a bunch of cans all lined up without a dumpster. So while there is a dedicated space there is no enclosure provided. Again it's common for residential uses. There are several barrels that are in disarray with standing water situated on top which may create a breeding ground for mosquitos. Additionally, the stairway against the building that follows an attractive chain link fence is being used as a dumpster. There is an oil tank shown at the bottom. At the bottom there appears to be various trash, litter, debris and a water heater. There also appeared to be running water at the bottom which was concerning. It is deteriorating the sidewalk conditions at the bottom of the stairway. There are pest management issues and other hazards related to that.

With regards to the exterior of the building, the brick side is generally in poor to fair conditions showing moderate deficiencies including horizontal and vertical displacement. The bricks in several cases are bulging out and in certain places they have been patched incorrectly. Several portions remain in a state of disrepair which will require significant re-construction. There is a significant amount of water staining throughout the brick façade particularly at the top of the metal coping system which does not appear to be properly fastened to the wall system. It is missing flashing and other mechanical elements which keep it open so there is infiltration of water going into the coping and pest management issues. I also did note there is at least one broken window in a storefront system which is related to the Highland Park taxi business.

As far as the building interior it really varied from fair to good condition. Obviously the space related to “Make Me Take Me” is in a condition where it is pending renovation work. The corner store appeared to be in a very good condition. However, there was really no access to the back of the house area. I didn't have an opportunity to see what the kitchen looked like. With regards to the office space there was some clutter and really poor circulation inside the space. I found a mattress in one office space against the store front window which is not a conforming condition or violation. With regards to the basement I found a significant amount of food storage areas in the basement which is concerning especially when you have the

running water and the trash conditions at the bottom of the stairwell. There was poor circulation throughout the basement in the three spaces. It is for these reasons I found that the property is substandard, unsafe, obsolescent and really leads to conducive, unwholesome living or working conditions in this case working conditions in accordance to Criteria A and with a combination of the dilapidated condition for the brick façade, broken window and especially for the driveway conditions. I find this to be a faulty arrangement design and is detrimental to the welfare and community in accordance to Criteria D and because it meets those two it also meets Criteria H.

Block 2202 – Lot 39 known as 10 South 3rd Avenue. This is the Speak Music Conservatory building with an apartment on the second floor. Lot 39 is a nonconforming lot with respect to lot area and lot depth but does permit permitted uses in the CBD zone. It is a mid-block lot and presently contains a two story building. The apartment and the floor office space record showed that in 1993 an application to the planning board approved a waiver site plan for a change of use from travel agency to psychologist office. Since then there have been various permits issued for major renovation work in 1985, 1993, 2010, and 2014. The permits were regularly issued for the past few years. The police and fire record calls only showed three minor incidents.

Regarding the conditions of the property, I was able to get inside the first floor space but I was asked not to take photographs. I did not take photographs of the interior. I focused on the exterior. I did not get access to the apartment. The parking area design is similar to other conditions. The layout is nonconforming with respect to the zoning ordinance. The parking area lacks adequately designed vehicular ingress/egress. There are four parking spaces from the street. In order to back out of the parking lot you have to go into the street which is a dangerous condition for pedestrians especially when you can't see spaces next to each other. You have blind spots and you have overgrowth on the left side which is a violation of the clear sight triangle. This is a dangerous condition for vehicles maneuvering in and out of the spaces. Additionally, there was a vehicle parked in one of the parking spaces directly adjacent to the public sidewalk. This shows that parking is hampered by poor visibility. There is another potential unsafe condition for passer by next to the sidewalk. In this condition the parking space is directly next to the building so the building itself creates a sight issue. If those parking spaces were removed you might be able to eliminate the site issue but that means losing parking spaces and require site plan to do so. One of the parking spaces is marked as accessible but there is no striping. There is no way for someone on a wheelchair to get in and out of the space unless they go into a space that hopefully doesn't have a car in it on the left side. On the right side you have trash cans in the way. There is no way for someone to get in and out of a car if they need a wheelchair. It is not compliant with ADA standards. The parking area just like Lot 1 lacks sufficient buffering around all the sides and the protective measures between the parking area and building such as bollards. All these conditions taken together result in driver confusion and contribute to a pattern that is unsafe for motorists, bicyclists and pedestrians.

With regards to solid waste, there is no trash enclosure provided. It is just leaning against the building visible from the street. It damaged the gutter which is causing infiltration problems into the foundation at the corner. The building exterior is otherwise in pretty good condition. There is no major deficiency found unlike the other building. I did not observe any deferred maintenance projects other than minor staining on the brick side. The building interior has "Speak Music Conservatory" on the 1st floor. It is in very good condition. There was some water damage in the basement especially at the corners which is not unusual. There appeared to be some mold or at least a history or presence of mold in basement.

Block 2202 - Lot 13, known as 24 South 3rd Avenue. This is a unique property. It is a conforming lot but presently contains non-conforming uses given the center is not a permitted use in a PO zone. Apartments are not permitted to be on the ground floor in a PO zone. The building up front is a converted residence into

a daycare named Infinite Minds Infancy. It contains four apartment units at the back of the building as well as a small playground

The record search shows that in 1995 an application for site plan was approved to convert the house into a daycare center for Yellow Brick Road which was since moved across the street. The resolution indicates the existing property contains a single family home and a two story four family home. It was noted that there was no access between the two buildings. The current daycare and the four-family are separated. They have their own points of access. Upon various records there have been a number of permits used in 1996, 2007 and recently in 2022. We did know that there was a lack of electrical and plumbing permits associated with the apartments in the past 25 years. Given four units you would expect there to be some repairs done or permits needed. Typically every 10 to 15 years for each unit. This may indicate that there is deferred maintenance. I was not able to get into the building on this property. I was able to utilize and peruse the outside of the property. The driveway is along the left side of the property. It is actually one of the rare cases where the parking area is at an appropriate location but the driveway is encumbered by a stairway that provides access to the four family apartments. So if you step down from the four apartments onto a landing which doesn't exist, you are standing in the middle of a driveway which is a very dangerous condition. There is no walkway from the public sidewalk to the residence.

The present layout of the parking area in the rear is generally conforming but does not appear to have been maintained in several years. Adjacent to the accessible parking space is a playground area for the daycare center. It is enclosed by 5' tall chain link fence. With regards to the driveway and parking area conditions the driveway's paved portion shows significant signs of deterioration. There's suppression settling leading to slipping hazard, mosquito breeding, pest management issues and broken missing pavement. Portions of the driveway slope towards the building. There is also visible water damage. The root system of the trees are dislodging parts of the driveway which allows debris to collect in various parts that face the building. The building exterior shows signs of deterioration in a minor to moderate scale. It is mainly on the sides of the two story house frame building and throughout the two story block. As for the two-story building in the rear there are paint chippings and water damage. The stairway that provides access to the second level apartment actually blocks various windows.

Block 2202 – Lot 19, known as 225 Magnolia Street. I was permitted access into the lot but not inside the building. Also, out of respect for the owner, I did not take pictures of the exterior of the lot. Pictures were just taken of the front of the building which is lovely and maintained in a good condition. Lot 19 is a conforming lot. Property is a mid-block lot and is located on the north side of Magnolia Street. When I reviewed the record summary building permits, various permits have been issued over the past 30 years. The property is well maintained. The building exterior was well maintained with lush landscaping. The proximity of the site next to the step entry to the rear which provides access to the Reform Church may be appropriate to include this lot into the redevelopment area because the current stub street is about 50 ft wide. The intended design is to have a drive pile 24ft., parking spaces 18ft., and appropriate buffers pursuant to the ordinance about 5 or 10ft. wide. The lot that provides access to the rear of the Reform Church is insufficient. You have these conditions where the driveway is too narrow. You have the fence right against the parking area. There are some damages from cars hitting it. It would be beneficial to include this property to improve access into the rear of the Reform Church lot.

This concludes my investigation. As a summary we found three properties that did not meet the criteria. But utilizing the Sect 3 criteria we find that they would be appropriate for providing additional access from the side street. It would be my opinion that it would be more appropriate to get access from South 2nd Avenue through lot 31 for more squared off portion for the redevelopment area. In 2005 the Borough had contemplated access from South 3rd Avenue. That may still be viable across the two lots which is Lot 37 and Lot 38 which is part of our study tonight. It may be more appropriate given that the Borough is

pursuing a town table permanent closure that access not be vehicular perhaps pedestrian. The same thing can be gained from Lot 13 as well. Lot 19 would be appropriate for a more appropriate entry and more parking. More parking is needed for the Church. I think whatever plan we do incorporates a parking approach that satisfies the church as well as public parking for the retail establishments on this block. This concludes my presentation. Planner Cosenza asked if anyone have any questions?

Mr. Millet asked what would the impact be of this condemnation designation to the existing property owners especially those that do not want to develop their property or sell their property. Also, does fire access have anything to do with it because even though Salon Envy is conforming, how do you get back to that apartment building behind there with any sort of vehicle? Planner Cosenza said that in the case of a non- condemnation area redevelopment that does not permit the Borough to utilize eminent domain to take property. We are trying to engage in a process where the property is designated as an area needed redevelopment. The selected redeveloper has to engage in an arms-length agreement to purchase the property. The Borough is not forcing the current property owners to participate. They do not have to participate in this process. Mr. Millet asked if this is going to impact the value of the property in that it has the designation in need of redevelopment. Planner Cosenza stated he does not believe so. Mr. Millet commented that the fire access for both the Salon Envy property and the apartments behind the day care center seems concerning. Planner Cosenza said that falls under the Section 3 criteria which include infrastructure, utilities and access. Access is not singular form. It is just vehicular access which can include fire access, pedestrian access or bicycle access.

Ms. Hadhazy asked does this restrict or put any restriction on the property owner should they want to alter their own property if the individual's property has been designated non-condemnation in the redevelopment area? Do they now have to go through a different process than they would any other resident who is not in the redevelopment area? Planner Cosenza said with respect to the designation it has no impact on zoning or what they can do with their property. They can proceed as usual as it never existed. The only way it would be impactful is if we did a plan that restricts them. Ms. Hadhazy asked, if a redevelopment partner has not been identified and that single family homeowner wants to sell their home are they free to sell their home to anyone on the open market or is it just being designated to be purchased by the Borough? Planner Cosenza stated in this case it might give the conditional redeveloper the ability to have the authority to bring this property in but they still have to come to an agreement to buy the property. The existing property owner is not obligated to participate - meaning sell or be a part of the project.

Ms. Hadhazy asked Planner Cosenza, in the investigatory process of you going in and looking at a number of different properties that were presented this evening, there were a number of conditions on properties that you found were conserving. Specifically to me was the formerly Kit Tea Shop that is now a new Bubble Tea Shop, has undergone beautiful renovations. Any of the deteriorating conditions that you found in the buildings are any of the owners being tasked with remedying any of these conditions? Planner Cosenza responded, no. He said the main purpose is to focus on what I have observed and to report on it unless I am told otherwise. It is just what I have observed. Whatever the Borough chooses to do with it is up to them.

Mr. Perlman asked if there are a number of commercial and residential renters in the proposed expansion of the condemnation redevelopment area how does relocation or relocation assistance play out in a non-condemnation designation verses a condemnation designation if at all? Mr. Perlman said when you draft a redevelopment plan and a developer is negotiating will one of the property owners do the renters get assistance if they have to be relocated? Planner Cosenza responded saying he does not know the answer to that question. He said anytime there is an active business or an active renter or even property owners in their own home there has to be a way to relocate. It is called a workable relocation plan and it implies both businesses and/or residences. We put in all redevelopment plans as required to by the statute. The special needs unit lot 31 is a D restricted unit. If the Borough were to engage in the process with a developer or

wants to use that property they will have to deal with the D restriction. To have it lifted and find another unit somewhere else whether it is in the property or somewhere else to preserve that affordability.

Mr. Millet commented so there would be no net loss of affordable housing units because we would find a replacement if this property were redeveloped. Planner Cosenza said in that scenario yes. He said he does not know if it is required by statute.

Ms. Hadhazy asked if a property owner can request to not be included in the designation. Can you reject having your property be a part of it? Planner Cosenza said that is part of the noticing procedure. They have to notify all neighbors. Once the Borough Council takes action based on whatever the recommendations the planning board takes, they have 45 days to appeal.

Ms. Hadhazy asked that based on tonight's proceedings the Borough will notify all the property owners that were involved in tonight's presentation that they can appeal and object to their property being part of the redevelopment area? Planner Cosenza said not tonight, only when the Borough Council takes action.

Mr. Chin asked Planner Cosenza, did you say the developers have interest in Lot 19? Planner Cosenza stated he wants to be very clear. I believe that the property that the conditional redeveloper has an interest in Lot 19. But I do not know that for sure. I do know that on Lot 1 and Lot 31 there is.

Mr. Stern Cardinale asked if we know if any of these property owners have expressed a desire to not be included at all? Planner Cosenza said there were some concerns about it from certain property owners but I do not want to put words in their own mouths and say they are not interested. I can say that the Borough Council has not been made aware of that from anybody coming directly to us.

Mr. Eisdorfer commented Planner Cosenza mentioned that one of these properties would be eligible to be included in the national register of historic site, do you know which one of those properties it is? Planner Cosenza said it is Lot 1, 202 Raritan Avenue. Mr. Eisdorfer commented in your report you indicated that the plan will establish new zoning standards for whatever properties are included in the area and those zoning standards will supersede the existing zoning. They will replace and they are not supplemental. You won't have an opportunity to choose the existing zoning on the new standards. The new standards will supersede the existing zoning is that right? Planner Cosenza said they can. There are two options. You can do superseding zoning or overlay zoning.

Mr. Stern Cardinale said that Planner Cosenza mentioned the master plan and the presence or absence of driveways facing Raritan Avenue. The phrase you used earlier was non-starter in terms of having vehicular access directly from Raritan Avenue because we want to preserve the pedestrian safety along that walking corridor. Does that impact those decisions for Section 3 in terms of access to other points? Planner Cosenza said I believe it does. As part of justification where those lots will be appropriate for access whether vehicular, pedestrian or fire access because the alternative of having driveways on Raritan Avenue is not permitted.

Attorney Lynch sworn in Debbie Gerber, a resident of Highland Park.

Debbie Gerber stated she resides at 10 South 3rd Avenue, Lot 39. I live above the music school and have lived there for 19 years. I rent the apartment from the owner of the music school. I wonder what will be my future and where will I go? Planner Cosenza said I think it is appropriate to contact our redevelopment attorney to get information so we can share what the responsibility of the redeveloper would be if this property were included into the designation and further merge as part of the plan. So we will try and get you an answer that you are looking for to see what your options are.

Mr. Perlman asked Planner Cosenza why didn't he use Criteria E? In 2013 as the state law as you remarked that it expanded and allowed for this non-condemnation in need of redevelopment and it also expanded Criteria E. You reference that in your report. Now it goes so far as to include not just real property but real properties and similar conditions that impact land assemblage and discourage the undertaking. The next new language in 2013 suggests to me that we have a lot of small lots. The first redevelopment designation in 2003, first redevelopment designation 2005, we haven't seen significant redevelopment in 18 years almost 19 years. I'm curious who some of these properties we use Criteria E, Section 3 for three of the seven properties and not Criteria E. I'm a little concerned with the heavy use of Section 3 here rather than Criteria E then making it an argument for Criteria E.

Planner Cosenza said the reason I didn't really rely on Criteria E is because as you discussed it is an issue regarding property ownership and title issues. I remember in 2015 it sort of brought back the ability to use Title E except they clarify the record that the restriction that was applied by the courts only applied this criteria in that time period.

Ms. Hadhazy asked if we voting on these properties individually or just like a block or like a group. Attorney Lynch responded saying we can vote for all of them together or decide certain properties will not be a part of the recommendation. Ms. Hadhazy asked can I motion to separate Lot 19? Mr. Millet said before we make any motions I would like to make sure that we hear from the rest if there are any more questions. There were no questions from the public.

Mr. Stern Cardinale asked Ms. Hadhazy if she can give a reason why to her question regarding Lot 19. She stated Lot 19 is the only lot that is solely owned by a private residential property owner that is not part of an LLC. It is not a commercial mixed use property. It is not a property deed for affordable housing. It is just a regular residential house. As a member of this board I have concerns about making a designation for someone's private property that could potentially have a very big impact on the value of this property. We don't know and so for that I would like to single this property out for voting separately than the other ones.

Mr. Millet asked Planner Cosenza is there anything to stop this developer from speaking to this individual property owner and coming to an agreement? Then if they bought this property they could apply for a designation or something like that. The fact that we do everyone but 19 now does not preclude something happening in the future between the developer and this individual property. Planner Cosenza stated that is correct and that can happen now. That sale could still happen.

Mr. Hale asked if the potential for positive or negative effects on the property value happen if it ends in a redevelopment plan not by being designated one way or another. So if it is in a redevelopment plan there is the capacity for either positive or negative. I'm not sure that I see having it designated in a area as we are doing tonight. Ms. Hadhazy said in order to create the plan, plan is based on the areas that are designated for redevelopment. Mr. Williams stated that the owner of the property has attended multiple of these types of meeting and has never indicated she would be negative about being part of it. She was also notified of tonight's topic and she is not here.

Mr. Stern Cardinale asked if this is a consideration that we could consider in terms of tonight making this as a designation because the report is very specific and very tailored to Criteria H in Section 3. There are certainly other valid considerations in terms of this decision making process. My question is if this is kind of consideration we should be using in terms of the decision we are making tonight as the planning board.

Attorney Lynch stated for tonight I believe we should keep our consideration strictly into the confines of the testimony of the planner and within the local redevelopment law. I believe we should keep it within the confines of what the testimony of Planner Cosenza was for tonight and within the applicable law.

Mr. Perlman made a comment regarding Lot 39. I was reading your report you talked about waiver was approved in 1993. It related to the change of use from a travel agency and the fact that there was not adequate parking available. Some of the conditions on that parking lot seem that the Planning Board would have looked at it. Things that you documented and apparently made an approved request with the parking lot design as it is. I'm not sure that this design of the parking lot poses a public health, safety and risk. The Planning Board looked at this parking lot design. If there were issues with it then Planner would have made a recommendation, made improvements and so forth.

Planner Cosenza said with regards to the prior approvals that were granted on the property, this also relates to the driveway which was granted by variance. It was done without permits. They got the approval. I would say not withstanding prior Board approval. I still have to look at the current conditions as it relates to these criteria. If that means I am critiquing or criticizing approval so be it. I believe that I have to look at the current conditions as it is designed. It does not need to be obsolete with today's standards.

Mr. Perlman asked if we can ask the resident who lives in that property whether or not they feel it is a health safety risk.

Debbie Gerber – I have to say that I have to be very careful. I park there all the time. That is my parking space. I have a handicap brother who we were talking about the wheelchair access. I have to think about that and pull to the side so he can get into the car. I think everybody who pulls out of any driveway, backs out of any driveway has to be careful. I have to be very cognizant of the fact that there are pedestrians. I pull out very slowly, I look and try to be really aware of that and stop so that if people are coming they can see me and stop. In 20 years I have been doing that. I try to be very careful. I wanted to have a mirror set up, something that would help.

Mr. Eisdorfer thanked Planner Cosenza for a very good report. It was very clear, thorough and candid. It is my view and reinforced by Planner Cosenza's testimony that even the designation has negative consequences. We should not do this lightly. There are circumstances where it is absolutely appropriate and they may be one. We should treat it as a weighted decision. It has consequences. That is the way I look to view it. I urge the Board as a whole to treat it that way. I am particularly concerned about the three properties that are in the proposed area only under Section 3. I want to go back to Planner Cosenza's report where he quotes the statute. The keywords themselves are not detrimental to the public health, safety and welfare but the inclusion of which is found necessary with or without change in their conditions for the effective development of the area of which they are a part of. The operative word here is necessary. That is a very high standard for three different possible ingress/egress. We are not going to use all of them. It is very hard at this point to say any of them are necessary. I confess I do not find any of these properties necessary under the statutory standard. I don't think the statute permits anything less. I am also concerned about the other properties. I am concerned we are relying on things that are readily remediable. There were two properties where part of what made it dangerous was overgrown shrubbery. Well you take a chainsaw and cut them down. Those don't strike me as being conditions that meet the criteria under the statute. The only property I am comfortable saying that meets the statute is Lot 38. All the others seems to be marginal.

Planner Cosenza said he certainly respects Mr. Eisdorfer's opinion and agrees with a lot of what he said. This was not a cut and dry support as it was with Stop & Shop. This was a very difficult report to write. Lot 19 is mainly to facilitate and improve access by increasing the adjacent properties if it were to be included in the plan. As far as the others, Lot 37 would benefit from being included in Section 3 because Lots 38 & 39 are adjacent to it which has some deteriorating conditions. I do believe they do meet the criteria and would be better included into more successful redevelopment project.

Mr. Millet closed the discussion. He stated we will take a motion on everything except for Lot 19. Then take a second vote separately on Lot 19.

It was MOVED by CHIN and seconded by STERN CARDINALE to approve Lots 1, 13, 31, 37, 38 & 39.

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

There being eight (8) ayes and two (2) nays, motion passed.

It was MOVED by STERN CARDINALE and seconded by WILLIAMS to approve Lot 19.

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

There being six (6) ayes and four (4) nays, motion passed.

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

Mr. Millet opened the floor for public comment, seeing no one Mr. Millet closed public comment.

Adjournment

There was a motion to adjourn from CHIN and a second by HADHAZY at 9:37 PM the meeting was adjourned.

Respectfully submitted,

Sonia Monroy
Acting Board Clerk