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NEW YORK, NY

September 1, 2022

Chairman Dewey Burleson  
and Members of the Planning Board  
Borough of Hillsdale  
380 Hillsdale Avenue  
Hillsdale, NJ 07642

Regarding: **Block 1210, Lots 6 & 7, Borough of Hillsdale**  
**100 Prospect Place & 560 Piermont Ave.**  
**Major Site Plan Application PZ-8-22**  
**Applicant: Westwood Banana Co., Inc.**  
**Owner: T.C.M. Realty, LLC**

Dear Chairman Burleson and Members of the Board:

We are in receipt of a Site Plan application that was submitted to the Borough on or around August 4, 2022. July 21, 2021. The applicant also submitted the following plans:

- A survey prepared by Lantelme, Kurens & Associates, PC, dated July 22, 2019.
- A Site Plan, consisting of one sheet prepared by Lantelme, Kurens & Associates, PC, dated May 27, 2022.
- An architectural plan, consisting of one sheet prepared by Scott F. Lurie, Architect, dated June 13, 2022.

The application is to construct a new industrial building on a vacant lot. Variances are not required.

## **General Site Description**

Lots 6 & 7 combined consist of 20,203 SF (0.46 acre) and are located in the Industrial Zone District (20,000 SF minimum lot size). Lot 6 is a corner lot with frontage on Brookside Place and Prospect Place. Lot 7 is adjacent and south of Lot 6, and also is a corner lot with frontage on Prospect Place and Piermont Ave.

Lots 6 & 7 presently are vacant. It appears that the application is considering the lots merged. The tax maps indicate that each lot contains about 10,000 SF.

## The Application

The applicant proposes to construct a new warehouse building with a loading area and associated employee parking. The building and parking are proposed in the northern area of the lot. A loading area and a dumpster area are both proposed behind the building. The southern portion of the lot is labeled "Trailer Parking Area."

The building has a height of approximately 28 ft. and a building footprint of about 2,550 SF. The proposed building is a one-story warehouse. Eleven parking spaces (one barrier free) are proposed on the north and west sides of the building.

## Completeness Review

The application is also considered a Major Site Plan and has been reviewed against the requirements contained in Land Use Section 310-88, 89, 91 & 92 for Major Site Plan approval. The following items are deficient:

### Major Site Plan

Sections 310-88, 310-89, 310-91 and 310-92 for Preliminary and Final Site Plan requirements. The following items are deficient:

1. 310-88C: Referrals must be made to the municipal officials listed at least **30 days prior to the public hearing.**

310-88D: Proof by affidavit of the date the department referrals were made (provide proof at the public hearing).

2. 310-89B(1): Estimated number of employees.
3. 310-89B(2): Driveways.
4. 310-89B(4): Lighting Plan
5. 310-89B (5): The location and elevation plan of existing and proposed signs (if any).
6. 310-91F (1): Developer's Agreement (to be incorporated with resolution).
7. 310-91F (2): Performance guaranty for dedicated improvements and site safety (to be incorporated with resolution).
8. 310-91F (3): Maintenance guaranty for dedicated and on-site drainage improvements (to be incorporated with resolution).

Based on the submitted application materials, the application is complete and may be scheduled for a public hearing. The applicant should ask for waivers from any items not provided at this time.

### **Zoning Review**

The proposed industrial use is permitted with specific land use conditions, and there are no variances associated with the application.

### **NJDEP Permitting**

The New Jersey Department of Environmental Protection (“*NJDEP*”) recently announced emergency rulemaking for the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13 et seq.

The emergency rules will, among other things, raise the requirement for design flood elevation in a fluvial flood hazard area (Pascack Brook). It raises the Design Flood Elevation by two (2) feet, (which will expand the flood plain and require that first floors of all buildings in the flood plain be DEP base flood elevation plus 2’ and 3 ft. above the FEMA 100-year elevation or El.64.5, and will incorporate the new precipitation projections (year 2100) into stormwater best management practices (“*BMP*”) designs, which will impact the sizing of stormwater management systems.

NJDEP will not commit to exactly when the emergency Rule *will be adopted*. NJDEP intended to adopt the emergency rules in mid-June and recommended that any applications that may be impacted be submitted to NJDEP by Friday, June 10, 2022 in order to remain subject to the existing rules. That application must be deemed complete upon submission to qualify.

Based on this emergency rulemaking, the first floor of the proposed building must be raised. The FHADF (FEMA) Elevation through the site is El. 61.50. Any structure (walls, ramps, columns, etc.) which occupy and displace floodwaters in the Flood Hazard Area must be compensated on site. The applicant must show the *feasibility* of this to the Board as part of the site plan application. The State’s “permitability” is not for the Board to consider but for the applicant and their professionals.

The on-site stormwater provisions will rely on Section 1.6 of the State’s stormwater rules as to whether they will have to comply with the new precipitation projections.

Once an application is made to the State, other environmental enhancements may be required for the applicant to address.

### General Comments

1. The application is for Major Site Plan approval.
2. The Board should recall that the immediately-adjacent site (Lot 8) is proposed for multi-story residential re-development.
3. It is our understanding that the re-development plans calls for the vacation of Brookside Place. Street 'vacation' generally means the street (half) is offered to the adjacent property owners.
4. Testimony should be provided on the proposed "Trailer Parking Area," including, number, origin and size of proposed trailers. A parking schedule should be included with striping to show the Board how trailers will be parked.

If trailers are to have refrigeration units running 24 hours a day, the applicant must address off-tract noise reductions or mitigation, inclusive of the re-development site.

The Borough's Land Use Ordinance required "All permitted industrial activities or processes shall take place within an enclosed building. Incidental storage out-of-doors shall be shielded from view from public streets and adjacent residence zones by fencing, landscaping or other appropriate measures.

5. Exterior lighting is not shown. Reliance on public utility floodlighting should not be acceptable if the lighting affects the adjacent residential uses. The applicant should provide their site-specific lighting plan.
6. The submitted architectural plan does not include an employee room. Testimony should be provided on the number of anticipated employees, as well as the days and hours of operations.
7. The architectural plans call for only a "Craw Space Access Door" for the area below the building floor. The applicant must provide sufficient open areas for floodwaters to pass under the building. This will be an issue for the applicant to address with the State for their Flood Hazard Area permit.

Given the proximity to residential housing under the re-development plans, the building architecture should be refined similar to the PSEG substation building. The architect should provide samples of the "New Concrete Block Walls" to review.

8. The applicant must provide the location and routing of roof drains. Icing of runoff from roof drains can be a hazard in the winter to employees and the public. The current site sheet flows to the street. But the new building will concentrate flow.

9. Testimony should be provided on meeting the State's requirements for Electric Vehicle Charging spaces.
10. The 10 ft. wide public right-of-way should be planted with shade trees, and asphalt removed. The area should not be used for private use such as truck and trailer parking. Driveways may cross the right-of-way.
11. Should the Board approve the application, a payment to the Borough's Affordable Housing Trust Fund will be required.
12. Waivers can be requested for all missing completeness items.

We trust that these comments will assist the Board members with their review of the application materials. Additional; comments may be forthcoming.

Very truly yours,

C. P. STATILE, PA

(original signed)

Christopher P. Statile, P.E.  
Planning Board Engineer

CPS/mr

c. John Conte, Jr. Esq., Applicant's Counsel  
Lantelme, Kurens & Associates, PC  
Tom Behrens PP, AICP, Broad Planner  
Nylema Nabbie, Esq., Board Counsel

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