



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
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B U R G I S
A S S O C I A T E S , I N C .

MEMORANDUM

To: Borough of Hillsdale Planning Board
From: Joseph H. Burgis, P.P., AICP & Tom Behrens, Jr., PP, AICP
Subject: 305 Patterson Street, LLC - Preserve at Hillsdale (PZ-02-20)
305 Patterson Street
Block 1212 Lot 15.02
Amended Preliminary/Final Major Site Plan Application w/ Variance Relief
Date: July 23, 2020
BA#: 3704.01

INTRODUCTION

The applicant, 305 Patterson Street, LLC is requesting amended preliminary and final major site plan approval and variance relief to develop two carports and for a constructed accessory utility building associated with the previously approved 40-unit multifamily development with an affordable housing component. The majority of site improvements from the Board's 2017 use variance, site plan and reverse subdivision approval have been constructed. The extent of required variance relief is detailed herein and shall be addressed by the applicant.

DOCUMENTS SUBMITTED

Our office is in receipt of the following documents:

1. Application and accompanying materials dated February 18, 2020.
2. Borough of Hillsdale Planning Board Resolution No. 2017-09 adopted April 25, 2017.
3. Amended site plans (3 sheets) prepared by Dresdner Robin dated February 6, 2020.
4. Utility building architectural plan (1 sheet) prepared by Zampolin & Associate dated February 24, 2020.
5. Utility building site plans (2 sheets) prepared by Dresdner Robin dated July 2, 2020.

PROPERTY DESCRIPTION

The site, identified as Block 1212 Lot 15.02 in Borough tax records, is an 8.56-acre parcel with 320 feet of frontage on Patterson Street. The formerly vacant site has been cleared and developed in accordance with the approved use variance, site plan and reverse subdivision application approved by the Planning Board via Resolution No. 2017-09 adopted April 25, 2017. The approved development features a 40-unit multifamily building with a 15% affordable housing set-aside and associated paved circulation areas and landscaped areas among other site improvements.

Lot 15.02 is impacted by environmental constraints associated with the Pascack Brook situated to the west or rear of the property, including a 300 foot flood hazard area buffer in the southwest corner of the lot and freshwater wetlands identified in a letter of interpretation (LOI) issued by NJDEP in July 2011.

Surrounding development consists of single-family uses to the north and west of the site and industrial uses to the east and south.

PROPOSED DEVELOPMENT

The applicant is requesting amended preliminary and final major site plan approval to install two carports, one in the northerly area of the site covering fifteen parking stalls and the other in the southerly portion of the site covering ten parking spaces as detailed further below. In addition, there is an accessory utility building constructed in the front yard of the site which deviates from the approved utility building/hot box dimensions. The applicant shall address all constructed and proposed site plan deviations/amendments from the Board approved plans.

We offer the following for the Board's consideration with respect to the specific elements of the development application:

1. Parking. The Board's 2017 Resolution approved 78 parking spaces for the 40-unit development where a total of 77 parking spaces are required. The amended site plan depicts a total of 96 parking stalls, 71 of which are surface parking stalls and 25 of which will be within the carport structures. The zoning table on sheet 2 of the site plans indicates 17 of the parking spaces are banked stalls but do not specify which stalls will be banked. The plans should be revised accordingly to indicate the location(s) of banked parking spaces.
2. Carports. The footprints of the carports are depicted on sheet 2 of the site plans indicating the northerly carport will cover 15 parking spaces and the southerly carport will cover 10 spaces. Our office has not received any architectural details for the carports which should be provided for the Board's review. The exterior materials of these structures should be consistent with those of the multifamily building. Similarly, the applicant shall provide the details of any proposed lighting or signage associated with the carports and demonstrate their compliance.

3. Hot Box/Utility Building. There is an 18'8" x 9'6" x 9'4" hot box/accessory utility building constructed in the front yard which is larger than the Board approved 11'6" x 7' x 4'5" hot box. The new hot box is constructed of exterior materials that reflect those of the multifamily building as compared to the approved hot box with sheet metal casing.
4. Signage. The architectural plans depict a "the Preserve at Hillsdale" site identification sign mounted on the front of the constructed utility building though this sign is not referenced in any of the application materials and no sign dimensions have been provided. The applicant shall address the conformance of this sign in accordance with the applicable ordinance provisions and prior Board approval. The applicant shall also confirm whether the sign will be illuminated.
5. Landscaping. There is a row of shrubs planted in front of the utility building as depicted in the as-built site photos on the utility building plans. A revised landscaping plan has not been submitted. The applicant shall demonstrate whether or not the landscaping plan should be revised to include plantings around the carport structures to soften their appearances and provide year-round screening if determined to be necessary at the discretion of the Board. If so, given the proposed carport heights of 15 feet, a variety of shrubs and trees including at least some evergreen species would seem appropriate.

ZONING

Lot 15.02 is split-zoned with the northerly portion of the lot located in the R-4 Zone and the southerly portion located in the I Zone. The proposed northerly carport appears to be located in the R-4 Zone and is therefore technically subject to its requirements. The plans should be revised to reflect this as they currently only provide the zone requirements for the I Zone which encompasses the utility building and southerly carport. To our knowledge, the Borough's zoning of this property has not changed since the 2017 Board approval.

In addition, the Borough defines 'carport' as:

"A roofed garage providing space for the parking of motor vehicles, which may be open on not more than three sides."

Therefore, the carports should be counted toward the building coverage and toward the Floor Area Ratio calculations where applicable based on the Borough definitions below. The zoning table on the plans does not reflect the change in building coverage and FAR as a result of the carports and should be revised accordingly. The applicant shall demonstrate compliance of these requirements or request the necessary variance relief.

'Building Coverage': "...shall be computed by determining the first floor area of any and all structures intended to be used or occupied on a permanent or temporary basis, and shall include but not be limited to, buildings, sheds, pool houses and garages."

'Floor Area Ratio (FAR)': "The sum of the area of all floors of existing or new buildings or structures, compared to the total area of the property on which the structures are located, expressed as a percentage. The computation of floor area ratio includes the principal and all accessory structures and buildings, such as sheds and garages located on the lot. Habitable attic space as defined in this § 310-4 is included in the FAR calculation. Basements, cellars, and uncovered decks and patios are not included in the computation. Roofed and/or covered decks and patios are considered buildings and included in the FAR calculations. FAR computations shall be taken from the exterior face of outside walls, pillars and/or columns and include the wall thickness."

Table 1: R-10 Zone District Requirements

Requirement	I Zone	R-4 Zone	Approved	Proposed
Min. Lot Area	20,000 sf	7,500 sf	372,874 sf	No Change
Min. Frontage	100 ft	75 ft	419.2 ft	No Change
Min. Lot Width	100 ft	100 ft	365.4 ft	No Change
Min. Front Yard Setback	25 ft	30 ft	72.8 ft	No Change
Min. Rear Yard Setback	10 ft	25 ft	>10 ft	No Change
Min. Side Yard Setback	30 ft	30% lot width/ min. 10 ft	40.4 ft	No Change
Max. Building Coverage	50%	25%	6.8%	TBD
Max. Impervious Coverage	N/A	30%	18.3%	TBD
Max. FAR	N/A	35%	14.5%	TBD
Max. Building Height	30 ft	33 ft	32.99 ft (VA)	No Change
Max. Accessory Bldg. Height	15 ft	15 ft	Utility Bldg.: 4.4 ft Carport North: NA Carport South: N/A	Utility Bldg.: 9.3 ft Carport North: 15 ft Carport South: 15 ft
Max. Accessory Bldg. Front Yd.	25 ft; Not Permitted	30 ft; Not Permitted	Utility Bldg.: 6.2 ft (VA) Carport North: N/A Carport South: N/A	Utility Bldg.: 4.6 (V) Carport North 11.3 ft (V) Carport South: 51.7 ft (V)
Min. Accessory Bldg. Side Yd.	Height of structure	Height of structure	Utility Bldg.: >100 ft Carport North: N/A Carport South: N/A	Utility Bldg.: >100 ft Carport North 43.8 ft Carport South: 29.1 ft

(VA) Variance previously approved; (V) Variance relief required.

Required Variance Relief

The development proposal requires the following variance relief:

1. 'd' Use Variance for Carport in I Zone. The Borough's Schedule of Uses and Requirements indicates that the only accessory uses permitted in the I Zone are storage buildings. Based on the Borough's definition of 'carport' above, the applicant shall demonstrate that the proposed carports can be considered storage buildings or request use variance relief as determined to be necessary.
2. 'c' Accessory Structures in the Front Yard. Section 310-55H(2) of the Borough Ordinance prohibits locating accessory structures in the front yard excluding signs, flagpoles or fences. The hot box/utility structure constitutes an accessory building and has been constructed in the front yard larger and with a reduced setback of 4.6 feet than the setback of 6.2 feet approved by the Board. Both proposed carports are located in the front yard, the northerly structure having an 11.3 foot front yard setback and the southerly structure having a 51.7 foot setback in the front yard. Variance relief is required.

The applicant shall provide a justification, including public benefits, as to the reconfiguration of the utility building from that approved by the Board. In addition, the applicant shall discuss public benefits and any detriments posed by the proposed carports and the means to mitigate any such detriments.

3. The applicant shall confirm if the building coverage calculations including the accessory structures are conforming.
4. The applicant shall confirm if the FAR calculations including the accessory buildings are conforming, where applicable.

STATUTORY CRITERIA

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.