

**BOROUGH OF HILLSDALE
PLANNING BOARD
RESOLUTION NUMBER 2023-09
CASE NUMBER PZ-10-22**

WHEREAS, an application has been submitted by Patterson Street Urban Renewal, LLC (the “Applicant”) for Property known as 131-145 Patterson Street and 60-77 Brookside Place, Hillsdale, New Jersey and identified as Block 1210, Lots 10 and 11 and Block 1211, Lots 1 and 2 (the “Property”); and

WHEREAS, the Applicant applied for major site plan approval as the designated redeveloper; and

WHEREAS, the Applicant proposes to raze the existing Waste Management facilities and develop a new 256-unit, four-story multi-family housing, affordable housing units, recreation center, swimming pool, parking garage, open interior courtyard with dining, and site improvements; and

WHEREAS, there will be a total of 257 units, one of which will serve as a model unit and 256 units will be for lease for prospective tenants; and

WHEREAS, the Applicant was represented by Jason Tuvel, Esq., of Prime and Tuvel, 141 Ayers Court, Teaneck, NJ 07666; and

WHEREAS, the Board considered the report of Christopher P. Statile, PE, dated January 16, 2023; and

WHEREAS, the Board considered the report of Tom Behrens, PP, dated February 3, 2023; and

WHEREAS, public hearings were held on February 9, 2023 and March 9, 2023; and

WHEREAS, the purpose of these hearings is strictly to determine whether the project adheres to the Redevelopment Agreement entered into between the Developer and the Borough; and

WHEREAS, the following experts testified at the hearings on behalf of the Applicant, Patterson Street Urban Renewal, LLC: Josh Kline, PE of Stonefield Engineering & Design; J. Robert Hillier, FAIA, LHD of Studio Hillier, LLC; Matthew Seckler, PE of Stonefield Engineering & Design and Keenan Hughes, PP, of Phillips Preiss Grygiel Leheny Hughes, LLC; and

WHEREAS, along with the application, the Applicant submitted the following:

1. Title search, with deeds to 1955;
2. Title survey dated September 16, 2021, revised to December 9, 2021, prepared by Thomas Miller, PLS;
3. Existing Drainage Area Map dated August 3, 2022, revised to October 7, 2022, prepared by Stonefield Engineering & Design;
4. Architectural Plans prepared by Studio Hillier, LLC, dated October 7, 2022, consisting of Sheets A111 – A115, A150, A151, A200 and A201;
5. Bergen County Planning Board letter dated October 20, 2022 waiving site plan review;
6. Site photographs with location map;
7. Site Plans prepared by Stonefield Engineering & Design, 92 Park Avenue, Rutherford, NJ, dated August 8, 2022 and revised to January 27, 2023, consisting of Sheets C-1 through C-18;
8. Site Landscape Trees prepared by Arnold Associates, Landscape Architects, revised to January 30, 2023, consisting of Sheets L1.00 and L1.10;

9. Traffic Impact Study prepared by Stonefield Engineering & Design, dated September 23, 2022 and revised to October 6, 2022; and
10. Stormwater Management Report prepared by Stonefield Engineering & Design, dated October 7, 2022 and revised to January 27, 2023; and

WHEREAS, the following documents were marked as exhibits during the course of the hearings on this application:

- A-1 February 9, 2023 aerial depiction prepared by Stonefield Engineering & Design;
- A-2 Rendered site plan exhibit prepared by Stonefield Engineering;
- A-3 Colorized version of the first floor plan prepared by Studio Hillier, LLC dated February 9, 2023;
- A-4 Colorized version of the elevations which was submitted to the Board and dated February 9, 2023 entitled “3D View 4”;
- A-5 Enlarged depiction of the main first floor area;
- A-6 A depiction from Patterson Street into the arrival courtyard;
- A-7 A rendering depicting the arrival courtyard;
- A-8 A rendering depicting a different portion of the arrival courtyard;
- A-9 A rendering of the intersection of Piermont and Patterson Street;
- A-10 A rendering of Prospect Street;
- A-11 Patterson Street elevation;
- A-12 Piermont Avenue elevation;
- A-13 Second floor rendering;
- A-14 Third floor rendering;
- A-15 Fourth floor units on the roof with their private terraces/courtyards;

- A-16 Sight line exhibit showing that you can be across the street on Patterson Avenue and not see the compressors on the roof;
- A-17 Sight line exhibit showing that the roof equipment is not visible from Knickerbocker Avenue;
- A-18 The green garden and the terraces for the units along the back of the building;
- A-19 Brick sample board;
- A-20 Redevelopment Plan dated August 9, 2022;

WHEREAS, the Applicant submitted proof of notification, by mail or personal service at least 10 days prior to the date set forth for public hearing on all persons owning properties within 200 feet from the extreme limits of the subject premises of the subject application, as set forth on a certified list of said owners furnished to the Applicant by the Tax Assessor of the Borough of Hillsdale and provided proof of service of such notice in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 to -163; and

WHEREAS, the Applicant have submitted proof that a copy of said notifications have been published at least 10 days prior to the date set forth for public hearing in the official newspaper of the Borough of Hillsdale in accordance with the Land Use Ordinance of the Borough of Hillsdale, as amended and supplemented, and the MLUL; and

WHEREAS, the Board gave due consideration to all individuals desiring to be heard and after due deliberation, did find and determine that:

A. The Property

1. The Property is located at 131-145 Patterson Street and 60-77 Brookside Place, designated as Block 1210, Lots 10 and 11 and Block 1211, Lots 1 and 2.

2. The Property is situated in the Patterson Street Redevelopment Area.

3. The site consists of 5.2 acres in the Borough's Patterson Street Redevelopment Area bisected by Brookside Place and generally bound by Knickerbocker Avenue to the north, Patterson Street to the east, Piermont Avenue to the south and Prospect Place to the west. The site comprises the existing Waste Management facility including Block 1220, Lots 10 and 11 located south of Brookside Place and Block 1211, Lots 1 and 2 located north of Brookside Place. The Block 1210 parcels are developed with several industrial and administrative buildings ranging from one to two stories in height and paved parking areas. The Block 1211 parcels are developed with a one-story industrial building located on the westerly area of the site, with the remainder of the property paved for outdoor storage of refuse containers and equipment.

4. The site is generally flat and characterized by nearly 100% impervious coverage. The westerly area of the site is impacted by the floodplain associated with Pascack Brook. Development surrounding the site consists of Aeon Fitness and Gymnastics to the north, industrial and commercial uses to the north, south and west, and NJ Transit's Pascack Valley commuter rail line and single-family neighborhood to the east across Patterson Street.

B. The Application

5. The Applicant's proposal is to raze the existing site improvements except for some utilities, vacating the easterly portion of Brookside Place and merging the subject parcels into a single lot to accommodate the development of a new four-story 256-unit inclusionary development with a community center space intended for Borough use. The development also features several interior amenities for residents, an enclosed courtyard containing a pool and outdoor amenities, central parking structure wrapped by the building and public open space amenity.

6. According to the report of the Board Engineer, Christopher P. Statile, dated January 16, 2023, the proposed multifamily residential use is permitted with specific land use conditions and there are no variances associated with the application.

C. The Hearings

February 9, 2023

7. Board Secretary Scott Raymond recused himself from the hearings of the subject application.

8. Jason Tuvel, Esq., counsel for the Applicant, addressed the Board at the February 9, 2023 meeting. The project site is an area in need of rehabilitation based on a designation by the Borough and recommendation of the Planning Board. The site covered by this application is the Waste Management site and is the quintessential site for redevelopment in the State of New Jersey, per Mr. Tuvel. A Redevelopment Plan was adopted with input from the Borough, the Planning Board and the community. The application being presented is 100% in conformance with the Redevelopment Plan. The existing site is an eyesore and does not have any stormwater management policies that are even close to what is required. It does not have proper stormwater management, landscaping or lighting. The properties are non-contiguous. Brookside Place bisects the property so there are two lots above Brookside and two lots below. As part of the application, the Developer seeks to vacate Brookside Place between Patterson Street and Prospect Street. The development will be placed where Brookside Place is currently. A private road will provide access around the proposed development to each side.

9. The Applicant also signed a Redevelopment Agreement with the Borough. The project seeks to construct a 256-unit four-story building, of which 20 units will be set aside for affordable housing units to fulfill the Borough's obligation. In addition, a community center is

planned, which is over 5,000 SF. The Applicant has been working with the Borough for quite some time fine tuning the plan for this project. The application meets or exceeds all the bulk requirements in terms of building height, parking, setbacks, impervious coverage and the like. The property is currently over 90% impervious coverage, the requirement is 85% and the project is approximately 6% below what the project permits.

10. The first witness called to testify by Mr. Tuvel was Josh Kline, PE of Stonefield Engineering & Design. Mr. Kline's credentials as a licensed professional engineer of the State of NJ were accepted by the Board and he was duly sworn. Mr. Kline marked an aerial exhibit prepared by Stonefield dated February 9, 2023 as Exhibit A-1. From an engineering perspective, this project will not have an adverse impact on the surrounding neighborhood. The project not only complies with the Redevelopment Plan but in many instances goes above and beyond. Letters have been received from the Board professionals and the Developer will work with them to ensure the project is completed in a safe manner. In addition, the Developer will work with all appropriate State agencies to procure the required approvals.

11. Mr. Kline testified as to Exhibit A-1 and noted that, as described by Mr. Tuvel, there are currently two lots above Brookside Place and two lots below Brookside. Lots 1 and 2 are to the north and Lots 10 and 11 are to the south. To the west is Prospect Place, the brook and some residential dwellings. To the east is Patterson Street, the rail line and residentially-zoned areas. Mr. Kline pointed out the area in blue, which is the area of Brookside Place, will be vacated. Half of the right-of-way will go to the properties on the north and half to the properties to the south. Adjacent to the site is a ± 300 foot riparian line associated with the brook, which is a regulated part of the project. There is also flood hazard area ("FHA") line that runs through the

site. The application has been submitted to the New Jersey Department of Environmental Protection (“NJDEP”) for review.

12. Mr. Kline testified that there are no stormwater detention facilities currently existing at the site. There is no streetscape or sidewalks at the site for pedestrian compatibility and the site is currently not ADA compliant. There are seven total structures on the site which will be demolished. There is a 7 to 9 foot grade change as you go from Patterson Street to Prospect (east to west).

13. Mr. Kline then testified as to a rendered site plan exhibit prepared by Stonefield Engineering, which was marked as Exhibit A-2 and a colorized version of the first floor plan prepared by Studio Hillier, LLC dated February 9, 2023, which was marked as Exhibit A-3. This project, as proposed, meets all the requirements of the Redevelopment Plan. From east to west along Patterson Street, there is one access point which is a turnaround/drop off/pick up area. There are six off-street parking spaces associated with that area. There is a proposed community center with a little bit of an outdoor area. To the south along Patterson Street is a public park improvement area. All of the proposed units and all of the parking is elevated out of the flood zone, per Mr. Kline’s testimony. There is landscaping around the perimeter of the site. He testified that the current site is about 97% impervious, which is being reduced to 79.7%. That is a huge benefit of this project as far as stormwater management. The Redevelopment Plan allows for 85%. Towards the center of the site is the parking garage, with the entrance off Brookside Place. There is an emergency ingress/egress on Patterson Street. There are a total of 448 parking spaces within the garage, 6 off-street parking spaces and 21 new on-street parking spaces proposed. There will be electric vehicle parking spaces within the garage, as well as 16 ADA parking spaces. The Ordinance requires 446 parking spaces, which is met by the Applicant.

14. Stormwater and flooding is a major concern for this area so stormwater management is a big portion of the plan. This project is also reviewed by the State, and an application was filed and deemed complete by the NJDEP and is in the technical review process. This project will be held to the highest stormwater and flooding regulations of the State. The impervious coverage reduction is a huge natural reduction in runoff volume. In addition, the project includes best-management practices. Along the Patterson Street side of the site there will be porous pavement within the circle. There are four water retention systems along Patterson Street with about 2,500 SF of bio retention. These will capture the water from the roof and the runoff from the street and surrounding areas, filter it and slowly release it to the connecting system on Knickerbocker.

15. Mr. Kline testified that the project complies with the Redevelopment Plan as to the streetscape. There will be over 1,600 linear SF of new sidewalk. This includes decorative street lighting, landscape strips and approximately 56 street trees. There will be benches every 150 feet around the site, as well as trash receptacles. As to lighting, there is general lighting in addition to the decorative lighting. The Developer will work with the Board professionals to ensure the lighting is acceptable to the Borough. Over 5,000 shrubs and land cover are proposed across the site, consisting of over 30 species. There will be 31 evergreens planted on the site. There will be over 115 shade trees around the site, consisting of 9 different species. There is a loading and trash pickup area on Brookside Place, as well as a striped loading/unloading area along Knickerbocker.

16. Mr. Kline opined the project will not have an adverse effect on the area and will be an improvement to the community.

17. Christopher Statile, PE, the Board Engineer, asked where the stormwater from the parking garage gets treated. Mr. Kline responded that some of it goes to Knickerbocker and some of it goes to Prospect. That water is collected but not treated. The roof is open. The site is not creating new motor vehicle spaces over a quarter acre so is not triggering the need to treat all the vehicular surfaces. The roof water will be collected and piped to the right-of-way. Mr. Statile asked about the parking along the top portion of the plan. Mr. Kline responded that there are a lot of utility connections which provide difficulties as to this project. Numerous utility lines on Brookside Place are being relocated. There are various underground utilities existing on Knickerbocker. They met with PSE&G and discussed relocating the high-voltage utility lines and it was not a feasible solution as there are already existing high-voltage lines across the street. That is why the parking is located between the utility poles by creating pocket landscape islands to create the parking on the north side of the project. Mr. Statile raised a concern as to snow clearing with all the little pockets. Mr. Kline stated the Developer will work with the Borough and the DPW. If they prefer the curb line remain straight, that can be done. Mr. Statile noted that the existing utility poles can be moved back, even though it will be an additional cost. Mr. Statile does not believe the “saber toothed” parking should be included in the development. He recommended a straight curb with the utility poles moved back.

18. Mr. Statile also noted the referral form received back from the Police Department. The Police Department would like to eliminate the eight proposed parking spaces along Prospect Place between Piermont and Knickerbocker Avenues. The Police Department also recommends no parking along Patterson Street (where none is proposed) as well as Brookside Place (where no parking is proposed). The Police Department also recommends parking along the south side of

Knickerbocker only. Mr. Kline testified the Developer will comply with these parking recommendations.

19. Mr. Statile asked what is being treated by the water detention system along Patterson Street. Mr. Kline testified that capturing runoff from portions of the roof as well as small portions of the courtyard, which runoff will be filtered and let out. Mr. Statile asked if there was a reason the State requested the roof water be treated. Mr. Kline opined that the State is dealing with this project as multiple drainage areas. That one area of drainage requires the use of reductions and the stormwater management practices are being incorporated for that section.

20. Mr. Friedman asked if a fence is proposed along the west side of Brookside Avenue. There was no fence initially proposed but, in response to the Planner's comments, the Applicant will provide a fence along this area. Mr. Friedman also asked if the light posts along the perimeter are full size or bollard size. Mr. Kline responded by referring to Exhibit A-3. There are dots between the trees, which represent decorative street lights. The Applicant intends to work with the Borough as to the actual specifications for the lights. Mr. Friedman asked about garbage pickup. Mr. Kline responded that garbage will be picked up through the Brookside Avenue entrance and will be done during off-peak hours. In response to Mr. Friedman's question, Mr. Kline responded that smaller deliveries can be made through the Patterson Street loading/unloading area. They could also use the Brookside Place entrance. The traffic engineer will explain more fully during his testimony. Mr. Friedman also asked what the four parking spaces along the loading/unloading area on Patterson Street are for. Mr. Kline stated they would be for the community center. Mr. Friedman also asked what type of EV chargers are to be provided. Mr. Kline is not sure of the EV charger levels but stated they would meet the State requirements.

21. Tom Behrens, PP, the Board Planner, asked if there is bike storage for the community center. Mr. Kline responded that they will work with the Borough and will place bike racks for visitors to the community center. As to the raised rear patio area along Prospect, Mr. Behrens asked if that was part of the building. Mr. Kline stated it is part of the structure and that the planner would testify to same. In response to a question from Mr. Behrens regarding signage, Mr. Kline testified that no details have been provided as of this time but that they will comply with the Redevelopment Plan. There is a proposed monument sign at the corner of Knickerbocker and Patterson for the community center.

22. Board member Griep noted that Mr. Statile stated that the Police Department did not want any parking along Prospect. He asked how many parking spaces are currently planned along Prospect, to which Mr. Kline testified there are eight parking spaces proposed. Mr. Kline stated that there are 448 parking spaces in the garage. Mr. Griep asked where the eight parking spaces would be relocated to. Mr. Kline advised that they do not need to be relocated. The project requires 446 spaces and 448 are being provided in the garage. The project was overparked with street parking being provided where no previously existed, so even with the loss of the eight parking spaces the project is still overparked.

23. Mayor Ruocco asked how many parking spaces were available for the community center. Mr. Kline responded that 20 are required and that there are four on-site parking spaces and the rest are available through street parking on Knickerbocker (15 spaces) and Piermont (8 spaces). The loss of the parking spaces on Prospect will have no affect the community center parking. As to water management, Mayor Ruocco noted that as far as a heavy rainfall, the project will deal with the same issues even with the reduction in impervious coverage. The brook overflows its banks during heavy rainfalls. He asked if any of the units along the west

side of the project will be exposed to the overflowing of the brook, which does happen. The response given is that the flood hazard area elevation is 62.33 in this area. All of the residential units are at elevation 70, which is ± 7 feet above that elevation. The DEP will review the access and the stormwater and flood mitigation to ensure that the project will not have any adverse impacts. In response to the Mayor's question, they testified that they are working off the existing elevation numbers, as the new DEP requirements have not yet taken effect. However, even if the new requirements take place, the project still meets same. The new numbers would bring the flood hazard area elevation to 64.33. Mayor Ruocco also asked what the final density per acre of the project is. Mr. Kline responded that it is about 50 and the Redevelopment Plan allow for up to 60.

24. Mr. Alter revisited the parking for the community center. Mr. Kline referred to Exhibit A-3 and pointed out that there are 4 on-site parking spaces for the community center, 15 on-street parking spaces along Knickerbocker and 8 on-street spaces along Piermont. Mr. Alter raised a concern about the parking spaces along Piermont being a bit of a walk for older residents. There is an ADA-compliant space in front and all new sidewalks for pedestrian ease. Mr. Alter noted that the impervious coverage has been reduced to 79.4%. He asked if that includes Lots 1210 and 1211. Mr. Kline advised that the 79.4% impervious coverage includes the project site – Lots 1, 2, 10 and 11, as well as the portion of Brookside Place that is being vacated. Mr. Alter asked if all of the runoff will wind up in the brook. Mr. Kline responded that there are a few different discharge points to the brook but it will all eventually end up there. Mr. Alter noted that the Stormwater Management Report states that soil samples were taken. He asked if those samples were tested for toxicity. Mr. Tuvel responded that the Developer will be responsible for cleaning up the site as to any DEP and regulatory requirements. In response to

Mr. Alter's question, Mr. Kline testified that any re-used soil would meet DEP requirements. Mr. Alter asked if a referral was received from the Fire Department. Mr. Statile stated none was received. Mr. Tuvel stated that the Developer will work with the Fire Department to address any of its concerns.

25. Chairman Riordan noted that the plans call for porous asphalt at the approach circle. Mr. Kline confirmed same and that it is not used for a credit on the impervious coverage. That is purely for NJDEP stormwater management. Mr. Riordan also asked if there would be any adverse impact on the neighboring properties and if a shadow study has been done. As a civil engineer, Mr. Kline stated he does not look at those issues. He testified that from an engineering standpoint there will be no adverse impacts to the area. He believes the project will be an enhancement and improvement for the adjacent properties. As to the flood elevation, Mr. Riordan questioned the sidewalk level on Prospect Place. Mr. Statile replied it is at 61. Mr. Riordan asked why passive flood vents are not needed and Mr. Kline responded that a flood plain study was prepared for the DEP, which showed that the flood compensation area is not being decreased. This project complies with the highest level of NJDEP and State regulations. Mr. Statile noted that the area tends to have a flood event every five years or so. In the event there is flooding in front of the garage door, can gates at the emergency ingress/egress opening be utilized so the residents can enter and exit? Mr. Kline agreed that could be done as a condition of approval. Referring to Exhibit A-3, he pointed out where a decorative gate will be that can be opened by management in the event of flooding in front of the garage to allow ingress and egress through the back at the emergency ingress/egress opening.

26. The meeting was opened to the public to ask questions of Mr. Kline. John Conte, Jr., Esq. of Meyerson Fox & Conte, PA appeared representing Westwood Banana operating out

of Prospect Street across from the site. They received approvals in November 2022 for Lots 6 and 7. He wanted to confirm that the eight parking spaces along Prospect Street will be eliminated based on the Police Department referral. Mr. Tuvel confirmed the Developer would follow the Police Department's recommendation. Scott Raymond of 8 Cottage Place, Hillsdale, NJ, who owns one of the buildings in the Redevelopment Area, appeared. He is a Planning Board member who recused himself from the hearing of this application. Mr. Raymond asked about the properties located to the southwest of the subject site at Lots 6 and 8. Mr. Kline referred to Sheet C-1 of the submitted site plans. Those lots are currently utilized for truck storage and parking. Mr. Raymond asked if either of those lots is the subject of an application recently approved for Westwood Banana and Mr. Statile stated that one of the lots is. Mr. Raymond questioned if the building being constructed by Westwood Banana would interfere with the redevelopment of this site. Mr. Kline testified that he has reviewed the Westwood Banana plans and has no concerns as to any adverse effect on the project. Mr. Raymond asked about the community center parking and was advised that 20 spaces are required and that 27 on- and off-site parking spaces are available. Mr. Raymond asked about access to the parking garage. On Sheet A-2, Mr. Kline pointed out the main entrance/exit and the emergency ingress/egress to be used if necessary. Mr. Raymond asked about the Fire Department referral and was advised it has not yet been received.

27. The next witness to testify was the Applicant's Architect, J. Robert Hillier, FAIA, LHD of Studio Hillier, LLC, 190 Witherspoon Street, Princeton, NJ. Mr. Hillier's credentials as a licensed architect of the State of New Jersey were accepted by the Board and he was duly sworn prior to providing testimony. Mr. Hillier marked as Exhibit A-4 a colorized version of the elevations which was submitted to the Board and is dated February 9, 2023 entitled "3D View

4”. He testified as to the parking garage and the lighting surrounding it and that nothing on the garage roof will be visible due to the way it is setback and the fact that the lighting is lower than the roof. The lighting fixtures will also be hooded. There is also a courtyard, which is a great amenity, as well as a swimming pool. He also pointed out the drop off/turn around space and the main entry to the parking garage, as well as the emergency garage exit in the event of flooding. There is a 10-foot space between the garage and the building on each side in order to provide ventilation to the garage. There is no mechanical ventilation, it is all natural ventilation. There are two towers symbolizing the project, one on the curve of Patterson Street and a second smaller tower near the park. The second one is smaller in footprint but they are both the same height. The parking garage changes from three stories to four stories with a mansard and metal roofing.

28. Mr. Hillier testified as to the first floor plan, which was previously marked as Exhibit A-3. Wherever possible, units have been provided with outdoor space. He pointed out the community center and the four parking spaces associated with the community center, as well as two additional parking spaces on-site, as well as a space where delivery vehicles can park. There is a package room where, when residents dial in their number, a laser will point to their packages. The plans show the main entrance with a spiral staircase to the second floor. From the main area you can see out into the courtyard, which has barbecue spaces and fire pit spaces. There is also a game area with ping pong and other games.

29. Mr. Hillier then presented an enlarged depiction of the main first floor area, which was marked as Exhibit A-5. The sheet depicts the vestibule, leasing office, and private dining room for cooking lessons. There is a double-height social space with tables and conversation areas, a game lounge with a table and television, pool table and other games and a bar area. This

room can also be used for private parties. There is a fitness center and adjoining yoga studio, which look out onto the pool area.

30. Mr. Hillier then presented a depiction from Patterson Street into the arrival courtyard, which was marked as Exhibit A-6. The rendering depicts the tower. The apartments in the building go into the tower. The next rendering depicts the courtyard and was marked as Exhibit A-7. It shows the leasing office and private dining room. There is also a sample apartment so that people can go from the leasing office up a spiral staircase to the sample unit, which is just for show and not for occupancy. There is a landscaped turn around. The next rendering also shows the courtyard and was marked as Exhibit A-8. This shows the community center going back from the tower. The next depiction, marked as Exhibit A-9, shows the intersection of Piermont and Patterson Street. It shows the park area with the secondary entrance into the development. It shows the transition from three stories to four stories by utilizing a mansard roof. Rather than one big building, this was designed to appear as a series of townhouses. The walls have been moved in and out by, in some cases, as much as 6 and 8 feet. Certain units will have terraces. Three different colors of brick are used, as well as a cement panel system with decorative bay windows. There are 11 doorways along Patterson Street with entrances into 11 two-story units. There is also access to these units from the corridor inside the building. The mansard roof is a zinc color.

31. The next rendering is along Prospect Street, which was marked as Exhibit A-10. This depiction shows the rain garden and the units in this area are all well above grade. There is a courtyard overlooking the rain garden. It shows that the building architecture has been carried all the way around the building. The bands on the building are pre-cast concrete made to look like limestone. The base of the building is a rough-cut, textured CMU.

32. Mr. Hillier then described the Patterson Street elevation, which was marked as Exhibit A-11. It shows the drive-in courtyard with the leasing office and the doors going into the two-story units. It also shows the park and the back wing, which is where the building becomes four stories. It also depicts the three different colors of brick. The elevation along Knickerbocker is also depicted. There are several doors into the hallways along Knickerbocker. This is all above the flood plain. He then addressed the elevation along Piermont, which was marked as Exhibit A-12. The rendering depicts the park, Patterson Avenue, the secondary entrance, the smaller footprint tower and the different facades. The entrance to the garage is shown, as well as the entrance for the trash pickup and trash rooms. There are two trash rooms – one on Knickerbocker and one on Piermont. The rear elevation depicts the rain garden and the units along same.

33. The next rendering testified to by Mr. Hillier is for the second floor and was marked as Exhibit A-13. It showed the spiral staircase in the two-story space from the lobby up to the second floor. The rendering depicts a co-working space which allows residents to work from home in a communal area. There is the sample apartment, behind which is the private dining room with a kitchenette. The rendering depicts several units, including the 11 two-story units. The affordable units have been marked in blue. The affordable units are not done in one zone. The next sheet depicts the third floor and was marked as Exhibit A-14 and is basically a repeat of the second floor. The next drawing depicts the fourth floor units on the roof with their private terraces/courtyards and was marked as Exhibit A-15. Because the parking garage is part of the building, unit residents can park in their reserved spots on the appropriate floor and unload groceries and the like. There are numerous compressors on the roof for heating and air conditioning. The next set of drawings, marked as Exhibit A-16, is a sight line exhibit and

shows that you can be across the street on Patterson Street and the compressors will not be visible. The next rendering is a sight line exhibit showing that the roof equipment is not visible from Knickerbocker, marked as Exhibit A-17. The rendering depicts the 20' high light and the lighting for the garage.

34. The next sheet testified to by Mr. Hillier was marked as A-18 and depicts the green garden and the terraces for the units along the back of the building. It also shows into the courtyard and the pool, as well as the community center.

35. Mr. Statile had several questions for Mr. Hillier. He asked if the outside of the building is brick and Mr. Hillier advised it is a thin brick tile. Mr. Statile requested that a sample board of the brick be provided as a courtesy. Mr. Hillier had one with him which was marked as Exhibit A-19. The sample submitted is of the darkest brick color being utilized for the project. The brick sample submitted is a smooth brick and there will also be more textured bricks used for the exterior of the building, as well as two lighter colors. Mr. Statile requested samples of the other brick tiles to be used. Mr. Tuvel noted that it is not required under the Redevelopment Plan and that as time goes on the materials could vary as to what is available and cost of same. The Developer will do its best to create the façade presented to the Board but cannot be held to same.

36. Mr. Tuvel asked Mr. Hillier to touch briefly on the energy-efficient aspects of the building. He first advised the Board that as of March 1, 2023 the State of New Jersey has raised its standards. There now will be required 2 inches of insulation on the outside surface of the wall. In terms of direct sustainability, there will be highly reflective white roofs to deflect heat; low-flow fixtures; and All-Star low-energy appliances, as well as therma-pane glass.

37. Mr. Statile expressed his concerns because in the future the residents of the Borough will pass by this project and see the exterior walls. He would like some assurances that

the building exterior will appear as it is being presented to the Board. Ms. Nabbie stated that this is not an architectural review board and that is not this board's purpose. Mr. Tuvel has already represented that his client will do its best to replicate the look being presented and there may be slight variations in color. Mr. Tuvel stated that the building will look as it is being presented. He just cannot at this point provide specifics as to exact color, brand, and the like, as there is no guarantee with regard to the materials' availability in the future. The Applicant will stick to the concept and does not plan to deviate from same. Mr. Tuvel also noted that the Redevelopment Plan has design standards which the Developer is required to follow. The Redevelopment Plan dated August 9, 2022 was marked as Exhibit A-20. It was agreed that Ms. Nabbie, Mr. Tuvel and the Chairman would review the Redevelopment Plan and come to an agreement on this issue.

38. Mr. Behrens asked for information as to the maintenance, care and control of the community center. Mr. Tuvel advised that under the Redevelopment Agreement there are two ways to do this – either some sort of condo structure where the Borough would own the inside of the building or some type of lease agreement. Maintenance of the outside of the building will remain the responsibility of the Developer. Mr. Tuvel does not believe the Borough has decided which route to take. Mr. Behrens asked if the Applicant would be willing to go whichever way the Borough decides and Mr. Tuvel responded that it would be part of the ongoing negotiations. He is happy to speak with Ms. Nabbie regarding this issue. Mr. Hillier interjected that whatever is decided, the window treatments need to be consistent throughout the project. Mr. Behrens noted that there are six units with roof access. He asked if the equipment can be seen from the street. Mr. Hillier advised there is a 6-foot fence on the roof. In response to Mr. Behrens' question, Mr. Hillier testified there will be a generator on the roof. The generator is designed to

take care of all the fire exit ways and the basic essentials. It is an emergency-level generator. The generator will provide the same emergency measures for the community center. Mr. Statile questioned if residents would be allowed to install individual generators and Mr. Tuvel responded that tenants cannot install their own generators. As to the rear courtyard which is located on Prospect, it is elevated 7 feet. Mr. Behrens noted that it is unclear what the lines in the plan are that separate the courtyard. Mr. Hillier stated those are partitions between the units and they all have a lower 42 inch railing around the rain garden. Moving on to the parking structure, Mr. Behrens noted the testimony was that roof level was between 6 and 12 feet below the adjacent roofline and the parking area itself will be screened, and that the light fixtures will be 20 feet tall. Mr. Behrens asked if 20 feet was compliant with the Redevelopment Plan in terms of exterior lighting. He also questioned if the lighting would make this area “glow” at night. Mr. Hillier replied that the 20-foot height was chosen in order to get the required light level, which is a half foot, with fewer fixtures. The lights will be on all night for the residents’ safety and will be hooded to prevent any sky glow issues. Because of the height of the lights, Mr. Statile is concerned that the residents living across the brook will see the lights. Mr. Tuvel stated that is the reason the lights are shielded is so that the light sources cannot be seen directly and the lights are Dark Sky compliant. Mr. Behrens recommended the Board retain a six-month look back as to the lighting. Mr. Behrens then discussed the height of the tower on Patterson Street. While recognizing that it complies with the Plan, it is slightly over 70 feet while the roof below it is approximately 37 feet. He would like assurance that this will not create a negative visual impact to the surrounding area. Mr. Hillier responded that it is artistic license and meets the Plan requirements. Mr. Hillier thought the tower was better than a big sign advertising the development. Mr. Tuvel noted that the Redevelopment Plan allows up to 64 feet/5 stories for the

top story and the project is at 51.22 feet/4 stories. The Redevelopment Plan allows for the tower element to exceed the highest point of the building by a story or two.

39. Council Liaison Escobar had several questions regarding the parking garage. Since it is fully enclosed, he sought confirmation that the only natural ventilation is through the middle, which Mr. Hillier confirmed. In the event of a vehicle fire, Mr. Escobar questioned how the smoke would get out of the garage. Mr. Hiller responded that there is a 10-foot space between the parking garage and the building and the smoke would be released through that area. Mr. Hillier also noted there are sprinklers in the garage. Mr. Escobar was concerned that any smoke could linger for quite a while.

40. Mr. Alter echoed Mr. Behrens' concerns regarding the tower height. He also asked what living space will be within the tower. Mr. Hillier pointed out the living spaces and stated there are only two living spaces within the tower. Mr. Alter believes the tower will stand out. Mr. Alter asked if there was any noise abatement in the proposed brick tile façade in light of the fact that the development is across the street from a train station. Mr. Hillier advised that the new State standard requiring the additional 2 inches of insulation on the outside of the building will provide noise abatement. The insulation on the inside is 6 to 8 inches thick so there is approximately 10 inches of insulation. The brick tiling is decorative but will also provide protection against noise. As to the pool area and affordable units on Prospect Place, Mr. Alter asked how the residents along Prospect Place will get to the pool area. Mr. Hillier opined that there are corridors and elevators that take residents down to the lower corridor and amenity spaces. The community center can also be accessed through a corridor from the main building.

41. Mr. Friedman asked what is at the top of the tower. Mr. Hillier responded there is nothing there and it is like an attic. The faux windows in the tower can be lit or not. In response

to Mr. Friedman's question, Mr. Hillier confirmed that all the units are rentals. Mr. Friedman asked about the material in the courtyard and Mr. Hillier advised it is concrete paneling in two different shades. As to the trash room to the north, Mr. Friedman asked if that is for the community center or the residential building. Mr. Hillier testified it is for the residents and the community center. The other trash room is for the residents.

42. Mr. Griep echoed Mr. Behrens' concern as to the height of the light posts in the garage area, which has the potential of spilling over onto the adjacent properties. As to the 10 foot void around the perimeter of the parking deck, is there a barrier to prevent people falling over? Mr. Hillier assured him there is a 42 inch barrier. As to the units adjacent to the parking garage, there are no windows on that side. It is a completely fireproof wall. Mr. Griep asked if there was any signage at the development. Mr. Tuvel advised there are no details yet but any signs will comply with the Redevelopment Plan.

43. Ms. Kates asked if the dog area will have the same buffering insulation as the residents' homes and Mr. Hillier advised that it will. She also sought to ensure that the project will meet the recommendations of the Environmental Commission as to landscaping. Mr. Tuvel will check the referral and advise as to same. As a resident, Ms. Kates finds the tower problematic and does not believe it fits with the character of the Borough. She also stated that this project was touted to the Environmental Commission as to its sustainability but she is not seeing much of that.

44. Chairman Riordan asked if the addition 2 inches of insulation will effect the coverage and Mr. Hillier advised it will not.

45. In response to Mr. Statile's question, Mr. Tuvel responded that the building is on spread-panel footings.

46. The meeting was opened to the public to ask any questions of the Architect and no one appeared.

47. The application was carried to the March 9, 2023 meeting. An announcement was made and no additional notice is required.

March 9, 2023

48. At the March 9, 2023 meeting, Board member Scott Raymond recused himself from the hearing of this application.

49. Jason Tuvel, Esq., the Applicant's attorney, addressed the Board and advised that testimony was presented on February 9, 2023 from the Applicant's Civil Engineer and Architect. The next testimony will be presented by the Traffic Engineer. The Board professionals, Mr. Statile and Mr. Behrens, were sworn in.

50. The first witness to testify on March 9, 2023 was Matthew Seckler, PE of Stonefield Engineering & Design, who testified as the Applicant's traffic expert. Mr. Seckler's credentials as a licensed professional engineer of the State of New Jersey were accepted by the Board and he was duly sworn prior to providing testimony. Mr. Seckler prepared a Traffic Impact Study last revised October 6, 2022. Mr. Seckler testified this is a fairly extensive study. Traffic was counted at ten different intersections within the Borough to get an understanding of what the impacts would be or could be related to this development application. The ten intersections were counted both in early June and in September to get a real understanding of the traffic impacts and traffic conditions that currently exist in the general site and vicinity. The intersections where traffic was initially counted are Broadway and Parkview; Broadway and Orchard; Broadway and Hillsdale; Broadway and Washington; Lake and Parkview; Patterson and Knickerbocker; Patterson and Piermont; Patterson and Orchard; and Patterson and Hillsdale.

The intersection of Pascack and Hillsdale was added for the September count. The first count was done on Thursday, June 2, 2022 from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. in order to obtain the morning and evening rush hour time periods and on Saturday, June 4, 2022 from 11:00 a.m. to 2:00 p.m. Updated counts were taken on Thursday, June 9, 2022 from 7:00 a.m. to 9:00 a.m. at a few of the intersections because construction had been taking place. Three intersections, as well as the Pascack and Hillsdale intersection, were counted again on Tuesday, September 20, 2022 from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. as well as Saturday, September 17, 2022 from 11:00 a.m. to 2:00 p.m.

51. Mr. Seckler testified that the September counts were higher in the morning than the June counts. The evening and Saturday counts were about the same. All of the counts for all the intersections for all the days were adjusted up to account for the September higher counts. They checked to see how the train impacted the general circulation of the area and how long it took for traffic to return to normal each time a train came through. Any potential for an increase in delay is related to the area around the train crossing. They looked at all possible routes residents from this development would take should this application be approved. Mr. Seckler testified that in order to calculate the amount of traffic to be generated by this site, a publication called the Trip Generation Manual is utilized. For this development of 256 units, maximum peak hour traffic would be 95 trips in the morning peak hour, 100 trips in the evening peak hour and 100 trips on Saturday coming into and out of the driveways associated with this development. A trip could be someone leaving or entering the site. This would come to 1 or 1½ cars per minute. To put that into context, the 7-11 generates about twice as much traffic as this development. The projected trip generations are added to the existing trips. The worst intersection increase in the area would be in the 4 to 8 second range. In the area of the train crossing, the project would add

two cars to the existing queue. Minimal impacts are expected as to traffic with regard to this project.

52. As to parking, Mr. Seckler testified that the statutory requirements of the Redevelopment Plan are being met by the Applicant for parking for the residents, guests and the community center. This includes 1.5 parking spaces per unit, with 10% of the parking spaces available for guests and 20 parking spaces for the community center.

53. Mr. Seckler testified that overall this site is an as-of-right development and he does not see any negative impacts on the roadway network and has found that the parking is sufficient per the requirements of the Redevelopment Plan.

54. Mr. Tuvel asked Mr. Seckler to speak as to the driveways. Mr. Seckler testified that the sight distances at the driveways are adequate. It is helpful that the main driveway for the residents is not located on a major roadway, which helps in terms of circulation patterns. The parking aisles and size of the parking spaces meets the requirements of the Redevelopment Plan. The parking garage has 24 foot wide drive aisles and the parking spaces are 9' x 18', meeting RSIS standards. There are a sufficient number of ADA-compliant parking spaces.

55. Mr. Behrens asked if emergency service vehicles (excepting fire trucks) will be able to access the parking garage and Mr. Seckler confirmed same. As to the sawtoothed parking along Knickerbocker Avenue, Mr. Behrens noted that it was discussed at the February 9, 2023 meeting that this curb line be straight and the utility poles moved back to accommodate this. Mr. Seckler testified there has been discussion with the utility company and they will work together on this matter. The straight curb will allow for additional parking spaces, for a total of 20 spaces along Knickerbocker Avenue. He noted the Applicant agrees with the Police Department recommendation that there be no parking along Prospect Place. The minimum parking

requirement will still be met by the Applicant. Mr. Behrens asked if the four on-site parking spaces near the community center would be expanded to include additional spaces. Mr. Seckler responded that the Applicant will work with the Borough and add spaces in that area if possible.

56. Mr. Statile asked if there was a handicapped parking space for the community center and Mr. Seckler testified one is located in the circle in front of same. This handicapped space would be reserved for community center visitors. There are other handicapped spaces located in the parking garage for residents and visitors. There will be signage that the spaces in the circle are reserved for the community center during its hours of operation. Mr. Statile suggested putting a “no truck” sign in the circle parking area in front of the community center.

57. Mr. Alter asked if the additional pedestrian traffic at the site was taken into consideration for the Traffic Impact Study. Mr. Seckler responded that all movement is taken into consideration during the traffic counts, including vehicles, pedestrians, bicycles, etc. Mr. Alter noted that the Study did not include the time of day when school is let out, which generates a lot of traffic. Mr. Seckler testified that is not included as traffic during school let-out time is still lighter than the evening peak hours which are utilized. The peak traffic hour for the proposed development is anticipated to be 5:00 to 6:00 p.m. While traffic is more congested during the time school is released, the project will not be adding to what already exists. In addition, schools have very high peaks of usually 10 to 15 minutes, but the evening rush has more cars over the course of an hour. Mr. Alter mentioned there are also many more pedestrians when school is letting out and Mr. Seckler again noted that number exists and will not be affected by the project. Mr. Alter suggested a left-turn traffic light at the intersection of Patterson Street and Hillsdale Avenue to turn from Patterson onto Hillsdale. Mr. Tuvel noted an application for same would have to be made to the County as Patterson Street is a County

roadway. Mr. Tuvel stated a County application for the project has already been submitted and it would be up to the County if such a light was to be installed.

58. Vice-Chair Kates believes that the peak hour numbers should be higher than the projections, as she believes most people travel at the same time of day. Mr. Seckler responded that the peak hours usually are two to three hours long and the numbers are calculated according to the data. Ms. Kates asked what the number would be in order to consider it an adverse impact. Mr. Seckler testified that delays over 15-30 seconds for a development would be considered a significant adverse impact. As to traffic lights, waiting another cycle would be considered an adverse impact. Ms. Kates also asked about the EV credit. Mr. Seckler testified the Applicant is providing 67 EV spaces which provides 44 credits. He pointed out the project meets the parking requirement even without the EV credits. In response to Ms. Kates' question, Mr. Seckler stated the locations of the EV charging stations in the garage have not yet been decided.

59. Ms. Toms questioned if additional parking spaces can be added to the circle outside the community center and if some spaces can be made ADA-compliant for senior citizens. Mr. Seckler noted if that was done something would have to be taken away – either landscape or streetscape. He also noted that the on-street parking spaces associated with the community center will be under the Borough's control and the Borough could make some of those parking spaces for handicapped use.

60. Councilman Escobar asked if any type of study was undertaken to determine any possible increases in emergency calls. That question could not be answered by Mr. Seckler as traffic expert.

61. Mayor Ruocco recalled requesting the Police Department's rationale for removing the parking spaces along Prospect Place at the February meeting. Nothing has been issued in

writing by the Police Department outlining its reasoning for the request. He believes the community center could use the additional parking. Mayor Ruocco asked the maximum occupancy permitted for the community center and Mr. Tuvel stated it is on the plans at 101. He noted when the seniors have their luncheon there are usually 30 to 35 cars parked outside. He is a little concerned about the parking for the center. Mr. Tuvel noted the Applicant complies with the Redevelopment Plan and noted that the Police Department and neighbor across the street, Westwood Banana, were concerned about having parking spaces on Prospect, which the Applicant agreed to remove at the February 9, 2023 meeting. Mr. Statile stated the Police Department and Westwood Banana were concerned with the turning radius for trucks should there be parking on Prospect Place. Mayor Ruocco would like more parking spaces for the community center. Mr. Seckler noted that by replacing the sawtooth curbing with a straight curb line along Knickerbocker, which increases the number of on-street parking spaces on Knickerbocker to 20. There are 8 spaces on Piermont and 4 in the circle, for a total of 32 parking spaces, where 20 is required. Mr. Tuvel noted that the Borough will take control of the community center and the parking along Piermont and Knickerbocker. Those spaces could be marked for the specific use of the community center during times the center is open.

62. Mr. Riordan asked if there will be any conflict as to parking with the gymnastics/dance facility across the street. That area can get pretty congested with pick-ups and drop-offs. Mr. Seckler once again stated that those parking spaces will be under Borough control to mark with signage and utilize as it wishes. The gymnastics/dance studio has its own parking lot.

63. The meeting was opened to the public to ask questions of Mr. Seckler. Scott Raymond, 55 Prospect Place and 8 Cottage Place, Hillsdale, NJ appeared. He asked if sidewalks

would be installed on the east side of Patterson Street, to which Mr. Seckler responded the Applicant will be placing sidewalks on the west side of Patterson Street which is part of the project site but not across the street on the east side of Patterson. Mr. Raymond asked if there is an estimated number of vehicles that will be associated with the 256 units. Mr. Seckler advised that it is estimated there will be about 1.3 vehicles per unit, but it also depends on the number of one-bedroom units. For 256 units, that equates to about 350 vehicles. The Ordinance also requires an additional 10% for guests. He testified that the Applicant meets those requirements, with 448 parking spaces in the garage. Mr. Raymond said his question is, based on 256 units, how many additional vehicles will be on the streets of Hillsdale with the construction of this project. The response to that is the estimated 350 vehicles. Mr. Raymond asked if the Applicant has considered installing speed bumps along Patterson Street or any other streets. Mr. Tuvel stated that would be up to the Borough. Mr. Raymond questioned if reports have been received from the Police Department, Fire Department and EMS. Mr. Statile responded that reports have been received from the Police and Fire Departments but he is unsure about EMS. Mr. Tuvel stated that the Fire Department report was fine and the Applicant will utilize the suggestions of the Police Department as to parking. During the demolition and construction phases, Mr. Raymond asked where construction vehicles will park. Mr. Tuvel advised that the Developer will work with the Police Department to develop a traffic control plan. There are usually flagmen and off-duty police on-site to control traffic and parking. This would be addressed during a pre-construction meeting.

64. There were no other members of the public seeking to ask questions of Mr. Seckler.

65. Mr. Statile had a question for Mr. Seckler with regard to the summary table on page 84 of the Traffic Impact Study. With regard to Hillsdale Avenue eastbound/westbound and Patterson Street northbound/southbound, the delay for northbound left turns is 39 seconds, Level Service B. When he looks at the traffic conditions, the delay is down by 3 seconds. At certain intersections, the more cars there are that approach there will be a longer green light. The traffic lights have sensors and if it senses times when there is “green” space, it will provide additional time for vehicles to move, allowing for shorter wait times. Each light has a “maximum” setting where it can no longer adjust. If cars build up during those times, the wait times will increase.

66. The next witness to testify for the Applicant was its Planner, Keenan Hughes, PP, of Phillips Preiss Grygiel Leheny Hughes, LLC, 70 Hudson Street, #5B, Hoboken, NJ. Mr. Hughes’ qualifications as a licensed professional planner of the State of New Jersey were accepted by the Board and he was duly sworn. Mr. Hughes testified that he is familiar with the site and that he had reviewed the application, plans and reports associated with same. By way of background, Mr. Hughes has evaluated the application before the Board and it is his conclusion that it is fully conforming with the Patterson Street Redevelopment Plan. That would include the use requirements, the bulk requirements and the architectural design guidelines. He believes the project fulfills certain multiple purposes of the Redevelopment Plan by creating some of the public benefits the Borough was trying to achieve, including implementing an inclusionary residential project with a 15% set aside for affordable housing. This is consistent with the Borough’s Housing Element and Fair Share Plan and affordable housing settlement. Stormwater management and sustainability are a large component of this project. This application advances those objectives set forth in the Redevelopment Plan. The community center was an optional part of the Redevelopment Plan but is being provided as part of this project. The scale and

quality of the architecture of the building is compatible with the character of the community in terms of its design.

67. Mr. Hughes testified that the application is fully conforming. The process has worked well and the Developer and the Borough have had a nice partnership in bringing the project to this point. All bulk requirements and parking have been met and/or exceeded by the project. The stormwater management is a huge benefit to this area where currently none exists. The landscaping and streetscaping are an improvement. The affordable units will be administered in conformance with the UHAC requirements in consultation with the Borough.

68. Mr. Behrens noted that there are 256 units proposed and the Redevelopment Agreement in some sections state there should be 255 units. In response to Mr. Behrens' question, Mr. Hughes stated there are 20 affordable units. Mr. Tuvel stated 20 is the number agreed to in the Redevelopment Agreement. Mr. Behrens believes that is slightly lower than the required 15%. According to the Agreement between Fair Share Housing Center and the Borough, this Redevelopment Area is required to provide 24 affordable units over 5.8 acres of the Borough. This project provides 20 of the required 24 units and there are other sites where the additional 4 units will be located. It was represented that Fair Share Housing Center was agreeable to 20 affordable units. Mr. Behrens referred to page 8 of his February 3, 2023 Memo, generally regarding compliance with the landscaping and streetscaping requirements. The Redevelopment Plan calls for sidewalk widths of 5 feet and planting areas of 5 feet. He is not sure if that is the case on the actual plans. There may be other items similar to that that will need to be addressed. They are spelled out in his Memo to ensure that all aspects of the Redevelopment Plan are met by the Applicant. Mr. Tuvel stated that the Applicant will work with the Borough's professionals to ensure that all Redevelopment Plan requirements are met.

69. Mr. Escobar asked about the impact of the project on emergency services. Mr. Hughes stated that is not a question for his response. Mr. Tuvel did inform the Board that a meeting was conducted which included numerous Borough agencies, including Fire, Police and EMS and no concerns were raised during that meeting with regard to being able to handle emergency services for the project.

70. Ms. Kates asked Mr. Hughes what he meant with regard to sustainability going above and beyond what is required. Mr. Hughes explained that the stormwater management being provided, the density, and walkability is what he considers sustainability. Mr. Tuvel reminded the Board that the project is under what is permitted for impervious coverage.

71. Mr. Friedman asked if a revised landscape plan would be submitted prior to the adoption of any memorializing resolution and Mr. Tuvel stated it would be submitted to the Board professionals as a compliance item. He noted the Applicant would work with the Board professionals and within the scope of the comments submitted by the Environmental Commission.

72. Mr. Riordan asked Mr. Hughes if he thought it was appropriate for a five-story building to be constructed in the Borough and noted that several Board members objected to the height of the towers. Mr. Hughes responded that the project fits in with the surrounding area and the step-back construction minimizes the impact of the structure. Mr. Riordan asked if there was any negative impact from the size of the structure and Mr. Hughes stated he did not believe so. He believes the tower elements are important in creating a pleasing aesthetic at the site. The height of the towers is intentional and breaks down the massing of the building. Mr. Riordan asked Mayor Ruocco and Councilman Escobar if they are satisfied with the credits as to the Borough receiving the community center and the park. Councilman Escobar is comfortable with

the plan but the Mayor is not. Mayor Ruocco commented that to give the Borough a community center that is not fully functional in meeting the Borough's needs is disturbing to him. Being a senior, he attends senior events and knows the turnout, and there will be other events at the community center. Events that take place in other locations in the Borough may now take place at the community center. A recent event that was held at the library drew 50 people in vehicles. That type of event may be moved to the community center and parking would be insufficient. Mayor Ruocco expressed disappointment that the parking is not adequate for the needs of the Borough. He believes the project as a whole will be a great addition to the community, but feels the community center cannot be utilized effectively by the Borough. Mr. Tuvel noted that in addition to the community center and park, the Borough received a payment of \$750,000.00. In terms of the issue raised by the Mayor, there was a parking standard enunciated in the Redevelopment Plan for the community center and the Applicant has complied with that standard. Mayor Ruocco stated he could not find the 20-space parking standard in the Redevelopment Plan or Redevelopment Agreement.

73. Mr. Behrens stated that they keep being told that the community center parking applies, but the Ordinance does state parking requirements for a community center, which is one space for every five occupants. For the 101 person occupancy, that is roughly 20 parking spaces. Page 19 of the Redevelopment Plan states that "on-street parking shall be permitted on both sides of the streets except on Patterson Street where parking shall be prohibited within the cartway". Mr. Behrens is not sure that can be interpreted to mean that on-street parking satisfies the parking demand, and that is all that is in the Redevelopment Plan to suggest that. The Redevelopment Agreement, at page 55, states "the parking provided on the Phase I project site shall be adequate to support the public's use of the community center". Mr. Tuvel stated that a

condo or lease agreement will need to be negotiated between the Borough and the Developer for the community center, and there can be additional negotiation of these issues at that time. These are more contractual issues and not land use issues. Mr. Tuvel believes that from a land use perspective the project complies with the Redevelopment Plan. There can be further discussions between the Borough and the Developer regarding the use of the facilities. That will have to take place as part of this process.

74. Mr. Riordan asked Mr. Hughes if he believed the inclusion of the community center in the project is a wise choice and Mr. Hughes responded affirmatively.

75. The meeting was opened to the public to ask questions of Mr. Hughes and no one appeared.

76. Mr. Tuvel recalled J. Robert Hillier, the Applicant's Architect, who testified at the February 9, 2023 meeting. Mr. Hillier was sworn before his testimony. Mr. Tuvel asked Mr. Hillier to present to the Board the substantive materials to be used on the building façade. A final determination as to materials has not yet been made but the materials utilized will be the same as or similar to those presented to the Board. At the last meeting, the Board asked about the materials the Applicant was going to use for the project. Mr. Hillier testified that the Applicant is trying to create a variety of colors, materials and scales in the project. There is a white material and three different brick colors. Mr. Hillier presented samples of the three brick colors and textures so the Board could see what the Applicant has in mind. He testified that the Applicant will be utilizing brick and will not switch to any other material. The white concrete panel accents will be located at different places on the building and Mr. Hillier presented the Board with the material the Applicant proposes to use. He also showed the Board a material to be used for the cornices, which looks like stone but is actually Styrofoam inside and ¾ inch of

material around the outside. There will also be a darker cornice and Mr. Hillier presented that material to the Board. There are bands running across the building and Mr. Hillier showed a limestone-type material which will be used for those bands. That is the color scheme planned by the Applicant. Mr. Hillier testified that once all of the materials have been decided upon, a mock-up will be built of what the materials look like, which will be used as a model to instruct the contractor on how the building should look.

77. The Board did not have any questions for Mr. Hillier regarding the façade materials. The meeting was opened to the public to ask Mr. Hillier questions relating to the façade materials and no one appeared.

78. Mr. Tuvel stated he spoke with counsel during the break with regard to the community center parking and stated the Applicant is agreeable, under the agreement to be entered into between the Borough and the Developer for the community center, to allow the Borough to utilize parking spaces within the garage for larger events held at the center. The spaces in the garage will be properly marked for use during larger special events only and this can be negotiated along with the other terms of the condo/tenant agreement. This will be made a condition of approval. He continued on and noted that from a land use perspective, this project has been a long time coming. The site will be remediated and will provide stormwater management measures. It will have green space and inclusionary housing on the property. The project complies with all the bulk standards set forth in the ordinance. Mr. Tuvel requested that the Board approve the application.

79. Mr. Berliner commented that he likes the façade of the proposed building. Mayor Ruocco expressed his appreciation that the Applicant showed some flexibility as to the parking for the community center. Mr. Alter commented that he hopes the Applicant considers lowering

the towers to the same height as the rest of the building and, other than that, it is a wonderful project. Ms. Kates was appreciative that the Applicant was willing to take the Board's comments into consideration. Chairman Riordan echoed the comments of the other Board members.

80. The meeting was opened to the public for final comment or question and no one appeared before the Board.

81. Council Liaison Escobar made a motion to affirm that the application conforms with the Redevelopment Plan, which motion was seconded by Chairman Riordan.

D. Justification for Relief

82. The Board further finds the Applicant has met its burden of proof that the application conforms with the Redevelopment Plan.

83. The Board makes the following findings and conclusions with respect to this application:

- A. The Board finds that the application as presented will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough's Zone Plan and Land Use Ordinance.
- B. The proposed construction will go toward the positive criteria. The Board further determined that the Property can accommodate the use.
- C. Further, the Board finds that using prudent zoning and planning principles, project will not negatively impact the existing neighborhood nor the community as a whole.
- D. The Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.

- E. The Board hereby determines that the Applicant has met the burden of proof to the satisfaction of the Planning Board for the project, as proposed by the Applicant.
- F. The Board also finds that the application as presented will not substantially impair the intent and purpose of the Borough's Zone Plan and Zoning Ordinance.
- G. The Board finds that using prudent zoning and planning principles, the project will not affect the existing neighborhood, nor the community as a whole. The Planning Board hereby determines that the overall objectives of sound and prudent zoning and planning principles are advanced by the granting of the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hillsdale and the Board grants the following relief:

1. The Board has affirmed that the application conforms with the Redevelopment Plan for this site.
2. The application is specifically conditioned upon any and all other approvals required by any governmental entity having jurisdiction over the development, including, but not limited to Bergen County Planning Board approval or waiver, Bergen County Soil Conservation District approval and NJDEP approval, to the extent applicable.
3. All conditions imposed by the Board in this resolution and on the record shall be complied with by the Applicant. The transcripts shall govern in the event of a discrepancy.
4. The Applicant shall comply with any and all Federal, State, County and local laws, ordinances, codes, rules and regulations with respect to all aspects of the project, Property and proposed use, and with all such applicable laws and codes, and shall be responsible for all costs and fees associated therewith. Notwithstanding the approval granted by the Board, the

Applicant shall obtain all other applicable approvals and comply with all applicable laws, codes, ordinances, regulations and the like as to the Property.

5. Before any permits are applied for, it is the responsibility of the Applicant to see if there are any open permits or violations and address these before a new permit can be issued.

6. When applying for the permits, a copy of the signed resolution and Board-approved plans must accompany the permit application.

7. No certificate of occupancy will be issued unless all inspections have been performed, passed, and all prior approvals have been satisfied.

8. The Applicant shall maintain sufficient escrow funds as requested by the Borough of Hillsdale.

9. The Applicant shall obtain all appropriate and applicable approvals and permits as required from all governmental agencies having jurisdiction over the project or the subject matter of this application, shall comply with each and every requirement of every issued permit, and shall be responsible for all costs and fees associated with these approvals. Before any permits are applied for, the Applicant shall determine whether there are any open permits or violations for the Property and resolve any such issues to the satisfaction of the Construction Official. A signed Board resolution and Board-approved plans shall be submitted with all applications for permits.

10. If other agency approvals substantially modify the plan, same will trigger a return to the Board.

11. The Applicant shall comply with the conditions of the Board and its professionals, as set forth herein and in the record.

12. The Applicant shall comply with all applicable laws and regulations, including the payment of the non-residential development fee, if applicable, pursuant to the Municipal Land Use Law.

13. The Applicant shall comply with the comments of Burgis Associates as to the landscape plan.

14. The Applicant shall work with the Fire Department and other municipal departments with regard to any concerns related to the development of the site.

15. As part of the Agreement to be entered into between the Borough and the Developer regarding the community center, parking spaces in the garage will be made available and marked for use of visitors to the community center during scheduled events. The spaces in the garage will be properly marked for use during special events and an agreement shall be negotiated between the Applicant and the Borough. It was discussed, as a starting point, that 20 spaces will be allocated and the Applicant will work with the Borough to provide parking for special events at the community center.

16. In the event there is flooding in front of the garage door, gates at the emergency ingress/egress opening will be utilized so the residents can enter and exit the site.

17. There shall be a six-month lookback in terms of the lighting on the property and the Applicant shall make all adjustments requested by the Borough to prevent spillage or negative impacts on adjacent neighbors.

18. Bicycle racks will be installed for visitors of the community center.

19. The Applicant will work with the Borough with regard to any necessary roadway widening.

20. The saber-tooth curbing along Knickerbocker Avenue shall be replaced with a straight curb in order to facilitate snow plowing by moving back the utility poles.

21. To satisfy the Police Department's recommendation, the Applicant will eliminate the eight proposed parking spaces along Prospect Place between Piermont and Knickerbocker

Avenues. The Police Department also recommends parking along the south side of Knickerbocker only and the Applicant will comply with this recommendation.

22. A condo or lease agreement shall be negotiated between the Borough and the Developer with regard to the use of the community center. Maintenance of the outside of the building will remain the responsibility of the Developer.

23. The Applicant agreed to install a fence along the west side of Brookside Avenue.

24. A 6-foot high opaque fence will be installed on the roof.

25. The project shall comply with Night-Sky Lighting.

26. The Developer will work with the Borough professionals to ensure the lighting is acceptable to the Borough as to fixtures, temperatures and the like, and all proposed lighting shall be reviewed and approved by the Borough professionals.

27. All signage shall comply with the Redevelopment Plan.

28. There will be a generator for life safety/emergencies for the building and the community center.

29. Tenants are not permitted to have individual generators.

30. The two towers symbolizing the project, one on the curve of Patterson Street and a second smaller tower near the park, shall not be illuminated.

31. Brookside Place will be vacated between Patterson Street and Prospect Street. The development will be placed where Brookside Place is currently. A private road will provide access around the proposed development to each side. The Applicant shall obtain an easement through this vacated portion of the road or push the driveway back and a copy of same shall be provided to the Borough.

32. Block 1210, Lots 10 and 11 and Block 1211, Lots 1 and 2 shall be consolidated, which includes the vacation of Brookside Place. The Applicant shall submit a Consolidation Deed for review and approval by the Board professionals prior to recordation of same with the County.

33. The Developer is responsible for cleaning up the site as to any DEP and/or regulatory requirements.

34. The affordable units shall be deed restricted for a period of 30 years and the deeds shall be reviewed and approved by the Borough and shall be administered in conformance with the UHAC requirements and applicable law and regulations in consultation with the Borough.

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and Secretary of the Planning Board are hereby authorized to affix their signatures to this Resolution granting major site plan approval , as set forth herein and in the plans, and the Applicant is authorized to advertise the action taken by way of this Resolution in a local newspaper; and, further, the Secretary of the Board is authorized to send copies of this Resolution to the Construction Code Official and the Applicant.

MOVED BY: Council Liaison Escobar
SECONDED BY: Chairman Riordan

VOTE: FOR 7 AGAINST 0 ABSTAIN _____

MEMORIALIZATION VOTE:
MOVED BY:
SECONDED BY:

VOTE: FOR _____ AGAINST _____ ABSTAIN _____

APPROVED

Attest:

Scott Raymond, Secretary

Stephen Riordan, Chair

I certify that the foregoing is a true copy of the Resolution adopted on _____,
2023.

Scott Raymond, Secretary

Dated: _____, 2023