

PLANNING BOARD OF DEMAREST

MINUTES

REGULAR MEETING

February 1, 2023, 7:30 PM

Public Announcement of Meeting:

Chair Hayden opened the meeting at 7:30 pm with the following announcement:

The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this public hearing meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings are posted at the Borough Hall, was mailed to The Newark Star-Ledger and The Record, and was filed with the Deputy Borough Clerk of Demarest on December 23, 2022.

Roll Call

Mr. Alevrontas-present

Mayor Bernstein-present

Ms. Brenner-present

Councilwoman Fox-present

Chair Hayden-present

Vice Chair Keane-present

Mr. Parlamis-present

Mr. Rifkind-present

Mayor Schooler-present

Mr. Tabacchi-present

Mr. Verp-present

Board's Professional Staff Present:

Mr. Bern, Board attorney

Ms. Green Board Planner

Mr. Chelius, Assistant Engineer

Applicant's Professional Staff

Mr. Dipple, Engineer

Mr. Whitaker, Attorney

Mr. Virgona, Architect

Mr. Toronto, BCUW

Salute to the Flag

PUBLIC HEARING:

BCUW/Madeline Housing Partners LLC/127 Hardenburgh Avenue Affordable Housing

Chair Hayden opened the meeting and asked Mr. Toronto, President – Bergen County United Way, to introduce the application and asked him to discuss the income requirements, the funding process, the application process, and the building time frame of the proposed Affordable Housing development being heard this evening.

Mr. Bruce E. Whitaker, Applicant Attorney – 245 E. Main Street, Ramsey, NJ. Representing the applicant – BCUW/Madeline Housing Partners, LLC c/o Bergen United Way, 6 Forest Ave., Ste 210 Paramus, NJ. **Mr. Whitaker** introduced the Affordable Housing Project for 127 Hardenburgh Avenue, Demarest, NJ. Otherwise known as Block 23, Lots 13 & 14 on the Borough of Demarest Tax Map; where they are seeking preliminary and final site plan approval. The presentation will detail various site improvements. Including: building, parking, drainage, utilities, and lighting. As part of a March 30, 2020, Resolution, the applicant is the sole developer for the site. The Site is included in the Borough's downtown Redevelopment Area, Harp – (Hardenburgh Avenue Redevelopment Plan) Area on the Borough Tax Map. The Redevelopment Area and the current site plan were adopted by Ordinance No. 1094-21 on July 26, 2021. The property meets all conditions of the Demarest Ordinances, and the Fair Share Housing Settlement. **Mr. Whitaker** will present three witness's – **Mr. Tom Toronto, Operations and Finance, Mr. Mike Dipple, Engineer, and Mr. James Virgona, Architect/Planner**

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BCUW Multifamily residential building application:

- A variance free application. The Lot is fully conforming at .54 acres, where .5 acres is required.
- Requesting 2 waivers for the project – the engineer will discuss re trees and window sill height
- 100% Affordable. Proposed 3 Story, multi-family building with 17 Units, for Affordable, Moderate, and Supportive tenants who require assistance. The breakdown of proposed units is as follows:

10 – 1 Bedroom Units

5 – 2 Bedroom Units

2 – 3 Bedroom Units

8 – Family Housing Units

4 – Senior Housing Units

5 – Supportive

- A lower-level ventilated garage, with the required parking spaces.
- Handicapped spaces and vehicle charging stations.
- A community room for tenants, and an outdoor patio.
- A designated mail area, with an area for large packages and deliveries.
- An elevator.
- Smoke free environment.
- Pet friendly with (service certification) only.
- Keyless entry for the lobby and each individual unit.
- Security cameras.
- Fire suppression system.
- Guest and emergency parking spaces with signage.
- Exterior aesthetics that will complement the town of Demarest.
- Lighting for safety on all walkways and parking areas.
- Proximity to public transportation, shopping, houses of worship, and nature.
- Full-time off sight professional staff & maintenance employees on call.
- A brochure with pertinent contacts: property management, repairs, & support staff.
- Daily visits from property management for inspections and maintenance.
- Trained specialists for community integration.

Mr. Toronto was sworn in by Mr. Bern, Board Attorney, 173 Sylvan Avenue, Leonia, NJ. President of the BCUW Madeline Housing Project, LLC.; in existence since 1964. Mr. Toronto has completed 35 projects with BCUW. He stated that NJ has the highest population of young individuals with intellectual disabilities. He explained a situation called “Graduating to the Couch.” Young people receive training/schooling until the age of 21. The concern is the aftercare and securing supportive housing for these people. The crisis is multiplied, due to diminishing skills when training/schooling ends and their parents advance in age.

Mr. Toronto, in an Operations and Finance capacity will:

- Develop the application, and the process for enrollment.

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- Develop an applicant pool to be contacted mid construction.
- Promote and advertise Affordable Housing Opportunities in the community.
- Will provide the guidelines and monetary requirements for applications, for seniors, low income, moderate income, and supportive need tenants.

Darlene Green, Board Planner stated that if the Planning Board was inclined to approve the application, that there are several stipulations that must be adhered to:

The Affordable units must have at least a 30-year deed restriction required by the Downtown Redevelopment Plan, (Section 6. C.2) which shall be submitted at least 160 days prior.

The administrative agent must have an Affirmative Marketing Plan, and ensure credit worthiness and is responsible for retaining a qualified administrative agent.

Several lending options and preliminary conversations have taken place regarding applications with the DCA program, including the Bergen County Home Program. He stated that the build period will be between 12 to 15 months. The goal is to complete the project at the end of 2025.

Mayor Schooler asked for a definition of supportive housing. **Mr. Toronto** stated: Supportive housing tenants are residents that have difficulty performing certain tasks and may require assistance. **Mayor Schooler** asked about the age requirement for seniors. **Mr. Toronto** stated that the requirement could be set at the age of 62, depending on the type of funding. It was discussed that the Senior Housing cannot discriminate based on age.

In response to questions from the Board: Mr. Toronto stated:

All construction equipment will be stored on site. There will be a trailer for construction meetings, and material stored on site, and general clean up and inspections for safety will take place. Soil removing will be done according to rules and regulations.

Applications will be available when 50% of the construction has been performed. The application will be on the BCUW website. Mr. Toronto is keeping a data base of interested tenants. He noted that for each available 85 senior units, in the past he has received 500 applications.

The proposed building is near public transportation. (And allows use of Uber or Lyft).

Preliminary work can begin by the end of 2023. Including all considerations of funding, Site Plan approval, and the underwriting process.

Motion to Open to the Public for questions regarding testimony from Mr. Toronto

Motion: Mayor Bernstein **Seconded by:** Mayor Schooler

There were no questions for Mr. Toronto

Motion to Close to the Public for questions regarding testimony from Mr. Toronto

Motion: Councilwoman Fox **Seconded by:** Vice Chair Keane

The second witness introduced was **Mr. Mike Dipple**. He was sworn in by Mr. Bern. He stated for the record that his name is Mike Dipple and is employed by L 2, Land design LLC. His office is located at 60 Grand Avenue, Englewood, NJ. He stated that he is a licensed professional engineer in the State of New Jersey and the State of New York. His qualifications include a Bachelor of Science from Rutgers University in civil engineering. He has practiced civil engineering for 32 years. He stated he has been qualified hundreds of times throughout

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both New Jersey and New York, and has appeared in hundreds of municipalities and Superior Court hearings. He stated that he is familiar with the site of the project, since he is also a resident of Demarest.

As part of his testimony, he was asked to describe the existing conditions of the site.

Mr. Dipple described the property as being 127 Hardenburgh Avenue which is a vacant lot, without existing drainage, that backs up to the Municipal Building. He referred to plans on Sheet C-02, entitled 'Existing Conditions and Demolition Plan'. He pointed out Hardenburgh Avenue runs east to west. He pointed out that the former Bank of America building is vacant and to the east of the project. Visually, this is a sloped property with trees and lawn. The slope creates runoff due to an elevation of 63 feet, compared with the east side of the property that has an elevation of 47 feet. The drainage runs to the east. The proposal shows a three story 17 unit building and Sheet C-03 depicts the proposed conditions. A colorized version was presented and noted as an exhibit. He pointed out for testimony purposes the proposed building, the driveway, the parking area, and the landscaping areas. He showed where the underground parking lot was depicted, which includes 22 spaces. This satisfies the Borough code requiring 22 parking spaces for 17 units. There is a green space in between the project and the Municipal property. Future consideration or change to this area would require the Borough to lose two parking spaces from their Borough parking lot. The narrowness between the fire Department building and the Borough Hall is an issue. It was discussed that this development will have a relatively low number of cars. He described the parking area underneath the building as being completely enclosed except for the doors leading in and out. He referred to the redevelopment ordinance, where surface parking may be located under the building.

The bulk requirements were discussed at this time.

- The minimum lot area is a half-acre.
- The front yard setback is a maximum setback downtown – 26 ft.
- The side yard setback is 10 feet: compliant
- Maximum building coverage is 70%. The proposal is below 50% (47.56)
- The impervious coverage permitted is 80%. The proposal is at 66.6%.
- The redevelopment plan allows 40 units to the acre. The proposal is at 31.6 dwelling units to the acre.
- Maximum permitted building height. 3 stories at 35 ft. The proposal is at 32.83 feet.
- Compliant with 22 required parking spaces.
- The project is proposed comfortably under all bulk requirements.
- Applicant agrees to satisfy any outstanding requirements as a condition of approval.
- Four charging stations are being offered.
- Entrance walkway right off Hardenburgh Avenue, adjoining with the sidewalk. Drainage will be collected from the roof, and the extended parking lot, and lead into an underground detention system to the east side of the building. The discharge is out to Hardenburgh Ave.
- The runoff peak will be vastly improved towards the bank and the downtown shopping area via an underground pipe system.
- The square footage of the drainage basin is 30 x 28, just under 900 sq. ft. It is sand based, on the downhill side, located under the driveway. A series of manholes will be visible, and will create a

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huge reduction in peak flow, with water being held in the basin for a 100-year storm. It is a concrete holding tank and the drainage is released at a slower rate.

- Storm Water Management report dated October 25, 2022. Denotes a 2-, 10-, 25- and 100-year storms.
- 2-year storm – 50% reduction, 10-year storm – 75%, 100-year storm – 80% reduction.
- An additional infiltration system separates the debris captured in the underground basin.
- Small drains are in parking garage floor to capture surface runoff from vehicles.
- Small drains do not filter the water, requires a maintenance plan for cleaning basket by removing the cover by a skilled landscaper. One inch storm should be cleaned quarterly.
- Applicant agreed to comply with a maintenance plan, as a condition of the Resolution.
- Exhibit A 6 denotes snow removal and snow piling on the green area.
- The existing stone retaining wall was discussed and the willingness to evaluate with the board Engineer.
- Sheets C-05 & C-06– lighting plan and landscaping. Includes parking garage lighting, building mounted lights, the entrance of the driveway, lighting for the small parking lot, the elimination of light spillage, includes Ballard lighting, low level lighting around the sidewalk. LED lighting, dimmer after hours by 30%, garage is typically 100%.
- No restriction on left or right turn out of the driveway, although a no left turn allowance may be discussed due to safety issues.
- Waivers: Topo within 200 ft. waiver and tree removal and replacement waiver.
The applicant requested a waiver for ‘Topography of existing and proposed grades within 200 feet of the site’, required under the Borough’s Site Plan & Completeness review: the Board’s engineer agrees this would be OK to waive.
The tree removal and replacement waiver is a design waivers subject to granting by the Board – the applicant originally proposed replacement trees of 3.5 inch caliper but agreed to meeting the requirement of 4 inch caliper replacement trees.
- Landscaping for the front: Two street trees, low level foundation planting, screening, grasses, and perennials. Junipers, Arborvitaes, emerald junipers across the west side.
- Discussed the proximity to the nearest fire hydrant. Discussed putting in a new fire hydrant. Discussed the fire hydrant across the street by the Greek restaurant and the cross walk. Running a hose across the street on the busy road is not recommended.
- Soil erosion and Sediment control, requires a county permit.
- Discussion as to whether the BC UW/Madeline project is deemed a major development, along with the issue of TSS in the infiltration system. The plans conform with requirements of a major development.
- Applicant will comply with any conditions for approval relating to water quality.
- Discussion whether the infrastructure is considered – green – in nature.
- Applicant will follow, agree and redesign according to the Engineer’s recommendations regarding green in nature requirements.
- The garage clearance is 8 ft. 6 inches. The trash is stored under the building and rolled out for pick up.

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there be a generator, and if there will be signage on the ground floor so responders will know where apartments are located.

Mr. Virgona responded that there will be signage on the first floor. The elevator is a 3,500-pound capacity elevator and has a seven-foot 11-inch distance inside. Councilwoman Fox stated that the Ambulance Corp. asked for a 9 ft. elevator because when performing CPR, they need the extra footage. Mr. Virgona stated that the diagonal doors will provide room for a stretcher. The elevator was designed to not have to tilt the structure in and out. Mr. Virgona stated that generators are not required for this type of building. A discussion ensued about the request for a generator and where it would be located on the property. It was decided that the logical placement of a generator would be at the end of the driveway. Decibel level must be considered and is regulated by a state mandate, as is screening. If a generator is selected, it will be natural gas.

Discussion ensued regarding the stair tower.

Discussion ensued regarding the color palate and other design aspects of this application.

The proposed building has a metal roof and the roof line is broken up for interest.

The overhangs and crown moldings add an elegant touch.

Discussion ensued regarding safety aspects of the construction of the building

Discussion ensued regarding natural ventilation and the code requirements. There must be two adjacent sides with enough open area to ventilate the area. If not, a screen vent must be put in, or a screen fan in the wall – on a timer or on a sensor.

Mr. Virgona was asked to go over some of the rental unit's interior features:

Senior apartments are one-bedroom apartments, with a front entry way, kitchen and living room and a bedroom. The kitchen is U-shaped; for wheelchair turn around. All requirements for Federal Standards for housing are met.

Discussion ensued regarding utility placement and various options.

The special needs units and the senior units are basically the same, due to the same requirements. All public spaces are ADA compliant.

Each unit has its own independent system of control for heat and air conditioning.

Motion to Open to the Public for questions regarding testimony from the applicant's

Architect – Mr. Virgona

Motion: Councilwoman Fox

Seconded by: Mayor Schooler

Mr. Pugh – 64 Prospect Street. Asked if the building garage lighting would be a sealed fixture since the ceiling is concrete. Mr. Virgona answered that it is a drop ceiling, and not concrete.

The lighting would be affixed to the drop ceiling. Mr. Pugh asked if the garage has sprinklers.

Mr. Virgona stated that both the garage and the units themselves have sprinkler systems.

Motion to Close to the Public for questions regarding testimony from the applicants

Architect – Mr. Virgona

Motion: Mayor Schooler

Seconded by: Mr. Verp

Closing Statement – Mr. Whitaker

Thank you for your time this evening. I think you see that we have done our homework. We have been able to address all the comments made by your board professionals. We have stipulated to conditions that they requested. We have met the requirements under your code. It is a variance free application that has been confirmed not only by our professionals but also

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yours. The Municipal Land Use Law is very clear, as I stated in my opening comments, that when an application meets the standards of the code and there is no variance relief required, that the board is obligated to provide site plan approval. We are seeking preliminary and final site plan approval under that statute. With that said, I would respectfully request that the approval will be granted for this application with the stipulations that we have listed here tonight on record.

Motion to Vote: A motion was made stating this is very beneficial to the community. It was very thoughtful and thorough, and I make a motion to accept the stipulations, and the application be approved.

Motion: Mr. Verp

Seconded by: Councilwoman Fox

Vote for an Approval of Application: BCUW Madeline Housing Partners, LLC 127 Hardenburgh Avenue, Demarest, NJ 07627

Mr. Alevrontas - YES

Mr. Rifkind – YES

Mayor Bernstein - YES

Mr. Tabacchi – YES

Councilwoman Fox – YES

Mr. Verp – YES

Vice Chair Keane – YES

Chair Hayden – YES

Mr. Parlamis – YES

The Application was Approved.

At this time the Board members were asked to remain to discuss new and old business.

Approval of Minutes from the Meeting of January 4, 2023

Motion to approve: Vice Chair Keane **Seconded by** Mr. Tabacchi

All in favor: Alevrontas Bernstein Brenner Fox Hayden Keane Rifkind Schooler Tabacchi Verp Parlamis

New Business: A date will be determined for a special meeting for a courtesy review of the site plans for the Demarest Middle School gymnasium expansion. We will not be voting on the Application. Potential dates are February 21st, 22nd or the 23rd.

Mr. Bern sworn in Mr. Parlamis as a reappointed Class IV member of the Board.

Mr. Bern signed the official Board member certificates for Jodi Brenner, Mayor Brian K. Bernstein, and Theodore Alevrontas.

Motion to Adjourn the meeting:

Motion: Mayor Bernstein **Seconded by:** Vice Chair Keane

All in favor: Alevrontas Bernstein Brenner Fox Hayden Keane Rifkind Schooler Tabacchi Verp Parlamis

Respectively submitted,

Teresa Ferrentino

Teresa Ferrentino

Planning Board Secretary

Borough of Demarest