

RESOLUTION OF THE TOWN OF HARRISON PLANNING BOARD
RE: HELLER URBAN RENEWAL, LLC
CASE #14-08
APPLICATION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
FOR PHASE I, PRELIMINARY MAJOR SITE PLAN APPROVAL FOR PHASE II,
PRELIMINARY AND FINAL MAJOR SUBDIVISION,
"C" VARIANCE RELIEF, DESIGN WAIVERS, AND
DE MINIMIS RELIEF FROM RSIS STANDARDS
TAX BLOCK 133, LOT 1.01
FOR USE AS RESIDENTIAL AND RETAIL USES FOR
700 FRANK E. RODGERS BOULEVARD SOUTH
HARRISON, NEW JERSEY

I. RECITALS

WHEREAS, HELLER URBAN RENEWAL, LLC ("Applicant") has applied to the Town of Harrison Planning Board (the "Board") for preliminary and final major site plan approval for Phase I, preliminary major site plan approval for Phase II, preliminary and final major subdivision, "c" variance relief, design waivers, and a *de minimis* exception from the Residential Site Improvement Standards ("RSIS") for the development known as The Hub at Harrison Station; and

WHEREAS, the "Property" measures approximately 9.73 acres in size, is currently vacant, is bounded by a surface Conrail railroad tracks Right of Way to the north and east, Amtrak and Path railroad tracks to the south and Frank E. Rodgers Boulevard South to the west, is designated on the Official Tax Map of the Town of Harrison as Block 133, Lot 1.01, and is within the Waterfront Redevelopment Area's Mixed Use District ("M-U District") in the Town of Harrison; and

WHEREAS, Applicant has entered into a Sixty-Three (63) page "Amended and Restated Redevelopment Agreement for a Portion of the Waterfront Redevelopment Area in the Town of Harrison, Hudson County, New Jersey" with The Harrison Redevelopment Agency ("HRA") dated as of June 15, 2015 which encompasses the Property; and

WHEREAS, Pursuant to the Redevelopment Plan, as amended by Ordinance No. 1313 on October 6, 2015, the Planning Board has the power to grant relief from the Redevelopment Plan's bulk requirements and design standards, requested by the Applicant; and

WHEREAS, Applicant proposes to develop the Property with a mix of retail and multi-family residential uses, which is permitted in the Mixed Use District of the Waterfront Redevelopment Area; and

WHEREAS, Applicant has requested variance relief for satisfying non-residential parking requirements, specifically, no on-street parking spaces may be counted towards satisfying non-residential parking requirements and the Applicant is proposing to count 17 on-

street parking spaces; and

WHEREAS, Applicant has requested variance relief for deficient depth of commercial space, specifically, a minimum 40 foot depth for retail spaces fronting Frank E. Rodgers Boulevard is required and the Applicant proposes a minimum depth of 31 feet in certain retail spaces that abut residential lobbies in two buildings; and

WHEREAS, Applicant requests design waivers for:

1. Sidewalk widths of eleven feet (11') are required, and the Applicant proposes ten feet (10') width along both Angelo Cifelli Drive and South Fifth Street;
2. Placement of first floor residential stoops and stairs approximately five feet (5') into the municipal right-of-way along Angelo Cifelli Drive **[also requires Town of Harrison Mayor & Council approval]**;
3. All residential setbacks are to be enclosed with a garden wall or ornamental fencing and Applicant does not propose any garden walls or ornamental fencing;
4. Transformers and generators are required to be located in the interior of the buildings or in underground vaults and the Applicant proposes that transformers be located at grade exterior to the buildings and generators on rooftops;
5. Vehicular loading areas are prohibited along Angelo Cifelli Drive and the Applicant proposes drop off areas adjacent to Building B and C;
6. All block faces fronting on public and private streets are required to have a minimum of 80% of their block face occupied by building face and Building E is proposed to have less than 80%;
7. Porches and stoops are required to be a minimum of two feet (2') above the adjacent sidewalk elevation and the Applicant proposes that a minimum 21 inches for some stoops;
8. Openings for windows and windowpanes are required to have a vertical dimension greater than or equal to the horizontal dimension and the Applicant proposes less for some windows;
9. The maximum combined horizontal dimension of grouped windows shall not exceed three times the combined vertical dimension and Applicant proposes certain sections at second floor levels where glazing exceeds this proportion;
10. Window sills are required to project a minimum of 2 inches from the building face and the Applicant proposes less for some sills;

11. Doors, other than garage doors, must be or appear to be constructed of planks or raised panels and Applicant proposes metal frame with glass inserts for certain residential lobby entrance doors and some doors at stoops;

12. Trim board is required when siding is used and Applicant will not provide trim boards; and

13. Cornices must be constructed on buildings with flat roofs and Applicant does not provide cornices on all building walls; and

WHEREAS, Applicant seeks a *de minimis* exception from the RSIS to permit 640 residential parking spaces where 920 spaces are required; and

WHEREAS, the Board has considered Applicant's development proposal as depicted in the following plans (the "Plans"):

a) Application for major site plan and preliminary and final subdivision approval with accompanying checklists, dated September 10, 2015;

b) One (1) sheet of preliminary/final subdivision plan entitled: "Preliminary/Final Major Subdivision Plan, Block 133, Lot 1.01, The Hub at Harrison Station, Situated in Town of Harrison, Hudson County, New Jersey" prepared by Paul Scholssbach, P.L.S., MidAtlantic Engineering Partners, LLC, dated September 10, 2015 and revised October 9, 2015;

c) One (1) sheet of survey entitled: "Boundary & Topographic Survey, Block, 133, Lot 1.01, Harrison Station, Situated in Town of Harrison, Hudson County, New Jersey" prepared by Paul Scholssbach, P.L.S., MidAtlantic Engineering Partners, LLC, dated January 27, 2012, and revised on December 22, 2014 and January 29, 2015;

d) Twenty-Seven (27) sheets of site plans entitled: "Preliminary/Final Major Site Plan, The Hub at Harrison Station, Block 133, Lot 1.01, Tax Map Sheet 16, Town of Harrison, Hudson County, New Jersey" prepared by Matthew J. Robinson, PE, MidAtlantic Engineering Partners, LLC, dated September 9, 2015 and revised November 12, 2015;

e) Eighteen (18) sheets of architectural plans entitled: "Heller Urban Renewal, LLC, The Hub at Harrison Station, Harrison, New Jersey" prepared by NK Architects, dated November 12, 2015, with Town Comments dated 10/12/15;

f) One (1) sheet entitled: "Preliminary/Final Major Site Plan, The Hub at Harrison Station, Block 133, Lot 1.01, Pre Development Drainage Area Map, Situated in Town of Harrison, Hudson County, New Jersey" drawn by KES, MidAtlantic Engineering Partners, LLC, November 12, 2015 and One (1) sheet entitled: "Preliminary/Final Major Site Plan, The Hub at Harrison Station, Block 133, Lot 1.01, Post Development Drainage Area Map, Situated in Town of Harrison, Hudson County, New Jersey" drawn by KES, MidAtlantic Engineering Partners, LLC, November 12, 2015;

g) Two (2) sheets entitled: "Turning Template, The Hub at Harrison Station, Block 133, Lot 1.01, Fire Truck, Situated in Town of Harrison, Hudson County, New Jersey" and "Turning Template, The Hub at Harrison Station, Block 133, Lot 1.01, Garbage Truck, Situated in Town of Harrison, Hudson County, New Jersey" drawn by KES, MidAtlantic Engineering Partners, LLC, October 9, 2015;

h) Stormwater Management Narrative dated September 9, 2015, prepared by MidAtlantic Engineering Partners;

i) Environmental Memorandum, dated August 18, 2015, prepared by Carl G. Shuman, P.G. of AECOM;

j) Traffic Impact Statement dated September 8, 2015, prepared by Jacobs Engineering Group;

k) Traffic Concept Signal Plan prepared by Jacobs Engineering Group, dated October 19, 2015;

l) Plan entitled "Fifth Street Exhibit" prepared by MidAtlantic Engineering Partners, dated December 30, 2015;

m) Plan entitled "Storm Water Crossing Exhibit" prepared by MidAtlantic Engineering Partners, dated December 30, 2015;

n) Landscape Plan prepared by RTR Designs, Ltd., dated September 9, 2015 last revised December 30, 2015; and

WHEREAS, the Board has considered all testimony, reports, exhibits and other evidence submitted in connection with the application; and

WHEREAS, the current application was the subject of duly noticed public hearings held on December 2, 2015 and January 13, 2016; and

WHEREAS, Shirleen A. Roberts, Esq., General Counsel, Heller Industrial Parks, Inc., 205 Mill Road, Edison, New Jersey 08837, represented the Applicant at both public hearings; and

WHEREAS, the following Harrison Planning Board members were in attendance on December 2, 2016:

Chairman Arthur Pettigrew
Vice-Chairperson, John Mulrenan
Member Councilman Laurence Bennett
Member Andrea Choffo
Member Phillip Karas
Member Carlos Mariano

Member Delfim Sarabando

Also present, on behalf of the Harrison Planning Board, were:

Susan S. Gruel, PP, Heyer, Gruel & Associates, Board Planner
Antonios Panagopoulos, PE, CME, Board Engineer
Mary C. Gaines, Board Secretary
Michael R. Pichowicz, Esq., Board Attorney;

and;

WHEREAS, the following Harrison Planning Board members were in attendance on January 13, 2016:

Chairman Arthur Pettigrew
Vice-Chairperson, John Mulrenan
Member Councilman Laurence Bennett
Member Andrea Choffo
Member Phillip Karas
Member Carlos Mariano
Member Delfim Sarabando

Also present, on behalf of the Harrison Planning Board, were:

Christopher Dochney, PP/AICP, Heyer, Gruel & Associates, Board Planner
Antonios Panagopoulos, PE, CME, Board Engineer
Mary C. Gaines, Board Secretary
Michael R. Pichowicz, Esq., Board Attorney;

and;

WHEREAS, the following witnesses testified on behalf of Applicant and in support of the application:

1. Brian Banaszynski, Applicant Representative;
2. Matthew Robinson, Professional Engineer (qualified as expert in the field of engineering);
3. Allan Kopelson, Professional Architect (qualified as expert in the field of architecture);
4. John Pavlovich, Traffic Engineer (qualified as expert in the field of traffic engineering); and
5. Daniel Bloch, Professional Planner (qualified as expert in the field of planning);

and

WHEREAS, the following exhibits were duly marked and accepted into evidence:

1. A-1 Plan entitled "The Hub at Harrison Station" prepared by MidAtlantic Engineering Partners dated 12/2/15 (Aerial with Color Site Plan overlay);
2. A-2 Plan entitled "Road Cross Sections" prepared by MidAtlantic Engineering Partners dated 12/2/15;
3. A-3 Phasing Plan (Sheet 3 of 27) prepared by MidAtlantic Engineering Partners dated 9/9/15;
4. A-4 Color Plan entitled "First Floor Plan - All Phases" (Sheet SP-1) prepared by NK Architects dated 11/12/15;
5. A-5 Color Plan entitled "Enlarged Ground Floor Retail Plans" prepared by NK Architects;
6. A-6 Color Plan entitled "Typical Floor Plan - All Phases" (Sheet SP-2) prepared by NK Architects dated 11/12/15;
7. A-7 Color Plan entitled "Street Elevations Building A" (Sheet A3.00) prepared by NK Architects dated 11/12/15;
8. A-8 Color Rendering entitled "Enlarged Public Art Display" prepared by NK Architects;
9. A-9 Color Rendering entitled "Frank E. Rodgers Boulevard Looking Northeast" prepared by NK Architects;
10. A-10 Color Rendering entitled "Frank E. Rodgers Boulevard Looking Southeast - Plaza" prepared by NK Architects;
11. A-11 Color Plan entitled "Street Elevations Building B" (Sheet A3.02) prepared by NK Architects dated 11/12/15;
12. A-12 Color Rendering entitled "Frank E. Rodgers Boulevard Looking Southeast" prepared by NK Architects;
13. A-13 Color Plan entitled "Street Elevations Building C" (Sheet A3.04) prepared by NK Architects dated 11/12/15;
14. A-14 Color Plan entitled "Street Elevations Building D" (Sheet A3.05) prepared by NK Architects dated 11/12/15;

15. A-15 Color Rendering entitled "Angelo Cifelli Drive Looking East (incorrectly stated as "West") prepared by NK Architects;
16. A-16 Color Plan entitled "Street Elevations Building E" (Sheet A3.07) prepared by NK Architects dated 11/12/15;
17. A-17 Color Plan entitled "Sections and Details" (Sheet A3.11) prepared by NK Architects dated 11/12/15;
18. A-18 Color Plan entitled "Frank E Rodgers Boulevard/Angelo Cifelli Drive Intersection" prepared by MidAtlantic Engineering Partners dated 12/2/15;
19. A-19 Plan entitled "Frank E Rodgers Boulevard/Angelo Cifelli Drive Intersection Landscaping Plan" prepared by RTR Designs, Ltd., dated September 9, 2015 last revised December 30, 2015;
20. A-20 Plan entitled "The Hub at Harrison Station – Fifth Street Exhibit" dated 1/13/16;

II. FINDINGS AND CONCLUSIONS

WHEREAS, the Board has made the following findings of fact and conclusions of law based upon the evidence before it:

A. INCORPORATION OF RECITALS

1. All Recitals are incorporated by reference into the Board's findings and conclusions.

B. STANDING

2. Applicant has standing to bring this application before the Board as the owner of the Property and as the designated redeveloper.

C. OVERVIEW OF PROPOSED SITE PRELIMINARY & FINAL MAJOR SUBDIVISION

3. The Applicant is seeking preliminary and final major subdivision approval to allow for the subdivision of Block 133, Lot 1.01 into three (3) separate lots of similar sizes. Proposed Lots 1.03, 1.04 and 1.05 will be 2.37 acres (approximately), 2.64 acres (approximately), and 3.42 acres (approximately), respectively. The Applicant is proposing to dedicate a portion of the block to the extensions of Angelo Cifelli Drive and Fifth Street, which will traverse the block and separate the three proposed lots. The subdivision is required since the HRA required the streets to be public and not private as the Applicant originally intended.

D. OVERVIEW OF PROPOSED PRELIMINARY & FINAL SITE PLAN FOR PHASE I

4. In Phase I, the Applicant proposes to construct Buildings A and D on Lot 1.04, located in the northwest corner of the site. Building A, which fronts Frank E. Rodgers Boulevard, will be a five-story mixed-use structure with retail and fitness uses on the ground floor and apartments on the upper floors. The building will have 92 residential units and 8,192 net square feet of retail (8,495 gross floor area). Building D will be a five-story residential structure with 117 residential units (mixed studios, one and two bedroom units). Both buildings will have covered parking under the building and surface lots located in the rear of each building.

E. OVERVIEW OF PROPOSED PRELIMINARY SITE PLAN FOR PHASE II

5. In Phase II, Buildings B, C and E will be constructed. Buildings B and C will be on Lot 1.03 and Building E will be on Lot 1.05. Building B will be a five-story mixed use structure fronting Frank E. Rodgers Boulevard South. It will contain 92 residential units and 7,802 net square feet of retail (8,106 gross floor area). Building C (five-stories) and Building E (eleven stories) will be residential structures. Building C will contain 52 residential units and Building E will contain 287 residential units. Together, Buildings B, C, and E will create 431 residential units (mixed studios, one and two bedroom units) and will be also supported by both covered and surface parking.

F. PROPOSED USE

6. The proposed retail, fitness and residential uses are permitted in the Mixed Use district of the Waterfront Redevelopment Area.

G. PROPOSED REDEVELOPMENT

7. Based upon the plans submitted, the proposed development will consist of 640 dwelling units and approximately 16,601 square feet of retail space within five (5) buildings. The project is comprised of two phases. Phase I shall consist of Buildings A and D. Phase II shall consist of Building B and Buildings C and E. Building A is to contain approximately 8,191 net square feet of retail (8,495 gross floor area) and 92 residential units. Building B is to contain 7,802 net square feet of retail (8,106 gross floor area) and 92 residential units. Building C is to contain 52 residential units. Building D is to contain 117 residential units, and Building E is to contain 287 residential units. Buildings A through D will be five (5) stories in height. Building E will be 11 stories. The proposed buildings conform to height limits in the M-U District, which permits between 4 and 30 stories. Proposed accessory uses include parking, fitness facilities for residents, a leasing office and terrace amenity spaces. The project provides for 657 surface parking spaces. These plans are consistent with what was proposed in the concept plan attached to Redevelopment Agreement and agreed to by the HRA.

8. The Applicant's professional engineer, Matthew Robinson, P.E., testified that the

subject property had several site constraint challenges. The property was originally approximately 10.5 acres in size but is now only 9.7 acres because a portion was conveyed to PATH for its new station. The property is triangular in nature; it is bounded by PATH rail lines to the south, Conrail's main line and siding to the north, and Frank E. Rodgers Boulevard South to the west. Frank E. Rodgers Boulevard South is at elevations of six (6) to eight (8) feet above sea level. The property is located within a flood zone, and the recently revised flood maps require development above ten feet (10') above sea level. According to the engineering testimony, the project had to be designed such that first finished floors will be at eleven feet (11').

9. Mr. Robinson testified that 640 of the 657 parking spaces were designated for the residents of the project; one space for every unit. He described the location, size and type (e.g., handicap, visitor) of the residential and non-residential parking spaces. Mr. Robinson noted that the Applicant is seeking a de minimis exception from RSIS; a strict interpretation of RSIS requires 920 spaces but allows deviation from that requirement when influencing factors, such as the project being adjacent to a train station, are present.

10. Mr. Robinson reviewed the circulation plan and testified regarding drop off and loading areas at each building. According to the testimony, the drop off areas along Angelo Cifelli Drive are not intense uses, which will be accommodated at the backs of buildings; they will serve for brief deliveries, such as pizza or Fed Ex, and dropping off or picking up residents.

11. Mr. Robinson testified regarding the extension of South Fifth Street and Angelo Cifelli Drive, as public right-of-ways, through the Property. The Applicant originally designed the project to provide for private streets. The HRA requested that the Applicant dedicate those roadways to the Town, and the Applicant agreed to this request. However, this change from private to public ownership required the subdivision of the Property into three lots.

12. Furthermore, it was the testimony of Mr. Robinson that the change from private to public ownership of the roadways in the project also resulted in a need for a variance from Redevelopment Plan bulk requirements related to on-street non-residential parking. The project will generate a demand of 17 parking spaces for non-residential, or retail, use. The Redevelopment Agreement permits the Applicant to have up to 15 non-residential spaces on public streets. It is anticipated that the retail uses will serve the project's residents walking to and from the development or the PATH station. The 17 proposed spaces were projected to be sufficient.

13. In addition, Mr. Robinson testified that the change from private to public road ownership also resulted in a need for relief from Redevelopment Plan standards related to sidewalk widths. When the Applicant originally proposed private roadways, it also then proposed five-foot wide sidewalks along those roads through to the back of the property because the Applicant did not anticipate high pedestrian volume and envisioned a smaller sidewalk to allow more room for landscaping. The Redevelopment Plan calls for eleven foot (11') sidewalks and the Applicant proposes ten feet (10') to allow for additional landscaping, which, Mr. Robinson opined, will soften the streetscape corridor and would be similar to what has been installed already along Angelo Cifelli Drive past the Harrison Commons development.

14. Also, Mr. Robinson testified that the change from private to public road ownership also resulted in a need for relief from Redevelopment Plan design standards related to garden walls/ornamental fencing. All residential setbacks are to be enclosed with a garden wall or ornamental fencing. The Applicant does not propose any garden walls or ornamental fencing because the public right-of-way limits the ability to do so. Instead, the Applicant proposed landscaped areas in the alternative, which was done at the development across Frank E. Rodgers Boulevard. Mr. Robinson also testified that, to create character, make the area a bit more unique, and soften the streetscape, the Applicant designed stoops in front of the first floor units to create a "brownstone" feel or look.

15. It was set forth that because the design standards also require that stoops have four foot (4') landings, the townhouse stoops will encroach into the public right-of-way by approximately two feet. The Applicant will need approval from the Town Council.

16. Mr. Robinson testified that the South Fifth Street extension will connect to the existing southern terminus of Fifth Street and that the existing Conrail at-grade rail line will continue to cross the South Fifth Street right-of-way. As part of the crossing, the Applicant will construct a sidewalk on the west side of Fifth Street. According to Mr. Robinson, the Applicant has petitioned the NJDOT for permit to construction the extension.

17. The Town, by Resolution dated August 6, 2015, authorized the Applicant's petition to the NJDOT and confirmed that it will maintain the rail crossing signs and pavement markers after the Fifth Street extension is constructed by the Applicant/Conrail and the Town accepts dedication of the extension.

18. The NJDOT issued an Amended Memorandum of Record dated November 17, 2015 memorializing discussions at the on-site meeting attended by representatives of the Applicant, Conrail, NJDOT and the Town on September 9, 2015 and setting forth the NJDOT's recommendations for agency's issuance of an Order permitting the extension. By letter dated December 16, 2015, the Town engineer commented to add a drainage recommendation.

19. Mr. Robinson testified that sidewalks, curbing, street lighting, and Angelo Cifelli Drive and South Fifth Street to base pavement level, will be installed during Phase I construction and that temporary asphalt sidewalks on the Phase II portion would be installed and replaced with permanent sidewalks during the Phase II construction. The Applicant is seeking preliminary and final site plan approval for Phase I and preliminary only as to Phase II, the balance of the project. Mr. Robinson testified that the Applicant is seeking preliminary site plan approval as to Phase II because PATH was under construction on the parcel adjacent to Phase II and the Applicant is working with PATH to coordinate and integrate both projects.

20. The Redevelopment Plan design standards require that stoops be a minimum of two feet (2') above the adjacent sidewalk elevation, and the Applicant proposes less for some stoops. According to the engineering and architectural testimony, some stoops are a minimum of three steps or one-and-a-half feet above the grade and that this deviation is due to the fact that the site grade had to be raised to deal with the flood elevation requirements, which affects what

finished floor elevations are set to in relationship to exterior grade. If finished floor elevations were closer to grade, there would be no stoop needed but then visual look of breaking up the streetscape that the Applicant is trying to achieve would not be possible.

21. Mr. Robinson testified that the Applicant will comply with the landscaping comments set forth in memorandum prepared by the Board's planner.

22. Mr. Robinson testified as to storm water management and utilities. He testified that the Applicant will provide a maintenance plan for subsurface storm water drainage piping. According to Mr. Robinson, transformers will be located at exterior grade within the internal areas of the site and that landscaped screening will be provided. The Applicant is providing rooftop emergency generators that will not be visible from the street because they will be placed sufficiently far back off the roof line. In addition, Mr. Kopelson testified that the parapets will shield any view of the equipment.

23. The Redevelopment Plan requires that all building faces fronting on public and private streets must have a minimum of 80% of the block occupied by building face, but Building E is proposed to have less than 80%, which, Mr. Robinson testified, is a function of the Property's triangular shape, required setbacks to adjacent properties pursuant to building code when the building frontage has windows, and the need for access around the building.

24. Both Mr. Robinson and Mr. Kopelson testified that the Applicant's plan will comply with the sustainability requirements of the Redevelopment Plan.

25. Mr. Kopelson, the project architect, testified as to the proposed building elevations, including materials and colors, residential unit floor plans and retail spaces. Mr. Kopelson explained that, after the flood mapping changed, the project grades had to be raised and the buildings fronting Frank E. Rodgers Boulevard (Buildings A and D) had to be pulled back ten feet (10') in order to satisfy the requirements for sidewalk along Frank E. Rodgers Boulevard and make the first floor retail spaces work. Consequently, the proposed plan has four instances where the depth is less than 40 feet; there is 31 feet at the northern side of Building B and the southern side of Building A and 32 feet at the opposite corner of each building. However, those same spaces have depth exceeding 40 feet if corner entrances are used. Mr. Kopelson explained that Building B has a similar condition and corner entrances would provide for 40+ feet depth.

26. Mr. Kopelson reviewed lighting, signage, and parking area screening. He also testified how the Applicant will comply with the public art requirement in the Redevelopment Plan and described some of the public art proposed by the Applicant, such as use of large glass laminated photographic murals of historic Town of Harrison from the Town's historic society as screening for parking areas along Angelo Cifelli Drive, as well as installation of building entrance canopies based on the architectural drawings for the former buildings.

27. Mr. Kopelson testified as to those proposed architectural features that deviate from the Redevelopment Plan for which the Applicant seeks design waivers. Window sills must project a minimum of 2 inches from the building face, and the Applicant proposes less for some

sills in an effort to present a different vernacular of architecture. There are requirements that the openings for windows and window panes have vertical dimensions greater than or equal to the horizontal dimension and the combined horizontal dimension of grouped windows cannot exceed three times the combined vertical dimension. In some instances, the Applicant is seeking relief from these requirements. Mr. Kopelson testified that the Redevelopment Plan design standards are calling for a horizontal expression in terms of how the windows are laid out and the project was designed to provide for some more vertical dimension, although the window rhythm is still expressing a horizontal line. Mr. Kopelson also pointed out that, in other instances, there are full panels of glass, which is a different architectural expression and it does not comply with the requirements. Mr. Kopelson opined, however, that these design differences architecturally work for this project and gives a variety of window expression.

28. Mr. Kopelson testified that the Applicant is not proposing that townhouse entry doors be constructed of planks or raised panels, as required by the Redevelopment Plan. Mr. Kopelson opined that raised panel doors do not go with the architectural design that has been created for this project. Instead, the design calls for a solid door that will be a painted element with a glass side light as the entry to each townhouse; each townhouse has its own canopy that will project out and over the stair area to announce entry into the unit. In addition, the residential lobby doors are all glass.

29. The Redevelopment Plan requires that trim board be used and that cornices be constructed on buildings with flat roofs. Mr. Kopelson testified that the doors are not trimmed because they are within a glass or an aluminum opening. He also testified that cornices are not being provided on all building walls because the project's architectural design is not traditional masonry construction and, therefore, that requirement does not fit with the proposed expression of architecture.

30. Mr. Bloch, a professional planner, testified that the Redevelopment Plan is unclear as to where retail space depth is measured from and he opined that it was a technical issue in which way one measures the space because a space that is 40 feet wide but is not 40 feet deep can still have the same square footage as a space that is 40 feet deep. Mr. Bloch opined that the relief can be granted under N.J.S.A. 40:55D-70c(1) as a hardship variance given that the buildings had to be moved back in order to raise the grades for the flood zone reasons; prior to this change in flood elevation requirements, the earlier version of the Applicant's plan met that minimum depth requirement across the entire building. He also opined that the relief can be granted under N.J.S.A. 40:55D-70c(2) because the benefits of having a variety of retail spaces outweigh the detriments. One of the goals of the Redevelopment Plan for the M-U District is to encourage a diverse and engaging streetscape of small stores, and the Applicant's plan promotes that goal by providing a variety of spaces. There are no detriments or hardship to providing a 31-foot, rather than a 40-foot, retail depth. Mr. Bloch opined that the spaces will be functional for the tenants and marketable and that the plan promotes purpose "g" of the Municipal Land Use Law ("MLUL") because it is providing a variety of space for a variety of uses and purpose "b" of the MLUL because the design protects the buildings from flooding.

31. Mr. Bloch also opined that request for relief from the off-street non-residential parking space requirement can be granted under N.J.S.A. 40:55D-70c(2) because the benefits of

providing on-street retail parking, which is preferred by customers over parking lots, and keeping residential parking separate from retail, outweigh any detriment. The Applicant is dedicating internal streets to the Town to improve area circulation; Mr. Bloch opined that this variance would promote purpose "h" of the MLUL, which is to promote a free flow of traffic.

32. Mr. Bloch opined that the testimony of both the project engineer and the project architect provided many technical reasons, such as flood elevation requirements, the HRA's requirement that the roadways be public, impracticability and physical site constraints, to support the design waiver requests related to sidewalks, stoops, ornamental fencing and garden walls, transformers and generators, vehicular loading areas, and building block faces. He also opined that the architect provided sufficient justification for the architectural design waivers related to windows and window sills, doors, trim board and cornices.

33. According to Mr. Bloch, the MLUL allows this Board to grant the requested waivers because they are reasonable and within the general purpose and intent of the Redevelopment Plan requirements, and literal enforcement of the provision is impracticable or will exact undue hardship on the Applicant.

34. Mr. Pavlovich testified as to his traffic impact study and his findings. He reviewed the improvements that will be constructed: the widening of Frank E. Rodgers Boulevard on the east side, the new approaches that complete the intersection at Angelo Cifelli Drive and Frank E. Rodgers Boulevard, and the connection of Fifth Street and Angelo Cifelli Drive on the site. According to Mr. Pavlovich, certain minor signal timing and phasing modifications that he proposes, the intersection at Angelo Cifelli Drive and Frank E. Rodgers Boulevard will operate significantly better than originally proposed at the time the signal was designed and installed.

35. Mr. Banaszynski, President of Heller Industrial Parks, Inc. testified regarding the environmental condition of the site, summarizing the contents of the Environmental Memorandum, dated August 18, 2015, prepared by AECOM and submitted as part of the application.

36. Mr. Robinson responding to certain comments made by the Board professionals, described a revised landscaping plan prepared by a licensed professional landscape architect (Exhibit A-19) as a result of a meeting that included the Town Planner. Although the revised plan as submitted required design waivers, Mr. Robinson agreed and confirmed that the Applicant would not seek and would not require design waivers for the type, size or classification of street trees because the Applicant would revise the plan to comply with the Redevelopment Plan street tree requirements. In addition, it was noted that the landscape plan provided locations for future placement of sculptures or other public art. Also, Mr. Robinson stated the plans will be revised to provide, at the entrance to the site, centerline striping up to the crosswalk immediately downstream in order to prevent vehicles from traveling in the wrong direction.

37. Mr. Robinson responding to issues concerning the existing drainage and travel conditions from the property to Essex Street (past the existing railroad crossing) along Fifth

Street, reviewed Exhibit A-20 with the Board. He stated that the Applicant, at its own expense, shall improve the sidewalk area on the westerly side of Fifth Street underneath the railroad bridge by installing (replacing) a new sidewalk with a width of at least five (5) feet and new curbing to Essex Street. In addition, the Applicant will replace and connect, at its own expense, the existing storm water line all the way to the valve servicing the hydrant at Essex Street and to the existing two inlets near the railroad crossing at Fifth Street [so that the inlets will drain properly].

38. Mr. Pavlovich testified that he prepared a synchronization plan for the traffic lights along Frank E. Rodgers Boulevard South as requested by the Board professionals. He stated, however, that the traffic control device at the intersection of Bergen Street and Frank E. Rodgers Boulevard South was outdated and incompatible with the upgraded traffic control devices further south at Angelo Cifelli Drive and Guyon Drive; therefore, other than implementing the timing changes and adding the westbound left turn phase at the Bergen Street intersection, which will improve the existing level of service from LOS F to LOS E, synchronization of the Bergen Street signal is not possible with the existing equipment. The Applicant will implement the timing changes and add the westbound left turn phase at the Bergen Street intersection as described by Mr. Pavlovich. The Applicant agreed to contribute its fair share of any other traffic control related costs pursuant to N.J.S.A. 40:55D-42.

39. As per the Board Engineer's letter dated January 13, 2015, comments 8.1.2, the Applicant agreed to provide the site-wide RAO to the Town of Harrison for its records. The parties recognized that the site-wide RAO will not be issued for a number of years.

40. The Board offered, as Exhibit B-1, the type of conditions that will be included in its final Resolution with the understanding that the conditions are meant to be tailored to the specifics of the Application and information set forth during the hearing(s).

41. Before the Board's deliberation, the Application was opened to public comment and public questioning of any and all witnesses and any and all materials. Seeing no person from the public coming forward, the public portion of the meeting was closed.

H. RELIEF FROM REDEVELOPMENT PLAN DESIGN STANDARDS

42. The relief requested from Redevelopment Plan design standards should be granted under the standards for relief set forth in the Redevelopment Plan.

I. RELIEF FROM RSIS

43. The Applicant is proposing 640 residential parking spaces, one for each of the 640 residential units, where 920 spaces are required by RSIS.

44. The relief requested from the RSIS is reasonable and within the purpose and intent of the RSIS because an adequate parking supply will be provided at the site. In addition, literal enforcement is impracticable because of peculiar conditions pertaining to the development.

45. Further, the Board finds that this *de minimis* exception (a) is consistent with the intent of the RSIS and the Site Improvement Act, (b) is reasonable, limited, and not unduly burdensome, (c) meets the needs of public health and safety, and (d) takes adequate account of existing infrastructure and possible future surrounding development.

J. VARIANCE RELIEF

46. The applicant requested variance relief from the following items:

(a) Deficient depth of commercial space, specifically, a minimum 40 foot depth for retail spaces fronting Frank E. Rodgers Boulevard is required and the Applicant proposes a minimum depth of 31 feet in certain retail spaces that abut residential lobbies in two buildings; and

(b) Satisfying non-residential parking requirements, specifically, no on-street parking spaces may be counted towards satisfying non-residential parking requirements and the Applicant is proposing to count 17 on-street parking spaces.

47. The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c), provides this Board with the power to grant variances when the applicant satisfies the requisite burden of proof under Section 70(c). The Applicant is entitled to relief under the criteria under Section 70(c)(1) when, in part, the Applicant can demonstrate that in a particular instance relating to a specific piece of property by reason of exceptional narrowness, shallowness or shape, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship. Separately, the Applicant is entitled to relief under Section 70(c)(2) criteria, when the applicant demonstrates, in part, that in a particular instance relating to a specific piece of property, the purposes of the Municipal Land Use Law will be advanced by allowing a deviation from the Redevelopment Plan requirements and the benefits of such deviation will substantially outweigh any potential detriment. In addition, under each situation (Section 70(c)(1) and Section 70(c)(2)), the Applicant has to demonstrate that the proposed relief will not substantially cause detriment to the public good and will not substantially impair the intent and purpose of the regulations adopted pursuant to the Municipal Land Use Law or, in this particular case, the Waterfront Redevelopment Plan. Then, in such instances, the variance may be granted to allow such departure.

47. The Board finds that in this particular instance, the variance relief being sought by the Applicant from the minimum 40 foot depth for retail spaces fronting Frank E. Rodgers Boulevard shall be granted pursuant to Section 70(c)(1) because the buildings had to be moved back in order to raise the grades for the flood zone reasons. The Board and the Board's Planner do not agree with the Applicant's expert that it was a technical issue in the way one measures the space.

48. In addition, the Board finds that in this particular instance, the variance relief being sought by Applicant for both the minimum 40 foot depth for retail spaces fronting Frank E. Rodgers Boulevard and from the requirement not to permit counting on-street parking spaces

towards satisfying non-residential parking requirements shall be granted under Section 70(c)(2) because many purposes of the MLUL were advanced, specifically: b. to secure safety from fire, flood, panic and other natural and man-made disasters; and g. to provide sufficient space in appropriate locations for a variety of agriculture, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

49. The Board finds that the variance relief under Section 70(c)(1) and Section 70(c)(2) will not substantially cause detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. It finds that the relief that is being sought is consistent with the overall intent and purpose of the Waterfront Redevelopment Plan. There is no evidence before the Board indicating that granting this relief would in any way be detrimental to the public good, or in any significant manner inconsistent with the intent and purpose of the Waterfront Redevelopment Plan.

K. CONCLUSION

50. Subject to the conditions of this Resolution and in accordance with the materials submitted, the testimony provided and the reports of the Board's Professionals, and with there being no public comments offered, The Town of Harrison Planning Board finds that this application meets the requirements for the granting of preliminary and final major site plan approval for Phase I, preliminary major site plan approval for Phase II, preliminary and final major subdivision, "c" variance relief, design waivers, and a *de minimis* exception from the Residential Site Improvement Standards ("RSIS") for the development known as The Hub at Harrison Station.

III. APPROVAL AND CONDITIONS

NOW, THEREFORE, BE IT RESOLVED that this application by HELLER URBAN RENEWAL, LLC for preliminary and final major subdivision, preliminary and major site plan approval for Phase I, preliminary site plan approval for Phase II, variance relief, relief from Redevelopment Plan design standards, and a *de minimis* exception from RSIS parking requirements be and hereby is granted subject to the following conditions:

1. Compliance with all applicable Town, County, State, and Federal laws, ordinances, regulations, and directives.
2. All construction, use and development of the Property shall be in conformance with the Plans approved herein, all findings, conclusions, terms and conditions of this resolution and, to the extent not inconsistent therewith, all representations of Applicant and its witnesses during the public hearing. Any material deviation from the terms of this condition shall be deemed a violation of the Land Development Ordinance and Waterfront Redevelopment Plan.
3. Applicant shall not begin any land disturbance (with the exception of disturbance

incidental to demolition work, grading relative to flood zone requirements, or environmental remediation work pursuant to permits, if necessary, properly issued by the Construction Official and/or NJDEP, as the case may be) or construction pursuant to the approved Plans, and the Construction Official shall not issue a permit for construction on any approved lot, until:

- (a) The approved Plans have been signed by the Board Chairman and Secretary and released to Applicant;
- (b) Applicant has submitted an engineer's estimate for all proposed Phase I work (both on-tract improvements and off-tract right-of-way improvements pursuant to N.J.S.A. 40:55D-53(a)(1)) and, upon acceptance of the estimate by the Town Engineer or his designee, has posted inspection fees as required by ordinance;
- (c) Applicant has arranged for and attended a preconstruction meeting with the Town Engineer and such other Town officials as the Town Engineer shall designate; and
- (d) Applicant has obtained road opening permits for all work to be performed within a public street. Thereafter, Applicant shall comply with all applicable road opening permit requirements in the course of the work.

4. Before the Board Chairman and Secretary sign the approved Plans:

- (a) Applicant shall submit to the Board Engineer (a) proof that it has obtained approvals from all other governmental authorities with jurisdiction, including Town of Harrison approval of the townhouse stoop encroachments into the public right-of-way, or (ii) a certification from its engineer or attorney that no such approvals are required. Such authorities shall include, to the extent applicable, and without limitation, the County of Hudson (the "County"), the Hudson County Planning Board, Hudson-Essex-Passaic Soil Conservation District, New Jersey Department of Environmental Protection (including treatment works approval, flood hazard permit, and any approvals required by the Bureau of Safe Drinking Water) and New Jersey Department of Transportation.
- (b) Applicant shall have paid all required application fees and technical review fees.
- (c) Applicant's engineer shall submit any and all design which shall be reviewed and approved by the Board Engineer.
- (d) Applicant shall submit six (6) complete sets of the Plans approved herein, with the following revisions, all of which shall be submitted to and approved by the Board Engineer.
- (e) All plans and reports submitted by the applicant shall conform to the conditions and provisions in the letter from T&M Associates dated January 13, 2016, and from Heyer Gruel & Associates, dated December 1, 2016 and January 13, 2016, all of which are attached hereto and incorporated herein by reference; the reports

are attached as Exhibits A (T&M Associates) and B (Heyer Gruel & Associates).

- (i) Although it appears that all comments from T&M Associates and Heyer Gruel & Associates have been addressed, the Plans shall be revised to address all outstanding comments of the Town Engineer, Board Engineer, Town Planner, and Board Attorney. Comments of the Board Attorney calling for a response from another Town or Board professional shall be deemed to be outstanding until such time as the response has been given, and addressed to the satisfaction of the responding Town or Board professional.
- (ii) The Plans shall be revised to eliminate any design waivers for the type, size or classification of street trees and Applicant shall comply with the street tree requirements of the Redevelopment Plan;
- (iii) The Plans shall be revised for centerline striping to be provided up to the crosswalk immediately downstream in order to prevent vehicles from traveling in the wrong direction;
- (iv) The Plans shall be revised to indicate that the Applicant, at its own expense, shall: (a) improve the sidewalk area on the westerly side of Fifth Street underneath the railroad bridge by installing (replacing) a new sidewalk with a width of five (5) feet and new curbing to Essex Street; and (b) replace and connect the existing storm water line all the way to the valve servicing the hydrant at Essex Street and to the existing two inlets near the railroad crossing at Fifth Street [so that the inlets will drain properly].
- (v) With respect to costs related to the replacement, synchronization and timing issues of traffic control signals along Frank E. Rodgers Boulevard South, the Applicant shall provide their fair share of these costs in accordance with the law and subject to any conditions that are or may be imposed by the Hudson County Planning Board.
- (vi) A copy of the site-wide RAO shall be provided to the Town of Harrison for their records upon receipt by the Applicant. It is anticipated that the RAO will not be finalized for many years.
- (vii) The public art aspects set forth in Application are not intended to and do not satisfy all of the public art requirements in the Redevelopment Plan for the project. Applicant shall fulfill the public art requirement in Phase I based upon the cost of construction of Phase I. The fulfillment of all of the public art requirements for the project will be revisited upon Applicant's subsequent applications, i.e. for Phase II.
- (f) Applicant shall enter into a developer's agreement with the Town of Harrison. The agreement shall include, but shall not be limited to, provisions governing (a) Applicant's responsibility for traffic improvements in conformance with the

conditions of this resolution, (b) Applicant's responsibility for public art, and (c) Applicant's obligation to deliver to the Town of Harrison, at such time(s) as may be required by the Town Attorney, a deed of dedication for any public right-of-way as described above in conformance with the Plans for this particular project.

- (g) Applicant shall provide performance guarantees for this particular project for improvements to Angelo Cifelli Drive, Fifth Street, and Frank E. Rodgers Blvd. So., and any other Right of Way, and for any and all other improvements to be dedicated to the Town of Harrison (including but not limited to public art). The requirement for a performance guaranty for these improvements shall include both the interim improvements shown in the Plans, and Applicant's proportionate share (50%) of the cost of permanent improvements conforming to all applicable Redevelopment Plan standards. The amount of the performance guaranty for these permanent improvements (including the required 10% cash portion of the guarantee) shall be subject to adjustment on the third anniversary date of the issuance of the performance guaranty and on every three-year anniversary date thereafter, in order to account for changing construction costs. Such performance guarantees shall be satisfactory in form to the Town Attorney, and in amount to the Board Engineer. All such performance guarantees shall conform to all applicable provisions of the Municipal Land Use Law and the Land Development Ordinance. Notwithstanding the foregoing, in the event the County insists upon delivery of a performance guaranty for improvements to Frank E. Rodgers Boulevard South, the Applicant shall, in lieu of the performance guaranty required by this condition, deliver to the Board Engineer proof that such guaranty has been delivered to the County.
 - (h) Applicant shall provide a performance guarantee for this particular project for all other Phase I improvements, other than those set forth in (g) above, in accordance with N.J.S.A. 40:55D-53. The performance guaranty must meet all applicable requirements of N.J.S.A. 40:55D-53 and Ordinance Section 17-105.1. The amount of the performance guaranty shall equal 50% of the anticipated cost of all required labor and materials, calculated in conformance with current prices, plus a 20% contingency as permitted by N.J.S.A. 40:55D-53. Ten percent (10%) of the performance guaranty must be in cash. The amount of the performance guaranty (including the cash portion) shall be subject to adjustment on the third anniversary date of its issuance, and on every three-year anniversary date thereafter, in order to account for changing construction costs. Such performance guarantee shall be satisfactory in form to the Town Attorney and in amount to the Board Engineer. All such performance guarantees shall conform to all applicable provisions of the Municipal Land Use Law and the Land Development Ordinance and Redevelopment Plan.
 - (i) Applicant shall supply "will-serve" letters from all utilities providing service to the project.
5. Applicant shall provide maintenance guarantees for all improvements covered by

a performance guarantee. A maintenance guarantee shall be provided for each improvement prior to the release of the performance guarantee (or any portion thereof) given for such improvement. Such maintenance guarantee shall be governed by all applicable provisions of the Municipal Land Use Law and the Land Development Ordinance. Such maintenance guarantees shall be satisfactory in form to the Town Attorney and in amount to the Town Engineer.

6. All site improvements, screening, fencing and landscaping required by the approved Plans or the terms and conditions of this resolution shall be maintained in good condition for so long as any building, structure, or use approved herein shall remain on the Property.

7. Applicant's construction activities shall be limited to those hours permitted by ordinance.

8. **ALL NOTES INCLUDED IN THE APPROVED PLANS, INCLUDING NOTES REQUIRED BY THIS RESOLUTION, SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH HEREIN.**

9. In the event Applicant fails to obtain approvals from any other governmental agency having jurisdiction, and addressing such failure requires (directly or indirectly) any change (other than a *de minimis* change) in the Plans approved herein, or in the event the approval granted by any other governmental agency with jurisdiction requires (directly or indirectly) any change in the approved Plans (other than a *de minimis* change) Applicant shall return to the Board to seek amended development approvals for any and all resulting changes.

10. In the event Applicant fails to satisfy any condition of this resolution, Applicant shall return to the Board to seek amended development approvals or other appropriate relief.

Voting to Approve Application Subject to Formal Resolution Detailing Conditions:

	Yes	No	Abstain	Other
Chairperson Arthur Pettigrew	X			
Vice-Chairperson John Mulrenan	X			
Member Councilman Laurence Bennett	X			
Member Andrea Choffo	X			
Member Phillip Karas	X			
Member Carlos Mariano	X			
Member Delfim Sarabando	X			

Voting to Approve This Formal Resolution Detailing Conditions:

	Yes	No	Absent	Other
Chairperson Arthur Pettigrew	✓			
Vice-Chairperson John Mulrenan	✓			
Member Councilman Laurence Bennett			✓	

Member Andrea Choffo	<input checked="" type="checkbox"/>			
Member Phillip Karas	<input checked="" type="checkbox"/>			
Member Carlos Mariano	<input checked="" type="checkbox"/>			
Member Delfim Sarabando	<input checked="" type="checkbox"/>			

I certify that this is a true copy of a resolution duly adopted by the Town of Harrison Planning Board at a regular public meeting held on January 28, 2016. This resolution memorializes an action of the Board taken on January 13, 2016.



 Isabel Simoes, Secretary Pro Tem



EXHIBIT "A" (14 PAGES)

YOUR GOALS. OUR MISSION.

HRPB-R0710

January 13, 2016

Harrison Planning Board
Subdivision and Site Plan Review Committee
318 Harrison Avenue
Harrison, NJ 07029

Attn: Site Plan Review Committee

Re: **Post Board Hearing Report**
The Hub at Harrison
Heller Urban Renewal, LLC
Block 133, Lot 1.01
700 Frank E Rodgers Boulevard South
Preliminary & Final Major Site Plan
Major Subdivision

Dear Board Members:

As requested, we have reviewed the Preliminary & Final Major Subdivision Plans, Major Site Plan, application, and supplemental information submitted for the referenced project. The plans were reviewed for completeness and engineering related items and our most recent comments are in bold type.

The applicant submitted the following materials:

- Survey entitled, "Boundary & Topographic Survey, Block 133, Lot 1.01, Harrison Station, Situated in Town of Harrison, Hudson County, New Jersey", consisting of one (1) sheet, as prepared by Paul Schlossbach, PLS., of MidAtlantic Engineering Partners, LLC, dated September 10, 2015 and revised October 9, 2015.
- Subdivision plan entitled "Preliminary/Final Subdivision Plan, Block 133, Lot 1.01, The Hub at Harrison Station, Situated in Town of Harrison, Hudson County, New Jersey", consisting of one (1) sheet, as prepared by Paul Schlossbach, PLS of MidAtlantic Engineering Partners, LLC, dated September 10, 2015 and last revised on October 9, 2015.
- Architectural Plans entitled, "Heller Urban Renewal, LLC, The Hub at Harrison Station, Harrison New Jersey", consisting of eighteen (18) sheets as prepared by NK architects, dated November 12, 2015 and a revision date of October 12, 2015 (The dates should be chronological; this should be corrected).
- Site Plans entitled, "Preliminary/Final Subdivision Plan, The Hub at Harrison Station, Block 133, Lot 1.01, Tax Map Sheet 16, Situated in Town of Harrison, Hudson County, New Jersey", consisting of twenty-seven (27) sheets, as prepared by Matthew J. Robinson, PE of MidAtlantic Engineering Partners, LLC, dated September 9, 2015 and revised November 12, 2015
- Concept Traffic Plans entitled, "Frank E. Rodgers Blvd. and Angelo Cifelli Dr. Traffic Concept Signal Plan", consisting of one (1) sheet, as prepared by John S. Pavlovich P.E. of Division of Engineering Jersey City", dated October 19, 2015.
- Traffic Plans entitled, "Turning Template, The Hub at Harrison Station", consisting of two (2) sheets, as prepared by MidAtlantic Engineering Partners, LLC, dated October 9, 2015.



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- Drainage Calculations, dated November 4, 2015.
- Application and associated information.
- MidAtlantic response letter dated November 13, 2015.
- Landscape Plans entitled, "Preliminary/Final Subdivision Plan, The Hub at Harrison Station, Block 133, Lot 1.01, Landscape Plan, Situated in Town of Harrison, Hudson County, New Jersey", consisting of Plan Sheets 20 and 20A, prepared by MidAtlantic Engineering Partners, LLC, dated September 9, 2015 and revised December 30, 2015.
- Sketch for "The Hub at Harrison Station, Block 133, Lot 1.01, 5th Street Exhibit" prepared by MidAtlantic Engineering and dated December 30, 2015.
- Sketch for "The Hub at Harrison Station, Block 133, Lot 1.01, Frank E. Rodgers Blvd Stormwater Crossing Exhibit" prepared by MidAtlantic Engineering and dated December 30, 2015.

The Applicant seeks Preliminary & Final Major Site Plan approval to subdivide the existing lot into three lots to be used for the proposed buildings and a fourth lot to be used as a right-of-way for the Angelo Cifelli and South Fifth Street road extensions. They are also seeking preliminary and final approval to construct a total of five buildings with 640 residential units and 16,601 SF of retail space and 667 surface parking spaces. Buildings A and B will have 8495SF and 8,106 SF of retail space, respectively and a total of 92 residential units each. Building C has 52 residential units, Building D is proposed to have 117 residential units and Building E is a high rise building with 287 residential units. Buildings A, B and E have fitness centers in them and there is a meeting room in Building B.

The site has frontage on Frank E Rodgers Boulevard and will be divided by the extensions of South Fifth Street and Angelo Cifelli Drive. To the south, the property is bordered by Amtrak and to the north, Lands N/F Penn Rail Road Company. The site is located within the AE (Elevation 10) flood Zone.

In the most recent submission, the plans have been revised to eliminate head-on parking on 5th Street and provided parallel parking in its place, reducing the on-street parking by 12 spaces; revised the entrance at Angelo Cifelli Drive to eliminate a turn-around and provided a straight-through orientation; increased the sidewalk widths to 10' on 5th Street and 9.5 on Angelo Cifelli Drive; and the driveway aisles along Angelo Cifelli Drive have been reduced to 11' wide.

Based on review of the application, we offer the following comments:

1. Completeness Review

Based upon our review we find the application to be technically complete from an engineering standpoint. The following shall be addressed as a condition of approval:

- 1.1. Per Section 17-74.3 "Final Major Subdivision and Site Plan Checklist", item 13.a., a recordable Developer's Agreement shall be executed; b., a satisfactory performance guaranty shall be posted; and c. all escrow and inspection fees shall be posted.



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2. Site Layout, Parking and Circulation

- 2.1 The plans shall provide a circulation plan for pedestrian and ADA routes. **Comment Addressed.**
- 2.2 The Applicant is proposing a total of 667-659 662 parking spaces, however, 34 22 of the spaces are proposed in the proposed right-of-way dedication of South Fifth Street and Angelo Cifelli Drive. The 34 22 spaces should not be counted towards the overall parking numbers. If the on-street parking spaces do not count towards the overall parking count, a total of 637 640 spaces will be provided and there will be a deficiency of 20 parking spaces. *Applicant has revised site layout and now provides 22 on-street parking spaces for proposed retail use. Applicant has also provided 3 additional spaces to the private lots to provide a total of 640 residential parking spaces.*
- 2.3 A total of 132, or 20%, of the 667 parking spaces are compact, which is acceptable per the Redevelopment Plan. **No Further Action Required.**
- 2.4 Per the Harrison Waterfront Redevelopment Plan, the required parking for the site is as follows:
- 1.0 spaces per apartment x 640 apartments = 640 spaces
16,601 SF x 1 space per 1,000 SF retail space = 16.6 spaces
Total = 657 Parking Spaces required (fitness space an meeting rooms are not included because they are meant for the exclusive use of tenants)
- 2.5 The required parking for the residential units, per Residential Site Improvement Standards (RSIS) is as follows:
- 1.8 Spaces per 1 Bedroom Unit x 249 Units = 448.2 spaces
0.8 spaces per 1 Bedroom Unit (high-Rise)x219 = 175.2 spaces
2.0 Spaces per 2 Bedroom Unit x 104 Units = 208 spaces
1.3 Spaces per 2 Bedroom Unit (high-rise) x 68 = 88.4 spaces
920 Parking Spaces Required for Residential Units. A deminimus exception will be required from RSIS standards.
- 2.6 The applicant should testify regarding ADA compliance, specifically with respect to accessible routes. **Comment addressed though testimony at the December 16, 2015 Board meeting. Proposed grading was also provided on the plans for all accessible routes and seem in accordance with ADA Standards.**
- 2.7 ~~Several plan sheets provide a note that all spaces (if not compact) shall be 8.5' x 18'.~~



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~~2.7.1 The Redevelopment Plans call for a minimum space size of 9'x18', therefore a design waiver will be required. Page 44 of Redevelopment Plan specifies that ninety-degree parking spaces may be 8.5 feet wide if the aisle width is a minimum of 24 feet.~~

- 2.8 Turning templates should be provided for Harrison Fire trucks, garbage trucks and moving vans. *Turning templates outlining turning movements for the above referenced vehicles have been provided and travel through the site seems acceptable. Testimony will be provided during the planning board hearing.* Comment addressed through testimony provided at the December 15, 2015 Board hearing and the provided turning templates.
- 2.9 None of the ADA ramps show the detectable warning surface and it does not seem that the layout of the ramps will allow them to be oriented in the correct direction to direct pedestrian traffic into the crosswalks. The detectable warning surfaces shall be shown in the correct orientation. **Comment Addressed.**
- 2.10 Testimony should be provided regarding how the parking spaces will be assigned. **Comment addressed through testimony at the December 16, 2015 Board hearing.** The parking lot spaces will for the use of residents and the parking in the Angelo Cifelli Drive and 5th Street right-of-ways will be available for retail use.
- 2.11 The entrance to the site from Angelo Cifelli Drive is designed poorly and requires redesign to eliminate one-way circulation and the potential for U-Turn/left-turn jug handle operation. **Comment Addressed.** However, it is recommended that centerline striping be provided up to the crosswalk immediately downstream in the order to prevent vehicles from traveling in the wrong direction.
- 2.12 The applicant shall provide sight triangles at all site driveways and demonstrate that no obstructions will exist within the designated area to allow for safe egress from the site. The placement of street trees and fencing near the site driveways may be a concern. **Comment Addressed.**
- 2.13 The applicant shall provide testimony regarding the access control to the proposed resident only parking areas. Any anticipated delay caused by processing time for access should be assessed for potential impact on internal site circulation and obstruction of pedestrian pathways. **Comment addressed through testimony at the December 16, 2015 Board hearing.** Parking lot areas will be for residential use. Through the expected trips on the site, any delays in internal circulation will be minimal.
- 2.14 The applicant shall provide testimony regarding the pedestrian connectivity from the proposed site to the Harrison PATH train station. **Comment addressed through**



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testimony at the December 16, 2015 Board hearing. The proposed PATH plans have not yet been finalized, but the Applicant has had several discussions with PATH and the two sites will connect with each other. As part of the final Phase 2 design, it is expected that the two sites will be coordinated and there will be better details regarding the connection.

- 2.15 The applicant shall provide testimony regarding the sidewalk width and capacity along Frank E. Rodgers Boulevard and the rear parking lot. Comment addressed through testimony at the December 16, 2015 Board hearing.
- 2.16 The applicant shall provide testimony regarding the at-grade railroad crossing at South Fifth Street onto the site. The applicant shall obtain approval from the NJ DOT Rail Unit following participation in the Diagnostic Team process. Comment addressed through testimony at the December 16, 2015 Board hearing. Additionally, before the hearing, the Board was given a memorandum of meeting minutes for the diagnostic team meeting between the NJDOT, railroad, Applicant and Town which explained the responsibilities of each party. Since the Board hearing, the Town has made comments to the NJDOT requesting utility crossings under the railroad for drainage in addition to water. The crossing will be for vehicular access to the site from Fifth Street as well as a 5' wide sidewalk, connecting the site to the north side of Fifth Street.
- 2.17 The applicant has proposed loading areas for the ground level retail spaces. The applicant shall provide testimony regarding the type, frequency and timeframe for retail supply deliveries, as well as provide the appropriate pavement markings and signage designating those areas as loading zones. *Additional markings have been provided. The Applicant has indicated that testimony will be provided as well.* Comment addressed through testimony provided at the December 16, 2016 Board hearing.
- 2.18 It is recommended that the applicant provide pavement markings with the word "Compact" for all compact parking spaces in addition to the proposed signage. Comment Addressed.
- 2.19 The applicant shall provide pavement markings in each of the designated "drop off" zones indicating the area as such as well as install R7-6 No Parking - Loading Zone signage at those locations. Comment Addressed.
- 2.20 The applicant shall provide testimony regarding the number of parking spaces available to visitors and retail patrons is sufficient as a percentage of the total parking being provided. Comment addressed through testimony at the December 16, 2016 Board hearing. It is expected that most of the people using the retail stores in this development will be local residents that walk to the site. For people that do drive to



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the site, the parking in the Angelo Cifelli Drive and Fifth Street right-of-ways will be available for retail parking.

- 2.21 The location of the two barrier free parking spaces along the northern property line does not appear to provide nearby access to any building or apartment units. The applicant shall provide testimony as the placement of those two ADA compliant spaces not immediately adjacent to points of ingress/egress or alternatively relocate those designated spaces adjacent to ADA accessible points of ingress/egress. Comment addressed thorough testimony at the December 16, 2015 Board hearing.
- 2.22 The applicant shall obtain approval from Hudson County for the proposed traffic signal modifications on Frank E. Rodgers Boulevard. Comment addressed through testimony at the December 16, 2015 Board hearing. It was testified that they are working with the County to towards approval of the traffic signal upgrades. It was stated that when the improvements are complete, the lights on Frank E. Rodgers Boulevard will be synchronized and it will improve traffic flow.
- 2.23 **Traffic Impact Study Review**
- 2.23.1 The applicant utilized traffic counts obtained in August 2015 at the signalized intersections of Frank E. Rodgers Boulevard with Bergen Street and Angelo Cifelli Drive and S. Fifth Street with Essex Street and Bergen Street. Due to unexpected street closures and crashes, this volume data was compared to existing approved traffic studies in 2009 and 2013 to establish the existing traffic volumes. The existing volumes were also increased by 5% to account for summer volumes. The applicant shall provide testimony regarding the volume derivation used in the analysis. Comment addressed through testimony at the December 16, 2015 Board hearing.
- 2.23.2 Future no-build traffic was projected by applying a background growth rate factor of 1.0% for seven years, resulting in volumes for a no-build year of 2022. The applicant incorporated approved future traffic volumes from four other nearby residential developments. No response required.
- 2.23.3 The applicant conducted traffic analyses at the existing signalized intersections noted above and found that future no-build levels of service for all turning movements operate at LOS D or better during peak hours, with the exception of the eastbound right turn movement at the intersection of F.E. Rodgers Boulevard and Angelo Cifelli Drive during the PM peak hour (LOS E) and the northbound left turn movement during the PM peak hour and westbound left turn movement during both peak hours at the intersection of F.E. Rodgers Boulevard and Bergen Street (LOS F). No response required.



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2.23.4 The applicant provided trip generation analysis based on the weekday morning and evening peak times for LU Code 223 in the ITE Trip Generation Manual. The resulting vehicle trips of 280 during the AM peak hour and 328 during the PM peak hour for the proposed site were then decreased based on the percentage of vehicle trips in Harrison from the 2000 Census Journey-to-Work modal split (65%). The percentage was increased to 70% to be conservative, resulting in 192 trips during the AM peak hour and 230 trips during the PM peak hour. Site generated trips were assigned based on existing travel patterns obtained from traffic counts. No response required.

2.23.5 The applicant conducted level of service analyses for future build traffic volumes at the four study intersections assuming that the only geometric change would be to provide two through lanes and an exclusive left turn lane on the northbound and southbound approaches to the intersection of F.E. Rodgers Boulevard with Angelo Cifelli Drive and the linking of Angelo Cifelli Drive with S Fifth Street. The projected build traffic associated with the proposed residential/retail development was estimated to have an impact during the AM peak hour. The eastbound approach of the intersection of F.E. Rodgers Boulevard with Angelo Cifelli Drive was anticipated to be degraded to LOS F and LOS E for the left and right turn movements, respectively, from LOS D and LOS C. The applicant has proposed no mitigation for the anticipated deterioration of level of service at this intersection. The northbound left turn movement at the intersection of F.E. Rodgers Boulevard with Bergen Street was expected to degrade from LOS D to LOS F. The applicant has proposed increasing the green time of the northbound lead left turn phase during both peak hours by 3 seconds. The applicant has also proposed decreasing the north-south phase by 3 seconds during the AM peak hour and increasing the green time of the north-south phase by 3 seconds and increasing the green time of the east-west phase by 1 second during the PM peak hour to mitigate the impacts to the operation of this intersection. The proposed signal timing adjustments would result in an improvement to LOS E for the northbound left turn movement during the AM peak period, and the westbound left turn movement would experience a decrease in delay during both peak periods, while still anticipated to be LOS F. The northbound left turn movement would still experience LOS F during the PM peak hour. The applicant shall provide testimony regarding the estimated 95th percentile northbound left turn queue at the F.E. Rodgers Boulevard/Bergen Street intersection and its potential impacts to access for Essex Street, Taft Place and Railroad Avenue, as well as the downstream intersection with Angelo Cifelli Boulevard. The applicant shall also provide testimony regarding the anticipated 95th percentile eastbound queues at the intersection of Angelo Cifelli Drive with F.E. Rodgers Boulevard. Comment addressed through testimony at the December 16, 2015 Board hearing. The



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changes proposed in the traffic light system will synchronize the lights along Frank E. Rodgers Boulevard and improve traffic flow.

2.23.6 The applicant did not provide level of service analysis for the new proposed intersection of Angelo Cifelli Drive with South Fifth Street. This intersection is proposed to function as a multi-way stop controlled intersection while also featuring a traffic circle. This is not a desirable geometric configuration and should be modified accordingly. The applicant shall provide testimony as to the operation of this intersection, and if it is truly stop controlled, shall provide LOS analysis for the future build condition. In addition, the applicant shall provide LOS analysis of all other stop controlled intersections within the site. Furthermore, the applicant shall provide testimony as to any anticipated 95th percentile queue conditions which may impact internal site circulation. **The yield approach is an improvement over the previously proposed "stop" controlled configuration. Comment Addressed.**

2.23.7 The applicant shall justify southbound left-turn movements into the site from Frank E. Rodgers Boulevard at the intersection with Angelo Cifelli Drive. The proposed configuration of the intersection allows opposing left turns from the northbound and southbound approaches to conflict with each other. The intersection lane configuration must be modified to eliminate head-on movements. **A five-phase traffic signal operation would eliminate the left-turn conflict. Comment Addressed.**

3. Technical/General Comments

- 3.1 The details for the Frank E. Rodgers Boulevard pavement section shall be in conformance with County standards. **Comment Addressed.**
- 3.2 The following details shall be provided as part of the plans:
 - 3.2.1 Pavement Cross Section for Fifth Street and Angelo Cifelli Drive. **Comment Addressed.**
 - 3.2.2 Transformer pads and bollards. **Comment Addressed.**
 - 3.2.3 Pavers or stamped/colored concrete, including reinforcement, thickness, patterns, etc. **Comment Addressed.**
 - 3.2.4 Pipe types. With pipe classes and any special backfilling requirements. **Comment Addressed.**
- 3.3 The pipe bedding detail should call out Class II material as dense graded aggregate (DGA). **Comment Addressed.**



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- 3.4 There is a retaining wall proposed in the Angelo Cifelli Drive Island. Clarification is needed on what is actually proposed. **Comment Addressed.**
- 3.5 The Applicant shall provide testimony regarding the status of the environmental cleanup of the site and upon its completion, the Response Action Outcome (RAO). **Comment addressed through testimony at the December 16, 2015 Board hearing. Additionally, upon completion of the environmental requirements, an RAO will be provided.**
- 3.6 Testimony shall be provided regarding trash pickup, scheduling and handling. **Comment Addressed through testimony at the December 16, 2015 Board hearing.**
- 3.7 Testimony shall be provided regarding requirements, procedures and coordination to work adjacent to the railroad properties. **Comment addressed through testimony at the December 16, 2015 Board hearing.**
- 3.8 Testimony shall be provided regarding the Applicant's plans to phase the project. **Comment Addressed through testimony at the December 16, 2015 Board hearing, as well as plan Sheet 13 of the plans. The initial improvements will include the roadway infrastructure, drainage and utilities and Buildings A and D. Phase 2 will include Buildings B, D and E and their parking lots. The Applicant has indicated that each phase will provide the required parking for each occupied building.**
- 3.9 Testimony shall be provided regarding the dedication of South Fifth Street and Angelo Cifelli Drive to the Town. **Comment Addressed through testimony. Once the improvements are complete, the Applicant will dedicate the Angelo Cifelli Drive and 5th Street right-of-ways to the Town of Harrison.**

4. Drainage & Grading

- 4.1. The plans shall address roof runoff. Details and riser diagrams should be provided. **Comment Addressed.**
- 4.2. No grade information has been provided at any ADA routes, including handicapped ramps. Detailed information shall be provided at all ramps to ensure ADA conformance. Detectable warning surfaces shall be angled at 90° of the path of travel. It is recommended that all ramps and ADA routes not be designed at the maximum allowable slopes. 1.5% cross slope and 7.5% rise is recommended. **Comment Addressed.**
- 4.3. Inadequate grading information is provided along Frank E Rodgers Boulevard. Grades shall be provided at the top and bottom of stair cases, ramps, etc. to ensure that Building Codes are met. **Comment Addressed.**



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4.4. Stormwater Management Report Review:

The proposed development consists of the construction of five (5) residential apartment buildings and associated parking, access and landscaping on a 9.73-acre site. The applicant indicates the existing site was previously fully developed with 100 percent impervious coverage.

The applicant indicates that the proposed development disturbs more than an acre of land but has a net decrease in impervious surface area of approximately 0.80-ac in the proposed condition. The development is therefore a major Project subject to the Phase II Rule. There is no increase in impervious cover and therefore the water quality requirement is not applicable. Groundwater recharge requirements are not applicable since there is a decrease in impervious surface.

The following comments are offered:

- 4.4.1.** The applicant states "The majority of runoff from the existing site is conveyed to Frank E Rodgers Boulevard where it is collected by existing catch basins located in the street that connect to an existing combined storm/sanitary sewer system".

As designed the entire runoff from the proposed site is connected to the drainage system on Angelo Cifelli Drive. Please provide an Existing Drainage Area map with contours and existing drainage pipe system demonstrating that the entire runoff from the applicant's existing site is captured by the drainage system on Angelo Cifelli Drive. **Comment Addressed.**

Please note, as provided on the utility and grading plan sheets 7 and 10 of 24 respectively only a pipe system along the crown of Frank E Rodgers Boulevard is connected to the downstream manhole on the 29' x 45" HERCP to 42-inch RCP system.

This downstream pipe system may not be adequate to convey the proposed flow. The applicant should provide calculations to demonstrate that the downstream pipe system has capacity to convey the proposed flow. The downstream drainage system has been previously designed and constructed to handle a 10-year storm event. This is because the existing conditions and flatness of the system due to the available grades. **No Further Action required.**

- 4.4.2.** Provide a Proposed Inlet Area Map that shows the areas tributary to each proposed inlets to substantiate those used in the drainage pipe calculations. Also include the weighted C computations for the pipe system. **Comment Addressed.**



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- 4.4.3. The applicant uses a 10 year design storm for the drainage pipe sizing, which may be inadequate. The applicant should use the 25-year storm for the drainage pipe sizing as per the Residential Site Improvement Standards 5:21-7.2 (C) 5.ii. **The downstream conditions limit the possible volume capacities for this site. Sizing the system larger than the 10 year event will likely not work as intended to work. No Further Action Required.**
- 4.4.4. It appears there is a discrepancy in the calculation of Tc and flow through the 36-inch RCP between inlets CB-77 'B' and CB-87 'B'. The pipe has a proposed flow of 31.41-cfs with an overall Tc of 30.6 min from Inlet CB-73-'B'. The calculated flow through this pipe is reduced to about half (19.27) this inflow and the Tc increases from 30.6 (Inlet CB-73-'B') to 71.9-min. Thus the travel time for the flow through the 137-ft 36-inch diameter pipe is approximately 41-min, which appears too high. Please Clarify and address this discrepancy. **Comment Addressed.**
- 4.4.5. In "MyReport" under CB-77 'B' and CB-34 'B' the hydraulic gradeline (HGL) has values of 3.62j and 10.44j respectively. Please clarify these values as computed. **Comment Addressed.**
- 4.4.6. A substantial number of the proposed pipes are flowing at velocities less than the self-cleansing velocity of 2-ft/s. This may allow for the settlement of sediment thereby creating maintenance problems. Please address. *The Applicant's Engineer indicates that due to the site elevations and downstream constraints, it is unfeasible to obtain the minimum velocity of 2ft/s. The pipes in question are within the parking areas and are the responsibility of the Owner to maintain. As a condition of approval, a maintenance plan shall be submitted to the Town for the regular cleaning of the pipes. The Applicant shall provide testimony to confirm that they will maintain the pipes as needed to provide a properly working system.* **Comment addressed through testimony at the December 16, 2015 Board hearing. The pipes with the flatter slopes are on the Applicant's property and they will be required to keep the system active and maintained.**
- 4.4.7. The applicant should provide the gutter spread results for the proposed inlets, on slope and in sumps. It may also be necessary to provide additional MyReport that will indicate inlets under "sag", and along slopes so substantiate what is shown on the grading plans. **Comment Addressed.**
- 4.4.8. The applicant should address any conflicts of the proposed 36-inch diameter storm pipe across Frank E Rodgers Boulevard and the existing utilities. **The Applicant's engineer indicates that the contractor will be responsible to dig test pits to locate the existing utilities and will be responsible to coordinate with any utility companies for utility relocations.**



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- 4.4.9. Approximately One third of the existing site is within the floodplain of the Passaic River Zone AE (elevation 9 - NAVD88) and therefore regulated. The flood map is provided on FEMA FIRM of Hudson County Panel 82 of 118, Map Number 34017C00882D, effective date August 16, 2006.

The applicant should therefore address the proposed development with respect to the Flood Hazard Area Control Act Rules and submit to NJDEP for approval and provide copies to the Town. The Applicant has made a submission to the NJDEP for a Flood Hazard Area Verification and Individual Permit. Approval of this Application will be contingent on approval from the NJDEP. The Applicant shall provide the Town copies of the permits upon receipt for their records.

5. Sanitary Sewer/Utility Connections

- 5.1 In accordance with NJAC 7:14A-23.3, the following sanitary sewer flows are noted:
- | | | |
|----------------|------------------------|--------------------|
| 1-bedroom: | 468 units x 150 gpd = | 70,200 gpd |
| 2-bedroom: | 172 units x 225 gpd = | 38,700 gpd |
| Retail Stores: | 16,601 SF x 0.10 gpd = | 1,660.00 gpd |
| TOTAL = | | 110,560 gpd |
- 5.2 In accordance with NJAC 7:14A-22.4,(b).1.ii "Projects involving additional flow through an existing sewer line of 8,000 GPD or more require a treatment works approval for the conveyance aspects only and may be considered under the provisions of NJAC 7:14A-22.6." As noted above, because the projected flows exceed 8,000 gpd (gallons per day), a Treatment Works Approval from NJDEP will be required. Applicant has submitted TWA Applications to the Town and the Passaic Valley Sewerage Commission for endorsement. Awaiting returned signed application. Copies of approvals shall be sent to the Town for their records.
- 5.3 Per the Checklist for the Determination of Permit requirements for Water Main Construction (N.J.A.C. 7:10-11.10):
Does the project propose new residential unit service to more than 15 realty improvements? Approval will be required from the Bureau of Safe Drinking Water. Applicant has submitted BWSE Applications to the Town for endorsement. Awaiting returned signed application. Copies of approvals shall be forwarded to the Town for their records.
- 5.4 Approval will be required from Passaic Valley Sewerage Commission for the sewerage connection to their system. Applicant has submitted TWA Applications to the Town and the Passaic Valley Sewerage Commission for endorsement. Awaiting returned signed application.



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6. Lighting & Landscaping

- 6.1. The isolux lighting intensities have been provided through the site and it seems that adequate lighting levels are provided, in accordance with the Ordinance requirements. No further action required.
- 6.2. It is recommended that a root barrier system is provided for trees within 10' of any sidewalk or curb to help prevent heaving. A detail and landscaping note should be provided. Comment Addressed.
- 6.3. We defer the review of the landscaping plans to the Board Planner. Continuing comment.

7. Map Filing Law

Our review of this map was conducted for plat conformance to current Map Filing Law requirements (NJSA 46:23-9.11) relative to major subdivisions. We find the map to be in substantial conformance with the Map Filing Law.

8. Environmental Report Review

- 8.1. We received an environmental report and offer the following comments:
 - 8.1.1. Per the report, two AOC's remain open. Testimony should be provided regarding how the Applicant proposes to address the open AOC's.
 - 8.1.2. When all controls are in place, the site-wide RAO shall be provided to the Town for their records.
- 8.2. The Applicant should provide testimony summarizing the report and any updates since the report was issued. Comment addressed through testimony at the December 16, 2015 Board hearing. A summary of the report was provided.

9. Permits/Approvals

- 8.1 This Application shall be submitted to the Hudson County Planning Board for approval. Applicant has submitted this Application to the Hudson County Planning Board.
- 8.2 The Applicant must obtain Soil Erosion and Sediment Control approval. Applicant has provided an approval letter.



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- 8.3 The applicant must obtain approvals from NJDEP, since the site is located within the AE flood zone. **Continuing Comment. Applicant is awaiting response from NJDEP.**
- 8.4 The Applicant must obtain approval from the Passaic Valley Sewerage Commission System to use their system. **Continuing Comment. Applicant is awaiting response from Passaic Valley Sewerage Commission.**
- 8.5 The Applicant must obtain approval from the New Jersey Department of Environmental Protection, Bureau of Safe Drinking Water. **Continuing Comment. Applicant is awaiting response from NJDEP, BWSE.**
- 8.6 Will Serve letters shall be provided from all required utilities. **Applicant has provided Will Serve letters from the following: Comcast, Verizon, PSE&G, and Town of Harrison Dept. of Water & Sewers.**
- 8.7 The Applicant must obtain approvals from all municipal and outside agencies having jurisdiction on this project.

Should the Board decide to grant approval of the subdivision and site plan application request, same should be conditioned upon: submittal of revised plans addressing the review comments indicated above; payment of all fees, charges, escrows, liens, taxes, etc. as may be owed the Town; posting of performance guarantees; The Applicant's engineer providing an estimate for the cost of improvements to the Town in order that performance guarantees and inspection fees can be calculated; proof of all permits, approvals, and/or waivers of such agencies having jurisdiction thereof and such other terms and conditions as required by the Board.

We reserve the right to present additional comments pending the testimony of the Applicant before the Board and the receipt of the revised plans. Should you have and questions regarding this matter, please contact this office.

Very truly yours,

T&M ASSOCIATES


ANTONIOS PANAGOPOULOS, P.E., C.M.E.
TOWN OF HARRISON
PLANNING BOARD ENGINEER

AP:SC

Cc: Mary Gaines, Planning Board Secretary
Rocco Rusomanno, P.E., Town Engineer
Susan Gruel, Planning Board Planner
Michael R. Pichowicz, Esq., Planning Board Attorney
Matthew J. Robinson, P.E., Applicant's Engineer
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HEYER, GRUEL & ASSOCIATES

EXHIBIT "B" (9 PAGES) 1 of 2 Memorandum

TO: Town of Harrison, Planning Board

CC: Mayor James Fife
Michael Pichowicz, Esq
Rocco Russomano, PE
Antonios Panagopoulos, PE
Mary Gaines, Secretary

FROM: Susan S. Gruel, PP
Chris Dochney, PP/AICP
McKinley Mertz, Associate Planner

RE: Heller Urban Renewal, LLC
700 Frank E. Rodgers Boulevard South
Block 133, Lot 1.01
*Preliminary/Final Major Site Plan for Phase I, Preliminary Major Site Plan for Phase II
and Preliminary/Final Subdivision*

Date: December 1, 2015

As requested, we have reviewed the following new application materials:

- 18 page letter from MidAtlantic Engineering, addressing previous planning and engineering reports, dated November 13, 2015
- 2 sheet set of drainage plan drawings from MidAtlantic Engineering, dated November 12, 2015
- 1 sheet major subdivision plan drawing from MidAtlantic Engineering, dated September 10, 2015, revised October 9, 2015
- 2 sheet set of truck turning plan drawings from MidAtlantic Engineering, dated October 9, 2015
- 27 sheet set of site plan drawings from MidAtlantic Engineering, dated September 9, 2015, revised November 12, 2015
- 18 sheet set of architectural drawings from NK Architects, dated November 12, 2015

Property and Project Description

The site is located at 700 Frank E. Rodgers Boulevard South, directly south of I-280 and within the Waterfront Redevelopment Area. The large triangular property, which is also adjacent to the railroad right-of-way, is approximately 9.73 acres in size and is currently vacant. There were



previously several brick warehouse structures on the property, however they have since been removed. Block 133 was previously approved for a minor subdivision in 2013 in which the block was subdivided into two lots, lots 1.01 and 1.02. The latter is the location of a proposed PATH Station upgrade.

The applicant is seeking preliminary and final subdivision approval to allow for the subdivision of Block 133, Lot 1.01 into three separate lots of similar sizes. Proposed lots 1.03, 1.04, and 1.05 will be 2.37 acres, 2.64 acres, and 3.42 acres respectively. The applicant is proposing to dedicate a portion of the block to the extensions of Angelo Cifelli Drive and Fifth Street, which will traverse the block and separate the three proposed lots.

The applicant is also seeking a preliminary and final site plan approval for Phase I of the development and a preliminary site plan approval for Phase II of the project.

Phase I

In Phase I, Buildings A and D will be constructed on lot 1.04, located in the northwest corner of the site. Building A, which fronts Frank E. Rodgers Boulevard, is a five-story mixed-use structure with retail and fitness uses on the ground floor and apartments on the upper floors. The building provides a total of 92 residential units. Building D is a five-story residential structure comprised of 117 units. Both buildings have covered parking under the building and surface lots located in the rear of each building.

Phase II

In Phase II, Buildings B, C and E will be constructed; Buildings B and C on lot 1.03 and Building E on lot 1.05. Building B is a five-story mixed use structure fronting Frank E. Boulevard. Buildings C (five-stories) and E (eleven-stories) are residential structures. The three buildings of Phase II will create 431 residential units and will also be supported by both covered and surface parking.

All of the proposed buildings will have a mix of studios, one-, and two-bedroom apartments.



Zoning

The property is within the Mixed Use district of the Waterfront Redevelopment Area. Retail sales and services, wellness centers, and multi-family residential are permitted uses within the district.

MU: Mixed Use Standards			
	Required	Proposed Phase I	Proposed Phase II (Full buildout)
Building Height	4 - 30 stories	5 stories	5-11 stories
Min Setback	0 feet	4'-5" to 10'-0"	4'-5" to 10'-0"
Max Setback	10 feet*		
Bedroom Mix Standard	Min. 50% of units shall be studio and 1-bedroom	70% of units	73% of units
	Max 50% of units shall be 2/3 bedroom units	30% of units (2-bedroom)	27% (2-bedroom)
Street Level Retail Frontage	Min. 80% of Frank E. Rodgers Blvd. frontage	Applicant to confirm	Applicant to confirm
Minimum Retail Depth	Min. depth of 40 feet	31 feet (V)	31 feet (V)

Parking:

- 640 residential units – 1 space/unit = 640 spaces required
- 16,601 s.f. retail – 1 space/1000 s.f. = 17 spaces required
- 657 total off-street parking spaces are required.
- Parking Provided:
 - Lot 1.03 – 158 spaces (43 compact)
 - Lot 1.04 – 177 spaces (31 compact)
 - Lot 1.05 – 305 spaces (58 compact)
 - Total off-street parking – 640 spaces (132 compact)
 - Cifelli Drive – 12 spaces
 - Fifth Street – 10 spaces
 - Total Spaces – 662 spaces
- The Redevelopers Agreement allows for a maximum of 15 on-street parking spaces to be counted towards meeting non-residential parking requirements.



- With the 15 on-street spaces counting towards meeting the retail parking requirement of 17 spaces, 2 spaces must be provided for off-street. The minimum off-street parking requirement for the residential uses and the retail is then 642 spaces.

Requested Relief:

Variances:

- Parking – The applicant requires 17 parking spaces for the retail spaces, where no off-street parking spaces are provided for the retail uses.
- Depth of Commercial Space – Minimum required depth of retail and other permitted non-residential uses is 40 feet. A depth of 31 feet is proposed for each of the corner retail spaces along Rodgers Boulevard.

Design Waivers:

- Sidewalk Width – Sidewalks of 11' in width are required, where sidewalks of 10' in width are proposed for Cifelli Drive, and 10' for Fifth Street.
- Architectural Design – Relief is requested to place first floor residential stoops/stairs +/- 2 feet into the ROW along Angelo Cifelli Drive and Fifth Street.
- Front yard setbacks – All residential setbacks are required to be enclosed with a garden wall or ornamental fencing, whereas none is provided.
- Streets, Utilities & Mechanical Equipment – Transformers and generators are required to be located in the interior of the building or vaulted underground. However, they are proposed to be located at grade outside the building.
- Loading and Service Areas – Vehicular access to loading areas is not permitted along Angelo Cifelli Drive. The applicant notes that there will be drop off areas adjacent to building lobbies. There will be retail service and resident move in/out occurring in rear parking areas.
- Street Trees – Red Maple trees are proposed along Rodgers Boulevard, where they are not recommended by the Redevelopment Plan for that street.
- Street Trees – Cherry plum trees are proposed along Cifelli Drive where they are not a recommended species by the Redevelopment Plan for that street.



Planning Comments:

General Comments:

1. The proposed subdivision is in conformance with the standards of the district. No variances will be required due to the proposed subdivision.
2. The applicant should provide testimony addressing the design guidelines presented in the Waterfront Redevelopment Plan.
3. Although the retail space is not 40' in depth across the entire frontage, it appears the applicant satisfies the 80% ground floor retail requirement for the Frank E. Rodgers Boulevard frontage. The applicant should confirm.
4. It is our understanding that the applicant and the Port Authority are currently coordinating the proposed development design and uses adjacent to the proposed PATH Station immediately to the south of the property. It should be noted that a meeting was held Friday, September 25, 2015 with the Port Authority, the applicant, and the Town to discuss the condition. Based upon this coordinated effort, there will likely be revisions to both PATH and the final applicant's plans.
5. The applicant should provide testimony addressing the coordination of the development with the PATH Station improvements along Rodgers Boulevard.

Variances

6. The applicant requires a variance for parking as 17 spaces are required for the commercial uses, where no off-street parking is provided for the commercial spaces. There are 22 on-street parking spaces being provided, however a maximum of 15 of these spaces are permitted to be utilized to satisfy the non-residential parking requirement, as per the Redeveloper's Agreement. This still leaves a gap of 2 spaces required. Testimony should be provided in support of this variance.



7. The applicant requires a variance for the minimum depth of retail and other non-residential uses in Buildings A and B. Although parts of the non-residential space meet the requirement, the depth of the spaces on each end of the buildings is 31 feet. Testimony should be provided addressing the depth of the retail spaces, and why they cannot meet the depth requirement.
8. The applicant is asking for relief to permit residential stoops that extend into the public right-of-way. If the applicant continues to propose this condition, then the applicant will have to go to the Town Council to seek approval of any intrusions into a public street ROW.

Parking/Circulation

9. Testimony should be provided addressing the overall parking layout and site circulation patterns.
10. It appears that the applicant is proposing art walls to function as screens of the parking areas along Cifelli Drive. Testimony should be provided discussing the design of these walls.
11. The applicant will require a design waiver to permit sidewalk widths of 10' where 11' are required on both Cifelli Drive and Fifth Street. Testimony should be provided in support of these waivers.
12. The applicant should provide testimony addressing the grade changes throughout the site and how they relate to sidewalk conditions. In particular, the elevation changes along the retail frontages on Rodgers Boulevard, and the residential stoop areas on Cifelli Drive should be discussed.

Lighting

13. The applicant should provide testimony discussing the proposed exterior lighting, including both the street lighting and courtyard lighting.

Landscaping

14. It appears that the street trees proposed are spaced at the intervals recommended by the Waterfront Redevelopment Plan.



15. The planter beds alongside the residential stoops on the east side of Cifelli Drive are an appropriate treatment for an urban residential streetscape.
16. The applicant will require several design waivers for the proposed street trees. Red maple trees, and plum cherry trees are not recommended by the Redevelopment Plan.
17. The Redevelopment Plan calls for either honey locust, green ash, willow oak, or scholar trees along Rodgers Boulevard, where red maple trees are proposed.
18. The applicant proposes 4 cherry plum trees along Cifelli Drive, where the plan calls for one of the following species of street tree: green mountain silver linden, sweetgum, autumn flowering cherry, pagodatree, honey locust, goldenrain tree, or katsura tree.
19. Testimony should be provided addressing the suitability of the proposed street trees for each of these locations. How do the proposed species compare to the species that are recommended in the Plan in terms of their planting and mature height, foliage, durability, and other characteristics that may impact the streetscape?
20. Given the prominent location of this site just north of the PATH station, landscaping, in particular along Rodgers Boulevard and Cifelli Drive, is a very important component of the streetscape.
21. It is our opinion that the landscaping design needs to be more creative in the areas around Rodgers Boulevard and Cifelli Drive. While we appreciate the amount of landscaping that is proposed, it appears that the overall design is rather haphazard. We would recommend that a landscape architect be consulted to produce the conceptual landscape design.
22. The applicant is proposing to plant a considerable amount of 'dwarf arborvitae', which is a quick growing shrub typically utilized as a landscaping screen. However, it does not appear that there is anything being screened by these arborvitae. We would recommend that some of the arborvitae be replaced by boxwoods or other more appropriate shrubs.
23. The applicant proposes to use cinders as ground cover within the median on Cifelli Drive. We do not feel that this is an appropriate ground cover for this location. Testimony should be provided addressing the suitability of cinders within this area.



24. The applicant also proposes several small lawn areas along Cifelli Drive. Lawns are not appropriate ground cover in an urban area such as this. We recommend that the lawns be replaced with either additional hardscape, or low maintenance shrubs of some kind.

Building Design/Architecture

25. The architectural drawings provided indicate the intended materials of the buildings but not the proposed colors. Color renderings of the building elevations would be beneficial for the Board to develop a better understanding of the overall look of the proposed development.
26. The applicant should provide testimony addressing the architectural details and character of the proposed building and how it will fit into the neighborhood context of the Waterfront Redevelopment Area.
27. The applicant indicates drop off areas are provided for Buildings C and D only. However, there is also a drop off area located in front of Building E. The applicant should testify to the need for these drop off areas.
28. The applicant should confirm whether or not the fitness center located in Buildings A and E are for the sole use of the residents. If they are intended for only residents' use, can residents from other buildings within the development utilize the facilities?
29. The applicant is proposing 468 studio and one-bedroom apartments ranging in size from 831 square feet to 1,094 square feet and 172 two-bedroom apartments ranging in size from 1,197 to 1,378 square feet. The applicant should confirm.

Utilities/Signage

30. The applicant should provide testimony addressing the location of the exterior electrical transformers as they are not clearly marked in site plans or building elevations.
31. The applicant should provide testimony addressing emergency generators and other equipment.



32. The applicant is proposing rooftop mechanical equipment. Section drawings have been provided which indicate that the equipment will be screened from public view.
33. The architectural drawings indicate signage for the ground floor retail uses. Are these signs placeholders or the final designs for the signs? Will there be any signs identifying the residential buildings' address?

Miscellaneous

34. What are the proposed uses of the retail space fronting Frank E. Rodgers Boulevard? Is a restaurant use a possibility? Have any potential tenants been identified at this point?
35. The applicant has noted that trash and recyclables will be stored internally for pick up by service provider. More detail should be provided.
36. The applicant should speak to how they intend to address the sustainability/green building design requirements of the Redevelopment Plan. Have they considered implementing a green roof? Has any thought been given to pursuing LEED Certification?
37. The applicant should provide testimony addressing how they intend to comply with the public art requirement of the Redevelopment Plan.



HEYER, GRUEL & ASSOCIATES

EXHIBIT "B" (2 PAGES) 2 of 2 Memorandum

TO: Town of Harrison, Planning Board

CC: Mayor James Fife
Michael Pichowicz, Esq
Rocco Russomano, PE
Antonios Panagopoulos, PE
Mary Gaines, Secretary

FROM: Susan S. Gruel, PP
Chris Dochney, PP/AICP

RE: Heller Urban Renewal, LLC
700 Frank E. Rodgers Boulevard South
Block 133, Lot 1.01
*Preliminary/Final Major Site Plan for Phase I, Preliminary Major Site Plan for Phase II
and Preliminary/Final Subdivision*

Date: January 13, 2016

This is a supplemental review letter. For further information, please see our previous review dated December 1, 2015. As requested, we have reviewed the following new application materials:

- 2 sheet set of landscaping drawings from RTR Designs, Ltd. Dated September 9, 2015, last revised December 30, 2015
- 1 sheet drawing of railroad crossing at Fifth Street from MidAtlantic Engineering dated December 30, 2015
- 1 sheet drawing of stormwater crossing exhibit from MidAtlantic Engineering, dated December 30, 2015

The applicant has provided revised landscaping drawings, as well as additional engineering details of the proposed project. Our office has reviewed the revised landscaping drawings, and had a meeting and conference call with the engineer and landscape architect for the applicant, who prepared the revised landscaping drawings. It is our opinion that the revised landscaping plans are a significant improvement over the previously submitted plans, and present a coherent and consistent design that is appropriate and suitable for the site.

Based on the revised drawings provided, there will be a need for three additional design waivers regarding the landscaping.

- Street trees – Winterking Hawthorn and Redspire Pear trees are not permitted street trees.



- Kousa Dogwood and Eastern Redbud are permitted front yard trees, not street trees, where they are proposed as street trees.
- Street trees are required to have a minimum of 3.5" caliper, and front yard trees a minimum caliper of 2.5" caliper. The dogwood and redbud trees are proposed as 1.5" – 2" caliper. These trees should be upgraded to a minimum of 3.5" caliper.

However, it is our understanding that the applicant will further revise the landscaping drawings to increase the size of the dogwood and redbud trees, and replace the winterking hawthorn and redspire pear trees to species which are permitted by the Redevelopment Plan. If this is the case, these design waivers would not be required.

The applicant should confirm these changes through testimony at the public hearing.

We defer comment regarding the proposed Fifth Street crossing and stormwater to the Board Engineer.