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December 5, 2018

PLANNING REPORT

Planning Board
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: Hornrock Properties MPR, LLC
12 Van Riper Road (1 Sony Drive)
Block 3302, Lot 1
Review Letter #1
MC Project No. MPP-095

Dear Board Members:

The Applicant, Hornrock Properties MPR, LLC, is requesting Preliminary Site Plan approval to construct a multi-family residential building consisting of 185 units, including 81 one-bedroom units, 82 two-bedroom units and 22 three-bedroom units. The four stories of residential would sit on one story of podium parking. Other site improvements include common amenity space, landscaping, circulation, signage, grading and drainage. The Applicant proposes to set aside 20% of the units for affordable housing. The Application requires three variances, which are detailed in Section B.

The Board should note that the Applicant entered into a Settlement Agreement with the Borough of Montvale on November 14, 2017 to provide a realistic opportunity for 37 affordable units to be constructed on the site. The former Sony campus consists of approximately 37 acres located on Block 3302, Lot 1 in the Borough of Montvale (seven acres), Block 301, Lot 1 in the Borough of Park Ridge (30 acres) and a small parcel in the Borough of Woodcliff Lake identified as Block 204, Lot 2. The Settlement Agreement indicates that access to the subject site located in Montvale must be accessed through the property in Park Ridge, subject to approval by the Borough of Park Ridge. The Applicant has submitted an application to the Park Ridge Planning Board, which is pending.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Plans entitled "ALTA/NSPS Land Title Survey", prepared by James J. Heiser, P.L.S. of DPK Consulting, LLC, dated June 26, 2018, consisting of 4 sheets.



2. Plans entitled “Preliminary Site Plan for Hornrock Properties MPR, LLC Proposed Residential Development”, prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering, dated July 10, 2018, revised through August 23, 2018, consisting of 22 sheets.
3. Plans entitled “One Sony Drive Concept Architectural”, prepared by David J. Minno, R.A. of Minno & Wasko Architects and Planners, dated July 10, 2018, revised through August 23, 2018, consisting of 9 sheets.
4. Plans entitled “Conceptual Site Plan A”, prepared by Dynamic Engineering, dated May 11, 2018, consisting of 1 sheet.
5. Borough of Montvale Site Plan Review & Variance Application, dated July 12, 2018.
6. Borough of Montvale Checklists for Informal and Formal Site Plan Review, no date.
7. Borough of Montvale Application Addendum, author unknown, no date, consisting of 1 page.
8. Traffic Impact Study, prepared by Nick Verderese, P.E. and Justin P. Taylor, P.E., PTOE of Dynamic Traffic, dated July 10, 2018.
9. Stormwater Management Summary, prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering, dated July 2018, revised through August 2018.
10. Stormwater Management Facilities Operation and Maintenance Manual, prepared by Brett W. Skapinetz, P.E., P.P. of Dynamic Engineering, dated July 2018, revised through August 2018.
11. Letter entitled “Hornrock Properties MPR, LLC”, prepared by Nicole M. Magdziak, Esq. of Day Pitney, LLP, dated August 3, 2018, consisting of 1 page with attachments (Park Ridge Submission).
12. Plans entitled “Park Ridge Improvements Plan”, prepared by Brett W. Skapinetz, P.E., of Dynamic Engineering, dated July 10, 2018, revised through August 23, 2018, consisting of 1 sheet.
13. Letter entitled “Hornrock Properties MPR, LLC”, prepared by Brett W. Skapinetz, P.E., P.P. and Steve L. Schwartz P.E., CME of Dynamic Engineering, dated August 23, 2018, consisting of 3 pages.
14. Letter entitled “Hornrock Properties MPR, LLC”, prepared by Brett W. Skapinetz, P.E., P.P. and Steve L. Schwartz, P.E., CME of Dynamic Engineering, dated July 10, 2018, consisting of 1 page.



15. Letter entitled “Completeness Review Application for Preliminary and Final Site Plan Approval: Hornrock Properties MPR, LLC”, prepared by Stuart A. Johnson, A.I.A. of Minno & Wasko Architects and Planners, dated August 8, 2018, consisting of 2 pages.
16. Letter entitled “Hornrock Properties MPR, LLC” (to Park Ridge), prepared by Peter J. Wolfson, Esq. of Day Pitney, LLP, dated August 1, 2018, consisting of 3 pages with attachments.
17. Borough of Park Ridge Site Plan Review Application and Checklists, dated August 1, 2018.
18. Borough of Park Ridge Application Addendum, author unknown, no date.
19. Letter entitled “Freshwater Wetlands letter of Interpretation: Line Verification - Correction”, prepared by Patrick Ryan, Supervisor of the Bureau of Inland Regulation of the NJDEP, dated May 17, 2018, consisting of 2 pages.
20. Letter entitled “Freshwater Wetlands letter of Interpretation: Line Verification - Correction”, prepared by Richard Langbein, Section Chief of the Bureau of Inland Regulation of the NJDEP, dated June 25, 2018, consisting of 3 pages.
21. Letter entitled “Freshwater Wetlands letter of Interpretation: Line Verification”, prepared by Richard Langbein, Section Chief of the Bureau of Inland Regulation of the NJDEP, dated November 5, 2015, consisting of 3 pages.
22. Letter entitled “Hornrock Properties MPR, LLC (the “Application”)", prepared by Nicole M. Magdziak, Esq. of Day Pitney LLP, dated September 4, 2018, consisting of 1 page with deed restriction attachment.

A. Surrounding Land Use and Existing Zoning

The site is located in AH-26 Affordable Housing District. The property is currently improved with a portion of the parking area for the Sony office building which is located on the adjacent property in the Borough of Park Ridge. The parking area on the subject property is in the eastern half of the parcel while the remaining land is undeveloped. The property is surrounded by office uses to the north and east in the Borough’s of Montvale and Park Ridge. Also to the north is Life Time Fitness. Single-family dwellings are located to the south in the Borough of Woodcliff Lake and the Garden State Parkway is located to the west. See the image on the following page for the general location of the subject site.¹ It should be noted that the subject site is shown in red while the property in the Borough of Park Ridge that will be used to access the site is shown in orange

¹ Image from www.google.com/maps

and the parcel in the Borough of Woodcliff Lake is shown in blue. All three colors comprise the former Sony campus.



Yard and bulk requirements in the AH-26 District are as follows:

Minimum Lot Size – 7 acres

Minimum Setback

From Intermunicipal Boundary Within a Tract – 0 feet

From Garden State Parkway/ Front Yard – 40 feet²

Rear Yard – 30 feet³

² The portion of the property fronting on the Garden State Parkway shall be considered the front yard of the property located in the AH-26 Zone. Notwithstanding the foregoing, the property is only accessible via adjacent properties located in a neighboring municipality.

³ In the event that any rear yard fronts upon an intermunicipal boundary, the intermunicipal boundary minimum setback shall supersede the rear yard minimum setback and control.



Side Yard – 30 feet⁴
From Internal Access Road – 0 feet
Maximum Building Height – 59 feet (flat roof)/ 4 stories
Maximum Number of Units Per Acre – 26.5
Maximum Building Coverage – 45%
Maximum Lot Coverage – 60% (up to 70% with pervious materials)
Maximum Accessory Building Height – 14 feet

B. Variances

The Application requires the following “C” variances:

1. Section 128-5.17F.(1)(b) – Variance for crosswalk design. The Ordinance requires crosswalks to be provided with textured paving in a contrasting material and color.

The Applicant proposes a standard painted crosswalk without a textured surface or contrasting color.

2. Section 128-5.17F.(2)(a) – Variance for retaining wall screening.

The Applicant proposes several retaining walls on the site that are not screened in accordance with the Ordinance.

3. Section 128-5.17F.(6)(a) – Variance for tree plantings. The Ordinance requires a mix of deciduous and evergreen trees and low ground-cover landscaping to be planted along the entire site perimeter.

The Applicant does not propose any plantings to the south of the parking lot, west of Drainage Basin #1 and north of Drainage Basin #2 and the building.

C. Variance Proofs

“C” Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible “C” variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

⁴ In the event that any side yard fronts upon an intermunicipal boundary, the intermunicipal boundary minimum setback shall supersede the side yard minimum setback and control.



D. Design Waivers

This Application does not require any design waivers.

E. Comments

Based on our review of the above-referenced materials, we offer the following comments. It should be noted that comments in italics describe the current status of the comments:

General

1. The Applicant's professionals must provide testimony to support the grant of the variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. The Board should note that the Applicant has requested Preliminary and Final Site Plan approval in the Borough of Park Ridge for the proposed parking, drive aisle, landscaping, grading, drainage and other site improvements on Block 301, Lot 1.
3. Section 128-5.17C.(2) contains application requirements for the AH-26 District. The Ordinance requires a contribution of the pro-rata share of off-site improvements. It is unclear if off-site traffic or other improvements are triggered. Testimony shall be provided.

Site Plan

4. The Schedule of Zoning Requirements indicates the proposed building height is 47.1 feet. However, the Architecture Plans illustrate a 50.1 foot tall building. The Applicant shall eliminate this discrepancy.
5. The Architectural Plans illustrate building offsets on the elevations, which are not reflected on the Site Plans. The Applicant should revise the Site Plans to illustrate the building offsets shown on the Architectural Plans.
6. Sheet 3 of the Site Plans indicates lot coverage is 56%. Details shall be provided to illustrate how that number was arrived at.
7. No fire hydrants have been proposed as part of this project. Will this information be submitted when final approval is sought?
8. The Applicant shall provide testimony if there are any proposed retaining walls with fences along the top that total more than 15 feet.

Architectural Plans

9. The Ordinance contains a specific building height definition for the AH-26 District. Calculations shall be provided to confirm the building height.



10. The Applicant has not provided the unit sizes for the any of the ten different unit styles illustrated on the Architecture Plans. Section 128-5.17D.(1)(a)[1] contains the standards for minimum market-rate unit sizes. The Applicant shall provide the unit sizes to confirm compliance with the Ordinance.
11. The building elevations illustrate projections and recesses in the façade that are not reflected in the floor plans. This discrepancy shall be eliminated. Until this is resolved, we cannot determine compliance with the Architectural Standards of the Ordinance.
12. The Ordinance requires all entrances to be defined and articulated (Section 128-5.17F(3)(g)). There is a main entrance that complies, but there are three secondary entrances that we cannot locate on the elevations to determine compliance. Testimony shall be provided.
13. The Site Plans illustrate a building entrance on the east side of the building and two entrances on the west side of the building. However, these entrances are not illustrated on the architectural elevations. The Applicant shall revise the Architectural Plans to reflect the Site Plan conditions.
14. The callout text on the Roof Plan is small and unclear. The Applicant shall provide clearer plans for the proposed roof equipment and features. Additionally, the size of all roof mounted equipment shall be provided.
15. The Ordinance requires all rooftop equipment to be screened. Additional information is needed on the parapet height to determine if the proposal is compliant with the Ordinance.
16. The Applicant shall confirm that no package air terminal units are being utilized.
17. The Plans illustrate a pool area and BBQ lounge in the courtyard. However, the third amenity area, which appears to be a patio with tables, is not labeled. The Applicant shall be prepared to discuss this amenity.
18. Testimony shall be provided that confirms all amenity spaces are only for tenants. Furthermore, testimony shall be provided on the use of the tasting kitchen.
19. The Applicant shall provide testimony on all the proposed amenities this project will offer. This includes indoor and outdoor amenities. Will affordable residents have access to all amenities?
20. The Applicant should bring, at minimum, a colored rendering of the building to the hearing so the Board can visualize the structure. If materials have been selected, they should also be presented at the hearing.



21. The Applicant shall confirm if the unit labels with “(A)” at the end identify the affordable units.

Affordable Housing

22. A draft deed restriction was submitted. Article 2 should spell out the unit number, number of bedrooms and very-low, low or moderate income.

23. If the Board is inclined to approve the Application, the following should be conditions of approval:

- The Applicant shall deed restrict the 37 affordable units for a minimum of 30 years. The deed restriction shall indicate the unit or apartment number of the affordable units as well as the number of bedrooms in the unit and the income level.
- As per the Settlement Agreement, the Developer shall be responsible for retaining Piazza and Associates as its Administrative Assistant.
- Affirmative marketing for the affordable units shall commence 120 days before any Certificate of Occupancy is issued.
- The phasing of the affordable units shall comply with the Settlement Agreement and the Borough’s Affordable Housing Ordinance.
- The below documentation shall be submitted to the Borough’s Municipal Housing Liaison at least 160 days prior to the issuance of any Certificate of Occupancy for the facility:
 - Deed restriction that complies with the Settlement Agreement and the Borough’s Affordable Housing Ordinance.
 - An affirmative marketing plan based on the Borough’s general Affirmative Marketing Plan.

24. Section 128-5.17D(1)(d) requires 10% of all affordable units to be very-low income. The Applicant shall confirm compliance with this requirement.

Signage

25. The Site Plans contain details for two monument signs, which conform to the Ordinance sizes. However, the number of colors on the sign and the base construction was not provided. If the base is a different color than the sign, the Board has historically counted this as a separate color. Testimony shall be provided.



26. The Signage Table on Sheet 3 of the Site Plans notes a maximum sign face separation standard of 36 inches. The Applicant shall provide testimony on what this means.
27. The Applicant shall provide testimony if any other signs are proposed at this time. If so, details shall be provided.

Landscaping and Lighting

28. The Applicant proposes various evergreen and deciduous shrubs around the perimeter of the building. Section 128-5.17F.(6)(b) requires this perimeter landscaping to be three feet wide. The Applicant shall provide testimony regarding the planting width in order to demonstrate compliance with this section.
29. Currently, landscaping is not shown in the courtyard area. Will there be landscaping in the courtyard? If so, the Applicant shall provide details.
30. The Ordinance requires lighting to be soft white. We cannot locate any notes reflecting this. Testimony shall be provided.

Parking

31. The off-street parking requirements on Sheet 3 and the building label on the Site Plans indicates there are 171 podium parking spaces and 186 surface parking spaces. However, the Architecture Plans illustrate 172 podium parking spaces. This discrepancy shall be eliminated.
32. There are three parallel spaces in the garage that are only 20 feet long. Testimony shall be provided to confirm there is adequate space for maneuvering.
33. There are four handicapped parking spaces at the southwest corner of the building adjacent to the rentable storage area. However, there is no elevator at this entrance. Testimony shall be provided.
34. The parking garage only appears to be nine feet tall. The Applicant shall provide testimony regarding access for emergency vehicles.
35. Note 5 on Sheet 3 of the Site Plan indicates all parking stalls are nine feet by 18 feet. However, there are three parallel parking spaces in the garage that are ten feet by 20 feet. This should be amended.
36. The Applicant shall provide testimony if the residents of the affordable units will have access to the podium parking spaces or will be required to utilize the outdoor parking spaces.



37. The Applicant shall provide a snow storage plan to illustrate the snow can be stored on the site outside of the required parking spaces.
38. A total of 17 compact parking spaces are illustrated on the plans. However, Sheet 3, Note 5 fails to mention the compact spaces or their size.
39. The Applicant illustrates the basement level with a ceiling height of nine feet. Will the proposed pool interfere with the clearance height of the parking area? Testimony shall be provided.

Trash/Recycling

40. Trash is proposed to be picked up along the north side of the building. However, the refuse room is approximately 160 feet away. Will trash be rolled to the garbage truck?
41. There appears to be one trash room on each floor. However, the details of the room are unclear. Is there a chute? Testimony shall be provided.

Details

42. The Site Plans identify some of the retaining walls with a note stating, "retaining wall with four foot tall fall protection as needed". However, no other information was provided. The Applicant shall clarify if that is the black aluminum fence on Sheet 21.

Should you have any questions with regard to the above comments, please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink that reads 'Darlene A. Green'.

Darlene A. Green, P.P., AICP
Borough Planner

DAG/hk

cc: Lorraine Hutter, Board Secretary (via email Lhutter@montvaleboro.org)
Andy Hipolit, Borough Engineer (via email AHipolit@maserconsulting.com)
John DePinto, Board Chair (via email jdepinto@montvaleboro.org)
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