



VIA EMAIL

November 11, 2020

Board of Adjustment
Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430

Attention: Angela Dragone, Board of Adjustment Clerk

Re: Monarch Communities, LLC
**Use Variance and Waivers Application,
Preliminary & Final Site Plan Application and
Soil Movement Permit Application**
East Ramapo Avenue//Franklin Turnpike
King Street/Siding Place
Block 82, Lots 1, 3-17, 26, 29 & 30
Township of Mahwah
Docket No. 1478-20
Our File No. MAES-2018

Dear Board Members:

Boswell Engineering is in receipt of copies of the following documents relative to the above application:

- a. Site Plans (21 sheets) entitled, "Preliminary & Final Major Site Plan for Monarch Communities, Proposed Multi-Family Senior Housing Facility, Block 82, Lots 1, 3-17, 26, 29 & 30, East Ramapo Avenue (CR-100), Franklin Turnpike (CR-507), King Street and Siding Place, Township of Mahwah, Bergen County, New Jersey", prepared by Dynamic Engineering Consultants, P.C., dated July 17, 2020.

The following sheets were provided:

<u>Sheet No.</u>	<u>Title</u>
1 of 21	Cover Sheet
2 of 21	Aerial Map
3 of 21	Demolition Plan
4 of 21	Site Plan

5 of 21	Grading Plan
6 of 21	200' Topo & 500' Drainage Map
7 of 21	Drainage Plan
8 of 21	Utility Plan
9 of 21	Landscape Plan
10 of 21	Lighting Plan
11 of 21	Soil Erosion & Sediment Control Plan
12 of 21	Soil Erosion & Sediment Control Notes and Details
13 of 21	Construction Details
14 of 21	Construction Details
15 of 21	Construction Details
16 of 21	Construction Details
17 of 21	Bergen County Frontage Plans
18 of 21	Bergen County ADA Facilities Detail
19 of 21	Vehicle Circulation Plan
20 of 21	Drive Aisle Profile
21 of 21	Sanitary Sewer Profiles

- b. Architectural Plans (10 sheets) entitled, "Monarch, Multi-Level Senior Housing Facility, Mahwah, NJ", prepared by James A. Loft Architecture and Engineering, P.C., dated July 17, 2020.

The following sheets were provided:

<u>Sheet</u>	<u>Title</u>
A1.00	Basement Floor Plan
A1.01	Level 1 Floor Plan
A1.02	Level 2 Floor Plan
A1.03	Level 3 Floor Plan
A1.04	Level 4 Floor Plan
A1.05	Roof Plan
A2.01	Exterior Elevations
A2.02	Exterior Elevations
A2.03	Exterior Elevations
A2.04	Exterior Elevations

- c. Stormwater Management Report, entitled, "Stormwater Management Summary, Prepared for Monarch Communities, Proposed Multi-Level Senior Housing Facility, Block 82, Lots 1, 3-17, 26, 29 & 30, East Ramapo Avenue (CR-100), Franklin Turnpike (CR-507), King Street and

Siding Place, Township of Mahwah, Bergen County, NJ”, prepared by Dynamic Engineering, dated July 2020.

- d. Stormwater Management Facilities Operation and Maintenance Manual, prepared by Dynamic Engineering, dated July 2020.
- e. Traffic Impact Study, prepared by Dynamic Traffic, dated July 23, 2020.
- f. Environmental Impact Statement, prepared by Dynamic Engineering, dated July 2020.
- g. Township of Mahwah, Board of Adjustment Submission Checklist, Monarch Communities, LLC, Docket No. 1478-20, dated September 11, 2020.
- h. Township of Mahwah, Development Application, dated August 3, 2020.
- i. Township of Mahwah, Soil Movement Permit Application, dated September 11, 2020.
- j. Various site photographs (8 sheets) with views from East Ramapo Avenue, Franklin Turnpike, King Street and Siding Place, prepared by Dynamic Engineering, undated.

We have reviewed the above documents and offer the following comments:

General

- 1. The Applicant in this matter is:

Monarch Communities, LLC
1359 Hooksett Road
Hooksett, New Hampshire 03106

The Owner in this matter is:

Mahwah Town Center, LLC
476 Bergen Avenue
Maywood, New Jersey 07607

The Applicant/Owner must notify the Township of any changes in this information.

- 2. The Application consists of nineteen (19) lots as follows:

Block 82, Lot 1 – East Ramapo Avenue – The property is located in the MUD-1 Overlay District, on the south side of East Ramapo Avenue, and consists of one (1) multi-tenant

building structure and one (1) single tenant, multi-story building structure with off-street parking. All buildings appear vacant. Outdoor storage of new vehicles is present at the site.

Block 82, Lot 3-9 – Franklin Turnpike – These properties are located in the MUD-1 Overlay District, on the west side of Franklin Turnpike, and consists of two (2) separate multi-story buildings structures with off-street parking. One building displays a free-standing sign representing Constantino Salon. The other building displays a free-standing sign representing Thomas W. Williams Law Offices.

Block 82, Lots 10 & 11 – Franklin Turnpike – These properties are located in the MUD-1 Overlay District, on the west side of Franklin Turnpike, and are vacant.

Block 82, Lots 12-17 – Franklin Turnpike – These properties are located in the MUD-1 Overlay District, on the west side of Franklin Turnpike, and are vacant except for some areas containing pavement in poor condition.

Block 82, Lot 26 – King Street – This property is located in the MUD-1 Overlay District, on the north side of King Street, and consists of one (1) one-story building structure with off-street parking.

Block 82, Lot 29 – Siding Place – This property is located in the MUD-1 Overlay District, on the east side of Siding Place, and is vacant.

Block 82, Lot 30 – Siding Place – This property is located in the MUD-1 Overlay District, on the east side of Siding Place, and is currently being utilized as outdoor storage for new vehicles.

3. The Applicant is proposing the following improvements:

- A multi-use building consisting of:
 - Basement floor with 91 below grade parking spaces
 - First floor with retail and memory care units and services
 - Second floor with assisted living units and services
 - Third floor with congregate apartment housing and services
 - Fourth floor with congregate apartment housing and services
- 97 congregate apartment housing units
- 48 assisted living units
- 30 memory care units
- Surface parking areas (55 spaces)
- Retaining walls
- Landscaping

- Site lighting
 - Signage
 - Drainage improvements
 - Sanitary sewer and water connections
4. Block 82, Lots 1, 3-17, 26, 29 and 30 “The Site” is located along the right-of-ways of East Ramapo Avenue, Franklin Turnpike, King Street and Siding Place.
 5. The site is located in the Neighborhood Business (B-10) Zone and is bordered to the north by the B-10 Zone and Veterans Park, to the east by the One Family Residential (R-15) Zone, to the south by the One Family Residential (R-10) Zone and the General Industry (GI-80) Zone, and to the west by the railroad. The site is also subject to the Mixed Use Development/Overly (MUD-1) District.
 6. The Applicant must provide testimony with respect to the retail uses proposed and must demonstrate that the uses proposed are permitted uses.
 7. The Applicant must provide testimony, with respect to the activities to take place on site, hours of operations, traffic circulation, number of employees during maximum working shift, number of employee only parking spaces, outdoor dining, materials to be stored on site and amount of garbage to be generated.

Submission Status

8. From an engineering standpoint, we find the before mentioned plans and accompanying Development Application to be **complete** with respect to the items of the Municipal Code that the Township Engineer is charged to review.
9. The Applicant must be made aware that since more than 1,000 cubic yards of soil are proposed to be moved, a Public Hearing will be required for soil movement.
10. The comments contained in this letter and comments made by the Board of Adjustment must be satisfactorily addressed.

Variances/Waivers

11. The Applicant has requested the following variances:
 - a. Use Variance-Senior Housing Facility: As per Article 24-4.1.1a, senior housing facilities are not permitted in the MUD-1 Mixed Use Development 1 Overlay Zone.

A multi-level senior housing facility is proposed.

- b. Maximum Setback From Franklin Turnpike: As per Article 24-4.1.1d(3), the maximum front (street) yard setback shall be 15 feet, however, a maximum of 20% of the linear building frontage may be set back a maximum 30 feet.

The Applicant proposes a minimum setback from Franklin Turnpike of 30.6 feet. It should be noted that the proposed building is also to be setback approximately 38 feet and 85 feet from Franklin Turnpike. The exact dimensions must be provided.

- c. Maximum Building Height: Article 24-4.1.1d(8) permits a maximum building height of 38 feet/3 stories.

The Applicant proposes a building structure with a height of 38.4 feet and four (4) stories.

- d. Maximum Density: Article 24-4.1.1d(9) permits a maximum density of 14 units per acre.

The Applicant proposes a density of 50.6 units per acre.

12. The Applicant has requested the following waivers:

- a. 200' Lot Boundary Article 22-5.1b(6) requires site plans include zone boundaries and adjacent zone districts with 200 feet shall be indicated. A scale of not less than 50 feet to the inch shall be used.

The Applicant is requesting a waiver for this submission and has indicated the information is depicted on the Cover Sheet, at a scale of 1 inch = 200 feet.

- b. Wetlands Determination: Article 22-6.1h requires the Applicant include environmental elements for the site in question, such as, wetland areas.

The Applicant is requesting a waiver for this submission due to the site being previously developed.

- c. Off-Street Parking Setback: Article 22-6.2b(2) requires off-street parking to be at least 30 feet from the right-of-way.

The Applicant proposes parking 13.7 feet and approximately 21.0 feet from King Street and 11.2 feet from Siding Place.

- d. Minimum Number of Loading Spaces: Article 22-6.3a and Table 5 requires a minimum of four (4) loading spaces.

The Applicant proposes to provide one (1) loading space.

- e. Minimum Buffer for Loading Spaces and Loading Space Location: Article 22-6.3c indicates that loading space is to be located in side or rear yard.

The Applicant proposes a loading space in the front yard.

In addition, this article requires a minimum buffer of 25 feet for any loading spaces located adjacent to residential uses.

The Applicant proposes a buffer of seven (7') feet between the loading space and adjacent residential use.

13. The following additional non-conformities were noted during our review:

- a. Minimum Parking Space Size: Article 24-4.1.1f(2) requires parking spaces to be no less than nine (9') feet in width by 18 feet in length.

The Applicant proposed parking spaces seven (7') feet by 18 feet. This must be satisfactorily addressed or a variance must be requested.

- b. Dumpster Enclosure: Article 24-4.1.1h(4) requires outdoor dumpsters to be fully enclosed with a solid enclosure.

The proposed dumpster is enclosed with a solid enclosure on three (3) sides. The west side is proposed to have a chain link enclosure.

- c. Maximum Retaining Wall Height: Article 24-5.3d(3) limits the maximum retaining wall height to six (6') feet.

The Applicant proposes retaining walls with a height up to 11.4 feet.

- d. Minimum Buffer Zone: Article 24-6.10a(1) requires a minimum buffer of 25 feet facing a Residential Zone.

The Applicant proposes a minimum buffer of 7.0 feet to the residential property to the south.

In addition, the buffer requirements of 22-6.5 must be met.

- e. Maximum Fence Height, Front Yard: Article 24-6.11b(1) indicates that no fence shall be erected higher than four (4') feet when located within the front yard.

The Applicant proposes a six (6') foot high vinyl fence at the south side of the site to be located in the front yard.

- f. Minimum Number of Parking Spaces: Article 22-6.2a and Table 1 of the Township Code and N.J.A.C. 5:21-4.14 and Table 4.4 (RSIS) require a total of 265 parking spaces.

The Applicant proposes to provide 146 parking spaces. The Applicant must comply or request a waiver.

- g. Depressed Curb Width: Article 22-6.2d(2)(c) and Table 4 require a depressed curb of 50 to 70 feet to be provided.

The Applicant proposes depressed curb widths of 49 feet.

- h. Curb Return Radii: Article 22-6.2d(2)(c) and Table 4 requires curb radii of 35 to 45 feet to be provided.

The Applicant proposes curb return radii of 10 and 15 feet throughout.

- i. Driveway Setback: Article 22-6.2d(3) requires where a site is located at the intersection of two (2) streets, no driveway shall be located within 50 feet of the street intersections.

The east parking lot on King Street has a driveway that is approximately 45 feet from the Franklin Turnpike/King Street intersection curb return.

The west parking lot on King Street has a driveway that has no setback from the King Street/Siding Place intersection.

The East Ramapo driveway is approximately 20 feet from the Siding Place/East Ramapo Avenue intersection.

- j. Driveway Width: Article 22-6.2d(6)(c) and Table 4 requires a driveway width of 30 to 50 feet to be provided.

The Applicant proposes driveway widths of approximately 24 feet. The exact dimensions must be confirmed.

- k. Loading Space Setback from Hydrant: Article 22-6.3d requires loading spaces to be setback a minimum of 25 feet from any hydrant.

The Applicant proposes a loading space approximately 12 feet from a proposed hydrant.

In addition, this article requires that loading spaces are not to be located within Fire Prevention Zones. The Applicant must demonstrate that this requirement is met.

- l. Required Sidewalks: Article 22-6.7c requires that sidewalks be provided within the street right-of-way.

The Applicant proposes not to provide sidewalks along the frontage of King Street and Siding Place.

Should this waiver be granted, the Board should consider requiring the Applicant to contribute the equivalent cost to the Township's Sidewalk Bank.

- m. Streetscape Lighting Mounting Height: Article 22-6.9e(1)(d) requires streetscape lighting to be mounted at 14 feet.

The Applicant proposes a mounting height of 16 feet.

- n. Streetscape Lighting Spacing: Article 22-6.9e(1)(h) requires a maximum streetscape lighting spacing of 75 feet.

The Applicant proposes a maximum spacing of 100 feet.

- o. Slopes Greater Than 1V:4H: Article 28-2.4b(6) states that slopes greater than one (1') foot vertical to four (4') feet horizontal (1V:4H) are not to be created. The Applicant proposes to create slopes up to 1V:3H. This must be addressed or a waiver must be requested.

Site Plan

14. All waivers and variances required must be listed on the site plans and must include the Article from which the request has been made.
15. The Applicant should provide a breakdown of areas of lot coverages and improved lot coverage calculations for the site.
16. The balconies must be shown on the Site Plan.
17. For the building grade elevation calculation on sheet 5 of 21, the start/end location (324.50) was counted twice.
18. The Applicant proposes to create steep slopes within 20 feet of the Franklin Turnpike traveled way. A guide rail will be required in these areas.

19. The Applicant should consider providing a guide rail and fall protection along the retaining wall located at the west side of the east parking lot on King Street.
20. Fall protection should be considered atop the wall, in the vicinity of the sidewalk north of the building, west of Franklin Turnpike.
21. Where parking spaces with a width of 18 feet abut a sidewalk, we recommend that the sidewalk be a minimum of seven (7') feet wide.
22. The Applicant should provide testimony regarding the Road Widening Easement depicted along Franklin Turnpike (County Rt. 507) and how it would address the current sidewalk configuration.
23. On Site Plan sheet 4 of 21 it is indicated that retaining walls and outdoor seating are to be constructed "by others". This must be addressed by the Applicant.
24. The 500 foot drainage map must provide the location of all drainage structures and must include pipe sizes, inverts and structure elevations.
25. The Applicant proposes a 10' x 20' masonry trash enclosure adjacent to the westerly King Street ingress/egress driveway.

The Applicant should provide testimony if this is the only trash enclosure for the entire mixed use structure, and if it is adequate in size for all uses proposed.

26. The Applicant should provide testimony with respect to deliveries and garbage/recycling pickups.
27. The Applicant should consider relocating the proposed trash enclosure to be further from adjacent residential properties.
28. The Applicant proposes to provide an eight (8') foot by 38 foot emergency generator pad and transformer pad at the southwest side of the site. The proposed pad is setback 18 feet from the King Street right-of-way. The Applicant must review this with the Board to determine if a variance is required for accessory structure setback. In addition, the product specifications must be provided to the Board for review and the Applicant must address noise to be generated and the frequency of testing.
29. The Applicant must address how they propose to consolidate the lots in question.

Off-Street Parking and Loading Spaces

30. The Multi-Level Senior Housing facility will consist of the following breakdown of units:

a.	Congregate Apartment	97 units
b.	Assisted Living	48 units
c.	Memory Care	<u>30 units</u>
		175 units

31. The number of spaces per Section 22-6.2 and Section 24-7 of the Township Code and N.J.A.C. 5:21-4.14 is as follows:

a. Retail: 1 Parking space for each 175 s.f. of floor area where the floor area exceeds 2,000 s.f.

$$7,956 \text{ s.f.} \times 1 \text{ space}/175 \text{ s.f.} = 45.46 \text{ spaces, say } 46 \text{ spaces}$$

b. Assisted Living Facility: In accordance with N.J.A.C. 5:21-4.14 and Table 4.4 of the Residential Site Improvement Standards (RSIS) 0.5 spaces per unit or bed are required for assisted living facilities. This standard is also used for the memory care units.

The site plan indicates that 48 assisted living units and 30 memory care units are proposed, therefore the following parking spaces are required:

$$(0.5 \text{ spaces per unit} \times 78 \text{ units}) = 39 \text{ parking spaces}$$

c. The RSIS does not have a parking standard for congregate apartment housing use. For our analysis we utilized the parking standards for Garden Apartments. Based on these standards, the following parking is required:

(1.8 space/one bedroom unit) x (72 one bedroom units)	=	129.6 spaces
(2.0 spaces/two bedroom unit) x (21 two bedroom units)	=	42 spaces
(2.1 spaces/four bedroom unit) x (4 four bedroom units)	=	8.4 spaces

*It should be noted that RSIS does not have a standard for four bedroom units. For our analysis we utilized the standard for three bedroom units.

d. Total Parking Required $46 + 39 + 129.6 + 42 + 8.4 = 265 \text{ spaces.}$

32. The Applicant proposes to provide 146 parking spaces.

33. On sheet 4 of 21 of the site plans the number of spaces at the northwest side of the site should be identified as nine (9) spaces, not 10.

34. The Applicant should address how snow plowing operations are to be handled.

- 35. The Applicant should be prepared to provide testimony as to whether the proposed facility is required to provide additional HC parking based on the uses proposed.
- 36. The Applicant's Engineer must certify that the HC spaces are constructed to current ADA requirements with regard to the number of spaces required, the size, striping and signage.
- 37. The Applicant requires the following number of loading spaces:

	<u>Floor Area Proposed</u>	<u>Loading Spaces Required At</u>	<u>Total</u>
Retail:	7,956 s.f.	5,000 s.f.	1
Residential:	181,335 s.f.	20,000 s.f.	1
		100,000 s.f.	1
		<u>80,000 s.f.</u>	<u>1</u>
		TOTAL	4

The Applicant has indicated that five (5) loading spaces are required.

Retaining Walls

- 38. The Applicant must provide top of wall and bottom of wall elevations at sufficient intervals for all walls proposed on site.
- 39. Retaining walls are not to exceed six (6') feet in height when located behind the front façade of the building and four (4') feet when located in the front yard.
- 40. Retaining walls less than three (3') feet must be setback at least two (2') feet from the property line and walls three (3') feet or greater must be setback five (5') feet.
- 41. The Applicant must provide testimony on the installation of retaining walls. Will these walls be able to be constructed without accessing adjacent properties?
- 42. The Applicant must provide a detail of the walls proposed.
- 43. The Applicant must be made aware that all retaining walls greater than three (3') feet in exposed height require retaining wall stability calculations to be provided by a Professional licensed in the State of New Jersey, signed and sealed, for the Township's review and approval prior to construction.
- 44. All retaining walls on site will require a certification by a licensed professional engineer that he/she has provided on site inspection during the wall construction, proper methods were

utilized in the construction, the wall has been properly stabilized and the wall will prove adequate for their intended purpose. Inspecting engineers must also certify appropriate batter, height and location have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Township Engineer.

Stormwater Management

45. The Stormwater Management Summary and Stormwater Management Facilities Operation and Maintenance Manual are currently under review.

Comments will be provided under separate cover.

46. The Township is in the process of designing a Regional Drainage Improvement Project affecting Hillside Avenue, King Street and Siding Place. The Applicant should be requested to contribute their fair share cost for this capital improvement.

Lighting

47. The Applicant must provide testimony regarding the lighting for the site.
48. The following lighting characteristics must be provided:
- a. Average foot-candle level off-site on public property
 - b. Maximum foot-candle level off-site on public property
 - c. Lamp lumen depreciation factor (LLD)
 - d. Luminaire dirt depreciation factor (LDD)
49. The Applicant must demonstrate that the proposed lighting for the west parking area on King Street is appropriately shielded.
50. We have a concern with the proposed light fixtures located adjacent to the residence on King Street based on a fixture height and topography of the area.
51. The location of bollard lights "F", "G" and "H" must be clearly indicated on the Lighting Plan.
52. The proposed hour of operation of the site lighting must be reviewed with the Board.
53. The Township should request the right to require modifications and changes in the lighting for a period of up to six (6) months after installation.

Landscaping

54. The Applicant must provide testimony regarding the proposed landscaping for the site and addressing the landscaping requirements of the MUD-1 Mixed-Use Development 1 Overlay Zone.
55. Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
56. The landscape plan is comprehensive, contains diverse plantings, a rain garden and multi season color and visual interest.
57. A primary comment to address is the distinction of plantbed lines and proposed surface types for lawn, mulch etc. This should be addressed throughout the plan within all planting areas.
58. The parking “courtyard” along the west side of the building contains foundation perimeter plantings that are all deciduous. We recommend the inclusion of evergreen shrubs to provide building foundation plantings that will provide visual color and interest in the winter months.
59. The wall along adjacent Lots 23, 24 and 25 is recommended to be shifted to align with the proposed curbing. This will provide a planting buffer along the back of the wall, facing the adjacent properties. This buffer area is recommended to be planted with evergreens for screening.
60. A few plantings, as shown, are proposed onto adjacent property Lot 2. All plantings should be proposed on the subject property.
61. We note a few plantings and a portion of a proposed wall are proposed within the Road Widening Easement along Franklin Turnpike. These encroachments should receive approval or be moved.
62. Two (2) plantings are proposed within the Franklin Turnpike Right of Way. These encroachments should receive approval or be relocated out of the Right of Way.
63. The rain garden is located at a highly visible intersection. Rain gardens require high maintenance for continued functioning and controlling its visual aesthetic. A rain garden specific maintenance and planting replacement schedule is recommended.
64. A landscape performance bond is recommended to ensure the final approved design is fully implemented. Additionally the party responsible for the continued maintenance of these

installed plantings should be identified. The plantings are recommended to be guaranteed for a 2 year replacement period.

65. The Applicant only indicates that they propose to remove five (5) trees, all of which are on Block 82, Lots 3-9.
66. Any discrepancy between number of plantings proposed and those depicted on the plans must be revised.
67. The planting size of all flowering trees and shrubs must meet the requirements of Article 22-6.5a(13).

Sanitary Sewer

68. Sanitary sewer calculations must be provided for proposed sanitary sewer flows and demonstrate the conveyance pipes are adequately sized.
69. A sanitary sewer easement is located on Block 82, Lot 1 and 30. This easement is proposed to be extinguished. The Applicant must provide the Township with a copy of this easement and provide testimony on the elimination of the easement.

Water Supply

70. Calculations must be submitted for proposed water flows that demonstrate the conveyance pipes are sized adequately.
71. The Applicant must submit fire flow calculations for review.
72. Hydrant flow tests should be done to determine available flow and pressure.

Traffic Impact Study

73. The Applicant must provide testimony in support of the Traffic Impact Study submitted.
74. It should be noted that traffic counts were obtained while Covid-19 travel restrictions were in place (April 14, 2020) and adjusted based on NJDOT data from October, 2018. We recommend updated counts be obtained during usual conditions.

Streetscape Requirements

75. The Applicant must demonstrate that the Streetscape Standards (Article 22-6.9e) are met along the Franklin Turnpike frontage.

Environmental

76. The Applicant has submitted an Environmental Impact Statement (E.I.S.) prepared by Dynamic Engineering for the site in question.
77. The E.I.S. does not completely address post-construction noise impacts. These impacts would include noise generated as a result of the proposed residential/retail development to adjacent sensitive receptors, including residential properties.
78. The proposed development will involve the demolition of existing buildings. Any asbestos containing materials (ACM) in the structures to be demolished must be identified and properly abated. Additionally, any underground storage tanks (UST) must be properly removed.

Architectural Plans

79. The MUD-1 Mixed-Use Development 1 Overlay Zone Regulations include specific requirements associated with building design and architectural features.
- The Applicant should provide testimony regarding these requirements and how they are being met. Any deviations will require variances to be requested.
80. Article 24-4.1.1b(2)(e) requires parking deck or structure to be architectural consistent or compatible with the principal building. The Applicant must review this with the Board.
81. Signed and sealed architectural plans must be provided to the Board office.
82. Detailed floor plans must be provided and must include plans for each unit type and retail space proposed.
83. The Applicant must demonstrate that the community room and amenity space requirements of 24-4.1.1b(5) area met.
84. The Applicant must provide testimony with respect to the amenities and services to be provided.
85. The height of the parapet wall must be provided.
86. The Applicant must demonstrate that all rooftop equipment will be screened from view.

87. The Applicant must provide testing on type of materials for structure (lumber vs. steel) and type of sprinklers.

Signage

88. The Applicant should provide testimony with respect to the signage proposed.
89. Details of the signage must be provided to confirm that they meet the signage requirements established by the Township of Mahwah and the MUD-1 Mixed-Use Development 1 Overlay Zone Regulations.
90. The Applicant must provide testimony regarding the illumination of signs.
91. Letter height and logo dimensions must be provided for review.
92. The Applicant must demonstrate that the required sign setback dimensions are met.

Soil Movement

93. The Applicant proposes to move the following quantities of soil:

Volume of Cut	27,476 c.y.
Volume of Fill	0 c.y.
Volume of Import	0 c.y.
Volume of Export	27,476 c.y.

94. The volume of stone required for the project must be included in the volume of import.
95. The Applicant must provide soil movement calculations in support of the volumes noted above to the Township for review and approval.
96. Prior to construction, Section II of the Soil Movement Permit Application must be completed for review and approval.
97. The Applicant proposes to remove +/-50 trees and plant 168 trees. The proposed tree removal and the number of replacement trees must be reviewed and approved by the Township's Environmental Commission.

In addition, a detailed Tree Removal Plan must be provided.

Highland Consistency Determination

98. The Applicant received a Conditional Consistency Determination from the Highlands Council, dated October 14, 2020.
99. The Highlands Council has required that all Highlands Council Conditions be incorporated into any action taken by the Board.

Affordable Housing

100. The Applicant must address how the affordable housing requirements of the MUD-1 Mixed-Use Development 1 Overlay Zone are proposed to be met.
101. Twenty percent of the units shall be reserved for, and affordable to, low-and-moderate-income households. The units shall be family units available to the general public and not restricted to any specific segment of the population and meet the low/moderate-income split required by the Uniform Housing Affordability Controls (“UHAC”); except in lieu of 10% of units at 35% of median income, the developer shall provide at least 13% of the units as very-low income units at 30% of median income within each bedroom distribution if the affordable units are rental in tenure.
102. The affordable units shall have a minimum 30 year deed restriction. Any such affordable unit shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
103. The units shall meet the bedroom distribution required by the UHAC.
104. The developer shall be responsible for retaining a qualitative administrative agent, as approved by the Township, of the developer’s sole cost and expense.
105. All necessary steps shall be taken to make the affordable units provided credit worthy pursuant to applicable law.

Additional Comments

106. The comments from the Township's Fire Prevention Bureau and Police Department must be satisfactorily addressed.
107. The Applicant must provide testimony as to the status of Bergen County Planning Board and Bergen County Soil Conservation District approval.

Board of Adjustment
Township of Mahwah
November 11, 2020
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Thank you for your kind attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

BOSWELL ENGINEERING



Michael J. Kelly, P.E.
Township Engineer Representative

MJK/md

cc: Quentin Wiest, Township Business Administrator
Geri Entrup, Administrative Officer
Ben R. Cascio, Esq., Board Attorney
Deborah Alaimo Lawlor, P.P., Maser Consulting PA
Antimo A. Del Vecchio, Esq., Beattie Padovano, LLC
Monarch Communities, LLC
Steve L. Schwartz, P.E., Dynamic Engineering
Richard M. Preiss, P.P., Philips, Preiss, Grygiel, Leheny and Hughes, LLC
James A. Loft, R.A., James A. Loft Architect, Inc.

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