

May 22, 2019

Chairman Scott Lippert
and Members of the Joint Land Use Board
Township of River Vale
406 Rivervale Road
River Vale, NJ 07675

Regarding: **Block 1201, Lots 5 & 6, Township of River Vale
Including Block 2001, Lot 1 and Block 2201, Lots 26 & 31, Borough of Hillsdale
Preliminary & Final Major Site Plan & Major Soil Moving Application
The Fairways at Edgewood, LLC**

Dear Chairman Lippert and Members of the Board:

As requested, we are providing a planning review of the above application that was originally submitted to the Township on September 21, 2018 for Preliminary & Final Major Site Plan and Major Soil Moving. The applicant also submitted *revised* engineering plans “Preliminary and Final Major Site Plan” prepared by Partner Engineering and Science dated August 31, 2018 revised through April 11, 2019. The *revised* architectural plans were presented to the Board at the last public hearing.

The applicant has applied *for both* **Preliminary and Final Site Plan approval and Preliminary and Final Subdivision Approval** to construct townhouses on the majority of the tract.

This report provides a planning analysis of the proposed development.

General Site Description

The subject property is located on the western side of Rivervale Road, north of Piermont Avenue, in the A-1 Residence District. The site is improved with the Edgewood Country Club. Residential/Golf Course Development is a permitted use in the A-1 Zone district.

The submitted plans show that the 160,435 SF property is presently improved with a 27-hole golf course, accessory golf course maintenance structures, clubhouse, pool, tennis court and parking lots. The property contains freshwater wetlands, and a riparian buffer to the Holdrum Brook along the western portion of the golf course which divides the property into Hillsdale Borough. Rivervale Road and Piermont Avenue are County roads under jurisdiction of the County Planning Board.

Both multi-family and single family residential development are located across Piermont Ave. from the proposed development.

Development Proposal

The applicant initially seeks Preliminary and Final Subdivision approval to realign existing Lots 5 & 6 (160.44 acres total) to create three new lots as follows:

- Lot “A” – 115.65 Acres (Golf Course Lot)
- Lot “B” – 43.09 Acres (Townhouse Lot)
- Lot “C” – 1.31 Acres (Affordable Housing Lot)

According to the submitted plans, the applicant proposes to remove an existing maintenance building and nine holes of the existing golf course and construct 225 market rate units (193 townhomes and 32 quadplex units) on Lot “B” and 24 affordable rental units on Lot “C.” The clubhouse, club amenities, and 18 holes of the golf course are to remain on Lot “A”; a new maintenance building and turf care facility are also proposed for Lot “A.”

One entrance/exit are proposed to the townhouse/quadplex development from Rivervale Road at the current clubhouse driveway. Another egress drive with emergency access is proposed to Cedar Lane opposite Mark Lane. Affordable rental units are all to be contained in a separate building with a separate access from Piermont Avenue with no linkage between the two sites. This general area also contains the new golf club maintenance buildings.

All of the total 193 townhouse units are proposed with three bedrooms. Of the 32 quadplex units, 16 are two bedroom and 16 are three bedroom units. Of the 24 affordable units, four are one bedroom units, 15 are two bedroom units, and five are three bedroom units. The bedroom distribution of the affordable units conforms to the Uniform Housing Affordability Controls (UHAC).

A total of 197 off-street parking spaces (149 spaces at townhouse house complex and 48 at affordable housing building) are provided. Approximate unit sizes have not been provided. The affordable housing building is proposed at approximately 8,325 Sf with a height of 48.5 feet. The other townhouse and quadplex buildings are proposed at 44.5 feet in height.

Zoning Review

It appears bulk variances are needed in connection with the proposed Residential/Golf Course Development project. The following variances are needed from the requirements contained in Section 142-224.

1. **Accessory Structure Building Height, Maintenance Building “A”:** 1 story, 25 ft. maximum permitted vs. 2 stories, 33 ft. 6 inches proposed.
2. **Accessory Structure Building Height, Environmental Storage Building “B”:** 25 ft. maximum permitted height vs. 25 ft. 8 inches proposed. The building is proposed at one story, which conforms to ordinance requirements.

- 3. Signage:** Two signs permitted per ordinance (one monument sign and one directional sign) vs. four signs proposed.

Following are variance requirements *from other sections* of the River Vale Township Land Use Ordinance:

- 4. Fence Height:** 3 ft. maximum permitted in front yard area vs. 5 ft. high fencing with decorative embellishments that extend to 6 ft. in height.
- 5. Size of Accessory Structures:** 600 SF maximum permitted, vs. 16,800 SF Maintenance Building “A,” and 5,700 SF Environmental Building “B” proposed.

A discussion of the required proofs for bulk variances follows.

Bulk Variances

Bulk variances are classified as c(1) or c(2) variances. The Municipal Land Use Law (MLUL) permits granting a c (1) variance from the zoning ordinance where:

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property;
- (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

The focus of the c(1) variance is on the physical characteristics of the land that create a hardship on the owner. In contrast, a c(2) variance focuses on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the neighborhood and community. The Municipal Land Use Law permits granting a c(2) variance from the zoning ordinance 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.” The c(2) variance should not be granted when only the owner or applicant’s purposes would be advanced. The c(2) variance should actually benefit the community because it provides a better zoning alternative for the property. A c(2) variance should promote flexibility and creativity in site design and allow for deviations from the zoning ordinance in cases where a more desirable result can be achieved through a relaxation of the bulk requirements.

All variances must prove the negative criteria as well as the positive criteria.

The negative criteria consists of two parts, which are commonly referred to as “prongs.” For the first prong, an applicant must demonstrate that the variance can be granted “without substantial detriment to the public good.” The Applicant must show the impact of the proposed variance so that the Board can determine whether or not it will cause such damage as to constitute substantial detriment to the public good. For the “detriment to the public good,” the focus is on the impact of the variance on nearby properties. The Board should evaluate the impact of the proposed variance requests upon the nearby properties and determine if it will cause damage to the neighborhood character that establishes a substantial detriment to the public good.

With regard to the second prong, an applicant must demonstrate that the variance will not “substantially impair the intent and purpose of the zone plan and zoning ordinance.” With the “impairment of the zone plan and zoning ordinance,” the applicant must show that the use sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.

The applicant should provide the requisite proofs for the variances associated with the proposed development. The applicant must show both the positive and negative criteria.

Master Plan

The 2016 Master Plan Reexamination Report recognizes that golf courses in the state have come under pressure for sale and development, and in an effort to continue the golf course use at Edgewood Country Club, recommended inclusion of a Residential/Golf Course Development Regulations in the A-1 Zone District.

In addition, Goal #8 of the 2005 Master Plan calls for *supporting the continuation* of the Township’s three golf courses. The proposed development results in continued operation of the golf course at Edgewood Country Club.

General Comments

We offer the following comments on the submitted materials and comments from the opposition’s counsel:

1. The bulk tables should be further modified to include all required variances. There should be one central location on the plans that clearly identifies all necessary variances; typically variances are listed in or below the bulk tables.

2. The requirements for the landscape buffer are contained in 142-224A(6). The buffer includes, at various points, the three items listed in items listed in 142-224A(6)(f-h), i.e. a planted earthen berm 4 ft. high from the existing ground surface; trees planted one/40 linear ft.; and sufficient plantings to result in the required number of points per linear feet of buffer. It appears that the requirements for the landscape buffer, as contained in the ordinance, are met.
3. Required setbacks, coverage limitations, and other bulk regulations for the proposed Residential/Golf Course Development are contained within Section 142-224 of the Township's Land Use Ordinance for the A-1 Zone District.

These are the bulk regulations that are applicable to the proposed Residential/Golf Course Development. Bulk regulations and coverages for other zone districts are not applicable.

4. Section 142-224 of the Township's Land Use Ordinance does place some limitations on accessory structures within a Residential/Golf Course Development.

However, there is no limitation *on the number* of accessory structures within Section 224. In addition, the ordinance contemplates *multiple accessory structures* on the lot, as many accessory uses are customarily permitted with golf courses, including but not limited to a clubhouse, tennis and golf pro shop, swimming pool, driving range, gatehouse, etc.

Furthermore, the number of accessory structures has previously been identified and approved as part of a July 2009 Site Plan approval, as stipulated in the Board Engineer's review.

5. There has been discussion at the public hearing of the location of the accessory structures on the golf course lot. One of the required permitted principal uses in the Residential/Golf Course Development is an 18-hole golf course. As indicated in Section 142-224A(2)(a) of the ordinance, the golf course shall be, "a minimum length of 6,000 yards collectively measured by each of 18 holes, from the center of the rearmost tee to the center of the green of each hole."

The definition does not include a required building as part of the golf course use. The ordinance contemplates and permits several accessory uses in connection with the golf course use. Many of these accessory uses, such as the swimming pool, tennis and golf pro shop, gatehouse and caretaker dwelling involve structures. Therefore, it appears that the ordinance anticipated the improvement of the golf course area with various accessory structures.

We trust that these comments will assist the Board members in their review of the application materials.

Very truly yours,

C. P. STATILE, P.A.

(original signed)

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Planner

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