

Shelbourne at Hunterdon  
53 Frontage Road, Suite 110  
Hampton, New Jersey 08827  
Main: 877 627 3772



July 29, 2024

## **PLANNING REPORT**

Planning Board  
Borough of Demarest  
118 Serpentine Road  
Demarest, NJ 07627

### **RE: Woodlands Holding Company, LLC**

Duane Lane (now known as Stone Bridge Court)  
Block 119, Lot 1.51  
Block 120, Lots 1.31, 1.32, 1.41, & 1.42  
Review Letter #2  
Project No. DEP-0207

Dear Board Members,

F.E. Alpine, Inc. applied for Preliminary and Final Site Plan approval in August of 2020 to permit a 24-unit townhouse development with a recreation center, outdoor pool, and gazebo. The Planning Board approved the Application at the January 6, 2021 meeting and subsequently memorialized a resolution on February 3, 2021. Thereafter, F.E. Alpine, Inc. applied for Amended Preliminary and Final Site Plan approval in March of 2021 for modifications to the approved site plan to address comments from the NJDEP. The Planning Board approved the Application and memorialized a resolution granting Amended Preliminary and Final Site Plan on May 5, 2021.

According to the "Addendum to Site Plan Application" document, the Applicant, now seeks to install decks at the rear of townhome units that were approved with patios, install a generator for each townhome unit, relocate the generators for the recreation center building and entrance gates, adjust the location of the recreation center, modify the pool location and enlarge the pool patio, install a new paver walkway to the pool area from the internal roadway, adjust the size of the gazebo, and add decorative walls. The Application requires a "C" variance, which is detailed in Section B.

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

1. Plans entitled "The Woodlands in Demarest; Proposed Condominium Development", prepared by Michael J. Hubschman, PE, PE of Hubschman Engineering, PA, dated March 15, 2019, revised through July 24, 2024, consisting of 13 sheets. It should be noted that Robert J. Mueller, PLS has also signed Sheets 2 and 13.
2. Site Plan Application, dated June 24, 2024.

3. Document entitled "Addendum to Amended Site Plan Application", unknown author, no date, consisting of 2 pages.
4. Letter entitled "Woodlands Holding Company, LLC", prepared by Michael J. Hubschman, PE, PP of Hubschman Engineering, P.A., dated July 24, 2024, consisting of 3 pages.

#### A. Existing Zoning and Surrounding Land Use

The subject property is in the Residential Multi-Family-2, R-MF-2, Overlay District. The property has frontage on Duane Lane. The proposed Application involves development on a portion of the 18.18-acre tract. The property is surrounded by residential uses to the north, east, and west, and the Alpine Country Club to the south. See the image below for the approximate location of the subject properties shown in red.<sup>1</sup>



Yard and bulk requirements in the R-MF-2 Overlay District are:

- Minimum Tract Area – 18 acres
- Minimum Tract Setback – 25 feet<sup>2</sup>

Minimum Distance Between Buildings:

Between Principal Buildings – 18 feet

Between Accessory Buildings and Principal or Other Accessory Buildings – 10 feet

Maximum Building Length – 200 feet, excluding eaves, gutters, and covered porches

Maximum Building Coverage – 10%

Maximum Impervious Coverage – 15%

Maximum Density – 24 units for the entire tract

Maximum Building Height – 2.5 stories, 37 feet<sup>3</sup>

## B. Variances

The Application requires the following variance:

1. Section 175-12.10.(1) – Variance for environmental considerations statement. The Ordinance requires all applications within the R-MF-2 Overlay District to include a statement from the developer or its professional that the proposed development is in compliance with the Environmental Considerations detailed in Section 153-4H.

The Applicant has not provided a statement regarding the environmental considerations.

**The Applicant has not requested this variance.**

## 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.

## D. Waivers/Exceptions

The Application does not require any waivers/exceptions based on the information provided.

## E. Comments

Based on our review of the above-referenced materials, we offer the following comments. Updates to previously issued comments and new comments are in italics.

## General

1. The Applicant's professionals must provide testimony to support the grant of the "C" variance required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
2. Based on our review of the submitted Plans and documents, we have identified two variances that have not been requested or identified by the Applicant. The Plans shall be revised to list all required relief or amended to comply with the Ordinance.

*The Plans have been revised to eliminate the setback variance for the paver patio. Mr. Hubschman's July 24, 2024 letter states the development is in compliance with Section 153-4H of the Ordinance and therefore no variances are needed or requested. However, no information has been supplied to demonstrate compliance.*

3. It should be noted that the conditions of the prior resolutions still apply in addition to any conditions as part of a new resolution of approval.
4. The Applicant shall note that Section 175-12.1K details the \$1 million payment-in-lieu schedule. Pursuant to this section, the Applicant shall provide \$250,000 upon the commencement of site work, road construction, or excavation, \$250,000 upon the issuance of the first building permit, and \$500,000 upon the issuance of the tenth certificate of occupancy. This payment schedule is also required pursuant to the Settlement Agreement. This payment schedule should be included as a condition of any potential Board approval. Testimony shall be provided to confirm the \$250,000 was paid at the commencement of site work and the \$250,000 was paid upon the issuance of the first building permit and said testimony shall include dates of payment.

*Mr. Hubschman's July 24, 2024 letter states \$250,000 was paid on August 10, 2021 and \$250,000 was paid on February 4, 2022. We have confirmed this information via the annual trust fund monitoring reports.*

5. The May 2021 Resolution for this site has a typographical error. Condition 3 on page 7 refers to two-bedroom units – this should state three-bedroom units. Any approving resolution of the current Application should correct this text.
6. *It is unclear what field changes have been approved during the construction that has occurred to date. The Applicant should be prepared to provide testimony or a list of approved field changes and who approved same. Based on Mr. Hubschman's July 24, 2024 letter, at least one field change was submitted and approved for the removal of steps between buildings.*

## Site Plans

7. The Board should note that the Applicant proposes the following site plan modifications:
  - Units B1 through B5, Units C1 through C3, and Units G2 and G3 are proposed to have decks, where patios were previously approved.

- The size of the approved decks for Units A2 and A3 have been increased.
  - One generator is proposed for each townhome, which totals 24 generators. All proposed generators are located to the rear of the townhome units.
  - The generator for the recreation building has shifted approximately five feet to the southeast. Additionally, the size of the generator has increased.
  - The generator for the entrance gates has been relocated behind Unit A1.
  - The pool has been shifted approximately five feet to the east. Additionally, the paver patio area around the pool has increased by 1,162 square feet. A paver walkway has also been added from the pool patio to the internal roadway.
  - The location of the gazebo has been modified to be centered in the island between the two rows of parking and internal roadway. Additionally, the size of the gazebo has been reduced from 225 square feet to 204 square feet. A walkway from the gazebo to the handicap parking space has also been added.
  - The walls along the bridge on Duane Lane have been extended and additional lighting, including four three-lamp lanterns.
  - Decorative walls have been added in front of Units A1, B2, B3, B4, F2, and G3.
  - The air conditioning units to the rear of each townhome have been relocated. For example, the units behind Building B are located along the retaining wall, while the units were approved adjacent to the building. Additionally, the units to the rear of Buildings D, E, F, and G are located at the corners of the decks, while they were approved between the building and egress wells.
  - Two groups of a "box pad" and two transformers have been added, including in front of Unit B1 and across the internal road from Unit G3. Additionally, two transformers have been added, one in the landscaped island containing the gazebo and one near the recreation center.
  - The steps along the retaining walls between Buildings D and E, Buildings E and F, and Buildings F and G have been eliminated.
  - The above modifications have increased the proposed impervious coverage from 13.7% (108,512 square feet) to 14.19% (112,375 square feet), which complies with Section 175-12.1C.(6)'s limitation of 15% impervious coverage.
8. It should be noted that the Addendum to Site Plan Application document states, "Added additional landscaping to originally approved plan to be addressed with Borough Professionals after approval." The Site Plans do not include a landscape plan displaying the new landscaping. The Applicant must submit a landscape plan to ensure there are no conflicts between the approved landscaping and proposed site plan modifications.

Additionally, a landscape plan is needed to ensure the approved landscaping can still be accommodated on-site. Until this information is provided, we are unable to fully review the Application.

Mr. Hubschman's July 24, 2024 letter indicates that the plans will remain as previously approved and that any addition to the landscaping will be submitted to the Borough's landscape architect prior to a CO being issued.

Based on our review of the Landscape Plans revised through April 15, 2021, the revised Site Plans would:

- Eliminate two plants to the rear of Unit A1 to install the generators
- Eliminate at least two plants to the rear of Unit A2 to install the larger deck and generator
- Eliminate shrubs, evergreens, shade trees and perennial beds to install the larger pool patio area
- Eliminate all the proposed landscaping to the rear of Building C (see Figures 1 and 2 below)

Our review of the previously approved Landscape Plans is not exhaustive, but the above illustrates why the Board needs a revised Landscape Plan reflective of the requested changes to determine how many plants will be eliminated as a result of the amendments to the site.

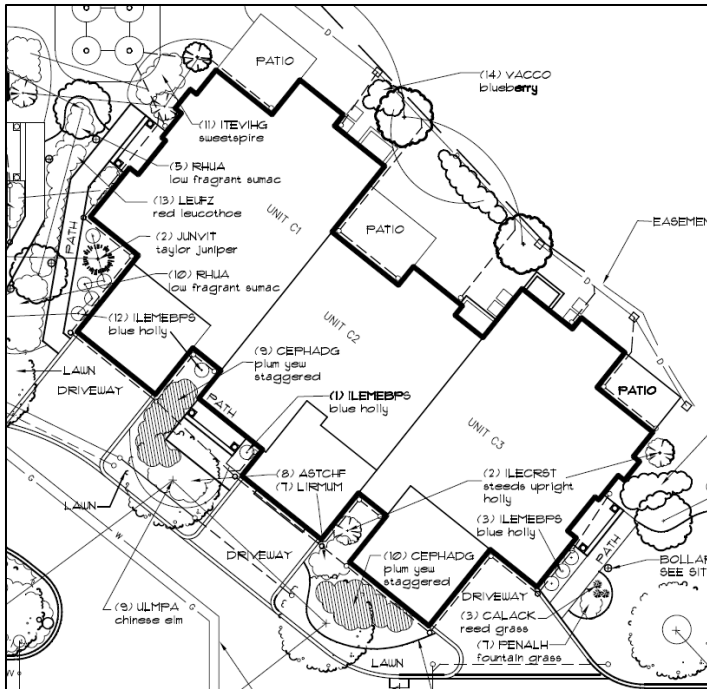


Figure 1: April 15, 2021 Landscape Plans

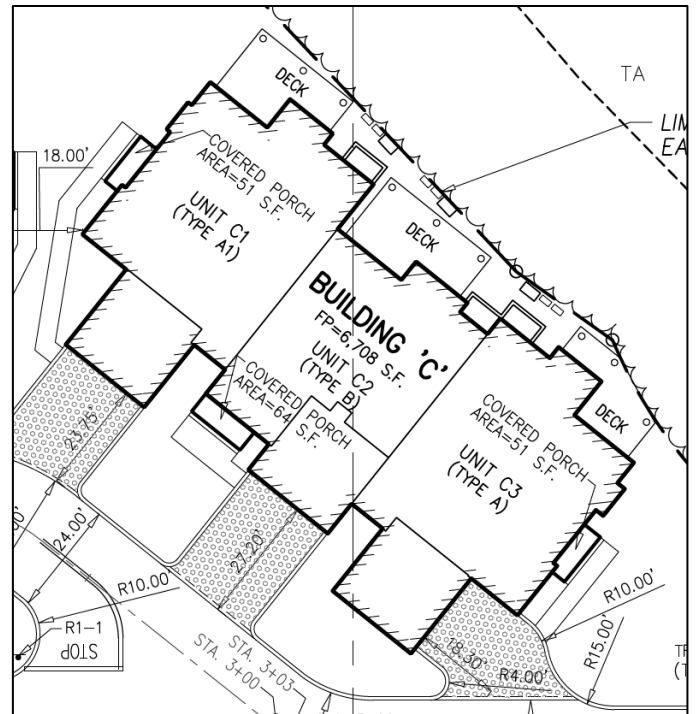


Figure 2: July 24, 2024 Site Plans

9. It appears that the proposed decks, which were previously approved as patios, will be slightly above grade and no patio is proposed below the deck with access from the basement. For example, Sheet 3 indicates the basement floor elevation is 220.33 feet, the first floor elevation of Unit B4 is 231.03 feet, and the proposed deck is at 230.17 feet. The proposed grade line to the rear of the unit is 230 feet. Therefore, it appears the proposed deck is 0.17 feet above grade and no egress from the basement is proposed. Testimony shall be provided to confirm this is the case with all the units.
10. The approved site plans illustrated egress wells to the rear of Units A1, A2, and E2. However, the Site Plans do not appear to illustrate the egress wells. Testimony shall be provided to clarify where the egress wells are located for these townhome units.

*Mr. Hubschman's July 24, 2024 letter indicates the egress windows were not necessary as the basement windows are located above grade. Based on this statement, it appears the site grading has changed since the Board approval. Testimony shall be provided.*

11. The decks proposed to the rear of Units A2 and A3, as well as the corner of the deck for Unit A1, conflict with the four-foot-tall chain link fence located along the Conservation Easement Boundary. The Plans shall be revised to ensure there is no conflict between the proposed decks and fence.

*The revised Site Plans have eliminated the chain link fence. It is unclear what precludes homeowners from encroaching on the Conservation Easement area. Testimony shall be provided.*

12. Similarly, the deck proposed to the rear of Unit B3 conflicts with the four-foot-tall block wall. The Plans shall be revised to ensure there is no conflicts between the decks and wall.
13. There are two generators located to the rear of Unit A1 in a triangular shaped area. Two sides of the area are the building, and the third side is the four-foot-tall fence, which is immediately adjacent to the Conservation Easement. It is unclear how these units can be installed and/or maintained due to their location. Testimony shall be provided.

*The Site Plans have been revised to eliminate the fence. Mr. Hubschman's July 24, 2024 letter states that the units have already been installed and will be accessed through the Conservation Easement. It is unclear if the Conservation Easement allows access to maintain mechanical equipment. Testimony shall be provided, and a copy of the Conservation Easement should be submitted.*

14. According to Sheet 2 of the Site Plans, the "decorative walls" mentioned in the Addendum to Amended Site Plan Application document are labeled as "1' High Garden Wall". However, the Grading, Drainage & Utility Plan on Sheet 3 of the Site Plans only provides top of wall elevations for the proposed garden walls. The Applicant shall provide bottom of wall measurements to confirm the maximum height of the proposed garden walls.

*Mr. Hubschman's July 24, 2024 letter states that the highest wall height is 3.81 feet in front of Unit B2. This appears to be adjacent to the walkway to the entrance of the unit. No fall protection is illustrated on the Site Plans. It is unclear if fall protection is required.*

15. The Applicant shall provide testimony regarding the operation of the proposed generators. This shall include the anticipated timing, frequency, and duration of the weekly tests run by the generators. Will all 26 generators run tests at the same time, on the same day, or will said tests be spread out across days and times?
16. The Site Plans illustrate two groups of a "box pad" and two transformers, which were not included on the approved site plans. Testimony shall be provided regarding the equipment to be located on the "box pad".
17. The proposed bollard light for the walkway to Unit A4 is located on the walkway. This conflict shall be eliminated.

*Sheet 12 has been revised and the conflict has been eliminated. This comment has been addressed.*

18. We defer to the Board Engineer regarding the type of lighting, lumens, temperature, etc.
19. Sheet 11 identifies fixture type EX7 "wall mounted LED steplight", EX8 "wall mounted LED steplight", and EX9 as a "3 lamp lantern by others". All three fixtures are located on the bridge. However, no detail has been submitted for any of these light fixtures. A detail shall be provided for each fixture proposed.

*Mr. Hubschman's July 24, 2024 letter states that the site lighting was previously approved by the engineer and the changes were previously submitted to and approved by the engineer. Details have been added for EX7 through EX9.*

20. The Site Plans do not include a detail of the proposed garden walls. This information shall be provided on the Site Plans.

*A detail has been added to Sheet 9. This comment has been addressed.*

21. Sheet 13 is titled "Existing Conditions Plan". It illustrates the site entirely vacant. However, aerial imagery clearly shows all buildings have been erected. The title of this Sheet shall be changed to add the date, for example "Existing Conditions Plan as of 2020".

*Sheet 13 has been amended to add the text "Based on Existing Conditions in 2020" below the title. This comment has been addressed.*

22. Sheet 2 illustrates a lot line going through Units B4, C1, C2, and C3. It is highly unusual to have lot lines bifurcate buildings. Testimony shall be provided on why the lots were not merged.

23. The shape of the buildings and their proximity to the Conservation Easement appears to have changed since the April 15, 2021 Landscape Plans. For example, as illustrated by the comparison on page 6, Building C now appears closer to the Conservation Easement. As shown in the comparison below, the shape of Unit A1 has changed as well as its proximity to the Conservation Easement. Testimony shall be provided on how these changes occurred and if they were approved as field changes.

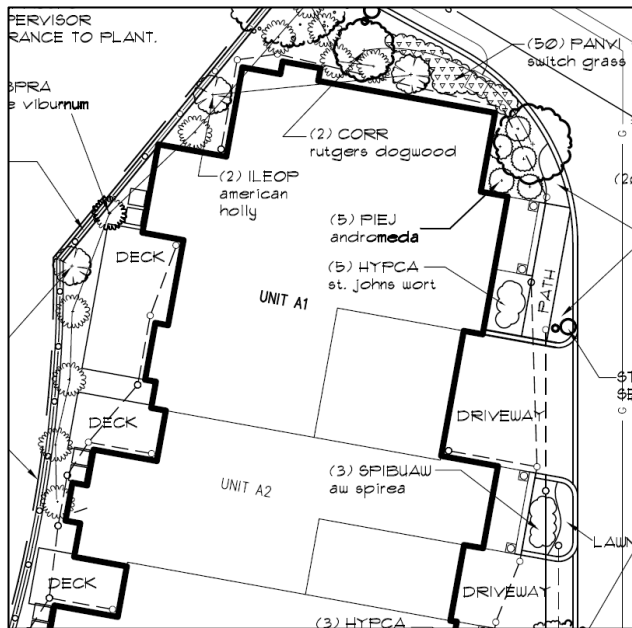


Figure 3: April 15, 2021 Landscape Plan

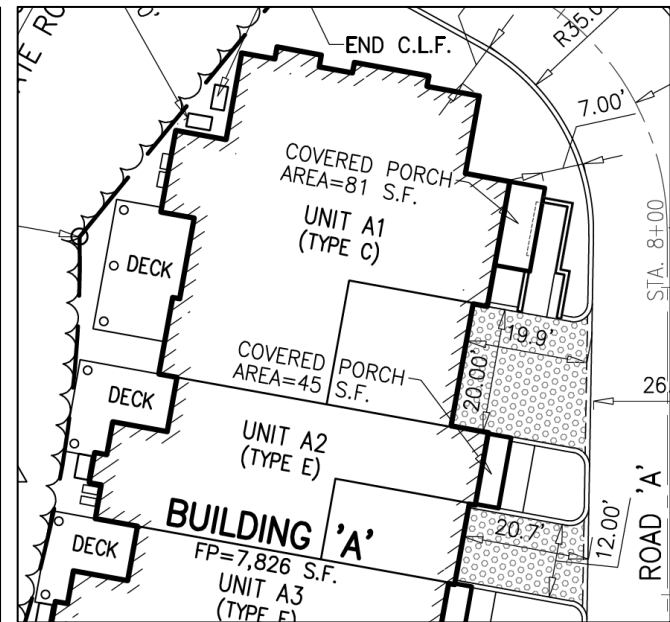


Figure 4: July 24, 2024 Site Plan

24. This office recently received email correspondence regarding the monument sign in front of the entry gate. The Site Plans submitted to the Board indicate the letter height is 12 inches. However, the plans submitted for construction illustrate the letters with a height of 14 inches. It is unclear which set of plans guide. Testimony shall be provided.

Should you have any questions concerning 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.

Sincerely,

Colliers Engineering & Design



Darlene A. Green, PP, AICP  
Borough Planner

cc: Marian Hayden, Board Chair (via email [marianhhayden@yahoo.com](mailto:marianhhayden@yahoo.com))  
Douglas Bern, Board Attorney (via email [dbern@bernroot.com](mailto:dbern@bernroot.com))  
Nick Chelius, Board Engineer (via email [nick.chelius@collierseng.com](mailto:nick.chelius@collierseng.com))  
John A. Schepisi, Applicant's Attorney (via email [jschepisi@schepisi.com](mailto:jschepisi@schepisi.com))  
Michael J. Hubschman, Applicant's Engineer (via email [mike@hubschmanengineering.com](mailto:mike@hubschmanengineering.com))  
Robert Zampolin, Applicant's Architect (via email [bob@zampolin.com](mailto:bob@zampolin.com))

\\corp.collierseng.com\corp\Clinton\Projects\A-D\DEP\DEP0207\Correspondence\OUT\240729dag\_Woodlands\_Amended\_r2.docx

<sup>1</sup> Image courtesy of <https://www.nearmap.com/us/en>, dated June 14, 2024.

<sup>2</sup> Except patios and decks may be setback 20 feet from any property line and accessory buildings and uses abutting Block 120, Lot 16.02 (Alpine Country Club) may be setback give feet from the property line.

<sup>3</sup> Building Height shall be measured for each individual unit from the average finished grade to the peak. Average finished grade shall be calculated by taking the proposed finished grades at ten-foot intervals along each exterior wall of each individual unit at the foundation line.