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TO: Township of Irvington Planning Board

FROM: Gerard Haizel, PP, AICP

RE: 832-840 Chancellor Avenue
Block 324, Lot(s) 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07

DATE: March 19, 2021

The following is prepared on behalf of the Township of Irvington, Planning Board. The information provided herein is for advisory purposes only, and is intended to assist the Board's decision-making process. Below are descriptions of the project based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following documents:

- ✓ Completed Application Form dated November 24, 2020.
- ✓ Township of Irvington Zoning Permit dated December 17, 2020.
- ✓ Township of Irvington, Office of the Tax Assessor, List of Property Owners within 200 Foot Radius and Map, dated January 6, 2021.
- ✓ Report – Hilltop Storm Water & Sanitary Calculations for Hilltop Residential Development, 832 Chancellor Avenue, Irvington NJ, 07111, dated October 30, 2020, prepared by E2 Project Management, LLC.
- ✓ Plan - Proposed Major Subdivision, Hilltop Irvington Phase II, consisting of 1-sheet, dated 7-02-2020, with revision dated 10-29-2020, prepared by Svyatoslav Hrytsay, PLS of E2 Project Management, LLC.
- ✓ Plan – Preliminary Site Wide Redevelopment Master Plan Modification for Hilltop Irvington, Block 324, Lots 1.01, 1.02, 1.03, 1.04 1.05, 1.06, 1.07, Township of Irvington, Essex County, New Jersey, dated 6-29-2019, with revision dated 10-30-2020, prepared by John Ferrante, PE of E2 Project Management, LLC.

Project Summary

The subject property is located within the Township's ***P-2 Institutional District*** and ***Mixed-Use Overlay District-1 (MUOD-1)***. The applicant, **Hilltop Partners Redevelopers, LLC.**, is seeking an amendment to the preliminary and final site plan approval, major subdivision and the phasing for the development of residential, mixed-use, and other permitted uses as specified on the subject site. The project will include seven (7) phases of development, including residential and a retail/commercial, and associated parking. The applicant is requesting, through this application, an amendment of the project description, project phasing, the existing lot boundaries (through subdivision) and the project timeline.

Project Description

A General Development Plan or GDP is a comprehensive plan, generally for a large-scale development, which provides for phased development projects, usually in mixed-use zone districts. They are intended to layout a sequenced development program that supports an overall proposed or conceptual development of a site.

The Hilltop General Development Plan encompasses a 6.07-Acre area previously occupied by the Irvington General Hospital. The original GDP (approved on May 2, 2013) provided for seven (7) phases of development to be completed within 20 years. On May 23, 2019, the applicant sought and was granted an extension to the original GDP, as well as variances from the required bulk standards, under the original GDP.

By this application, the applicant is seeking an amendment to the original plan as approved and amended, to the phasing of the development of residential, mixed-use, and other permitted uses and a major subdivision. The amended project will include a total of six (6) residential phases consisting of a total of six hundred and twenty-nine (629) dwelling units, residential/commercial space and associated parking.

As part of the original master development plan, the site was subdivided into seven (7) separate lots, designated as lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06 and 1.07. Together these lots encompassed a total of 264,586.81-SF. As part of this application, the applicant proposes the modification of the boundaries of lots 1.02, 1.05 and 1.07. While the individual lot boundaries will be modified, the total land area will remain the same. The remaining four lots, 1.01, 1.03, 1.04 and 1.06, will all remain unchanged. Illustrations 1 and 2 below depict the lot configuration before and after the proposed subdivision.

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Illustration #1: Before Proposed Subdivision



Illustration #2: After Proposed Subdivision



Chart 1 below further illustrates that the proposed subdivision will only result in the reconfiguration of the lots with a decrease in the individual lot sizes, but not in the aggregate area of all the lots.

Chart 1: Existing vs. Proposed Lot Area Comparison (*Lots Proposed to be Subdivided*)

	Existing Area	Proposed Area
Lot 1.02	9,916-SF	34,941-SF
Lot 1.05	73,460-SF	44,466-SF
Lot 1.07	27,505-SF	31,474-SF
Total Area	110,881-SF	110,881-SF

As a result of the requested action, there will be a change in the lot coverage. The existing lot coverage of 72.4% will be increased to 77.9%.

Also, as part of this application, the applicant is requesting the following changes in the proposed phasing and project timeline:

Phase	Description	Timing
1	114 residential units and 43 parking spaces	Completed 2/15/2018
2	96 residential units and 98 parking spaces	2021
3	88 residential units and 101 parking spaces	2023
4	88 residential units and 104 parking spaces	2025
5	225 residential units and 316 parking spaces	2027
6	18 residential duplex units and 18 parking spaces	2029
7	~3,600-SF restaurant	2031

Planning Considerations

The subject site is located within the *P-2 - Institutional District* and *Mixed-Use Over District- (MUOD-1)*, which governs the development standards within the GDP. The P-2 zone was intended for municipal buildings and other governmental uses as well as parks/open space and other recreational uses.

The MUOD-1 addresses areas where it is believed that economic growth would be stimulated. The mixed-use overlay creates opportunities for the Township to develop mixes of new or expanded residential, commercial and light industrial uses and to allows for greater building size and density in that area of the zone.

The Hilltop GDP is located within the MUOD-1 and as such, is governed by the development standards promulgated for it.

Chart 2 below provides a comparison of the development standards for the MUOD-1 and the standards provided in the original GDP, the 2019 amendment and those being requested under the application. Deficiencies **in the proposed amendment** that will require a variance are identified.

Chart 2: Comparison of GDP Original, Amended and Proposed Development Standards

Description	Allowed (Based on MUOD-1)	2013 GDP (Approved Original)	2019 GDP Amendment	2021 GDP (Proposed Amendment)	Remarks
Total Units	N/A	770	719	629	-
Density	130	116.1	118.4	103.6	-
Building Area (Aggregate)	N/A	872,711-SF	694,091-SF	853,222-SF	-
FAR	4.5	4.24	3.4	3.22	-
Lot Coverage	65%		72.4%	77.9%	Variance Required
Max. Building Height (Stories/Feet)	25/275	25/275	10/109	10/110	-
Min. Lot Size	5 acres	6.07 acres	6.07 acres	6.07 acres	-
Parking Ratio (Residential)	1.0	1.09	0.78	1.08	-
Proposed Parking (Residential)		770	560	680	-

Standards for Granting Variance Relief

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant or the property owner. Here too, the Board must be satisfied that the variance can be granted “*without substantial detriment to the public good*” and “*without substantial impairment to the intent and purpose of the zone plan and zoning ordinance*” of the City.

Planning Comments

The applicant is seeking an amendment to the General Development Plan (GDP) for the former Irvington General Hospital, which was originally approved in May 2013 and subsequently granted an extension in May 2019. The applicant is requesting, through this application, an amendment of the project description, project phasing, the existing lot boundaries (through subdivision) and the project timeline.

In my opinion, the requested changes in the GDP can be approved with no substantial adverse impact on intent and purpose of the P-2 zone or the MUOD-1, nor will they have a substantial adverse impact on the surrounding area. The requested subdivision will bring about a reconfiguration of the lots which make up the site but will not result in any decrease in the area of the site as a whole. These changes will also not result in an appreciable change in the proposed layout of the structures and other improvements previously approved for the site. Notwithstanding the above, however, **the applicant should provide testimony detailing the need for the proposed subdivision and substantiate that this action**

will not result in any appreciable change in the layout of the site, from the previously approved GDP.

One change that will be apparent from the proposed subdivision, however, is the increase in the overall lot coverage of the site. Whereas there the existing lot coverage for the site is 72.4%, following the proposed modification of the site, the lot coverage will increase to 77.9%. This proposed increased lot coverage further increases an already nonconforming coverage, which exceeds the maximum permitted under the MUOD-1 of 65%. The applicant should provide testimony as to what impact this increase in lot coverage will have on the subject site and the surrounding area and to what extent any increase in stormwater runoff can be accommodated by the stormwater management measures proposed for the site.

In addition to the requested subdivision and variance for exceeding the maximum permitted lot coverage, the applicant is also requesting a decrease in the proposed number of dwelling units, from what was previously approved. Under this application, the total number of dwelling units will decrease from the 719 approved in the 2019 amendment, to 629. **The applicant should provide testimony as to the need for this reduction.**

Finally, as part of this application, the applicant is also requesting changes in the proposed phasing and project timeline for development under the GDP. As detailed earlier in this report, the applicant is requesting changes in the previously approved phasing and timelines. **The applicant should provide detailed testimony as to the proposed changes and the reason for them. Testimony should include exactly where changes are proposed, identifying both what the existing is and what they propose to change it to.**

Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all conditions provided by the Board Engineer and other professionals.
 2. The applicant shall provide testimony detailing the need for the proposed subdivision and substantiate that this action will not result in any appreciable change in the layout of the site, from the previously approved GDP.
 3. The applicant shall provide testimony as to what impact the proposed increase in lot coverage will have on the subject site and the surrounding area and to what extent
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will any increase in stormwater runoff be accommodated by the stormwater management measures proposed for the site.

4. The applicant shall provide testimony as to the need for the proposed reduction in the number of dwelling units.
5. The applicant shall provide detailed testimony as to the proposed changes in the project phasing and timing and the reason for them. Testimony should include exactly where changes are proposed, identifying both what the existing is and what they propose to change it to.