

AN APPLICATION FOR SITE PLAN APPROVAL
PURSUANT TO
ORDINANCE 2024-#33 et seq. (HARRISON AVENUE REDEVELOPMENT
PLAN)
WALDWICK, NEW JERSEY
WITH RESPECT TO LOTS 1, 3, 5, 7, 8, 9, 10 & 11, BLOCK 107, IN ZONE:
REDEVELOPMENT AREA PER ORDINANCE No.: 2024-#33
AND
APPLICATION FOR MAJOR SOIL MOVEMENT PERMIT BY
HARRISON AVENUE REDEVELOPMENT, LLC

WHEREAS, HARRISON AVENUE REDEVELOPMENT, LLC, hereinafter referred to as “Applicant”, applied to this Board for site plan approval without variances for a major redevelopment of the premises shown as Lots 1,3,5,7,8,9,10, &11 in Block 107 on the current Tax Map of the Borough of Waldwick, which premises are commonly known as 49, 47,45,43,41,39 & 37 Harrison Avenue, as well as 13 West Prospect Street, Waldwick, New Jersey, hereinafter referred to as the “premises in question”; and

WHEREAS, adequate notice was provided to the public as required by law; and

WHEREAS, Applicant’s application and accompanying drawings, photographs, site plan, and survey were the subject of public hearings held by the Planning Board of the Borough of Waldwick on April 2, 2025, May 7, 2025, and on June 23, 2025 during which hearings testimony of the applicant’s professionals was taken and exhibits were submitted by the Applicant in favor of this Planning Board granting the requested relief; and

WHEREAS, Premises in question constitute a portion of an area designated as being in need of redevelopment by Ordinance No.: 2024-#33 entitled ORDINANCE OF THE BOIROUGH OF WALDWICK, ADOPTING THE HARRISON AVENUE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., FOR PROPERTY LOCATED AT 37 -49 HARRISON AVENUE AND 13 WEST PROSPECT STREET AS IDENTIFIED AS BLOCK 107, LOTS 1,3,5,7,8,9,10,and 11,

ADOPTED December 10, 2024 by the Mayor and Council of the Borough of Waldwick; and conditions of which are expressly incorporated herein; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Waldwick that it makes the following findings of facts and conclusions:

FINDINGS OF FACT

1. This is an application for approval of a major subdivision, without variances, pursuant to Ordinance No.: 2024-#33. Adopted by the Borough of Waldwick, as set forth above.

2. Ordinance No.: 2024-#33 of the Borough of Waldwick provides that jurisdiction for major site plan approval of redevelopment areas shall reside with the Waldwick Planning Board.

3. Although Chapter 86-30.A of the Code of the Borough of Waldwick sets forth that the lot dimensions and area of the lots created by any subdivision shall not be less than the requirements set forth in Chapter 97 (Zoning) of the Code of the Borough, nor shall structures exceed the limits set forth within the Zoning Code's general requirements, however, many of these requirements are modified or abrogated by Ordinance No.: 2024-#33.

4. Therefore, the fact that the premises in question are located in what was the C-1 Commercial district is virtually irrelevant, as Ordinance 2024-#33 controls. It is noted that the minimum area for an area being redeveloped is one (1) acre. The premises in question comprise a full block of Harrison Street, between Frederick Street and West Prospect Street and proceeding about a half a block up each of those boundary streets, thereby describing a tract of some fifty-six thousand, four hundred seventy-five (56,475) square feet, or one and two hundred ninety-six (1.296) acres, thereby affording in excess of the minimum area required for redevelopment.

5. In the present application, the Applicant sought site plan approval for a major site plan for the above-referenced redevelopment. Specifically, the application, as originally filed,

proposed razing four (4) existing dwelling units and replacing them with twenty-one (21) townhomes and a building located at the corner of West Prospect Street and Harrison Avenue, of some three thousand, nine hundred fifty-seven (5,957) square feet, containing twenty-one apartments, some covered parking and approximately two thousand (2,000) square feet of retail space. This structure fronting on West Prospect Street also provides vehicle access to the site, with undercover parking to the East as one enters the site and additional parking in the center of the site, bounded on three (3) sides by the twenty-one (21) townhomes arranged in a general “U” shape. The applicant is the contract purchaser of all of the properties listed to be joined together into one tract by deed under common ownership and it is contemplated that each of the dwelling units, as well as the retail space, shall be rentals.

6. Even though there has been some discussion with respect to the height of the main apartment building, its original height was forty-eight (48+”) feet and some inches tall with a parapet above. The Code permits a maximum of fifty (50’) feet tall plus a parapet, thus the height is actually conforming, and no variances are required for this project. However, certain waivers have been applied for: Specifically, for one ingress drive, instead of the two (2) separate drives normally required and others, as shall be noted.

7. It is also undisputed that, during the hearings the height of the building was examined extensively. In particular, there was had been extensive colloquy during those hearings, especially in response to concerns voiced by the Andy Agugliaro, Waldwick Borough Fire Chief (hereinafter, the “Chief”), with regard to fire safety, the Applicant has made certain changes and other concessions and placed on the record various stipulations, as noted below, with respect to the same, including but not limited to ultimately increasing the diameter of the water/fire line to six (6”) inches, reducing the height of the parapet (which adds to the “curb appeal” of the apartment building, but also serves to keep the roof mounted mechanicals out or

view from the street) from four (4') feet to two (2') feet, so that Waldwick's existing and currently ordered fire trucks can still access the building, to add a grass paver lane out to Frederick Street, providing a second means of egress from the area in the center of the buildings (it is speculated that a variance would be necessary for that lane, however, because this Board has already, in a previous application, some years ago, determined paver lanes provided for emergency use, not to count as impervious coverage), also with respect to fire safety, the applicant has agreed that if possible, the 13D sprinkler system above the garage and beneath the apartments shall be upgraded to a 13R system, if that change is not cost prohibitive, relative to the scope and cost of the project and that the applicant will continue to work with the Chief to try to effectuate that upgrade. .

8. The Applicant did not testify at the hearings, however, a cadre of the applicant's professionals each being qualified as an expert in his/her field and placed under oath, appeared speaking on behalf of the project, Tibor Latincsecs, PE as to the veracity of the survey, his site plan, including , *inter alia*, the existing conditions, the plans produced with respect to same (Note: All if the Applicant's exhibits , including plans, renderings, etc., are precisely listed at Appendix A – all having been moved into evidence) the calculation of four (4) stories or fifty (50) feet being the applicable height limitation, the adequacy of the existing infrastructure (water and sewer, particularly), to the fact that the project will comply with all New Jersey drainage requirements, as well as other matters, all of which were recorded by the official court reporter, Laura A. Caucci, CSR, RPR, LLC, whose verbatim transcripts are hereby incorporated herein as if set forth at length, with all representations made on behalf of the applicant, deemed to be included, and Mr. Latincsecs also testified as to the soil movement, which is detailed below in a separate section of this resolution; Mr. Robert Zampolin, AIA, testified at some length as to the design of the building, including his plans; William Moore, LA, testified as to his landscape plan

and trees being removed and being replaced, as well as proposed lighting; Douglas Polyniak, PE, testified as to traffic concerns, including counts of cars that were preformed and ability of fire equipment to adequately access the property; Later, templates were produced, demonstrating the ability of Waldwick's fire trucks to maneuver into the area bounded by the buildings.

9. The board's professionals, James McGinnis, PE of Boswell Engineering and Paul Grygiel, Planner, testified in conformity with their previously rendered reports, dated March 26, 2025 and May 2, 2025, respectively for Mr. McGinnis and March 18, 2025 for Mr. Grygiel. Mr. McGinnis testified as to the extensive notes and comments included in his March 26, 2025, Report and the fact that the applicant has addressed all of his concerns, made the appropriate revisions to the plans, adequately addressing each of the comments. The report of May 2, 2025, addressed the report of Applicant's traffic expert, generally concurring with that document and the testimony in support of it. Mr. Grygiel addressed the statutory basis for the Ordinance which supports this redevelopment project and had no negative comments with respect to same.

10. There was no further testimony, nor exhibits adduced by the Applicant.

11. After each of the applicant's professionals testified, the floor was opened to questions from the public. Public comment was held until all of the testimony had been adduced. There were many questions for each of the applicant's professionals as they closed their testimony. The questions being too numerous to set forth herein, the official minutes of the Waldwick Planning Board for each hearing date is hereby incorporated by reference, as the numerous members of the public are all accurately set forth therein, along with each of their questions. However, it is noted that a various times during the hearings, Chief Agugliaro questions aspects of fire safety with respect to the project, particularly regarding access for fire equipment, the proposed door to the undercover parking and the outdoor parking surrounded by the apartment building and the townhomes (since removed in revised plans) and its effect on

emergency access, the building height with respect to Waldwick's fire equipment and its maximum reach, and the adequacy of the proposed fire suppression system (sprinklers). In the last hearing, the Chief stated that he had discussions with the applicant, resulting in certain revisions to the plans (previously noted) and that he was now satisfied with the safety of the project from a fire safety perspective. Numerous members of the public commented on the project when the floor was opened for comments. Again, the minutes of the hearings are referenced, but the comments generally noted that at four (4) stories the apartment building is too tall (the applicant's response being that the scale was necessary to support the number of dwellings required to make the project commercially viable and even provide Waldwick with certain needed housing credits. There were comments about the present deterioration of the neighborhood and how this might reverse some of that.

12. The application was deemed complete and closed at the conclusion of the June 23, 2025, hearing, and the members of the Board commented. Mr. Mysliwiec remarked that he was glad to see that the applicant and the borough were able to join together to reach common ground with respect to safety concerns, noting that such concerns are not an issue solely for either party, exclusive of the other. Mr. Vervoort, generally concurred, noting that the fact that the Chief was able to say that his concerns had been satisfied. This was also generally the opinion of the Chair, Ms. Badalamenti, although she also voiced concerns about the extra strain on the town's infrastructure, particularly water. Mr. Schultz noted that he was generally satisfied with the additional information provided. Mr. Schatz opined that he still cannot support the project, due to its excessive height.

CONCLUSIONS

13. Upon due and careful consideration, the Planning Board of the Borough of Waldwick determined that approval of the application subject to conditions which are more fully

set forth below, is supported under the New Jersey Municipal Land Use Law and is consistent with Ordinance No.: 2025-#33, which is controlling in this matter.

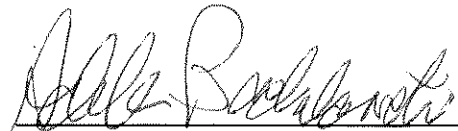
14. The site plan approval is subject, however, to the Applicant complying with the following enumerated and agreed upon conditions:

- i. The Applicant shall develop the premises in question in accordance with the terms of this approval and all applicable portions of the Code of the Borough of Waldwick, and the drawings and exhibits submitted to this Planning Board during the course of the public hearing; and
- ii. The Applicant shall develop the premises in question in accordance with the requirements of all governmental authorities having jurisdiction thereof (including but not limited to the Bergen County Development of Planning and Economic Development) and if any such governmental authorities require any significant changes with respect to the premises in question, such significant changes will be submitted to this Planning Board for further review and approval; and
- iii. The Applicant shall enter into a formal Developers Agreement with the Borough of Waldwick, with appropriate bonding/financial assurances, in advance of, and as a condition of commencing construction; and
- iv. During the construction of the improvements approved herein, it is understood by and agreed to be the Applicant, that the Waldwick Police shall establish an appropriate route and schedule for the movement of soil during the construction of said project and further that the Applicant shall provide to the Borough of Waldwick through its building department and environmental commission, for the approval of same, all proper authentication for any and all fill to be added to the site.

15. In reaching this conclusion, it is stipulated that all conditions and representations made on the record during the hearing on this application are deemed to be incorporated into and a condition of the conclusion reached in this Resolution of the Waldwick Planning Board, including, but not limited to, conformity with all Borough Ordinances; Construction permit and certificate of occupancy requirements; Requirements the Uniform Construction Code; The stipulations made on the record by the Applicant, as to each and every item, as well as those more specifically set forth below; The requirement of application for a major soil moving permit, normally set forth as a condition in a major site plan, is satisfied below; And, any and all other requirements of the Borough, State and County for the development of land.. The violation of any one of these provisions shall be grounds for the Borough of Waldwick to revoke any existing certificate of occupancy with respect to these premises.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Waldwick, that for all of the reasons set forth herein, and upon due and careful consideration of the entire application.

That the application of HARRISON AVENUE REDEVELOPMENT, LLC, for approval of a major site plan, without variances Ordinance No.:2025-#33 of the Code of the Borough of Waldwick, for the property presently known as 49, 47, 45, 43, 41, 39, 37 Harrison Avenue and 13 West Prospect Street, also known as Lots 1,3,5,7,8,9,10, & 11 in Block 107, be and the same is hereby **APPROVED, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH HERE.**


**ADELE BADALAMENTI, CHAIR
WALDWICK PLANNING BOARD**

DATED: July 9, 2025

AN APPLICATION FOR MAJOR SOIL MOVEMENT SITE APPROVAL
AND
PERMIT
HARRISON AVENUE REDEVELOPMENT, LLC,
WALDWICK, NEW JERSEY
WITH RESPECT TO LOTS 1, 3, 5, 7, 8, 9, 10 & 11, BLOCK 107,

WHEREAS, the Planning Board of the Borough of Waldwick has received an application for approval of a major soil moving permit, in accordance with Borough Ordinances No. 16-97 and 19-00 for the property known 49, 47, 45, 43, 41, 39, 37 Harrison Avenue and 13 West Prospect Street, also known as Lots 1,3,5,7,8,9,10, & 11 in Block 107, as that property is shown on the Tax Assessor's map in the Borough of Waldwick; and

WHEREAS, adequate public notice was provided to the public, as required by law; and

WHEREAS, the Planning Board of the Borough of Waldwick held public meetings on April 2, 2025, May 7, 2025 and June 23, 2025, at which sessions this application was entertained and the public was afforded the opportunity to comment; and

WHEREAS, the Planning Board of the Borough of Waldwick has heard testimony, reviewed exhibits presented and received the advice of its professional advisers as to this application.

NOW, THEREFORE, the Planning Board of the Borough of Waldwick makes the following findings:

1. This is an application for a major soil moving permit for the movement of a total of approximately four thousand, four hundred twelve (4,412) cubic yards of soil, required to excavate for the construction of a redeveloped mixed use property, as detailed previously, including the structures, a parking area, walkways, a driveway and seepage pits to facilitate the drainage plan, on land presently

occupied by a substandard houses, having been determined to be an area in need of redevelopment; of the soil "cut," one thousand, three hundred sixty-nine (1,369) cubic yards are to be retained on the site and used for fill and back fill, with one thousand one hundred ninety (1,190) cubic yards to be removed from the site, and gross soil movement to be four thousand, four hundred twelve (4,412) cubic yards of material, with one thousand, six hundred eighty-seven (1,687) cubic yards of stone, gravel, sand and topsoil to be imported onto the site; all of said removal and importation to be accomplished by dump trucks, operating at times and upon routes to be set or approved by the borough, through its building, public works and police departments.

2. The Board heard from Tibor Latincsecs, PE, who prepared the plans and calculations (Contained in Applicant's Exhibits).
3. The testimony was clear that the application is for the movement of soil and stone in amounts and with purposes as noted in Paragraph 1, above and incorporated herein. That all material retained on site, or imported onto the site, and used for fill/grading and back filling on the site, shall be subject to all scrutiny and testing as may be required by the borough's engineer and building department.
4. It is specifically noted that the requested permit includes excavation for a proposed drainage system, which is to include seepage pits, sized as noted therein, and which shall fully conform with all applicable requirements for construction.
5. It is noted that said plans and calculations have been presented to the Borough's engineers, Boswell Engineering and are approved in this resolution subject to any and all reviews by said engineers, the terms of which Applicant agrees to comply with and which is hereby incorporated into this resolution by reference, as though more fully set forth herein at length.

Further, Applicant specifically agrees to comply with all terms of a certain review letter dated March 26, 2025, issued by Boswell Engineering, and agrees as well to comply with any additional, further or subsequent reviews and directions from the Borough's engineers. Such compliance by the Applicant shall be a condition and prerequisite to any approval of this application.

6. Applicant agrees erect and maintain such silt fences and other soil control measures as may be necessary to contain all soil on site and shall effectuate any cleanup of the public roadways necessitated by this activity, as well as to consult with the Walldwick Police Department and Department of Public Works with respect to the route or routes that any and all trucks transporting soil shall follow, and Applicant's trucks shall adhere to such route or routes as they are identified.

7. Notification having been provided to the public, as required by law, public comment was solicited. No members of the public came forward and the public comment portion of the application was closed.

8. After reviewing the application at its regularly scheduled public meetings on April 2, May 7, and June 23, 2025, this Board has concluded that the application, as proposed, if accomplished in with all Codes, Ordinances and Statutes, any requirements of this approval and in accordance with any verifications and requirements of the Walldwick Borough Engineer and/or Departments of Building and of Public Works, is within the standards set forth under our Ordinances, Codes and Statutes, will not adversely impact the drainage of surface waters on adjacent or nearby properties, nor adversely impact the support of the earth on said properties and is generally not detrimental to the existing neighborhood or to the Borough of Walldwick.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Waldwick Planning Board that the application for approval of a major soil moving permit for the property known as 49, 47, 45, 43, 41, 39, 37 Harrison Avenue and 13 West Prospect Street, also known as Lots 1,3,5,7,8,9,10, & 11 in Block 107, be, and same is hereby approved, subject to the following conditions:

1. The Applicant shall pay all current taxes and assessments.
2. The Applicant shall pay all required fees and costs associated with review by the Waldwick Planning Board and for issuance of this Resolution of Approval, including professional fees, if required.
3. The Applicant shall pay all required permit, and any other fees or costs required by the Borough of Waldwick.
4. The Applicant shall in all ways comply with any existing formal review letter and any subsequent review letter of Boswell Engineering, as set forth above.
5. The Applicant shall receive all other government approvals, including, but not limited to, Bergen Count Soil Conservation District, County Planning Board, Waldwick Department of Public Works and/or any others, as may be required. In the event that any other governmental approval results in and makes a material change in this approved application, the Applicant is directed to return to the Waldwick Planning Board for the Board's consideration of that change in the proposed soil movement plan.
6. In accomplishing the proposed soil movement, the Applicant shall in all ways comply with the application submitted, which is hereby incorporated, along with all testimony adduced at the public meetings in this application, herein by reference, as if more fully set for the herein, and with the directives of the Waldwick Building Department, and all additional requirements of any Borough agency or department, including, but not limited to the Waldwick Police Department and Waldwick Department of Public Works.

7. Additionally, the Applicant, as a condition of this approval, shall:

A. Upon completion of the movement of soil and upon completion of the project (and daily, if necessary) shall effectuate any cleanup of the public roadways necessitated by this soil removal activity.

B. Take all necessary steps, including, but not limited to, erection of silt fences, etc., to ensure that no soil moved on the site, and not intended to leave the site, shall leave the site.

C. Shall in all ways comply with any and all verifications and reviews of Boswell Engineering, as set forth above, including, but not limited to any existing formal review letter(s), including, but not limited to the above-referenced letter of March 26, 2025 and any subsequent review letters and testing and approval of any and all material intended for use in back filling, as well as of any imported material, if required.

D. Shall in all ways comply with any and all requirements, limitation or conditions expressed in any way in any other portion of this Resolution and shall be bound by all representations made by, or on Applicant's behalf on the public record during the Applicant's presentation of this application to the Waldwick Planning Board, which public testimony is specifically incorporated herein and made a part hereof.

E. Any and all elements of the proposed soil movement shall be completed in accordance with the International Building Code for the State of New Jersey, to the extent that the provisions of that Code may be applicable. Failure to comply with the International Building Code for the State of New Jersey, or with any provision or enumerated condition of this resolution of approval shall require the applicant to reappear at the Planning Board for the Board's consideration of revocation of this approval.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Waldwick, that for all of the reasons set forth herein, and upon due and careful consideration of the entire application;

That the application made for a major soil moving permit, by HARRISON AVENUE DEVELOPMENT, LLC, contract purchaser of the property known as 49, 47, 45, 43, 41, 39, 37 Harrison Avenue and 13 West Prospect Street, also known as Lots 1,3,5,7,8,9,10, & 11 in Block 107, as that property is shown on the Tax Assessor's map in the Borough of Waldwick, by joining multiple lots into one tract for the purpose of creating a redeveloped mixed use property, as previously described, pursuant to Ordinance No.:2025-#33 of the Code of the Borough of Waldwick, be and the same is hereby **APPROVED**.


ADELE BADALAMENTI, CHAIR
WALDWICK PLANNING BOARD

DATED: July 9, 2025

EXHIBIT LIST
APRIL 2, 2025
WALDWICK PLANNING BOARD
HARRISON REDEVELOPMENT LLC

<u>Exhibit</u>	<u>Title</u>	<u>Date</u>	<u>Last Revised</u>	<u>Meeting Date</u>
A-1	Major Site Plan Application			4/2/25
A-2	Soil Movement Application			4/2/25
A-3	Sheet 1 of 8 - Site Plan, Soil Erosion & Sediment Control Plan, Mixed Use Redevelopment at Harrison Ave by Conklin Associates	11/19/24	2/24/25	4/2/25
A-4	Sheet 2 of 8 - Site Plan, Mixed Use Redevelopment at Harrison Ave by Conklin Associates	11/19/24	2/24/25	4/2/25
A-5	Sheet 3 of 8 - Site Plan & Grading Plan, Soil Erosion & Sediment Control Plan Mixed Use Redevelopment at Harrison Ave by Conklin Associates	11/19/24	2/24/25	4/2/25
A-6	Sheet 4 of 8 - Soil Movement Plan, Mixed Use Redevelopment at Harrison Ave by Conklin Associates	1/7/25	2/24/25	4/2/25
A-7	Sheet 5 of 8 - Demolition Plan & Details, Soil Erosion & Sediment Control Plan by Conklin Associates	12/5/24	2/24/25	4/2/25
A-8	Sheet 6 of 8 - Construction Details by Conklin Associates	12/5/24	2/24/25	4/2/25
A-9	Sheet 7 of 8 - Cultec Details by Conklin Associates	11/19/24	2/24/25	4/2/25
A-10	Sheet 8 of 8 - Lighting Plan by Conklin Associates	11/19/24	2/24/25	4/2/25
A-11	Sheet 1 of 3 - Existing Conditions Survey by Conklin Associates	10/16/24		4/2/25
A-12	Sheet 2 of 3 - Existing Conditions Off-Site Drainage & Sanitary Sewer	10/16/24		4/2/25
A-13	Sheet 3 of 3 - Existing Conditions Off-Site Drainage & Sanitary Sewer	10/16/24		4/2/25
A-14	Sheet 1 of 2 - Planting Plan Mixed Use Redevelopment at Harrison Avenue by Moore Design Landscape Architects	2/6/25		4/2/25
A-15	Sheet 2 of 2 - Planting Plan Mixed Use Redevelopment at Harrison Avenue by Moore Design Landscape Architects	2/6/25		4/2/25

A-16	Sheet A1 Townhome Units by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-17	Sheet A1.1 Townhome End Units by Zampolin & Associates Architects	3/12/25		4/2/25
A-18	Sheet A2 Units 1 – 5 Elevations by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-19	Sheet A3 Units 6-18 Elevations by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-20	Sheet A4 Unit 19-21 Elevations by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-21	Sheet A5 Mixed-Use Building Floor Plans by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-22	Sheet A6 Elevations by Zampolin & Associates Architects	01/24/25	3/12/25	4/2/25
A-23	Bergen County Planning Board Waiver SPEX25-07	1/29/25		
A-24	Bergen County Soil Conservation District Certification #25-5671	3/11/25		
A-25	Traffic Assessment Report of Dolan & Dean Consulting Engineers	4/22/25		5/7/25
A-26	3 Axle Ladder Truck Access Plan by Conklin Associates	5/28/25		6/23/25