

BOROUGH OF MOUNT ARLINGTON LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Approved: July 22, 2020
Memorialized: August 26, 2020

IN THE MATTER OF VALLEY ROAD DEVELOPMENT URBAN RENEWAL, LLC AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVALS WITH BULK VARIANCE RELIEF LOTS 42.01 AND 42.02 IN BLOCK 61

WHEREAS, the Applicant, Valley Road Development Urban Renewal, LLC (“Valley Road” or “Applicant”) filed an Application with the Borough of Mount Arlington Land Use Board (“Board”) seeking amended preliminary and final site plan approvals as per N.J.S.A. 40:55D-37 and 38 with bulk variance relief in accordance with N.J.S.A. 40:55D-70(c), to modify certain aspects of land use approvals previously granted to it for the construction of a 300-unit apartment project on property known and identified on the Tax Map for the Borough of Mt. Arlington as Lots 42.01 and 42.02 in Block 61, (hereinafter referred to as the “Property”); and

WHEREAS, the Applicant submitted with its application construction plans entitled “Fieldstone at Mt. Arlington Refuse/Recycling Facilities Overall Plan Block 61, Lots 23.05, 23.07 & 42.01 Borough of Mt. Arlington, Morris County, New Jersey,” prepared by Bowman Consultant Group, Ltd., dated April 22, 2020, consisting of 3 sheets and engineering plans entitled “Second Amended Preliminary and Final Site Plan for Fieldstone at Mt. Arlington Block 61, Lots 23.05, 23.07 & 42.01 Borough of Mount Arlington, Morris County, New Jersey, Tax Map Sheets 19, 20 & 22,” prepared by Omland Engineering Associates, Inc., dated March 2, 2015, consisting of 30 sheets; and

WHEREAS, the Applicant forwarded with its application the appropriate fees and escrow deposits, ownership disclosure; and a Certification of Tax Charges Paid; and

WHEREAS, the Applicant had originally applied for and received preliminary and final site plan approval with bulk variance relief and preliminary and final subdivision approval for the Property on January 9, 2013, which said approvals were set forth in a Resolution of Memorialization dated February 27, 2013; and

WHEREAS, the Applicant subsequently applied for and received amended preliminary and final site plan approvals with bulk variance relief for the Property on November 12, 2014, which said approvals were set forth in a Resolution of Memorialization bearing the same date; and

WHEREAS, the subject property is currently developed with a multi-family residential development consisting of 300 apartment units disbursed throughout 9 buildings, a clubhouse, maintenance building, 2 dog runs, a sports area and 13 garage buildings; and

WHEREAS, the current application filed seeks to construct an enclosure to hold 2 compactors for garbage and recycling and to convert 6 of the existing 7 trash enclosures to parking; and

WHEREAS, the application was deemed complete on July 1, 2020; and

WHEREAS, a public hearing was held before the Board on July 22, 2022, notice being required and given, at which time Valley Road was represented by Peter Wolfson, Esq.; and

WHEREAS, the Board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g) after hearing the evidence proffered by the Applicant, its witnesses, and members of the public; and

WHEREAS, it was determined by the Board that the Applicant complied with all of its rules, regulations and requirements and that all of the requisite provisions of compliance had been submitted; and

WHEREAS, the Board received as part of the hearing process the following testimony and evidence offered by Valley Road, as well as the Board's professional staff:

The Applicant initially presented Paul Winters from Bowman Consulting, who was accepted as an expert in civil engineering and planning. Mr. Winters testified that the Applicant was seeking to install a state-of-the-art trash recycling program for its residents. To do so, Mr. Winters stated that the Applicant seeks to construct an enclosed area that would house 1 recycling compactor and 1 trash compactor on the west side of Garage 2 near Buildings 8 and 9. He explained that to accommodate this improvement, 3 parking spaces would also be eliminated. He further testified that 6 of the 7 trash dumpsters in the Project would be converted into parking which would yield 12 more spaces. He informed the Board that there would be, therefore an increase of 9 spaces overall. Mr. Winters indicated that the Applicant proposed to install the lowest level of light possible in and around the trash enclosure area and that no additional signage was proposed.

According to Mr. Winters, the construction would result in a slight increase in impervious surface, although the property would still be compliant with the Borough's Ordinances. He testified that the enclosure would be surrounded by an 8-foot high fence which exceeded the Borough's 6-foot height restriction. Mr. Winters explained that the 8-foot high fence was justified under the "C-2" analysis, since it would allow for a more efficient use of the land by eliminating 6 trash enclosures. In addition, the location of the facility would not block views into or out of the property; would not result in an increase of noise or light, and would actually decrease garbage truck traffic throughout the Project.

After Mr. Winters concluded, the Applicant presented Louis DeVos, who serves as its Vice-President of Operations. Mr. DeVos said that the Applicant proposed to collect trash from every unit owner 5 days a week. Each tenant would place their trash and recyclable materials in bags within trash cans to be left outside their doors. As Mr. DeVos stated the bags

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mt. Arlington Land Use Board does hereby approve the amended preliminary and final site plan application with bulk variance relief to the Applicant, as more particularly described on the application construction plans entitled “Fieldstone at Mt. Arlington Refuse/Recycling Facilities Overall Plan Block 61, Lots 23.05, 23.07 & 42.01 Borough of Mt. Arlington, Morris County, New Jersey,” prepared by Bowman Consultant Group, Ltd., dated April 22, 2020 consisting of 3 sheets and engineering plans entitled “Second Amended Preliminary and Final Site Plan for Fieldstone at Mt. Arlington Block 61, Lots 23.05, 23.07 & 42.01 Borough of Mount Arlington, Morris County, New Jersey, Tax Map Sheets 19, 20 & 22,” prepared by Omland Engineering Associates, Inc., dated March 2, 2015 consisting of 30 sheets, subject to the following terms and conditions:

1. The Applicant shall amend its engineering plans to reflect the conversion of the trash enclosure area near Building 9 and Garage 1 into a grass or lawn area.
2. The Applicant shall abide by the recommendations and comments contained in the reports prepared by J. Caldwell & Associates, LLC, dated July 21, 2020, and the technical report prepared by David Clark, P.E., dated July 22, 2020.
3. All fees required by the Ordinances of the Borough of Mt. Arlington shall be paid in connection with this application, including reimbursement for escrow, construction and inspection costs.
4. The Applicant shall submit proof that all real estate taxes and assessments due on the Property have been paid in full.
5. The Applicant shall comply with and adhere to all rules, regulations and ordinances of the Borough of Mt. Arlington applicable to this Development Application.
6. The Secretary for the Board shall file a copy of this Resolution with all municipal governmental bodies as shall be necessary and appropriate.
7. The approval is conditional upon approvals issued by any federal, state, county or municipal outside governmental agency, commission, board or authority that may exercise jurisdiction over this application.

would be picked up by the Applicant's employees, who would take the trash and recyclable materials to the compactors. Doing so would ensure that there would be less litter throughout the site. Mr. DeVos also stated that the compactors did not generate significant noise. He further added that the 9 additional parking spaces would be closer to the existing apartment buildings, which would be more desirable for the tenants.

After Mr. DeVos concluded, Board Members questioned him about the trash collection program, the compactors themselves, and why the 6 existing enclosures could not be returned to grass. Ultimately, the Applicant agreed to remove the impervious surface for one trash enclosure and return it to grass, which would help reduce the impervious surface on the Property.

WHEREAS, in reviewing the testimony and documents submitted, the Board made the following findings of fact and conclusions of law:

1. The Board finds that the Applicant is seeking amended preliminary and final site plan approvals with bulk variance relief to construct a central trash and recycling enclosure consisting of 1 trash compactor and 1 recycling compactor on the Property. The Applicant further proposes to construct 12 new parking spaces at, or in front of, 6 of the 7 trash and recycling enclosures. The Applicant agreed to remove the concrete pad and regrass the dumpster location adjacent to Building 9 and Garage 1.
2. The Board finds that the Applicant will require bulk variance relief for its proposed 8-foot high fence around the proposed trash and recycling enclosure. The Board finds that the variance relief is justified as per N.J.S.A. 40:55D-70(c)(2). The Board finds that the Applicant's proposal will promote the general welfare by providing a more desirable approach to trash and recycling on the Property. The Board agrees that having the Applicant's employees collect the trash and recycling 5 days a week and having it disposed of at a central trash and recycling center will ensure that there is less litter throughout the Property. It will also promote public safety by reducing the number of garbage trucks traversing throughout the Property. The Board does not believe that the Applicant's proposal contravenes the negative criteria, since it does not change the overall use of the Property as an apartment complex which is permitted under the Borough's Ordinances and Master Plan. Moreover, the proposal does not generate significant noise, light, and will actually reduce odors.
3. With the grant of the bulk variance relief, the Board finds that the Applicant is entitled to amended preliminary and final site plan approvals for the project to permit the construction of a central refuse and recycling enclosure, the conversion of 5 existing enclosures into parking and the conversion of 1 enclosure to provide parking in front of the former enclosure and the conversion of the dumpster pad into a lawn or grassed area.

ATTEST:

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD



Kathy Appleby, Secretary

By:  09/03/20

Jan Robert van den Hende, Chairman

DATED:

THE VOTE:

IN FAVOR:

OPPOSED:

ABSTENTIONS:

I hereby certify that the above is a true copy of the Resolution adopted by the Borough of Mount
Arlington Land Use Board at its meeting on August 26, 2020



Kathy Appleby, Secretary