

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD MEETING MINUTES
February 24, 2021
7:00 PM

Meeting called to order at 7:23 p.m.

“Pledge of Allegiance to the Flag” recited.

This meeting was advertised in the Daily Record and the Roxbury Register.

Attendance Roll Call:

Foley, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Mayor Stanzilis, Green, Meehan, Karpman, Roldan

Absent: Carolyn Rinaldi, Fran Hallowich

Motion to approve Vouchers by Fostle. Second by Driscoll.

Roll Call: Foley, Driscoll, Van den Hende, Fostle, BaRoss, Lang, Mayor Stanzilis, Green, Meehan, Karpman, Roldan.

Motion approved.

Memorialization of Resolution:

Jay B. & Karen Decker

52 W. Bertrand Rd

Block 55, Lot 7

Bulk Variance, D4 Variance

Vote:

In Favor -7

Opposed - 0

Abstained – 0

Motion to approve Memorialization of Resolution by Lang, Second by Karpman

Roll Call: Van den Hende, Lang, Green, Meehan, Karpman, Roldan

Application continued from January 27, 2021:

Wade R. & Lee Ann Martin

69 N. Bertrand Rd.

Block 51, Lot 10.02

Bulk Variance, D4 Variance

Deemed Complete: January 7, 2021

Recused: Mayor Stanzilis, Vice Chair Fostle,

Bern Hefele states that they made revisions to the engineering and architectural plans.

Tom Graham states that they reached out to Dave Clark, LUB Engineer and the Lake Hopatcong Commission’s Planner, they discussed the modifications and revisions to the Engineering plans.

The existing impervious coverage was at 52%, they were able to reduce the impervious surface to 46.5% where 50% is allowed. They replaced concrete walk path with pervious pavers.

They verified that the parking lot can easily accompany 5 parking spots on the Martin's property, 2 cars on each of the lots that share the driveway and cars can pass from the other two lots while cars are parked at the Martin residence.

The paver patio in the back will be replaced with permeable pavers. Increased the size of rain garden and increase area of roof to drain to the rain garden.

Chairman asks if there is a maintenance program for the permeable pavers. Mr. Graham will give Mr. Clark a detail of that maintenance. He states that they have to be swept and be clean of debris and dust. There is a Maintenance plan as specified for water quality treatment devices.

Chairman asks if there can be something in place for any future owners. Mr. Graham states that there will be a deed restriction that runs with the land and any replacement has to be in kind.

They received a new letter from LHC, the changes are acceptable and is a more positive project as far as the lake is concerned.

Architectural Plan revisions:

- Removing the closet from storage room and office
- Labeled all rooms as existing and new
- Labeled the 5 bedrooms
- Included the square footage of each floor
- Added an average grade plan height

Engineering Plan revisions:

- Match side yard setback that was on plan
- Detail for permeable pavers
- Maintenance plan for rain garden has been added and will add a maintenance plan for the permeable pavers.

Open to the Public:

Mayor Stanzilis – asks Mr. Graham of the conclusion with his discussion with the LHC Planner. The steep slope and FAR cannot be eliminated but they made changes to impervious coverage and the rain garden.

Closed to the Public

Planner John McDonough is sworn in
101 Gibraltar Dr.
Parsippany, NJ

10 slide exhibit previously submitted

The application now eliminates the pre-existing non-conforming conditions in regards to overall lot coverage. Proposed is 46.5% where 50% is allowed, existing is 52%.

Relief is still required for FAR, 0.37% proposed, 0.30% is required.

Non-conforming side yard 3.2 ft. where 10ft is allowed
Combined side is 10.4ft. where 20ft is allowed

Positive:

- Project will promote the general welfare with an improved living environment
- Providing adequate light, air and open space
- lakeside setbacks, maintaining setbacks that are there now
- Appropriate population density for wellbeing of persons
- Provide for variety of uses in appropriate locations (Lake Hopatcong Commission has endorsed).
- Proposal of a desirable visual environment
- Efficient use of land and preserve the building core

Negative:

- Site can accommodate problems with FAR and will not create any parking variances
- Site has adequate water and sewer capacity
- No tree or earth work
- Lot coverage will be improved
- FAR can be granted without potential detriment to the zone area
- Slope is a function of the sloping terrain and unavoidable

No questions from the Board

Open to the Public for comments:

Tom Foley

35 Bertrand Island Rd.

Appreciates the revisions that were made to reduce the impervious coverage and the addition of a larger rain garden.

Michael Boccher

65 N. Bertrand Rd.

Is in favor of the improvement.

Mike Stanzilis

31 Willow St.

Is happy the Martin's revised the plans, especially the decrease in impervious coverage.

Conditions:

Deed restriction for Maintenance of rain garden and pervious pavers

**Motion to approve Application for Bulk Variances and the D4 Use Variance
by Lang. Second by Driscoll**

Roll Call: Driscoll, Van den Hende, BaRoss, Lang, Green, Meehan, Karpman

Vote:

In Favor -7

Opposed - 0

Abstained – 0

Application:

A&E Acquisition LLC

11 Prospect St.

Block 25, Lot 1.01

Site Plan and Use Variance

Deemed Complete: February 9, 2021

Vice Chair Melissa Fostle and Mayor Stanzilis Recused – Use Variance

William Askin

Askin and Hooker, LLC

200 Woodport Rd.

Sparta, NJ

Applicant Eugene Boohoff is sworn in

26 Crystal Rock Rd.

Sparta, NJ

Mr. Askin introduces the application

Use variance and site plan to convert commercial building to a 3-unit apartment building.

Mr. Boohoff is not the owner; upon approval of application, he will purchase the property. Mr. Boohoff has cooperation of the owners, who have signed off on the application.

Proposes to renovate the building into 3 apartments. No exterior changes only the interior layout. 6 parking spaces which complies but are slightly undersized.

All other bulk variances are pre-existing

The proposed use of a residential building in a commercial zone, they hope to provide the Board evidence of justification of the variances and waivers.

Chairman asks if the waivers requested can be explained prior to testimony. Mike Selvaggi states that the engineer had deemed the application complete with the waivers requested and the Planner will give testimony to the waivers.

Mr. Boohoff, purchaser of the property states that if the application is approved his plans are to purchase the property and convert the building into a 3-unit apartment building.

1-3 bedrm unit with garage on first floor
2-2 bedrm units on second floor
plans to change exterior and landscaping so that it is appealing

Mike asks Mr. Askin if his client has prior experience of residential rental units, yes, he is a residential property investor but this is his first renovation.

Karen Meehan asks if there is an oil tank on the property or are, they converting to gas, they are converting to gas

Fire suppression system installed not required

5 parking spaces and garage.

Where would landscaping go, existing flower beds will be improved and the side yard behind gate in the fenced in area will be redone. Install additional flower bed next to retaining wall. Garbage will be contained on the right side from entrance on Prospect St. The plan is to install new windows and paint the exterior.

Open to Public:

Mike Stanzilis

Outside seems vague, more details on the outside of building. The Planner will address the exterior.

Mr. Boohoff, states that he takes pride in his real estate projects and the exterior is the first impression to people. The building will be power washed, patching of stucco, painting, new windows, shrubbery.

Closed to Public

Elizabeth Reeves is sworn in
Licensed Architect since 1982
9 Rhea run,
Newton, NJ

Ms. Reeves explains that the building will consist of 3 apartments. Area of first floor apartment is 1500 sq ft. and a garage. The Second floor will consist of two (2) 850 sq. ft. two (2) bedroom apartments. 850sq.ft. is common for a 2-bedroom apartment. Hallway up to 2nd floor has access to both apartments and an attic hatch.

Questions from the board.

Chairman asks if the windows upstairs will be egress and if there will be a fire escape?

Ms. Reeves: Windows will be to code and fire escapes are not allowed by code. The building is fire rated and not required for sprinklers.

Chairman asks what is done for the garage in terms of carbon monoxide?

Ms. Reeves: All renovations line up with the code requirements.

Chairman asks about attic access

Ms. Reeves states they are required by code to have attic access and the access will be fire protected.

Mr. Boohoff explains that the space will be used for central ac unit for entire building. It will be limited to the owner or maintenance if allowed by fire code. The access can be locked for owners use only.

Mr. Askin asks Ms. Reeves for comments on the process of converting the building from commercial to residential.

Ms. Reeves states that the outer walls are existing and are masonry. New partitions and staircases are all new construction and would be like building a house from the ground up. Ms. Reeves states that the building has been vacant for so long and the renovations would be a positive impact on the neighborhood.

Chairman asks Ms. Reeves if this application is in conformity with the redevelopment plan for that area. Ms. Reeves states that that question should be referred to the Planner.

Mike Selvaggi asks what the exterior of the building is constructed of, it is Stucco on block, the color of the building is beige. They are proposing to keep the brick on first level and paint the stucco light yellow to brighten in up or stay with a lighter color, keep the vinyl siding. There will be lighting at the front door entrance. There will be new residential windows which will take the industrial look out of the building.

The utility rooms for the upstairs apartments will have capability for a stacked washer and dryer. Mr. Boohoff plans to install washer and dryer for each apartment.

There will be 3 meters for electric and water and individual billing for sewer for each apartment.

Chairman asks about the existing chimney and will it service all three (3) furnaces.

Peter Kalafut is sworn in

200 Woodport Rd.

Sparta, NJ

Project manager for Ms. Reeves for 30 years

Existing chimney will be capped off and new natural gas furnaces will be installed and direct venting to the outside rear of the building.

Plan revisions for furnaces will be submitted

John Driscoll asks about the entrance to the building for tenants. Mr. Kalafut states that there are entrances for all units are from the front and the rear of the building.

Open to the Public:

No questions

Closed to the Public

Jason Dunn is sworn in

Professional Planner, license is accurate and current.

The parking layout plan - the building takes up about 50% of the property which is approximately 6000 sq. ft. 50 ft. wide 118 ft. long on corner of Prospect Ave. The other 50% of the property is taken up by the parking lot. On the side there is 8 and 11 ft of undeveloped property. On the north end of property is a small narrow piece of undeveloped property to be landscaped. In the front of the building is the entrance way and to the right there is a small area for garden bed to be improved.

The existing impervious coverage is 79%, where 60% is allowed. The area on the plan that shows “convert pavement to pervious coverage” will be replaced with either river stone, mulch or low ground growing plants to lessen the existing impervious coverage. The area on the side of the building on Park Ave. is about 5ft from the building to the property line and is paved up to the building. In Mr. Dunn’s opinion is needed for snow storage. If planting was done it would be damaged by the plows and snow. He does not recommend planting.

There is a set of stairs to the parking lot on the south east side of the building and plans to be removed. The existing buffer along that side of the building has a wood fence and the area of lawn is screened. The parking plan has 5 spaces and the 5th space bumps up to the rear entrance. Mr. Dunn testifies that the door is opening inward and leaves enough space between parking space and the door, he feels that is enough space to enter the building.

They are requesting a variance for parking space size, 9ft. is allowed and proposed is 8.7ft.

Chairman asks if modifying the retaining wall will give them enough space for the required 9ft. parking stall. Mr. Dunn states that each of the spaces would not be able to get to the 9ft. required and does not think it is worth the land disturbance.

A typical automobile is 6ft to 6.5ft wide and a typical parking stall is 8ft. Mr. Dunn recommends to decrease each parking stall to increase the area at parking stall #5 for more adequate exit from the rear entrance door.

Karen Meehan suggests to limit to 4 spaces as not to block the rear entrance and stack the first stall.

Chairman asks if there is adequate screening from car lights to the adjacent properties, does the retaining wall provide adequate screening. Mr. Dunn states that the wall is high enough to block headlights.

Mike Selvaggi suggests 5 parking spaces along the back wall, eliminate the garage and have two spaces in front of garage.

Dave Clark suggests stacked parking, there is room to fit the six stalls required and possibly one or two more.

Mr. Dunn agrees with stacking the parked cars.

The “D” Use Variance in this case is an existing building with minor site improvements. The site is remaining primarily on its own.

Positive Criteria:

Promotes goal A of the land use law-

The general welfare by preserving the residential character of area in the zone.

He believes that this Residential Use is more practical than the permitted Use.

Chairman asks about the Redevelopment Plan that is in place for that area. Mr. Dunn states that this application did not contemplate being a part of the Redevelopment Plan.

Ms. Caldwell states that this area is the designated Village Center in the Master Plan and is contemplated to have mixed Use and Residential Use. The zoning has not been put in to place as of yet. She does not think it is out of character to the Master Plan or the Village Center. She suggests that the owner deed restricts one of the units as an Affordable unit.

Promotes goal “I”- Improves the aesthetics with new windows, shutters, front entrance, reducing impervious coverage and landscaping and the removal of oil tank.

Special reasons – the building is existing, the shape and size, city sewer and water, The parking can be accommodated. The site is within character of this neighborhood.

Negative Criteria:

Mr. Dunn believes that it can be granted without substantial detriment to the public good. Residents would utilize the local businesses along Howard Blvd.

C variances:

Pre existing
Lot area
Lot width
Impervious coverage
Parking

Mr. Dunn responds to Mr. Clark's February 9, 2021 letter.

In regards to lighting, they intend to keep the lighting in parking lot, it sufficiently illuminates the parking lot

Proposing to enhance light over front entry and add to the lighting to corning of building on Park and Prospect.

Chairman asks if the entry ways are secure for only the tenants to enter. Mr. Dunn said they will have security key pads and buzzer system for guests.

Chairman asks about impact on the schools with additional apartments.

Mr. Dunn states that it will not have a significant impact on the school system.

Jessica Caldwell states that there are studies from Rutgers and would have to look at it.

Mr. Dunn refers back to Mr. Clark's letter in regards to landscaping. Where refuse and recycling 2 canisters per unit and will be put on the side of building with wood fence. There will be a gate into the back and would be a stone pathway. Trash will be picked up by the municipality and each tenant would be responsible to pay.

Mr. Askin suggests if instead of 5 parking stalls across, they will revise to 3 stacked stalls. That will give access to garage and have proper egress for the rear entrance. This will give 7 spaces including the garage. They will submit a revised plan in regards to parking.

Dave Clark states that if you are going to do the 3 stacked spaces to make them at least 10 feet wide. All in agreement.

Board agrees with those conditions.

Karen Meehan asks Jessica about the affordable housing. Ms. Caldwell states that over time we have new requirements. The Zone is including residential and there can be a deed restriction for affordable housing. Ms. Caldwell suggest that they could make into 4 apartments if they remove the garage and stack 4 parking spaces to improve the economics.

Mr. Askin asks for a moment to discuss the affordable housing suggestion with his client.

Mr. Askin states that they were caught off guard and would prefer to move forward. If the Board is leaning towards requiring an affordable unit as a condition of approval, they could put in a studio apartment but would need a handicap accessible parking stall along with the other stalls required. They do not know if there is room for that. It adds issues to the closing, the current

owners would not want to take the additional time. They would like the Board to consider the Application without the addition of an affordable unit.

Mr. Boohoff understands the towns affordable housing issue, his plan is to make the apartments affordable for our area, the range is approximately \$1800 for the one bedroom. Mr. Askin states that his client would like to avoid the Deed restriction for value and future resale.

Ms. Caldwell states that we do have a settlement agreement in place until 2025. Affordable Housing is not a requirement for this particular Application.

Open to the public:

Mike Stanzilis

31 Willow St.

Mr. Stanzilis understands that this aspect of the Affordable Housing is blindsiding to all of us including the applicant. He is a big proponent of Affordable Housing and we need it in the State of NJ. Ms. Caldwell has done an outstanding job in helping us with fulfilling our obligations.

We have future plans to implement Affordable Housing. He thinks that for these three (3) units building it is unreasonable for Affordable Housing as per the percentage requirements.

Closed to the Public

Applicant would like to move forward with a vote and suggests a Straw Poll to decide to go forward with Vote for approval of application without affordable housing.

Mike Selvaggi agrees with a Straw Poll

Motion for Straw Poll by Foley, Second by Green

Roll Call: Foley, Driscoll, Van den Hende, BaRoss, Lang, Green, Meehan, No

Motion to Approve to approve Bulk and Use Variances by Foley, Second by Lang

Conditions: landscaping plan, parking plan including stacked parking and aesthetics of the building

Roll Call: Foley, Driscoll, Van de Hende, BaRoss, Lang, Green

Vote:

In Favor -6

Opposed - 1

Abstained -0

Motion to Adjourn: 11:06