

**BOROUGH OF MOUNT ARLINGTON**  
LAND USE BOARD MEETING MINUTES  
May 27, 2020  
7:00 PM

Meeting called to order at 7:08 p.m.

“Pledge of Allegiance to the Flag” recited.

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

Attendance Roll Call: Hallowich, Driscoll, Foley, Van den Hende, Fostle, BaRoss, Rinaldi, Lang, Green, Karpman, Roldan

Absent: Meehan

Motion for approval of meeting minutes from April 22, 2020. Motion by Foley. Second by Lang.

Roll Call: Foley, Driscoll, BaRoss, Lang, Van den Hende, Fostle, Rinaldi, Green, Karpman, Roldan

Motion approved.

**Application:** 65 N. Bertrand Road – Michael Boccher 51 10.03

Variance for a 10ft dock extension and to incorporate the footprint of the boat lift that was previously installed in August of 2016.

No objections from either neighbor adjacent to Mr. Boccher.

Technical report notes 2 waiver requests:

- Plans submitted were to be prepared by licensed professional, Mr. Boccher is asking that the plans from 2006 be used as there is no change in that area. Mr. Boccher prepared his own plans.
- Application checklist requirement that applicant provide any deed restriction, Mr. Boccher will provide same.

Dave Clark has no objections to either waiver.

Motion to approve that waiver requests are granted. Motion by Fostle, Second by Rinaldi.

**Roll call:** Hallowich, Foley, Driscoll, Van den Hende, Fostle, BaRoss, Rinaldi, Lang

**Exhibit A** – Arial photo of area

Docks come out 90 degrees off bulk head

A non-conforming set back will be more non-conforming with the extension (7.5 ft to 4.5ft)

The extension is less than 4% over the 15% required.

Hardship is the wake coming off lake traffic that is damaging to his boats and lifts

Mr. Boccher dug out the lake bed to reduce damage to his boats, it fills back in over time.

Fran Hallowich asks that if the dock extends further will there be a marker of light so that other boats can see.

Mr. Boccher states that there is a buoy out there and that there are other neighboring docks that do extend even further out into the lake than his.

Mr. Selvaggi notes that the location of the property exacerbates the problem. In comparison to other lots, Mr. Boccher’s lot is a pie shape which makes this more unique.

Open to public: Robert Cobleigh, 61 W. Bertrand Rd. Mt. Arlington, NJ  
Supports Mr. Boccher's request for a variance.

Closed to public

Letters from two (2) other neighbors in support of granting the applicants variance requests.

**Vote:**

Motion by Lang, Second Foley.

Roll call: Hallowich, Foley, Driscoll, Van den Hende, Fostle, Rinaldi, BaRoss, Lang, Green

**Area in need of Redevelopment Study**

Mike Selvaggi LUB Attorney gives a brief of the Area in need of Redevelopment Study process.

Governing Body adopts a resolution to determine whether areas in need of redevelopment. A study is prepared by the Borough Planner Jessica Caldwell. The Land Use Board determines if the study meets the criteria for an area in need of redevelopment and can make recommendation Borough Counsel that it meets the criteria. The Redevelopment plan then goes back to the governing body who approves the areas and sets the zoning for the

Matt Jessup, Borough Redevelopment Counsel

The Process starts with the Governing Body under the Redevelopment Law. The Governing body has to suggest a resolution to select properties then adopt a resolution to refer to the Planning Board for recommendations.

When the Borough refers the properties to the Board, they are non-condemnation, the Borough cannot use the power of eminent domain. Any owner will only leave, sell or redevelop their property if they choose to voluntarily.

Jessica Caldwell, Borough Planner is sworn in.

November 6, 2019 Governing Body authorized the Planning Board via Resolution #170 to conduct a Non- Condemnation Area in Need of Redevelopment Study. The Non-Condemnation designation means the municipality will not have the statutory authority to exercise the power of eminent domain to acquire property in the designated area.

Study area 1 is in the Northern portion of the Borough and consists of 12 parcels. Study Area 2 consists of 2 parcels located in the southern portion of the Borough clustered around Howard Blvd.

We are in the beginning stages of the process. The purpose is to review and determine if the properties are in need of redevelopment.

The report describes whether the Study Area qualifies as a "Redevelopment Area" under certain requirements and criteria. The analysis of the report is based on an examination of existing conditions, site inspections, review of tax data, land uses, zoning ordinances, master plan goals and objectives, and a history of each site pertaining to zoning violations and police records.

There is a process that must be followed in order to designate an area in need of redevelopment (N.J.S.A.40A:12A-6).

### Study area 1

12 parcels (The Village Center)

Main commercial spine of Howard Blvd.

6.71 acres in total

1. 18 N. Glen, Community Center – RA-7.5
2. 526 Altenbrand Ave. Telephone Building – RA-7.5
3. 9 Rooney Rd. Our Lady of Lake School – RA-15
4. 18 Park Ave.- B-1
5. 389 Howard Blvd. – B-1
6. 393 Howard Blvd. – B-1
7. 404 Howard Blvd. – B-1
8. 419 Howard Blvd. – R-C
9. 419 Howard Blvd. – R-C
10. Howard Blvd. B.20, L. 5 - B-1
11. 390 Howard Blvd. – B-1
12. Howard Blvd. B.30, L. 15 – B-1

### Study area 2

Commercial area (Old Quick Check Center)

1. 181 Howard Blvd. B. 61.02, L. 23.08 - PUD
2. 111 Howard Blvd. B. 61.02, L. 23.02 - PUD

- Approximately 2.9 acres or 11.5% of study area is owned by the Borough
- 19 acres is commercial mixed use at 77% of the study area
- Vacant land covers just over 1 acre which is 4.5% of the total study area.

In order to determine economic productivity of the properties, tax assessment data was analyzed to determine the ratio for improvement value to the land value.

An improvement to land value ratio of 2:1 or less suggests that the land is not currently supporting a value of improvements and is underutilized. Nearly 79% of the parcels in this Study were found to have had a value of less than 2:1.

The Study Area is covered by commercial and residential zoning categories with the Borough's primary zoning being single-family residential. Seven of the fourteen parcels in the Study are non-conforming for the use.

The Study is covered by a variety of commercial and residential zoning categories which represent most of the zones in Mt. Arlington. The Borough's primary zoning designation is single-family residential, 50 percent of the parcels are non-conforming for use.

The Borough's Master Plan Report was adopted December 9, 2015. Planning focused on developing a Village Center in the northern section of Mt. Arlington and promoting larger commercial uses along Howard Blvd. in the southern section.

Police reports were requested from 2015-2019. The incidents range from property checks, burglar alarms, motor vehicle violations, traffic enforcement stops and others.

Zoning violations in the Study Area were analyzed to determine if property maintenance and land use violations were an issue. The properties in the Study Area have no reports of property maintenance or zoning violations according to the Borough of Mount Arlington.

LRHL Criteria N.J.S.A 40A:12A-5. An analysis of the Study Area's existing land uses, site layouts, building disposition and physical characteristics was conducted to determine whether the Study Area should be designated as an Area of Redevelopment. The investigation and study find that all parcels within both Study Area's meet at least one (1) criterion and some parcels meet four (4) to qualify as an Area in Need of Redevelopment.

Chairman Van den Hende ask if other properties could be added to this Study.

Ms. Caldwell – at this time, these area's are what Mayor and Council believe to be Another study can be initiated at another time.