

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD

By: *Robert Van den Hende* 10/06/21
Robert Van den Hende, Chairman

ATTEST:

Kathy Appleby
Kathy Appleby, Secretary

DATED:

THE VOTE:

IN FAVOR: 7

OPPOSED: 0

ABSTENTIONS: 0

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 September 22, 2021.

Kathy Appleby
Kathy Appleby, Board Secretary

6. The Applicant shall provide a two-year maintenance guarantee for all landscaping to be installed on the Property.
7. The Applicant shall amend the plans for the renovated retail facades to ensure that all facades appear to be two-story from all public streets and parking areas for the Property; that the facades appear to be three dimensional from all visible ground locations; and these facades shall incorporate a historic color palette to relate to the historic structures in Mt. Arlington.
8. All exterior mounted mechanic and electric equipment exposed to the public view shall be screened if on a building and screened by landscaping if on the ground.
9. The Applicant, in order to encourage traffic destined to travel northbound on Howard Blvd. to utilize the Hillside Ave. exit driveway shall install traffic signs within the proposed development in accordance with the Directional Sign Exhibit marked A-7.
10. The Applicant shall further amend its plans as per the representations made at the public hearings and the comments from the Board Planner, Board Secretary, and Board Members.
11. The approval of the Morris County Soil Conservation District.
12. All other State, County, and Municipal regulatory agency reviews and approvals that may be necessary must be obtained.
13. Applicant shall work with the Borough Engineer to update the retention basin landscape design and maintenance. This shall not require redesign of the retention basin.
14. No construction permits of any type shall be issued by the Construction Code Official of the Borough of Mt. Arlington until all Board escrow fees have been paid, a Resolution of Approval has been memorialized and appropriately signed by the Board, and the Construction Code Official has received final plans appropriately signed by the Board Chairman, Board Secretary, and Board Engineer.
15. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 55D-65, the Applicant shall provide proof that no taxes or assessments for local improvements are due on the Property.
16. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

1. The Applicant is seeking preliminary and final site plan approval. The Board finds that the Applicant's proposal is in conformance with the 111 & 181 Howard Boulevard Redevelopment Plan adopted by the governing body, dated November 25, 2020 and the Borough's applicable ordinances.
2. The Board finds that the design waiver eliminating that parking islands is reasonable and appropriate given that it is a pre-existing non-conforming condition and will not be a substantial detriment to the surrounding neighborhood nor will it be a substantial detriment to the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Mt. Arlington, County of Morris, State of New Jersey that the Application filed by The Orchards at Mount Arlington Urban Renewal, LLC seeking preliminary and final site plan approval for the Property known as Lot 23.08 in Block 61.02 in the Brough of Mt. Arlington as more particularly described in the plans entitled, "Preliminary & Final Major Site Plan, Lot 23.08 Block 61.02, Tax Map #15, Borough of Mt. Arlington, Morris County, New Jersey" prepared by Amertech Engineering, Inc., signed and sealed by Sharif H. Aly, P.E., dated April 21, 2021, no revisions, consisting of fifteen sheets, plan title "Boundary & Topographic Survey, Tax Map Lot 23.08 Block 61.02, Borough of Mount Arlington, Morris County, New Jersey, Tax Map Sheet No. 15" prepared by Amertech Engineering, Inc., signed and sealed by Juan J. Rodriguez, dated February 24, 2021, no revisions, consisting of one sheet, and plan titled "Station Square for The Orchards at Mt. Arlington, LLC, 181 Howard Boulevard, Mount Arlington, New Jersey 07856" prepared by Sonnenfeld and Trocchia Architects, P.A., signed by Andrew F. Trocchia Jr., A.I.A., dated April 22, 2021, no revisions, consisting of eight sheets subject to the following terms and conditions:

1. The Applicant shall comply shall revise its plans in accordance with the August 18, 2021, report prepared by the Board engineer, David A. Clark. Specifically, the Applicant shall revise the plans to address items 1-3 under "General Comments"; items 1-5 and 7 under "Sheet Number 1"; revisions to sheets 2 and 3; items 1, 2 and 5 under "Sheet Number 4"; item 1 under "Sheets A1.1"; item 1 under "Sheets A-2.1"; revisions to the Stormwater Narrative; and item 1 under "Environmental Impact Assessment."
2. Applicant shall install some additional landscaping to enhance the streetscape.
3. The Applicant shall add four electrical vehicle charging stations to be included among the parking spaces.
4. The Applicant shall provide the appropriate deed restrictions which will be reviewed and approved by the Board attorney and Planner for the 11 affordable housing units to be established on the Property.
5. The Applicant shall install a fence on the top of the retaining wall near Building #2.

members felt that this movement had resulted in a higher incident rate of traffic accident in the past and urged the Applicant to consider an alternative approach.

In response to the concerns raised, Mr. Staigar prepared a traffic analysis of available accident reports which indicated there was only one significant accident at this location which occurred on December 20, 2018. According to Mr. Staigar, this particular accident was the result a driver making a left hand turn from the Property. Without yielding the right of way to an oncoming vehicle. He stated that based upon his review of the records and the average daily time of traffic on Howard Boulevard, which was 6624 trips, the total exposure volume of this single accident was estimated to be 10 million vehicles. In addition, Mr., Staigar explained that there was over 850 feet of available sight distance for exiting motorists at the driveway looking to the north. The required stopping distance for the design travel speed of 45 mph is only 400 feet. In summary, Mr. Staigar testified that the left-hand movements from the Property onto the north bound lane Howard Boulevard were justified, because the Applicant's proposal would not increase the number of trips, the movement had a very low accident rate, and there was excellent sight visibility.

Despite the aforesaid, the Applicant did propose to include signage on its Property that would direct motorists leaving the Property to Hillside Avenue and then on to the northbound lane of Howard Boulevard. The locations for the proposed signs were illustrated in a Directional Sign Exhibit marked A-7. Mr. Staigar believed that this signage would divert some of the traffic away from the main entrance thereby reducing volume and rendering the left-hand turn movement onto Howard Boulevard safer and more convenient for residents and customers.

The Applicant also presented testimony from Justin Auciello, P.P. Mr. Auciello testified that the Applicant's proposal required 15% of the residential units to be set aside for affordable housing. The 15% set aside would result in eleven affordable units being offered to the Borough to meet its affordable housing obligation.

Mr. Auciello also testified that the Applicant's decision to not install landscape islands in its parking lot was a justifiable and reasonable design waiver. As he noted, the parking lot currently does not have islands. He explained that forcing the Applicant to install these islands would result in a decrease in the number of available parking spaces. Moreover, the Redevelopment Plan did contemplate deviations due to current conditions. Doing so here, in his opinion, would not result in a substantial detriment to the public good nor would it substantially impair the intent purpose of the zone plan. In fact, Mr. Auciello testified that he believed the Applicant's proposal was consistent with the Redevelopment Plan and was an excellent adaptive reuse of the Property. He opined that the Applicant's proposal would raise the development to more modern standards and would be compatible with other development along Howard Boulevard. He also believed that the proposed layout would benefit the community and was otherwise consistent with the Borough's Redevelopment Plan.

WHEREAS, the Board after hearing the testimony delivered and the documentary evidence provided, made the following finds a fact and in conclusion of law:

by the Applicant. He told the Board what the Applicant was originally intending to construct. He then presented Exhibit A-4 which was the current site plan. Mr. Aly indicated that the plan was revised to take into account comments from the Board's professionals and other outside factors. According to Mr. Aly the revised site plan showed a reduction in impervious surface by 142 square feet which rendered the Application exempt from the new stormwater management requirements. He presented Exhibit A-5 which showed the reduction in impervious coverage.

There were also changes to the parking lot although Mr. Aly assured the Board that the Applicant would still satisfy the parking requirements, with 265 parking spaces were proposed when only 263 were required. He confirmed that there would be the requisite number ADA compliant spaces. He also stated that would spaces dedicated to the residents by way of signage. He testified that the two detention basins on the Property would remain, although the Applicant would consider modifications or upgrades to comply with NJDEP safety standards for inflow and outlet structures. He also addressed the retaining walls to be built and landscaping. Mr. Aly described the utilities needed for the development and stated that he believed that Suez Water would be able to provide both water and sewer service. He also presented Exhibit A-6 which was a composite drawing showing the landscaping and screening of the parking lot along Howard Boulevard.

Mr. Aly emphasized that there was no bulk variance relief being sought. He noted that the Applicant was only seeking a design waiver to not install islands in the parking lots. Other than that, the project, in his opinion, was fully conforming.

The Applicant's project manager, David Hellman, also briefly testified. He indicated that there would be indoor recreation in both Buildings #1 and #2. He also indicated that there would be outdoor tables and benches installed to provide gathering spaces for the residents.

The Applicant also presented Joseph Staigar, P.E., to testify with respect to traffic issues. Mr. Staigar prepared a traffic study in connection with the Application. He explained to the Board that his study revealed that there would be no increase in traffic. He based his opinion on the fact that the decrease in the retail space and the corresponding decrease in traffic would offset any increase from the residential units.

Similarly, Mr. Staigar believed that there was adequate parking proposed. He explained to the Board that there was a shared parking arrangement that would ensure adequate parking. As he detailed, the demand for parking by retail customers would be high during the day. However, accordingly to Mr. Staigar, this is when many of the residents would be at work and not be parked on the Property. Consequently, Mr. Staigar believed that the 265 spaces being proposed would be more than adequate.

Board members did raise questions regarding left hand turn movement from the Property onto the northbound lane of Howard Boulevard. They were concerned because the motorist would need to cross 3 lanes of traffic to get into the northbound lane. Board

would include approximately 4700 square feet of retail space on the first floor with other residential amenities for the tenants. He indicated that the building would have a basement available for storage. The upper three floors would include 24 apartments, including eighteen-700 square foot 1-bedroom units, three-1008 square foot 2-bedroom units, and three-1002 square foot 3-bedroom units. According to Mr. Trocchia, the building would be less than 50 feet in height.

He then described Building #2. He indicated that it would be 5-stories tall with an overall height of less than 62 feet. He testified that the building would contain 47 units including thirty-one 700 square foot 1-bedroom units, twelve 1008 square foot 2-bedroom units, and four 895 square foot 2-bedroom units.

Mr. Trocchia stated that the architectural design of both buildings sought to mimic a downtown area feel. He said they would use canopies and implement other design features that would be consistent with a downtown streetscape. He did advise the Board that all mechanical equipment would be located in the center of the two buildings and would be largely hidden from the public view. Similarly, Mr. Trocchia said the Applicant sought to use lighting that would not spill over from the site and create a nuisance for neighbors.

Mr. Trocchia said that the existing shopping center would be renovated to incorporate a two-story facade while remaining a one-story building. He indicated that the renovations would include reducing the size of the building by 7600 square feet and razing the bank building. The façade improvements would incorporate awnings and canopies that would provide a downtown feel with large windows and sidewalks. When questioned by the Board's Planner, Mr. Trocchia stated that he would make renovations to the facade to ensure that it would appear to be two-stories from all public streets and parking areas. He also described the two monument signs to be erected.

Upon the conclusion of his direct testimony, Mr. Trocchia was questioned by Board members and the public. During this questioning, he stated that elevators would be incorporated in the construction of the building and that both buildings would be sprinklered to minimize concerns about fire protection. He also said that both residential buildings would have indoor fitness centers.

Following testimony offered by Mr. Trocchia, the Applicant introduced Sharif H. Aly, P.E., from Amertech Engineering, Inc. Mr. Aly began his presentation by explaining to the Board current conditions on the Property. Mr. Aly relied upon Exhibit A-2 which is an existing conditions plan. He indicated that the Property was approximately 7.8 acres. He confirmed that the site was fully developed, and further described the surrounding uses and roadway network. He explained that the Property was located on the corner of Howard Boulevard and Hillside Drive. He indicated that the current access points into and out of the Property would remain unchanged, including both left- and right-hand turn movements from the Property onto Howard Boulevard.

Mr. Aly then presented Exhibit A-3 which was the original development proposed

plans including but not limited to, a plan titled "Preliminary & Final Major Site Plan, Lot 23.08 Block 61.02, Tax Map #15, Borough of Mt. Arlington, Morris County, New Jersey" prepared by Amertech Engineering, Inc., signed and sealed by Sharif H. Aly, P.E., dated April 21, 2021, no revisions, consisting of fifteen sheets, plan title "Boundary & Topographic Survey, Tax Map Lot 23.08 Block 61.02, Borough of Mount Arlington, Morris County, New Jersey, Tax Map Sheet No. 15" prepared by Amertech Engineering, Inc., signed and sealed by Juan J. Rodriguez, dated February 24, 2021, no revisions, consisting of one sheet, and plan titled "Station Square for The Orchards at Mt. Arlington, LLC, 181 Howard Boulevard, Mount Arlington, New Jersey 07856" prepared by Sonnenfeld and Trocchia Architects, P.A., signed by Andrew F. Trocchia Jr., A.I.A., dated April 22, 2021, no revisions, consisting of eight sheets; and

WHEREAS, the Applicant submitted with its Application the appropriate fees and escrow deposits; and

WHEREAS, the Application was deemed administratively completed by the Board's Engineer on August 18, 2021, and public hearings were subsequently scheduled and held on August 25th and September 22, 2021, notice being required and lawfully provided; and

WHEREAS, the Board's Engineer, David A. Clark, P.E., issued several reports regarding the Application, the most recent dated September 17, 2021; and

WHEREAS, the Board's Planner, Jessica P. Caldwell, P.P., also issued a report dated August 24, 2021; and

WHEREAS, the Applicant was represented by Michael J. Lipari, Esq. (Mandelbaum Salsburg, P.C.); and

WHEREAS, at the conclusion of the September 22, 2021, public hearing, the Board rendered a decision on the Application in accordance with the requirements set forth N.J.S.A.40: 55D-10(g); and

WHEREAS, the Board received as part of the hearing process the following testimony and documentary evidence:

The Applicant first introduced its architect, Andrew F. Trocchia Jr., A.I.A. Mr. Trocchia testified as to the architectural plans his firm submitted in support of the Application. He stated that the Applicant sought to demolish an existing bank on the Property and eliminate approximately 7600 square feet from an existing shopping center to accommodate the proposed development. He advised the Board that the proposed development would include a 4-story mixed-use building, a 5-story residential building, and facade improvements and renovations to the existing shopping center.

Mr. Trocchia identified the 4-story building as Building #1. He explained that it

#21-007

**BOROUGH OF MT. ARLINGTON LAND USE BOARD
RESOLUTION OF MEMORIALIZATION GRANTING
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
TO THE ORCHARDS AT MT. ARLINGTON URBAN
RENEWAL, LLC TO CONSTRUCT A MIXED-USED
DEVELOPMENT ON LOT 23.08 IN BLOCK 61.02**

**Approved: September 22, 2021
Memorialized: September 22, 2021**

WHEREAS, the Orchards at Mt. Arlington Urban Renewal, LLC (“Applicant”) is the owner of Lot 23.08 in Block 61.02 (“Property”), as noted on the tax map of the Borough of Mt. Arlington and having a street address of 181 Howard Boulevard; and

WHEREAS, the Property was previously determined to be an Area in Need of Redevelopment as designated by the governing body of the Borough of Mt. Arlington by way of Resolution #2020-109 adopted July 9, 2020; and

WHEREAS, the governing body adopted Ordinance 02-2021 on March 2, 2021, establishing the “111 & 181 Howard Boulevard Redevelopment Plan”, dated November 25, 2020, pursuant to the Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1 at; and

WHEREAS, the governing body designated the Applicant to serve as the redeveloper for the Property by way of Resolution #2021-84 adopted on July 6, 2021; and

WHEREAS, said Resolution also directed the Borough to execute a Redevelopment Agreement with the Applicant which allowed for the redevelopment of the subject Property in accordance with the 111 & 181 Howard Boulevard Redevelopment Plan; and

WHEREAS, the Applicant submitted an Application for Development with the Borough of Mt. Arlington Land Use Board (“Board”) on or about April 27, 2021, seeking preliminary and final site plan approval to, among other things, redevelop the Property to construct a 4-story mixed-used building with retail on the first floor and 24 apartments on the second to fourth floors and a 5-story building consisting of 47 apartments. An existing shopping center on the Property was proposed to remain although it will be reduced in size and renovated; and

WHEREAS, the Applicant submitted with his Application various documents and