RESOLUTION 2023 – 81

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH THE ORCHARDS AT MOUNT ARLINGTON URBAN RENEWAL, LLC IN CONNECTION WITH THE REDEVELOPMENT OF BLOCK 61.02, LOT 23.08, COMMONLY REFERRED TO AS 181 HOWARD BOULEVARD

WHEREAS, an affiliate of the Redeveloper is the owner of Block 61.02 Lot 23.08 as shown on the official Tax Map of the Borough of Mount Arlington, Morris County, and commonly known as 181 Howard Boulevard, consisting of approximately 7.61 acres (the "Property"); and

WHEREAS, on July 9, 2020 the Borough Council adopted Resolution 2020-109 designating the Property as an area designated "in need of redevelopment" in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq., as amended and supplemented (the "Redevelopment Law"); and

WHEREAS, in accordance with the Redevelopment Law, on March 2, 2021 the Borough Council adopted Ordinance 02-2021 authorizing a redevelopment plan for the Property entitled the "111 & 181 Howard Boulevard Redevelopment Plan", as prepared by Jessica C. Caldwell, P.P./AICP, dated February 2, 2021 (as may be further amended from time to time, the "Redevelopment Plan"); and

WHEREAS, the Borough and the Redeveloper entered into that certain redevelopment agreement dated July 6, 2021, (the "Redevelopment Agreement") which contemplates the redevelopment of the Property with a mixed-use project to be renamed "Station Square" with the addition of two new luxury apartment buildings to replace a portion of the existing shopping center and former freestanding bank building, an upgrade of the remaining shopping center façade, and the expansion of the onsite parking to support the project along with landscaping, signage and other enhancements; and

WHEREAS, the Redeveloper proposes the removal of the end of the east wing of the existing vacant retail building and the construction of a 4-story, mixed-use building ("Original Building 1"), containing: (1) 4,640 square feet of new retail/commercial space, (2) the entrance, lobby, common space, fitness rooms, community lounges, bike storage rooms and tenant storage for the residential units, (3) 17 market-rate rental apartments, including 16 one bedroom units and 1 two bedroom unit, and (4) 7 rental residential units affordable to very low, low and/or moderate income households that qualify as such, consisting of 2 one-bedroom units, 2 two-bedroom units, and 3 three-bedroom units; and

WHEREAS, the Redeveloper proposes the demolition of the existing freestanding former bank building and the construction of a 5-story, multi-family residential building ("Building 2"), which will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, bike

storage rooms and tenant storage for the residential units, (2) 43 market-rate rental apartments, including 31 one bedroom units and 12 two bedroom units, and (3) 4 two-bedroom Affordable Housing Units; and

WHEREAS, an additional 79 off-street parking spaces will be added to the Property for a total of 277 parking spaces, the 34,694 square feet of retail/commercial space will remain in the existing retail building, the shopping center parapet facades shall be four sided to limit views of rooftop equipment and sides of parapets, the size and design of the parapet facades shall be determined by the Land Use Board during site plan review, the façade above the existing Dollar General shall be improved to have a two-story profile as per the Redevelopment Plan, the colors of the buildings shall utilize historic color palettes such as Sherwin Williams' preservation Palette or Benjamin Moore Historic Color Collection, stone shall be integrated into the façade treatments in addition to the brick, outdoor amenity areas, site improvements, signage, utilities and Infrastructure Improvements, all in accordance with the Redevelopment Plan, and any and all approvals granted by any and all other governmental agencies exercising jurisdiction over the Property; and

WHEREAS, the Parties wish to amend the Redevelopment Agreement to modify the project description with regard to Original Building 1 as the Redeveloper proposes the removal of the end of the east wing of the existing vacant retail building and the construction of a 5-story, multifamily residential building, which will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, tenant storage for the residential units, (2) 28 market-rate rental apartments, including 26 one bedroom units and 2 two bedroom units, and (3) 9 rental residential units affordable to very low, low and/or moderate income households that qualify as such, consisting of 2 one-bedroom units, 3 two-bedroom units, and 4 three-bedroom units.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mount Arlington, County of Morris, New Jersey, as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. EXECUTION OF FIRST AMENDMENT AUTHORIZED

- (a) The Mayor is hereby authorized to execute the First Amendment to the Redevelopment Agreement, substantially in the form attached hereto as **Exhibit** A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such First Amendment to the Redevelopment Agreement.
- (b) The Borough Clerk is hereby authorized and directed, upon the execution of the First Amendment to the Redevelopment Agreement in accordance with the terms of Section II(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Borough upon such document.

IV. <u>SEVERABILITY</u>

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

V. <u>EFFECTIVE DATE</u>

This Resolution shall take effect immediately.

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Council of the Borough of Mount Arlington, and adopted on April 4, 2023.

Matthew N. Bansch, Borough Clerk

EXHIBIT A

First Amendment to Redevelopment Agreement

FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT

TO REDEVELOPMENT AGREEMENT THIS **AMENDMENT FIRST** , 2023 (the "Effective Date") by and between June 1 ("Amendment") is made as of THE BOROUGH OF MOUNT ARLINGTON (the "Borough"), a municipal corporation of the State of New Jersey, having its offices at 419 Howard Boulevard, Mount Arlington, New Jersey 07856, acting in capacity of Redevelopment Redeveloper pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; (the "Redevelopment Law") and THE ORCHARDS AT MT. ARLINGTON URBAN RENEWAL, LLC, a New Jersey urban renewal Redeveloper, having its offices at c/o Florham Realty Management, 1075 Route 34, Suite G, Aberdeen, New Jersey 07747 (together with permitted successors or assigns as hereinafter provided, the "Redeveloper", together with the City, the "Parties," and each a "Party").

WITNESSETH

WHEREAS, an affiliate of the Redeveloper is the owner of Block 61.02 Lot 23.08 as shown on the official Tax Map of the Borough of Mount Arlington, Morris County, and commonly known as 181 Howard Boulevard, consisting of approximately 7.61 acres (the "Property"); and

WHEREAS, on July 9, 2020 the Borough Council adopted Resolution 2020-109 designating the Property as an area designated "in need of redevelopment" in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq., as amended and supplemented (the "Redevelopment Law"); and

WHEREAS, in accordance with the Redevelopment Law, on March 2, 2021 the Borough Council adopted Ordinance 02-2021 authorizing a redevelopment plan for the Property entitled the "111 & 181 Howard Boulevard Redevelopment Plan", as prepared by Jessica C. Caldwell, P.P./AICP, dated February 2, 2021 (as may be further amended from time to time, the "Redevelopment Plan"); and

WHEREAS, the Borough and the Redeveloper entered into that certain redevelopment agreement dated July 6, 2021, (the "Redevelopment Agreement") which contemplates the redevelopment of the Property with a mixed-use project to be renamed "Station Square" with the addition of two new luxury apartment buildings to replace a portion of the existing shopping center and former freestanding bank building, an upgrade of the remaining shopping center façade, and the expansion of the onsite parking to support the project along with landscaping, signage and other enhancements; and

WHEREAS, the Redeveloper proposes the removal of the end of the east wing of the existing vacant retail building and the construction of a 4-story, mixed-use building ("Original Building 1"), containing: (1) 4,640 square feet of new retail/commercial space, (2) the entrance, lobby, common space, fitness rooms, community lounges, bike storage rooms and tenant storage for the residential units, (3) 17 market-rate rental apartments, including 16 one bedroom units and 1 two bedroom unit, and (4) 7 rental residential units affordable to very low, low and/or moderate income households that qualify as such, consisting of 2 one-bedroom units, 2 two-bedroom units, and 3 three-bedroom units;

and

WHEREAS, the Redeveloper proposes the demolition of the existing freestanding former bank building and the construction of a 5-story, multi-family residential building ("Building 2"), which will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, bike storage rooms and tenant storage for the residential units, (2) 43 market-rate rental apartments, including 31 one bedroom units and 12 two bedroom units, and (3) 4 two-bedroom Affordable Housing Units; and

WHEREAS, an additional 79 off-street parking spaces will be added to the Property for a total of 277 parking spaces, the 34,694 square feet of retail/commercial space will remain in the existing retail building, the shopping center parapet facades shall be four sided to limit views of rooftop equipment and sides of parapets, the size and design of the parapet facades shall be determined by the Land Use Board during site plan review, the façade above the existing Dollar General shall be improved to have a two-story profile as per the Redevelopment Plan, the colors of the buildings shall utilize historic color palettes such as Sherwin Williams' preservation Palette or Benjamin Moore Historic Color Collection, stone shall be integrated into the façade treatments in addition to the brick, outdoor amenity areas, site improvements, signage, utilities and Infrastructure Improvements, all in accordance with the Redevelopment Plan, and any and all approvals granted by any and all other governmental agencies exercising jurisdiction over the Property; and

WHEREAS, the Parties wish to amend the Redevelopment Agreement to modify the project description with regard to Original Building 1 as the Redeveloper proposes the removal of the end of the east wing of the existing vacant retail building and the construction of a 5-story, multifamily residential building, which will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, tenant storage for the residential units, (2) 28 market-rate rental apartments, including 26 one bedroom units and 2 two bedroom units, and (3) 9 rental residential units affordable to very low, low and/or moderate income households that qualify as such, consisting of 2 one-bedroom units, 3 two-bedroom units, and 4 three-bedroom units.

NOW, THEREFORE, in consideration of the promises, covenants and agreements set forth herein, the parties hereto, binding themselves, as well as their successors and assigns, do hereby mutually promise, covenant and agree as follows:

Section 1. <u>Definitions</u>. All capitalized terms in this Amendment shall have the meaning set forth in the Redevelopment Agreement except as provided herein.

Section 2. Amendments. The terms of the Redevelopment Agreement are hereby amended as follows:

(a) Section 2.2 of the Redevelopment Agreement is hereby amended to read as follows:

"SECTION 2.2. The Project. The Project is a mixed-use project to be renamed "Station Square" with the addition of two new luxury apartment buildings to replace a portion of the existing shopping center and former freestanding bank building, an upgrade of the remaining shopping center façade, and the expansion of the onsite parking to support the project along with landscaping, signage and other enhancements. Specifically, the Redeveloper proposes the removal of the end of the east wing of the existing vacant retail building and the construction of a 5-story, multi-family residential building ("Building 1"). Building 1 will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, tenant storage for the

residential units, (2) 28 market-rate rental apartments, including 26 one bedroom units and 2 two bedroom units, and (3) 9 rental residential units affordable to very low, low and/or moderate income households that qualify as such, consisting of 2 one-bedroom units, 3 two-bedroom units, and 4 three-bedroom units (the "Affordable Housing Units"). The Redeveloper proposes the demolition of the existing freestanding former bank building and the construction of a 5-story, multi-family residential building ("Building 2"). Building 2 will contain: (1) the entrance, lobby, common space, fitness rooms, community lounges, bike storage rooms and tenant storage for the residential units, (2) 43 market-rate rental apartments, including 31 one-bedroom units and 12 two bedroom units, and (3) 4 two-bedroom Affordable Housing Units. An additional 79 off-street parking spaces will be added to the Property for a total of 277 parking spaces. The 34,694 square feet of retail/commercial space will remain in the existing retail building. The shopping center parapet facades shall be four sided to limit views of rooftop equipment and sides of parapets. The size and design of the parapet facades shall be determined by the Land Use Board during site plan review. The facade above the existing Dollar General shall be improved to have a two-story profile as per the Redevelopment Plan. The colors of the buildings shall utilize historic color palettes such as Sherwin Williams' preservation Palette or Benjamin Moore Historic Color Collection. Stone shall be integrated into the façade treatments in addition to the brick. The Project shall also include outdoor amenity areas, site improvements, signage, utilities and Infrastructure Improvements, all in accordance with the Redevelopment Plan, and any and all approvals granted by any and all other governmental agencies exercising jurisdiction over the Property. The Project is depicted on the attached Exhibit A.

(b) <u>Exhibit A</u> of the Redevelopment Agreement is hereby amended and replaced with <u>Exhibit A</u> attached hereto.

Section 3. Miscellaneous.

- (a) Except as specifically modified by this Amendment, all other terms of the Redevelopment Agreement shall remain in full force and effect.
- (b) The execution and delivery of this Amendment has been duly authorized by all necessary action of each of the Parties hereto and represents the valid and binding act and obligation of each of them, enforceable against each of them in accordance with its terms. This Amendment shall be binding upon and inure to the benefit of the Parties thereto and their respective successors and assigns.
- (c) This Amendment may be simultaneously executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- (d) This Amendment may not be amended, changed, modified, altered or terminated without the written consent of the parties hereto.
- (e) This Amendment and the Redevelopment Agreement constitute the entire agreement between the Parties hereto and supersedes all prior oral and written agreements between the parties with respect to the subject matter hereof except as provided herein.
- (f) This Amendment shall take effect as of the date that it is fully executed by the Parties.

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IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the date and year first above written.

ATTEST:	BOROUGH OF MOUNT ARLINGTON
By: Matthew N. Bansch, Borough Clerk	By: Hon. Michael Stanzilis, Mayor
	THE ORCHARDS AT MT. ARLINGTON URBAN RENEWAL, LLC
	By:Authorized Signatory

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the date and year first above written.

ATTEST:	BOROUGH OF MOUNT ARLINGTON
By:	By:
Matthew N. Bansch, Borough Clerk	Hon. Michael Stanzilis, Mayor

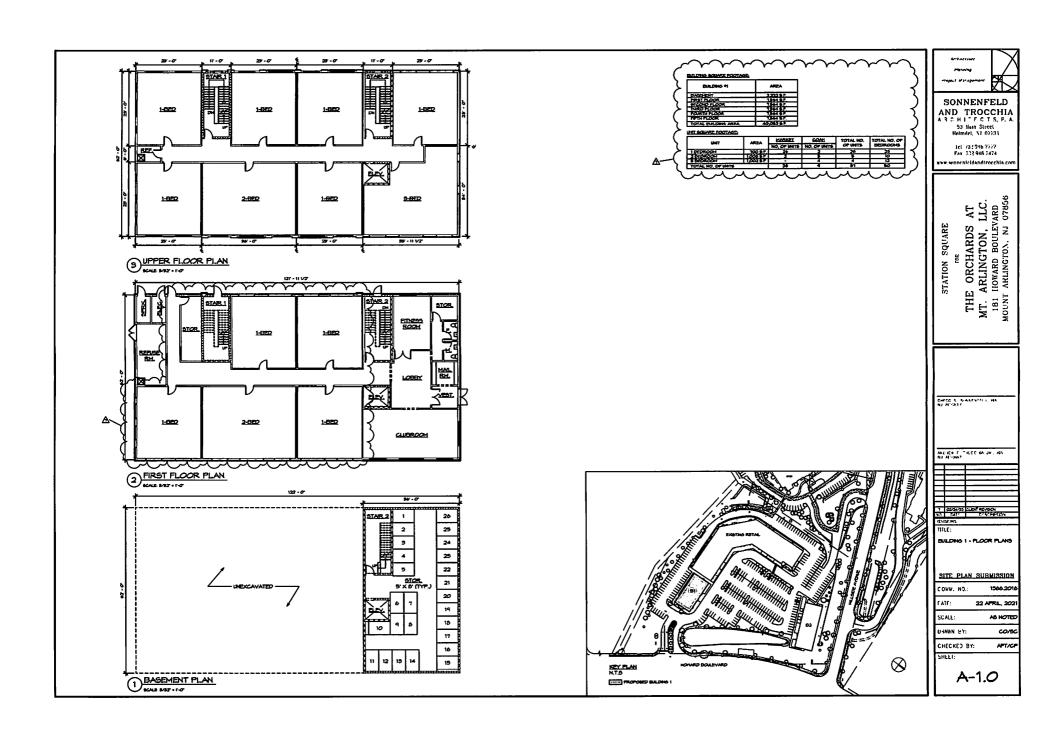
THE ORCHARDS AT MT. ARLINGTON URBAN RENEWAL, LLC

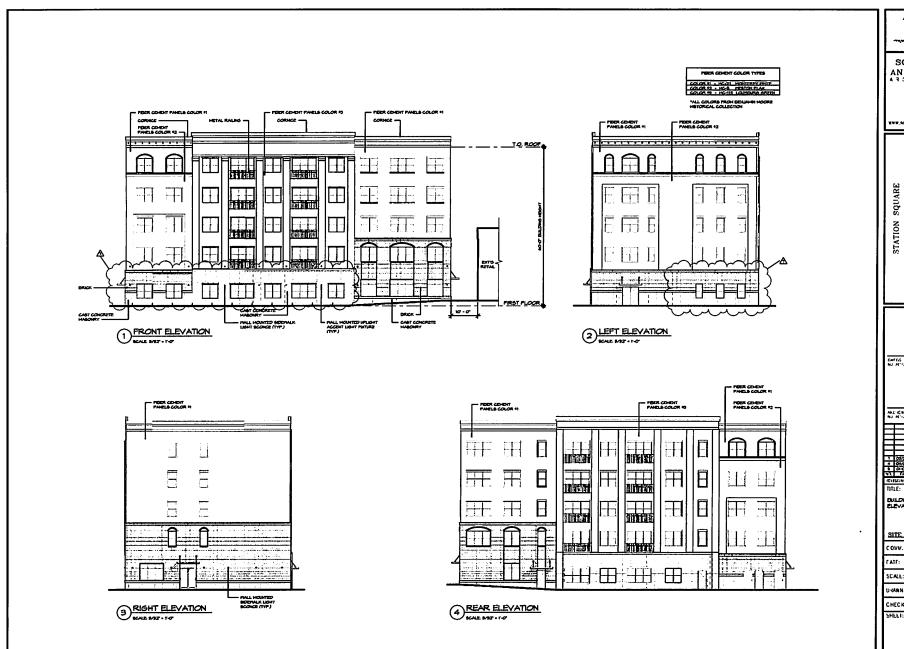
Authorized Signatory

Tames Dolan

Managing Nember

Exhibit A





SONNENFELD AND TROCCHIA 53 Nain Street Helmdel, VI 07733

Tel 73.5.046.7777 Fax 7.32.946.7474

eww.sonnenfeldandtrocchia.com

THE ORCHARDS AT MT. ARLINGTON, LLC. 181 HOWARD BOULEVARD MOUNT ARLINGTON, NJ 07856

GHEGG S. SIAKENETTI), AM.

AND ICH F TROCK HA UH., AN

TITLE: BUILDING 1 - BUILDING ELEVATIONS

SITE PLAN SUBMISSION

CONN. NO.: 1966.2016

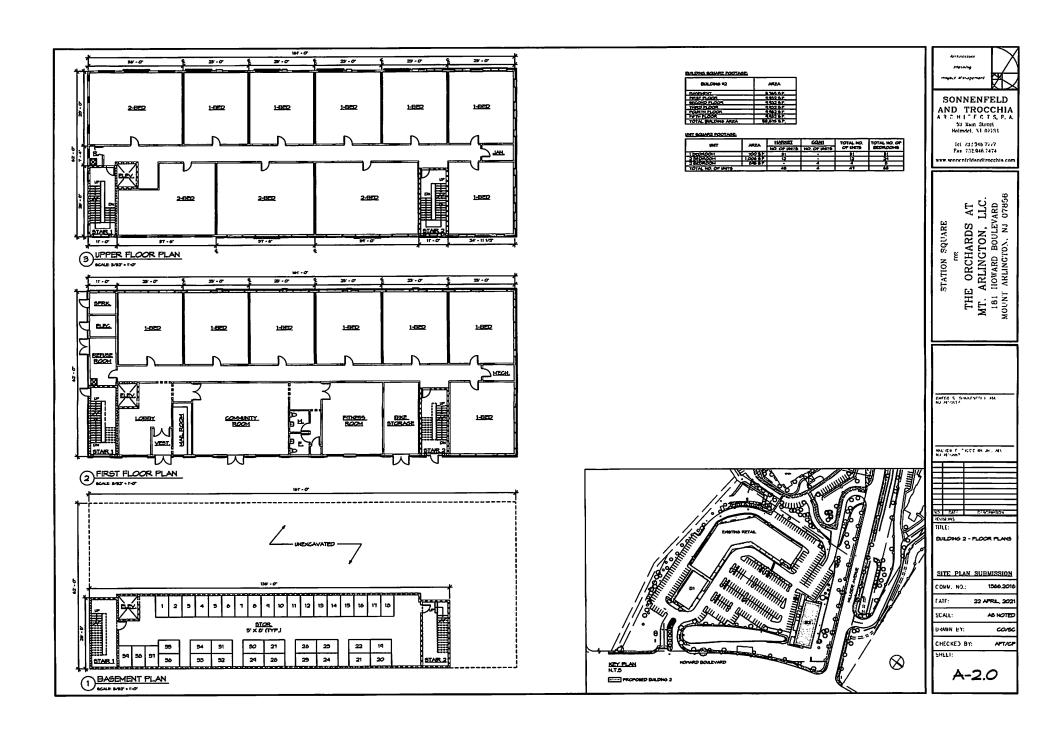
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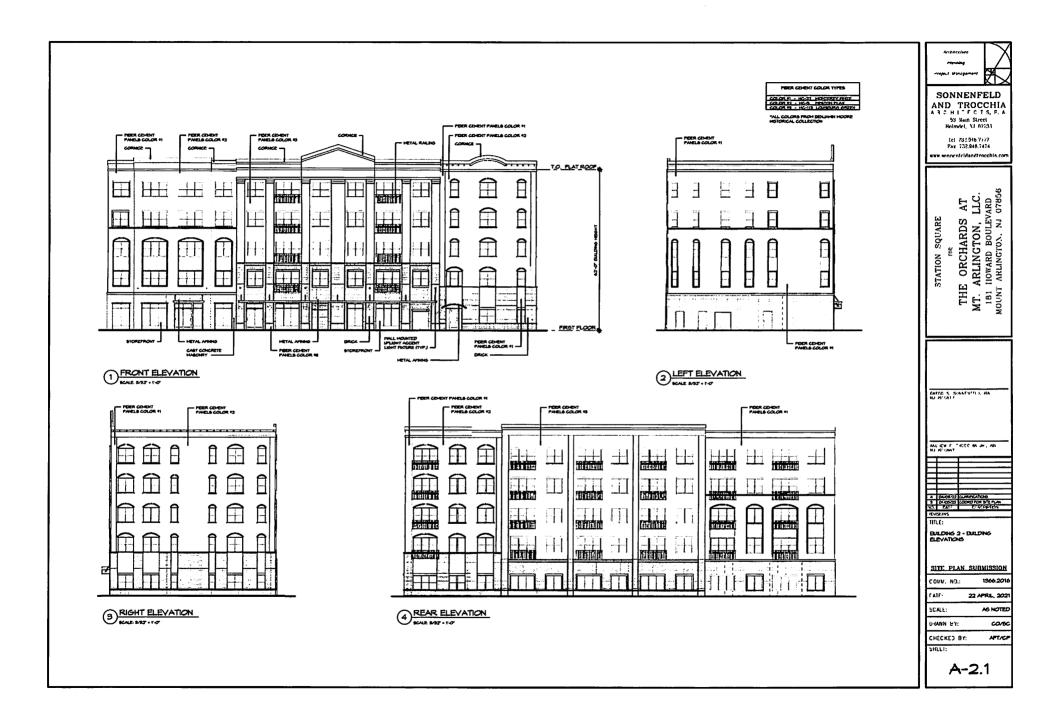
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SHEET:

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1 BUILDING 1 - 3D VIEW



2 BUILDING 2 - 3D VIEW

SONNENFELD AND TROCCHIA ARCHIFFCTS, P. A. 53 Main Street Holmdel, XI 07733

Tel 731.946.7777 Fax 732.946.7474 www.sonnenfeldandtrocchia.com

THE ORCHARDS AT MT. ARLINGTON, LLC. 181 HOWARD BOULEVARD MOUNT ARLINGTON, NJ 07856 STATION SQUARE

OMFOG S. SHANFNEEL), ALA NJ. ATCKEY

AND KEW F. THOCO HA JH., AM NJ ALTOHA?

2	02/24/23	CLIENT REVISION
VD.	CATE	DESCRIPTION
(EV	SIONS	

BUILDING 1 4 2 - 3D VIEWS

SITE PLAN SUBMISSION

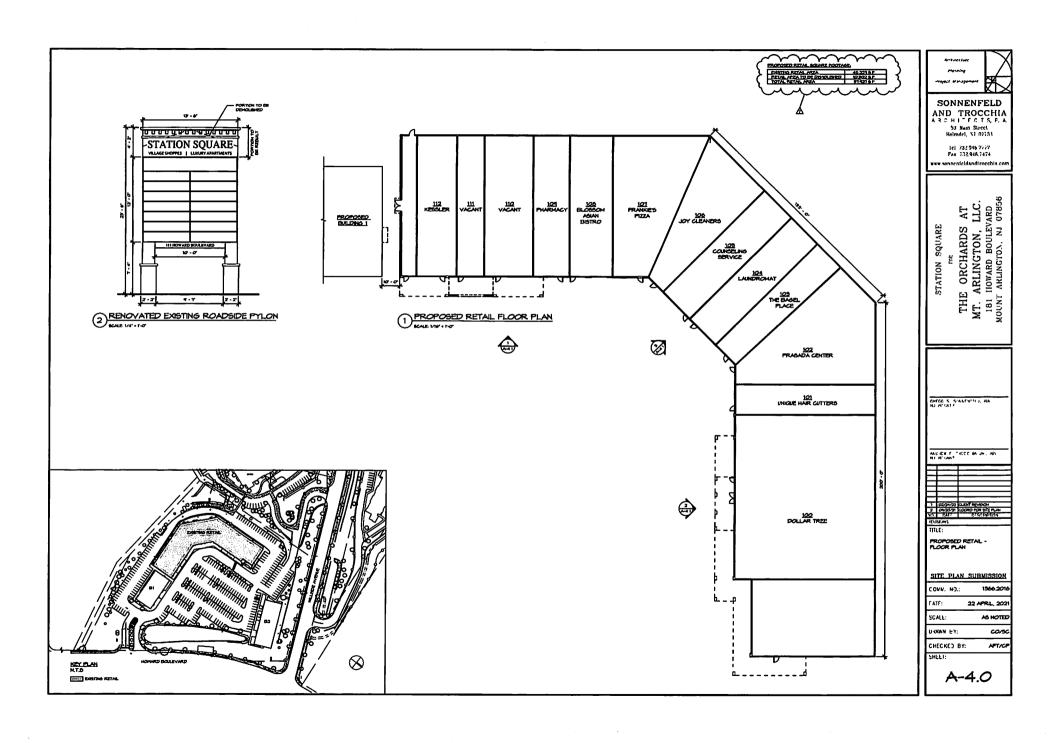
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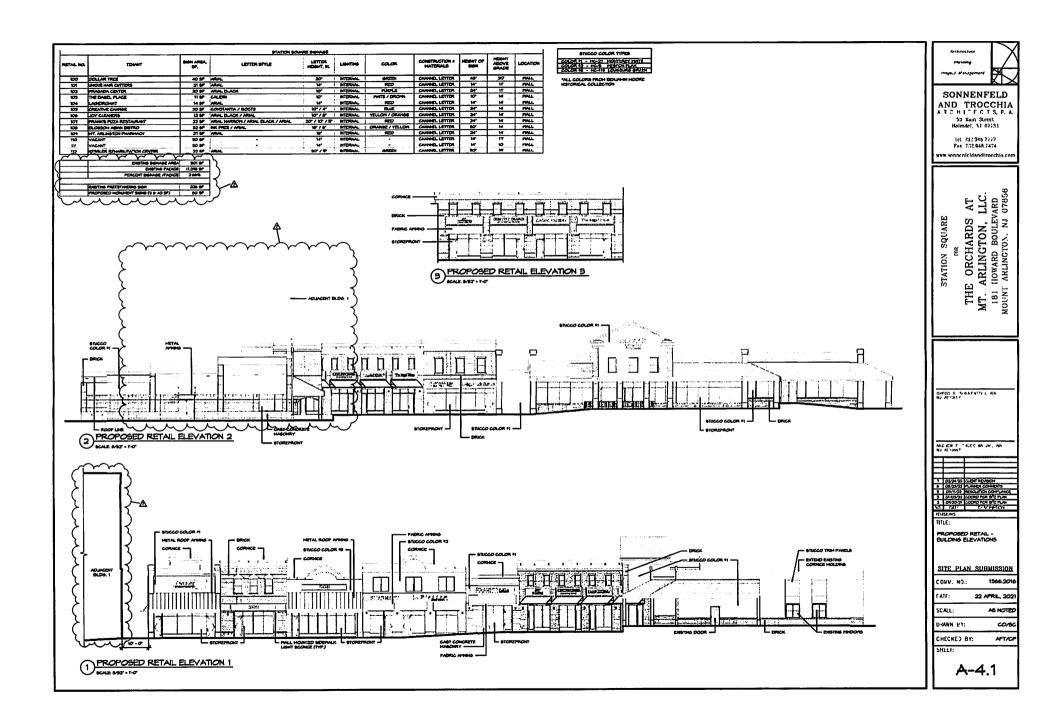
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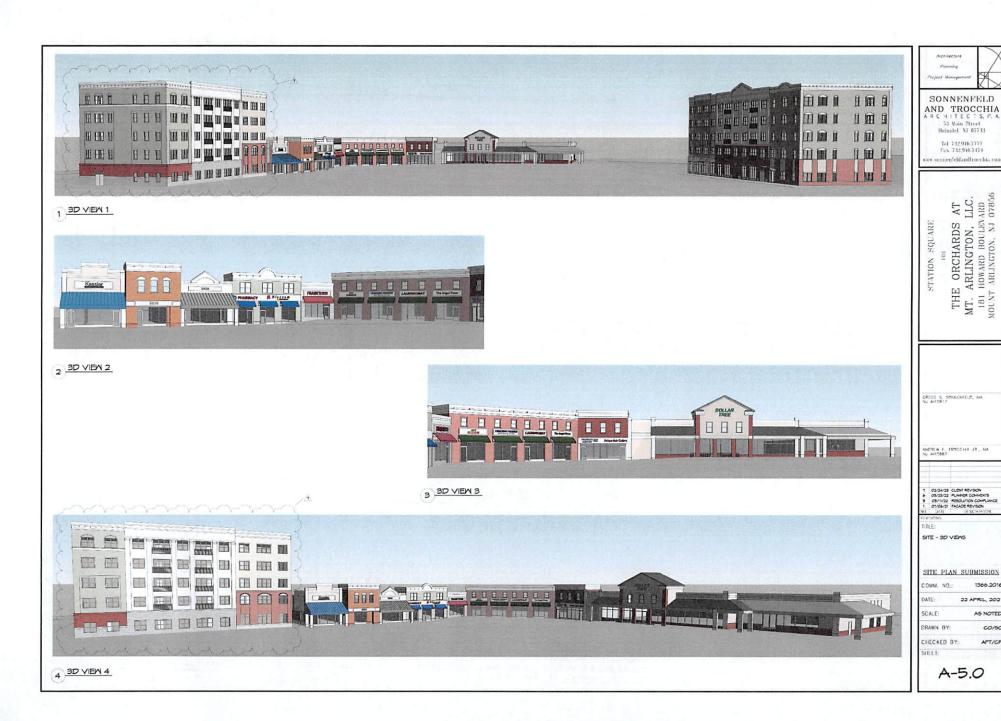
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COMO

APT/CP

Autumn Pointe at Little Falls Condo Assn.

c/o Back Beach Management LLC
P.O. Box 209
Haskell, NJ 07420
973-800-0158 tom@backbeachmanagement.com

June 2, 2023

David Gunia Highview Homes LLC 280 Highway 35 Suite 150 Red Bank, NJ 07701

RE: Finalizing Transition - Autumn Pointe at Little Falls

Dear Dave,

The Board of Directors of Autumn Pointe at Little Falls would like to finalize transition. We are coming up on the fifth anniversary of the first closing, and they feel that these issues can be resolved quickly.

WALKING PATH – The walking path was not constructed correctly. Side borders were not installed to contain the stone. Three quarter inch construction stone was used instead of a pea gravel. We have a quote to correct these deficiencies for \$8500.

PARK BENCH — One park bench that had been proposed was not installed. This has been discussed previously and Highview agreed to reimburse the HOA \$1000 for the bench.

SIDEWALK BETWEEN BUILDINGS 1 AND 2 – The first slab has raised from frost where it meets the asphalt. This was brought to your attention several years ago but it was not repaired. (\$1200)

STORM DRAIN GRATE AT CORNER OF BUILDING 3 — This drain is lower than the rest of the immediate area and is surrounded by mulch. It should have stone around it to prevent mulch and debris washing into it. We propose installing stone around the grate at a cost of \$300.

The Board is willing to accept a financial settlement of \$11,000 with Highview Homes and issue the necessary release for the final transition. On behalf of the Board, we hope you find this acceptable.

FOR THE BOARD OF DIRECTORS

Thomas F. Carroll

Back Beach Management LLC