

24-002

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

**Approved: January 24, 2024
Memorialized: February 28, 2024**

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 (Building #1) and 24 apartments on the second to fourth floors and a 5-story building consisting of 47 apartments (Building #2). An existing shopping center on the Property was proposed to remain although it will be reduced in size and renovated; and

WHEREAS, the Board acted favorably upon the Application and adopted a Resolution on September 22, 2021, granting the requested relief; and

WHEREAS, the Borough approved an amendment to the proposed redevelopment plan via Resolution #2023-81, adopted and memorialized on April 4, 2023, to remove retail space on the ground floor of building #1 and permit apartments on the ground floor as well as add an additional story to building #1; and

WHEREAS, the Applicant subsequently submitted another Application for Development with the Borough of Mt. Arlington Land Use Board (“Board”) on or about October 6, 2023, seeking to amend the prior preliminary and final site plan approval to, among other things, convert the first floor of Building #1 into an entrance, lobby, common space, fitness rooms, community lounges, and tenant storage for residential units and add a fifth floor that would consist of 6 more apartments thereby increasing the number of apartments in Building #1 to 37 which would include 26 market-rate one-bedroom apartments; two (2) two-bedroom market-rate units; and nine (9) rental residential units affordable to very low, low and/or moderate-income households that qualify as such, consisting of two (2) one-bedroom units, three (3) two-bedroom units, and four (4) three-bedroom units; and

WHEREAS, the Applicant included with its application sixteen (16) sheets of a Preliminary and Final Major Site Plan entitled, “Station Square Orchards at Mt. Arlington, LLC,” prepared by Amertech Engineering, Inc., dated April 21, 2021 and revised through August 28, 2023 and eight (8) sheets of Architectural Building Elevations and Floorplans entitled, “Station Square for The Orchards at Mt. Arlington, LLC. 181 Howard Boulevard Mount Arlington, NJ 07856,” prepared by Sonnenfeld and Trocchia Architects, P.A., dated April 22, 2021, and revised through September 22, 2023.

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 November 1, 2023, and public hearings were scheduled and held on December 20, 2023, and January 24, 2024, notice being required and lawfully provided; and

WHEREAS, the Board’s Engineer, David A. Clark, P.E., issued technical reports regarding the Application, dated November 1, 2023, and January 24, 2024; and

WHEREAS, the Board’s Planner, Jessica P. Caldwell, P.P., also issued a report dated December 12, 2023; and

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

WHEREAS, at the conclusion of the January 24, 2024, 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 David Hellman from Platinum Realty Services Corp. as its only witness. Mr. Hellman introduced himself as the project manager. He explained that the Applicant wanted to convert the first floor of Building #1 from commercial/retail space to residential apartments and add a fifth floor that would also include residential apartments. He explained that the Applicant was not confident that commercial/retail space on the first floor would be an attractive use and that residential apartments would be a better option. He also advised that the amount of glazing proposed for the 5th floor was less than what the Plan required and would require a design waiver.

Mr. Hellman testified that eliminating the commercial/retail space on the first floor would allow for the construction of 5 apartments and the construction of a fifth floor would provide another 6 units. He stated that Building #1 would then have 37 apartments which would include 26 market-rate one-bedroom apartments; two (2) two-bedroom market-rate units; and nine (9) rental residential units affordable to very low, low and/or moderate-income households that qualify as such. The 9 affordable units would consist of two (2) one-bedroom units, three (3) two-bedroom units, and four (4) three-bedroom units. He explained that the apartments proposed for Building #2 would remain unchanged. He stated that the proposal thus would increase the total number of residential units on site from the 71 units previously approved to 84 units and the affordable units would increase from 11 to 13. The retail floor area on site would decrease from 38,887 square feet as previously approved to 34,129 square feet.

Mr. Hellman also testified that all other previously approved site improvements were to be installed. However, Board members raised questions about the proposed landscaping around Building #1 particularly in light of the requested change to residential. They felt that additional landscaping was warranted as Building #1 was very visible to those traversing along Howard Boulevard. Other Board members expressed concerns about the sidewalk layout in light of the inclusion of additional apartments.

In response, the Applicant modified its proposed site plan to include more landscaping and to modify the sidewalk layout. The Applicant produced two renderings prepared by Sonnenfeld and Trocchia that illustrated the proposed changes to the landscaping around the building and the sidewalk. However, the Board did express concerns about the look of the building's façade facing Howard Boulevard and the inadequacy of the lighting between the apartment building and the retail/commercial building. In response, the Applicant agreed to include additional Juliet balconies and awnings and install cage lighting between the two buildings. The Applicant also agreed to modify the lighting along the front of the building. The Board found these changes to

be acceptable.

The matter was open to the public. Three members of the public questioned the layout, the number of school aged children that might come from the project, and the traffic expected to be generated.

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

1. The Applicant is seeking amended preliminary and final site plan approvals. The amendment allows for the conversion of the first floor of Building #1 from previously approved retail/commercial space to 5 residential apartments including an entrance, lobby, common space, fitness rooms, community lounges, and tenant storage for residential units. The site plan amendment also allows for a fifth floor on Building #1 that would consist of 6 more apartments thereby increasing the number of apartments in Building #1 to 37 which would include 26 market-rate one-bedroom apartments; two (2) two-bedroom market-rate units; and nine (9) rental residential units affordable to very low, low and/or moderate-income households that qualify as such, consisting of two (2) one-bedroom units, three (3) two-bedroom units, and four (4) three-bedroom units. The amendment allows additional landscaping and sidewalk modifications.
2. The Board also that the Applicant is seeking a design waiver to reduce the amount of glazing proposed for the exterior of the fifth floor. The Board finds that the design waiver is reasonable and appropriate.
3. The Board finds that the Applicant's proposal is in conformance with the 111 & 181 Howard Boulevard Redevelopment Plan adopted and amended by the governing body and the Borough's applicable ordinances.

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 amended preliminary and final site plana 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 and Final Major Site Plan entitled, "Station Square Orchards at Mt. Arlington, LLC," prepared by Amertech Engineering, Inc., dated April 21, 2021, and revised through August 28, 2023, and eight (8) sheets of Architectural Building Elevations and Floorplans entitled, "Station Square for The Orchards at Mt. Arlington, LLC. 181 Howard Boulevard Mount Arlington, NJ 07856," prepared by Sonnenfeld and Trocchia Architects, P.A., dated April 22, 2021, and revised through September 22, 2023, subject to the following terms and conditions:

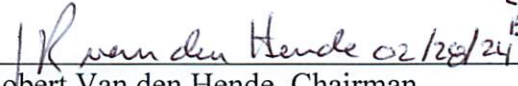
1. To the extent that the Applicant has not yet addressed same, it shall revise its plans in accordance with the August 18, 2021, report prepared by the Board engineer, David A. Clark. Specifically, the Applicant shall revise the plans to

- 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. The Applicant shall revise its plans in accordance with the November 1, 2023 and January 24, 2024 reports prepared by the Board engineer, David A. Clark.
 3. The Applicant shall comply with all outstanding conditions set forth in the prior Resolution adopted by the Board on September 22, 2021.
 4. The approval of the Morris County Soil Conservation District.
 5. The Applicant shall revise the architectural plans for Building #1 to include more Juliet balconies and awnings. The revised architectural plans shall be reviewed and approved by the Board engineer and planner prior to the issuance of a building permit for Building #1.
 6. The Applicant shall install café lighting in the alley located between Building #1 and the adjacent retail/commercial building.
 7. All other State, County, and Municipal regulatory agency reviews that may be necessary must be obtained.
 8. The Applicant shall revise the proposed lighting in front of Building #1 to the satisfaction of the Board engineer.
 9. 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.
 10. 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.
 11. The Secretary of the Board shall file a copy of this Resolution with all governmental bodies as shall be deemed necessary and appropriate.

ATTEST:


Kathy Appleby, Secretary

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD

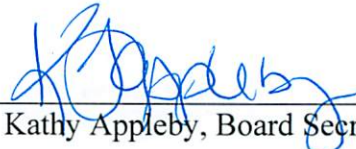
By:  02/28/24 <sup>Lot 23.08
Bk 68.02</sup>
Robert Van den Hende, Chairman

DATED:

THE VOTE:

IN FAVOR: 5
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 February 28, 2024.


Kathy Appleby, Board Secretary