24-003

BOROUGH OF MT. ARLINGTON LAND USE BOARD RESOLUTION OF MEMORIALIZATION GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN AND BULK VARIANCE APPROVALS TO ALFA INVESTMENTS, LLC TO CONSTRUCT A 3-STORY 36-UNIT MULTI-FAMILY DEVELOPMENT ON LOT 18 IN BLOCK 17

Approved: March 27, 2024
Memorialized: April 24, 2024

WHEREAS, the Alfa Investments, LLC ("Applicant") is the owner of Lot 18 in Block 17 ("Property"), as noted on the tax map of the Borough of Mt. Arlington and having a street address of 61 Rooney Road; 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 "Our Lady of the Lake School Redevelopment Plan, 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 #2023-72 adopted on April 4, 2023; 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 Our Lady of the Lake School Redevelopment Plan; and

WHEREAS, the Borough Council approved a redeveloper's agreement with the Applicant as per Resolution 2023-157 on November 8, 2023, authorizing the rehabilitation and expansion of the existing two story Our Lady of the Lake School Building to allow for a multi-family use on the Property;

WHEREAS, the Applicant submitted an Application for Development with the Borough of Mt. Arlington Land Use Board ("Board") on or about October 16, 2023, seeking preliminary and final site plan approvals and bulk variance relief to, among other things, permit the rehabilitation of the existing two story Our Lady of the Lake School

Building and adding a one-story addition, consisting of 3,770 square feet, for a combined total of 11,310 square feet of space to be occupied by a 36 unit residential apartment complex including 27 one-bedroom apartments, eight (8) two bedroom apartments; and one (1) three bedroom apartment. The project includes six (6) affordable housing units; and

WHEREAS, the Applicant included with its application the following:

1. "Preliminary and Final Site Plan for Alfa Investments, LLC, Proposed Multi-Family Redevelopment, Block 17, Lot 18; Tax Map Sheet #6 – Latest Rev. Dated 12-18-09, 61 Rooney Road, Borough of Mount Arlington, Morris County, New Jersey" prepared by Dynamic Engineering Consultants, P.C., signed and sealed by Daniel T. Sehnal, P.E., dated October 11, 2023, revised February 20, 2024, consisting of fifteen sheets.
2. Architectural Plans titled: "Proposed New Building for Alfa Investments, LLC, 61 Rooney Road, Mt. Arlington, NJ 07856, Block 17, Lot 18" prepared by Kapuscinski Luongo Architects, signed and sealed by Karen M. Luongo, A.I.A., dated July 22, 2022, revised October 11, 2023, consisting of four sheets.
3. Survey titled: "Boundary & Topographic Survey, Alfa Investments, LLC, Block 17, Lot 18, 61 Rooney Road, Borough of Mount Arlington, Morris County, New Jersey" prepared by Dynamic Survey, LLC, signed and electronically sealed by James A. Conway, Jr., P.L.S., dated August 21, 2023, no revisions, consisting of one sheet.

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

WHEREAS, the Application was deemed administratively complete by the Board's Engineer on November 30, 2023, subject to the Applicant executing the Redevelopment Agreement with the Borough which it did on December 2023. Public hearings were scheduled and held on January 24, February 28, and March 27, 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 January 12 and February 28, 2024; and

WHEREAS, the Board's Planner, Jessica C. Caldwell, P.P., also issued reports dated January 17 and February 27, 2024; and

WHEREAS, the Applicant was represented by Lawrence A. Calli, Esq.; and

WHEREAS, at the conclusion of the March 27, 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:

Mr. Calli introduced the project to the Board. He noted that the Property was a 1.3-acre tract that was zoned MFRR Multi Family Rural Residential. The Property was the site of the former parochial school, Our Lady of the Lake. He noted that the property had been designated to be an area in need of redevelopment and there was a redevelopment plan in place that would allow an addition on the existing school building and the conversion of the structure it into a 36-unit apartment that would include 27 one-bedroom apartments, 8 two-bedroom apartments and 1 three-bedroom apartment. Mr. Calli explained that there would be 36 market rate apartments available and 6 affordable apartments. He told the Board that the Applicant would own the building and serve as the landlord.

After Mr. Calli's introductory remarks, he produced Daniel Sehnal, P.E., from Dynamic Engineering. Mr. Sehnal was accepted by the Board as an expert in the field of civil engineering. He began his testimony by producing an aerial photograph of the Property that was marked Exhibit A-1. He instructed the Board that the Property was a rectangular shaped, 1.3-acre tract that was accessible from Rooney Road and Prospect Street.

Mr. Sehnal further testified that there was an existing 2-story institutional building on the Property that was approximately 25 feet in height. He told the Board that it was the Applicant's intention to enlarge the existing building and convert it into apartments in accordance with the Redevelopment Plan. Mr. Sehnal stated that there was approximately 61% impervious coverage on the Property.

Mr. Sehnal then produced a colored Site Plan Rendering dated January 24, 2024, which was marked as Exhibit A-2. Using the exhibit, Mr. Sehnal indicated that the project would result in a three-story building that would include an approximate 3,700 square foot addition to the northwesterly side that would be approximately 39 feet tall. This would enlarge the overall footprint of the building to 19,800 square feet including overhangs and canopies.

Mr. Sehnal then testified that the Applicant sought to install curbing around the building and driveway, although it would be seeking design waivers. The borough requires 25 feet for turning radius, and the Applicant was only proposing 15 feet. Mr. Sehnal did confirm that refuse and fire trucks would be able to navigate through the 15-foot radius. He then explained that there would be 54 parking stalls, 4 handicapped accessible stalls, and 4 stalls dedicated to electric charging stations.

Mr. Sehnal indicated that the parking lot did result in an increase of 3,000 square feet of impervious surface. He added that this would not require the Applicant to provide any stormwater management.

Mr. Sehnal said that there would be a trash enclosure approximately 20 feet in width, 10 feet in depth and 8 feet in height to be installed at the northwesterly area of the Property in the center of the parking lot. This location was selected, according to Mr.

Sehnal, because it would maximize the number of parking spaces on the Property and would not interfere with the existing sewer easement that bisected the Property.

Mr. Sehnal also stated that the access drives from Rooney Road and Prospect Street would be marked by two modest signs. The signs would be 6 feet high, 3 feet wide and have a square footage of 15 feet. Mr. Sehnal stated that while each sign was conforming, the zone does not allow more than one sign. Consequently, he opined that the Applicant would require a bulk variance.

Mr. Sehnal testified that the Applicant proposed to remove 5 trees, 2 of which were dying. He would in turn plant 72 trees, including 17 shade trees, 13 ornamental trees and 42 evergreens. Mr. Sehnal confirmed that this planting schedule was consistent with the Redevelopment Plan. The Applicant also sought to add 5 additional lights in the parking area, 18-cylinder sconce style lights on the building, and LED lights in the amenity spaces.

After Mr. Sehnal concluded his direct testimony, Board Members raised questions concerning parking calculations. The Board's Planner, Ms. Caldwell, explained that the calculations were correct and the Applicant's traffic expert would likely confirm same. The Board Members also asked if the proposed sidewalks could be extended further along the adjacent roadways.

After Mr. Sehnal concluded his testimony, the hearing was open to members of the public and several interested parties had an opportunity to question Mr. Sehnal. Kim Serocke questioned him about the adequacy of the existing roads, the proposed trash enclosure and the need for a stormwater management plan. Similarly, John Shannon asked Mr. Sehnal about stormwater retention efforts proposed to improve stormwater quality. Mr. Shannon also expressed concerns about the proposed lighting for the two signs. Mr. Sehnal assured Mr. Shannon that the Applicant would agree to work with the Board's professionals to consider other options for lighting the two signs.

Eric Wilson asked Mr. Sehnal about lengthening the sidewalks around the Property. Mr. Sehnal answered as he had done previously. Deb Devry inquired if more could be done to help control stormwater runoff and if a stormwater maintenance plan could be a condition of any approval. The Board agreed that it would require the Applicant to file a deed restriction to ensure future compliance with any stormwater management. Cameron Suarez inquired about the location of the proposed fence that ran along the Property near his lot. He felt that since his property sat at a lower elevation, it would be better to help shield any headlights from his home. He also had questions about stormwater runoff because he felt the existing catch basin has not been functioning properly for a long time, because his property frequently floods. Mr. Suarez also asked if the trash enclosure could be relocated so that it was not directly near his back yard. The mayor who sits on the Board suggested that Mr. Suarez and Mr. Sehnal exchange telephone numbers so that they could talk about the concerns raised by Mr. Suarez.

Brook Ortiz questioned Mr. Sehnal about the adequacy of the parking. Amanda

Shallop inquired if the property required solar power to which Mr. Sehnal indicated "no". She also asked if there was adequate water to service the project. The Board assured Ms. Shallop that there was.

The Applicant next presented Craig Peregoy, P.E., a licensed traffic engineer. He testified that based on the Trip Generation Manual published by the Institute of Transportation Engineers ("ITE"), the project once completed would generate 26 trips leaving the Property during the morning peak hours with 8 entering. During the evening peak hours, Mr. Peregoy stated that 23 vehicles would be entering the Property and 13 exiting. He concluded that these slight increases were not significant.

Mr. Peregoy also testified that the parking manual published by the ITE sets standards for the appropriate number of parking spaces for a project of this size. He stated that the manual called for 1.2 spaces per unit which would require a total of 46 parking spaces. Since the Applicant was proposing 54 spaces, Mr. Peregoy felt that there was sufficient parking proposed. He also confirmed that the proposed parking lot could accommodate both fire and garbage trucks. His opinion was confirmed by the Board's engineer. In response to the question from the Board planner, Mr. Peregoy stated that during the morning and evening peak hours, one car would be leaving or entering the site every two minutes. He added that the site would be quiet during the middle of the day.

The hearing was open once again to the public. Mr. Shannon asked if there would be any parking on the nearby streets and Mr. Peregoy opined that there should be none given the numbers he had relied upon. Ms. Serocke questioned him whether the roads would be safe with the additional traffic, given how narrow they were. Mr. Peregoy assured her that all of the roads were two lanes and could accommodate the additional traffic. Ms. Ortiz asked a similar question that he answered in a similar manner.

Following the public hearing in January, the Applicant returned to the Board on February 28, 2024. The Applicant presented Mr. Sehnal a second time to explain some of the changes that the Applicant elected to make since the initial hearing in January. Mr. Sehnal indicated that the Applicant had agreed to relocate the trash enclosure approximately 100 feet south of the original proposed location. This would move the enclosure further from Mr. Suarez's amenities within his backyard.

Mr. Sehnal also advised that the Applicant was prepared to move the proposed fence 5 feet into the interior of the Property and to add landscaping on both sides. He believed doing so would help shield headlights from cars parked or using the proposed parking lot.

Mr. Sehnal further confirmed that the Applicant did consider extending the sidewalks along the Property. He noted that this was not easy given existing grades of the adjacent properties and the Applicant's obligation to abide by the Americans with Disabilities Act. Nonetheless, Mr. Sehnal did indicate that the Applicant was able to extend the sidewalk along Prospect Street further than what was originally proposed.

With respect to stormwater, Mr. Sehnal informed the Board that the Applicant had agreed to add a small under basin to increase storage capacity for stormwater runoff and to also include a filtration system within the proposed catch basins. The use and maintenance of the basin and the filtration system would be set forth in the Stormwater Maintenance Manual that would be recorded against the Property.

According to Mr. Sehnal, none of the changes proposed created any additional variance relief. He asserted that the only variance relief still needed related to the two signs. He informed the Board that the total amount of square footage allocated for the signage was conforming; however, the borough ordinance prohibited having more than one sign on the Property.

Mr. Sehnal then addressed a report that had been issued by the Lake Hopatcong Commission. The report urged the Applicant to "consider stormwater infrastructure such as bio-infiltration to improve the quality and reduce the quantity of stormwater." Mr. Sehnal did not disagree with the recommendation but suggested that the proposed use of the inlet filters, which would preclude garbage from entering the drainage system, was a wiser approach. He explained that the bio-infiltration system basins would direct water back into the ground which, in his opinion, would be problematic given the amount of bedrock below the surface. He also assured the Board that the Applicant would agree to not use fertilizer on the Property, which was another recommendation from the Commission. Finally, Mr. Sehnal testified that the Applicant was intending to repair a portion of an existing drainage pipe that ran from Hopatcong Avenue that would help eliminate the runoff being experienced by the adjacent property owner.

After Mr. Sehnal concluded, the hearing was open to the public, but no one had any questions for him.

Thereafter, the Applicant called its next witness, Karen Luongo, A.I.A., who is a licensed architect. Ms. Luongo began by describing the existing structure on the Property. She explained it was a two-story brick masonry building. She stated that the Applicant sought to add an addition to the northerly side of the building and construct a third floor over the entire building. If soils allowed, she added that the Applicant would include a basement below the proposed addition.

The addition and the inclusion of a third floor would allow the Applicant to redevelop the building for 36 apartments. On the first floor, the Applicant proposed 7 one-bedroom apartments, 2 two-bedroom apartments and 1 three-bedroom apartment. Mr. Luongo noted that on the second floor there would be 10 one-bedroom apartments and 3 two-bedroom apartments. She explained that on the third floor there would be 10 one-bedroom apartments and 3 two-bedroom apartments. Mr. Luongo indicated that 6 apartments would be set aside for affordable housing.

Ms. Luongo presented Exhibit A-3, which was a 3D-colored rendering of the proposed structure. She noted that columns would be included around the building that

would support the third floor. She noted that the exterior would be a mix of siding and brick, employing a mix of red and sand colored brick and grey colored siding. In her opinion, the proposed color scheme was consistent with the architectural standards set forth in the Redevelopment Plan.

Several Board Members did question Ms. Luongo about the proposed architectural design. However, the Board ultimately agreed that the proposal was consistent with the Redevelopment Plan.

Ms. Luongo further testified that there would be a 2.9-foot-high parapet that ran along the roof that would shield the mechanical equipment from view. The Applicant agreed to locate the mechanical equipment on the roof in a location that would not be visible to adjacent property owners.

Ms. Luongo then testified as to the proposed signs. She presented Exhibit A-4 which was a colored rendering of the signs. She stated that each sign would be 14 square feet in total and would be located 3½ feet off of the ground and 4 feet wide. She stated there would be a 12-inch brick face at the bottom of the sign and the sign face would be 2.6 feet high and 4 feet wide. Pursuant to the borough's ordinance, Ms. Luongo indicated that the Applicant could install one sign that would be 30 square feet. She stated that the Applicant was instead proposing two smaller signs that would be a total of 28 square feet. In response to questions raised at the previous meeting, Ms. Luongo explained that there would be ground mounted uplighting to illuminate both signs rather than the backlit signs originally proposed.

After Ms. Luongo concluded her testimony, the matter was open to the public. Several members of the public did have questions concerning the architecture.

The Applicant continued with its presentation at the Board's March 27, 2024, meeting. At this meeting, the Applicant introduced John McDonough, P.P., who was accepted by the Board as an expert in the field of planning. Mr. McDonough began his testimony by presenting Exhibit A-5 which included 5 aerial photographs of the Property. Mr. McDonough explained that the Property was 1.3 acres with a two-story vacant building that was the site of a former school. He noted that in the immediate neighborhood there were commercial uses to the east and residential units to the west. He reminded the Board Members that the Property had been previously designated to be an area in need of redevelopment.

Mr. McDonough testified that the Application was essentially variance free, except for two proposed signs when only one was allowed in the MFRR Overlay Zone District. In other words, Mr. McDonough stated that the Application complied with all use and bulk variance standards in the Redevelopment Plan. He also stated that the project was an inclusionary development that provided for a 15% set aside.

Mr. McDonough testified that the proposed development complied with the borough's requirements regarding density, height, building and impervious coverage,

setbacks, and all traffic and parking requirements. However, the Applicant did require variance relief for the two proposed signs. Mr. McDonough argued that the variance relief for the two signs was justified under the C-2 Analysis. He opined that the signs helped identify access into the development by providing a clear and safe identification for the driveways. He believed that the smaller scale of the signs was integrated with the surrounding areas. Consequently, Mr. McDonough maintained that the signs promoted the general welfare, which is Purpose A of MLUL, as well as Purpose M which helps shape land development with a view of lessening the cost of such development.

Mr. McDonough added that he did not see any evidence to suggest that these two signs in any way represented a substantial harm to the public good or substantial impairment to the borough's ordinances or Redevelopment Plan.

The Board's planner agreed with Mr. McDonough and noted that the size of the two signs was permitted under the borough's ordinances had just one sign been proposed. After Mr. McDonough concluded his testimony, the matter was opened to the public, although no one stepped forward to ask any additional questions.

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 preliminary and final site plan approvals along with a bulk variance for signage and a design waiver for curbing for the Property known as Block 17, Lot 18. The Board finds that the Property is zoned MFRR Multi-Family Rural Residential and was previously found to be an area in need of redevelopment. The Board finds that the "Our Lady of the Lake School Redevelopment Plan" does govern the development of the Property.

2. The Board finds that the Applicant is proposing for the Property the rehabilitation of the existing two story Our Lady of the Lake School Building and the construction of a one-story addition above the existing two-stories as well as a 3 story addition, consisting of 3,770 square feet per floor, for a combined total of 11,310 square feet of space to be occupied by a 36-unit residential apartment complex. The Board finds that the project includes six (6) affordable housing units. The Board also finds that the Applicant requires bulk variance relief from Ordinance 17-24.8 which only permits one sign on the Property and the Applicant is proposing 2 signs. The Board also finds that the Applicant requires a design waiver from the turning radius requirement for the driveway entrances where 15 feet is proposed, and 25 feet is proposed pursuant to Ordinance 17-24.1.

3. The Board finds that the variance relief for the 2- 6' x 2.5' identification signs is permitted as per N.J.S.A. 40:55D-70(c)(2). The Board agrees that the 2 proposed signs together will not exceed the maximum permitted sign size for one sign, which is 30 square feet. Two signs at each driveway entrance will help promote the general welfare by enhancing the visibility of the driveways and assisting motorists travelling to the Property. This will advance the general

welfare. Since the signs will be smaller and have less illumination associated with them, the Board does not believe they will constitute a substantial detriment to the public good. Moreover, since the project is otherwise compliant with applicable redevelopment plan, the Board does not find that the variance relief will be a substantial impairment to the zoning ordinances or the Borough Master Plan.

4. The Board finds that the design waiver to allow a 15-foot radius when a 25-foot radius is reasonable. The Board finds that the evidence confirms that a 15-foot turning radius still can accommodate emergency vehicles and garbage trucks entering and exiting the Property.

5. With the grant of the variance relief and the design waiver, the Board finds that the Applicant is entitled to preliminary and final site plan approvals to allow the rehabilitation of the existing two story Our Lady of the Lake School Building and the construction of a one-story addition above the existing two-stories as well as a 3 story addition, for a combined total of 11,310 square feet of space to be occupied by a 36 unit residential apartment complex. The Board finds that the project includes six (6) affordable housing units. The Board agrees that the proposal is in compliance with the "Our Lady of the Lake School 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 Alfa Investments, LLC. seeking preliminary and final site and bulk variance approvals for the Property known as Lot 18 in Block 17 in the Brough of Mt. Arlington as more particularly described in the plans entitled "Preliminary and Final Site Plan for Alfa Investments, LLC, Proposed Multi-Family Redevelopment, Block 17, Lot 18; Tax Map Sheet #6 – Latest Rev. Dated 12-18-09, 61 Rooney Road, Borough of Mount Arlington, Morris County, New Jersey" prepared by Dynamic Engineering Consultants, P.C., signed and sealed by Daniel T. Sehnal, P.E., dated October 11, 2023, revised February 20, 2024, consisting of fifteen sheets; architectural plans titled: "Proposed New Building for Alfa Investments, LLC, 61 Rooney Road, Mt. Arlington, NJ 07856, Block 17, Lot 18" prepared by Kapuscinski Luongo Architects, signed and sealed by Karen M. Luongo, A.I.A., dated July 22, 2022, revised October 11, 2023, consisting of four sheets; and survey titled: "Boundary & Topographic Survey, Alfa Investments, LLC, Block 17, Lot 18, 61 Rooney Road, Borough of Mount Arlington, Morris County, New Jersey" prepared by Dynamic Survey, LLC, signed and electronically sealed by James A. Conway, Jr., P.L.S., dated August 21, 2023, no revisions, consisting of one sheet, 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 Board's Engineer, David A. Clark, P.E., technical reports regarding the Application, dated January 12 and February 28, 2024 and the Board's Planner, Jessica C. Caldwell, P.P., issued reports dated January 17 and February 27, 2024.

2. The Applicant shall locate the roof-mounted mechanical equipment so that same is not visible to any adjacent property owners.

3. The Applicant shall comply with all conditions set forth in the "Our Lady of the Lake School Redevelopment Plan" and the redeveloper's agreement entered into with the Borough of Mt. Arlington.

4. The Applicant shall relocate the proposed fence along the parking lot by 5- feet into the interior of the Property or 13 feet from the adjacent property line. Said fence shall be a board-on-board fence.

5. The Applicant will install filters in the proposed catch basins in the parking lot; repair a pipe that runs from a catch basin in Prospect Street to Rooney Road; and install a small catch basin to capture stormwater near the western most property line. The care and maintenance of the aforesaid stormwater techniques proposed shall be incorporated in a manual to be reviewed and approved by the board engineer and recorded against the Property in a deed restriction to be reviewed and approved by the Board attorney. The restriction shall further include a prohibition on the use of fertilizers at the Property.

6. The approval is conditional on the approval to be granted by the Morris County Soil Conservation District.

7. The Applicant shall relocate the proposed trash enclosure by approximately 100 feet to the south on the Property.

8. The Applicant shall extend the proposed sidewalk along Prospect Street for additional 50 feet or until the grade of the land will no longer allow the installation of a sidewalk that comports with the Americans With Disabilities Act.

9. All other State, County, and Municipal regulatory agency reviews that may be necessary must be obtained.

10. The Applicant shall comply with all representations made at all public hearings by its representatives and consultants.

11. The 2 proposed signs shall be illuminated with ground mounted uplighting.

12. 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.

13. 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.

14. 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: _____, 06/21/24
Robert Van den Hende, Chairman

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 April 24, 2024.

Kathy Appleby, Board Secretary