

**BOROUGH OF ROSELLE  
PLANNING BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 7, 2024**

Planning Board Chairwoman Janna Williams called the Planning Board Meeting of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on February 7, 2024 at 6:06 p.m.

Planning Board Secretary Lisette Sanchez read the “Open Public Meetings Act” Compliance Statement.

**STATEMENT OF COMPLIANCE**

The requirements of N.J.S.A. 10:4-6 et seq., the “Sunshine Law” has been met. A notice of this meeting was sent to the Home News Tribune and published in the Star Ledger on January 24, 2024, posted on the Bulletin Board in Borough Hall and Borough Hall Annex, on the Borough’s website and filed in the Office of the Municipal Clerk.

**ROLL CALL**

**Present:**

Mayor Donald Shaw, Class I Member  
Council President Brandon Bernier, Class III Member  
Commissioner Marjorie Bozeman, Class IV Member  
Vice Chairman David Goyco, Class IV Member  
Commissioner James Lavin, Class IV Member  
Commissioner Carolyn Whitaker, Alternate 2  
Chairwoman Janna Williams, Class IV Member

**Also Present:**

Lisette Sanchez, Planning Board Secretary  
Dominic DiYanni, Esq., Planning Board Attorney

**Absent:**

Commissioner Marthelly Luc Jr., Alternate 1  
Commissioner Sylvia Turnage, Class IV Member  
Ronald Reinerstein

**APPROVAL OF MINUTES**

- Minutes of the Planning Board Reorganization and Regular Meeting – January 17, 2024

**Motion to approve by Mayor Shaw, second by Councilman Bernier.**

**Roll Call**

	<u>Motion</u>	<u>Second</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X		X			
Councilman Bernier		X	X			
Commissioner Bozeman					X	
Vice Chairman Goyco			X			
Commissioner Lavin			X			
Commissioner Turnage						X
Commissioner Luc, Jr.						X
Commissioner Whitaker			X			
Chairwoman Williams			X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**OLD BUSINESS**     None.

**NEW BUSINESS**     None.

**RESOLUTIONS**

**RESOLUTION NUMBER PB 2024-1**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE  
AUTHORIZING THE APPOINTMENT OF LISETTE SANCHEZ AS PLANNING  
BOARD SECRETARY FOR 2024**

**WHEREAS**, the Reorganization Meeting of the Planning Board of the Borough of Roselle, County of Union State of New Jersey was held on January 17, 2024; and,

**WHEREAS**, it is necessary to appoint a Planning Board Secretary for calendar year 2024; and,

**WHEREAS**, at said Reorganization Meeting, the Planning Board voted on the appointment of Lisette Sanchez to serve as the Borough of Roselle Planning Board Secretary for calendar year 2024; and,

**WHEREAS**, the Planning Board wishes to memorialize this appointment it had made during the January 17, 2024 Reorganization Meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of

Roselle, County of Union State of New Jersey as follows:

1. Lisette Sanchez is hereby appointed as Planning Board Secretary for calendar year 2024 and shall be paid the requisite stipend of \$7,500.00 for said services to be provided to the Planning Board.

**Motion to adopt Resolution PB 2024-1 by Mayor Shaw, second by Vice Chairman Goyco.**

**Roll Call**

	<u>Motion</u>	<u>Second</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X		X			
Councilman Bernier			X			
Commissioner Bozeman					X	
Vice Chairman Goyco		X	X			
Commissioner Lavin			X			
Commissioner Turnage						X
Commissioner Luc, Jr.						X
Commissioner Whitaker			X			
Chairwoman Williams			X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**RESOLUTION NUMBER PB 2024-2**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE  
MEMORIALIZING THE APPROVAL OF THE APPOINTMENT OF BOARD  
ATTORNEY FOR 2024**

**WHEREAS**, the Reorganization Meeting of the Planning Board of the Borough of Roselle, County of Union State of New Jersey was held on January 17, 2024; and,

**WHEREAS**, it is necessary to select a Board Attorney; and,

**WHEREAS**, at said Reorganization Meeting, the Planning Board voted on the appointment of Dominic P. DiYanni, Esq., of Eric M. Bernstein & Associates, LLC, to serve as the Borough of Roselle Planning Board Attorney for calendar year 2024; and,

**WHEREAS**, the Planning Board wishes to memorialize this appointment it had made during the January 17, 2024 Reorganization Meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Roselle, County of Union State of New Jersey as follows:

1. Dominic P. DiYanni, Esquire, of Eric M. Bernstein & Associates, LLC, is selected Planning Board Attorney for the year 2024, or until such time the Planning Board determines to request proposals and appoint a new attorney.

**BE IT FURTHER RESOLVED**, that the Borough of Roselle Planning Board is authorized to enter into contract with its appointed professional and the aforementioned professional shall continue to serve in their respective capacity until such time new elections, appointments, and selections are duly carried out and a new Resolution is adopted by this Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Roselle, on the 7<sup>th</sup> day of February 2024 that the appointment of this professional has been approved, retroactive to the Reorganization Meeting held on January 17, 2023.

**RESOLUTION NO. PB 2024-3**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE  
MEMORIALIZING THE APPROVAL OF THE APPOINTMENT OF BOARD  
ENGINEER FOR 2024**

**WHEREAS**, the Reorganization Meeting of the Planning Board of the Borough of Roselle, County of Union State of New Jersey was held on January 17, 2024; and,

**WHEREAS**, it is necessary to select a Board Engineer; and,

**WHEREAS**, at said Reorganization Meeting, the Planning Board voted on the appointment of CME Associates, to serve as the Borough of Roselle Planning Board Engineer for calendar year 2024; and,

**WHEREAS**, the Planning Board wishes to memorialize this appointment it had made

during the January 17, 2024 Reorganization Meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Roselle, County of Union State of New Jersey as follows:

1. CME Associates is selected Planning Board Engineer for the year 2024, or until such time the Planning Board determines to request proposals and appoint a new engineer.

**BE IT FURTHER RESOLVED**, that the Borough of Roselle Planning Board is authorized to enter into contract with its appointed professional and the aforementioned professional shall continue to serve in their respective capacity until such time new elections, appointments, and selections are duly carried out and a new Resolution is adopted by this Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Roselle, on the 7th day of February 2024 that the appointment of this professional has been approved, retroactive to the Reorganization Meeting held on January 17, 2024.

**RESOLUTION NUMBER PB 2024-4**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE  
MEMORIALIZING THE APPROVAL OF THE APPOINTMENT OF BOARD  
PLANNER FOR 2024**

**WHEREAS**, the Reorganization Meeting of the Planning Board of the Borough of Roselle, County of Union State of New Jersey was held on January 17, 2024; and,

**WHEREAS**, it is necessary to select a Board Planner; and,

**WHEREAS**, at said Reorganization Meeting, the Planning Board voted on the appointment of CME Associates, to serve as the Borough of Roselle Planning Board Planner for calendar year 2024; and,

**WHEREAS**, the Planning Board wishes to memorialize this appointment it had made

during the January 17, 2024 Reorganization Meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Roselle, County of Union State of New Jersey as follows:

1. CME Associates is selected Planning Board Planner for the year 2024, or until such time the Planning Board determines to request proposals and appoint a new planner.

**BE IT FURTHER RESOLVED**, that the Borough of Roselle Planning Board is authorized to enter into contract with its appointed professional and the aforementioned professional shall continue to serve in their respective capacity until such time new elections, appointments, and selections are duly carried out and a new Resolution is adopted by this Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Roselle, on the 7th day of February 2024 that the appointment of this professional has been approved, retroactive to the Reorganization Meeting held on January 17, 2024.

**Motion to adopt Resolutions PB 2024-2 through PB 2024-4 by Councilman Bernier, second by Mayor Shaw.**

**Roll Call**

	<u>Motion</u>	<u>Second</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw		X	X			
Councilman Bernier	X		X			
Commissioner Bozeman					X	
Vice Chairman Goyco			X			
Commissioner Lavin			X			
Commissioner Turnage						X
Commissioner Luc, Jr.						X
Commissioner Whitaker			X			
Chairwoman Williams			X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**RESOLUTION NUMBER PB 2024-5**

**Resolution of Approval  
Preliminary and Final Site Plan with Associated Bulk Variance and Waiver Relief**

**Applicant: The Honest Baking Co., Inc.  
490 West 1st Avenue, Block 6002, Lot 13; Block 101, Lot 9  
Borough of Roselle**

WHEREAS, the Applicant, The Honest Baking Co., Inc. (hereinafter referred to as the “Applicant”), has applied to the Planning Board of the Borough of Roselle (hereinafter referred to as the “Board”) for Preliminary and Final Site Plan Approval along with “c” bulk variance relief for the following pre-existing non-conforming conditions: maximum impervious coverage pursuant to §650-99C(1)(h) where 70% is permitted, 94.3% exists and 93.2% is proposed; minimum front yard setback pursuant to §650-99C(1)(d) where 25ft is required and 12.9ft exists/proposed on West 1<sup>st</sup> Avenue frontage; minimum side yard setback pursuant to §650-99C(1)(e) where 15ft is required and 3.3ft exists/proposed; minimum rear yard setback pursuant to §650-99C(1)(f) where 30ft is required and 15.9ft exists/proposed; minimum distance between buildings pursuant to §650-99C(1)(g) where 30ft is required and 6.25ft exists/proposed; the following non-conforming conditions: front yard parking pursuant to §650-99E where no parking in the front yard is permitted and there is proposed parking in the Gordon Street and West 1<sup>st</sup> Avenue front yards; landscaping set aside pursuant to §650-99F(1) where 15% set aside is required for seeding and landscaping and none is proposed; minimum parking requirement for manufacturing/assembly use pursuant to §650-24B(1)(q) where 25 minimum spaces are required and 11 spaces are proposed and, the following waiver relief: tandem parking, lighting (including footcandle intensity and parking illumination), location of driveways, parking area landscaping, aisle width and bicycle parking, on the subject property for an expansion of a commercial bakery manufacturing facility to construct two (2) mezzanine areas, which commercial bakery use is a

permitted use in the Commercial Industrial Zone, at the premises located at 490 West 1st Avenue, designated on the Borough's Tax Maps as Block 6002, Lot 13 and Block 101, Lot 9, in the Borough of Roselle, County of Union and State of New Jersey (hereinafter referred to as the "Property"); and,

**WHEREAS**, a public hearing was held on the Application on January 17, 2024; and,

**WHEREAS**, the proof of notice of the hearing was verified; and,

**WHEREAS**, the jurisdictional requirements of the Application under the Municipal Land Use Law (MULA), N.J.S.A. 40:55D-12, have been met as the Applicant has produced proof of notice of the public hearing in the official newspaper of the Borough of Roselle, as well as produced proof of notice of the hearing on the adjoining Property owners within two hundred (200') feet of the Property, as well as other parties required by law to be served with notice of the public hearing; and,

**WHEREAS**, in order for the Board to grant the requested "c" variances (bulk relief), it requires that the Applicant demonstrates that, due to unique circumstances affecting its Property, it would suffer some hardship without the variance or that the variance would benefit the community and advance the purposes of the Municipal Land Use Law. In addition, the Applicant must demonstrate that the granting of the application would not impose a substantial detriment to the public good or substantially impair the intent and purpose of the municipal master plan and/or Borough Code; and,

**WHEREAS**, in order to satisfy the criteria for a design waiver/exception, if applicable, the Applicant must demonstrate that the waiver or exception is reasonable and within the general purpose and intent of the standards and that the literal enforcement of one or more provisions of the particular standard is impracticable or will exact undue hardship because of peculiar conditions



pertaining to the development in question; and,

**WHEREAS**, on January 17, 2024, the Applicant, through its attorney, Stephen F. Hehl, Esq., presented the professional testimony of James Henry, P.E., Charles Dietz, R.A., Connor Hughes, P.E., and Justin Auciello, P.P.; and,

**WHEREAS**, Mr. Henry, Mr. Dietz, Mr. Hughes and Mr. Auciello were accepted by the Board as an expert in their respective fields; and,

**WHEREAS**, Board Attorney Dominic P. DiYanni, Esq., of Eric M. Bernstein & Associates, LLC, was also present at the hearings; and,

**WHEREAS**, the hearing was opened to the public on both January 17, 2024; and,

**WHEREAS**, the Board, after having conducted a hearing held pursuant to law and having reviewed the plans, application and testimony presented on behalf of the Applicant and reviewed the various reports and opinions from the Board and the Borough officials and professionals and based on the evidence presented at the hearings, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction over the matter and proper proof of service has been made.
2. The Applicant is requesting approval for preliminary and final site approval, along with “c” bulk variance relief for the following pre-existing non-conforming conditions: maximum impervious coverage pursuant to §650-99C(1)(h) where 70% is permitted, 94.3% exists and 93.2% is proposed; minimum front yard setback pursuant to §650-99C(1)(d) where 25ft is required and 12.9ft exists/proposed on West 1<sup>st</sup> Avenue frontage; minimum side yard setback pursuant to §650-99C(1)(e) where 15ft is required and 3.3ft exists/proposed; minimum rear yard setback pursuant to §650-99C(1)(f) where 30ft is required and 15.9ft exists/proposed; minimum distance between buildings

pursuant to §650-99C(1)(g) where 30ft is required and 6.25ft exists/proposed; the following non-conforming conditions: front yard parking pursuant to §650-99E where no parking in the front yard is permitted and there is proposed parking in the Gordon Street and West 1st Avenue front yards; landscaping set aside pursuant to §650-99F(1) where 15% set aside is required for seeding and landscaping and none is proposed; minimum parking requirement for manufacturing/assembly use pursuant to §650-24B(1)(q) where 25 minimum spaces are required and 11 spaces are proposed and, the following waiver relief: tandem parking, lighting (including footcandle intensity and parking illumination), location of driveways, parking area landscaping, aisle width and bicycle parking for the premises located at 490 West 1st Avenue (Block 6002, Lot 13 & Block 101, Lot 9) in the Borough of Roselle (hereinafter referred to as “Application”).

3. The Applicant is seeking preliminary and final site plan approval along with the aforementioned variance and waiver relief to expand the existing commercial bakery manufacturing facility with the addition of two (2) interior mezzanines. The existing commercial bakery manufacturing use is permitted in the Commercial Industrial Zone where the subject Property is located.
4. The Board received and considered the following evidence from the Applicant, as well as other items, including the identified exhibits utilized at the time of the January 17, 2024 hearing, as follows:
  - a. Application for Development with attachments, dated August 18, 2023, signed by Solomon Wieder, CEO, the Honest Baking Co., Inc.;

- b. Borough of Roselle Administrative/Completeness Review, dated November 30, 2023;
- c. Architectural plan set, consisting of eighteen (18) sheets, prepared by Charles P. Dietz, of The Dietz Partnership, dated August 23, 2023;
- d. Architectural plan set, consisting of three (3) sheets, prepared by Charles P. Dietz, of The Dietz Partnership, dated August 23, 2023, last revised December 6, 2023;
- e. Borough of Roselle Board Application Review Report, prepared by the Construction Official, dated September 7, 2023;
- f. Conrail Lease Agreement;
- g. Planner's Memo, prepared by Darlene A. Green, PP, AICP, dated November 28, 2023;
- h. Preliminary List of Variances and Waivers, prepared by Dynamic Engineering Consultants, dated August 2023;
- i. Engineer's Response Letter, prepared by James E. Henry, PE, PP and Richard T. Ortiz, of Dynamic Engineering Consultants, dated November 20, 2023;
- j. Engineer's Transmittal Letter, dated November 20, 2023;
- k. Final Site Plan Checklist, August 18, 2023;
- l. Meeting Minutes, dated October 4, 2023;
- m. The Honest Baking Co. Project Narrative, dated August 17, 2023;
- n. Owner's Consent to Application, signed by Solomon Wieder, August 18, 2023;
- o. Parking Assessment, prepared by Corey Case, dated November 17, 2023;
- p. Borough of Roselle Board Application Review Report, prepared by the Police Chief, dated September 25, 2023;

- q. Preliminary Site Plan Checklist, dated August 18, 2023;
- r. Engineering plan set, consisting of ten (10) sheets, prepared by James E. Henry, PE, and Joshua M. Sewald, PE of Dynamic Engineering Consultants, dated August 16, 2023, last revised November 20, 2023;
- s. Engineer's Letter, prepared by James E. Henry, PE, PP, and Conor T. Daly, Dynamic Engineering Consultants, dated August 22, 2023.
- t. Survey, prepared by Christopher J. Bouffard, PLS, of Newlines Engineering and Survey, dated March 15, 2021;
- u. Technical Completeness Review Memorandum, prepared by Kevin Boyer, PE, CFM, dated November 29, 2023;
- v. Engineer's Transmittal Letter, dated August 22, 2023;
- w. Engineer's Response Letter, prepared by James E., Henry, PE, PP, and Richard T. Ortiz, PE, of Dynamic Engineering and Consultants, dated December 19, 2023;
- x. Preliminary List of Variances and Waivers, prepared by Dynamic Engineering Consultants, dated August 2023, last revised December 2023;
- y. Performance Standards Statement, prepared by Dynamic Engineering and Consultants, dated December 2023;
- z. Engineering plan set, consisting of ten (10) sheets, prepared by James E. Henry, PE, and Joshua M. Sewald, PE of Dynamic Engineering Consultants, dated August 16, 2023, last revised December 14, 2023;
- aa. Engineer's Transmittal Letter, dated December 19, 2023;
- bb. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated January 9, 2024, consisting of nine (9) pages; and,

- cc. Any exhibits utilized and testified to during the January 17, 2024 hearing conducted before the Roselle Borough Planning Board.
5. The first witness on behalf of the Applicant to testify was James Henry, P.E., the Applicant's Engineer. Mr. Henry was accepted by the Board as an expert in the field of engineering.
  6. Mr. Henry first testified on behalf of the Applicant. Mr. Henry testified as to the Site Plan he had prepared and which was submitted as part of the underlying Application.
  7. As part of his testimony, Mr. Henry introduced and testified to exhibits A-1 and A-2 with Exhibit A-1 being an aerial of the neighborhood and proposed Property which is a colorized version of sheet two (2) of the site plan prepared for the subject Application and Exhibit A-2 being a colorized rendering of the site plan, each exhibit consisting of one (1) sheet.
  8. Mr. Henry testified that the subject Property consists of approximately 0.89 acres and that no changes to the building structure itself were being proposed as part of the Application and that all proposed changes/modifications were for the interior of the existing building.
  9. Mr. Henry testified as to the existing, non-conforming conditions of the Property, including the impervious coverage and various setbacks as well as the existing parking condition, where ten (10) parking spaces currently exist with the Applicant proposing to add an additional parking space to help alleviate the existing non-conforming condition of the Property. In addition, the subject Application also proposed to reduce the existing non-conforming impervious coverage requirement from 94.3% to 93.2%.
  10. Mr. Henry testified that there would be no modifications to the curb cuts and entrances on West 1<sup>st</sup> Avenue.

11. Mr. Henry further testified that a bicycle rack would be installed and, although 2.5 bicycle racks are required pursuant to the Borough's applicable zoning ordinance, that only (1) was being proposed as part of the Application based upon the actual need of the number of employees at the subject Property.
12. Mr. Henry clarified that the existing and commercial bakery use is commercial in nature and that there is no retail aspect of the business so there would be no members of the public coming to the Property to purchase any type of goods produced at the Property.
13. Mr. Henry testified that there would be a masonry trash enclosure installed on the property as required.
14. Next, Mr. Henry testified as to the two (2) proposed mezzanine areas that are to be constructed within the existing facility as part of the subject Application. Mr. Henry testified that one (1) of the mezzanine areas will be utilized to assist employees in changing to their required dress for the performance of their job duties and the other proposed mezzanine area will be utilized for office space.
15. Mr. Henry testified as to the state-of-the-art machinery that has been installed for the efficient operation of the commercial baking facility.
16. In terms of employees at the facility, Mr. Henry testified that there would be eight (8) to ten (10) employees working the shift hours of 7:00 a.m. to 4:00 p.m., with another eight (8) to ten (10) employees working the shift hours of 9:00 a.m. to 6:00 p.m. with four (4) to five (5) additional employees for a total of approximately twenty (20) to twenty-five (25) employees.
17. As for parking, Mr. Henry testified that the employees utilize a carpool van which transports the employees from an off location parking lot. This mechanism currently exists

and is working well for the facility with no issues with the current and proposed number of parking spaces on the Property.

18. Mr. Henry testified that there would be no changes to the stormwater management on the Property as part of the Application. According to Mr. Henry's testimony, all existing utilities will remain on the Property.
19. For lighting, Mr. Henry testified that the Property will keep the existing lighting and that the Application also proposed nine (9) wall mounted lights. Mr. Henry did testify that there is a waiver request as part of the Application for foot candle intensity and parking area intensity.
20. Mr. Henry next testified to the landscaping which none was proposed. However, Mr. Henry did testify that the Applicant would be amenable to adding landscaping but suggested that same should be proposed adjacent to the Gordon Street bridge.
21. Next to testify on behalf of the Applicant was Charles Dietz, R.A., the Applicant's professional architect. Mr. Dietz was qualified by the Board as an expert in the field of architecture.
22. Mr. Dietz testified as to the architectural plans he had prepared and that were submitted as part of the underlying Application.
23. Mr. Dietz first testified as to exhibit A-3 which was a photo array of the exterior of the subject Property and the interior with the state-of-the-art installed machinery, consisting of three (3) sheets.
24. Mr. Dietz testified that the Applicant intends to clean up the stucco on the exterior and also intends on maintaining the current entrance to the building.

25. Mr. Dietz testified that there will be a new ADA accessible ramp and door located on the side of the existing building installed which will provide a means of egress from one of the proposed mezzanines.
26. In addition, Mr. Dietz testified that there will be an exit as well at the other proposed mezzanine area which will serve as an emergency egress.
27. Mr. Dietz further testified as to the reasons for the proposed mezzanines which was primarily health related for the employees to comply with health regulations and requirements.
28. Mr. Dietz also testified that there will be an ADA compliant bathroom area constructed for the employees.
29. In addition, the employee related mezzanine will also contain lockers and an area for employees to take breaks, etc. According to Mr. Dietz testimony, each of the proposed two (2) mezzanines will have stairs to access same from the interior of the building.
30. Mr. Dietz confirmed Mr. Henry's previous testimony that the other mezzanine will be utilized as office space.
31. Mr. Dietz testified as to additional exterior changes including a new awning, new windows for the mezzanine areas, new paint for the exterior, and the two (2) referenced egress areas from the mezzanines.
32. Finally, Mr. Dietz provided testimony as to the floor plan and demonstrated to the Planning Board how the facility works in how the product is delivered to the facility, how the product goes through the facility where it is baked and packaged and then sent back out for delivery.
33. The Applicant next presented testimony from its professional traffic engineer, Connor Hughes, P.E., who was qualified by the Board in the area of traffic engineering.



34. Mr. Hughes testified as to the parking assessment study performed by his firm and prepared on November 17, 2023.
35. Mr. Hughes testified that as part of the parking assessment study, trip generation was studied and factored into the considerations known regarding the Property and the operations at the Property in that there were twenty (20) to twenty-five (25) employees, working on a staggered basis, to which many lived locally and utilized mass transit, as well as some utilizing the van carpool from off site. Taking these factors into consideration, Mr. Hughes testified that it was his opinion that the proposed eleven (11) parking spaces were sufficient for the proposed Application.
36. The last witness to testify on behalf of the Applicant was Justin Auciello, P.P., the Applicant's professional planner. Mr. Auciello was accepted by the Board as an expert in the field of planning.
37. Mr. Auciello provided the Board with the overview of the proposed requested variances, many of which were pre-existing, non-conforming in nature, as well as the requested waivers concerning parking, lighting and landscaping.
38. Mr. Auciello testified in support of the c variances, under the c(2) criteria. Mr. Auciello in terms of the positive criteria testified that the balancing of the benefits and detriments weights in favor of the benefits. Mr. Auciello testified that the proposed is much better than the existing as a benefit as well as advancing the purposes of the Municipal Land Use Law, specifically, purposes (G), (M) and (I). Mr. Auciello testified that he could find no detriments of the subject Application.
39. In addition, Mr. Auciello testified as to the negative criteria in that there is no substantial detriment to the public good and that the proposed use variance will not substantially

impair the intent or purpose of the Borough's zoning plan or zoning ordinance. Specifically, Mr. Auciello testified that the proposed Application is consistent with the Master Plan in the promotion of commercial uses.

40. The January 17, 2024 hearing was then opened to the public to which no member of the public spoke either in favor or against the Application.

41. The Board found the Applicant's witnesses to be credible and finds that the testimony they presented in support of the Application to be credible.

42. The Board found that the subject Application of the Property along with "c" bulk variance relief for the following pre-existing non-conforming conditions: maximum impervious coverage pursuant to §650-99C(1)(h) where 70% is permitted, 94.3% exists and 93.2% is proposed; minimum front yard setback pursuant to §650-99C(1)(d) where 25ft is required and 12.9ft exists/proposed on West 1<sup>st</sup> Avenue frontage; minimum side yard setback pursuant to §650-99C(1)(e) where 15ft is required and 3.3ft exists/proposed; minimum rear yard setback pursuant to §650-99C(1)(f) where 30ft is required and 15.9ft exists/proposed; minimum distance between buildings pursuant to §650-99C(1)(g) where 30ft is required and 6.25ft exists/proposed; the following non-conforming conditions: front yard parking pursuant to §650-99E where no parking in the front yard is permitted and there is proposed parking in the Gordon Street and West 1<sup>st</sup> Avenue front yards; landscaping set aside pursuant to §650-99F(1) where 15% set aside is required for seeding and landscaping and none is proposed; minimum parking requirement for manufacturing/assembly use pursuant to §650-24B(1)(q) where 25 minimum spaces are required and 11 spaces are proposed and, the following waiver relief: tandem parking, lighting (including footcandle intensity and parking illumination), location of driveways,

parking area landscaping, aisle width and bicycle parking, on the subject property for an expansion of a commercial bakery manufacturing facility to construct two (2) mezzanine areas, which is a permitted use within the Commercial Industrial Zone, can be granted without substantial detriment to the public good and without substantially impairing the intent and the purpose of the master plan and ordinances of the Borough of Roselle.

43. The Applicant has represented, and the Planning Board has relied upon the representations, that the Applicant will obtain any and all other governmental approvals, permits, letters, waivers and exemptions and will comply with the conditions of all other governmental entities, including all local licenses and approval(s).

44. The Applicant agrees to comply with all terms, conditions, and recommendations contained in all of the reports of the Borough's officials and professionals, and those agreed to during the January 17, 2024 Planning Board hearing, as if they were set forth at length herein.

45. The Applicant agrees to comply with all requirements and conditions set by Borough and/or Board officials to the extent deemed necessary in the field, as well as with all requirements and conditions imposed in any governmental approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Roselle that, based on all of the materials reviewed and the testimony adduced as set forth above, the Application of The Honest Baking Co., Inc. for Preliminary and Final Site Plan Approval with "c" bulk variance relief for the following pre-existing non-conforming conditions: maximum impervious coverage pursuant to §650-99C(1)(h) where 70% is permitted, 94.3% exists and 93.2% is proposed; minimum front yard setback pursuant to §650-99C(1)(d) where 25ft is required and 12.9ft exists/proposed on West 1<sup>st</sup> Avenue frontage; minimum side yard setback pursuant to §650-

99C(1)(e) where 15ft is required and 3.3ft exists/proposed; minimum rear yard setback pursuant to §650-99C(1)(f) where 30ft is required and 15.9ft exists/proposed; minimum distance between buildings pursuant to §650-99C(1)(g) where 30ft is required and 6.25ft exists/proposed; the following non-conforming conditions: front yard parking pursuant to §650-99E where no parking in the front yard is permitted and there is proposed parking in the Gordon Street and West 1st Avenue front yards; landscaping set aside pursuant to §650-99F(1) where 15% set aside is required for seeding and landscaping and none is proposed; minimum parking requirement for manufacturing/assembly use pursuant to §650-24B(1)(q) where 25 minimum spaces are required and 11 spaces are proposed and, the following waiver relief: tandem parking, lighting (including footcandle intensity and parking illumination), location of driveways, parking area landscaping, aisle width and bicycle parking, on the subject property for an expansion of a commercial bakery manufacturing facility to construct two (2) mezzanine areas, for the property designated as 490 West 1st Avenue (Block 6002, Lot 13 & Block 101, Lot 9) in the Borough of Roselle, County of Union and State of New Jersey, be and is hereby further APPROVED, subject to the following Conditions of Approval:

- A. The introductory clauses and the findings of fact set forth above are incorporated herein as if set forth at length, as Conditions of Approval, where applicable.
- B. The Applicant shall comply with all of the terms, conditions and recommendations contained in all of the reports of Borough officials and professionals, including, but not limited to, any and all reports of the Board Planner, Borough Engineer, and the Borough's Department of Public Safety. The reports are made a part of this Resolution as if set forth in their entirety.
- C. The Applicant shall comply with all directions of Borough officials and professionals with respect to any changes made in the field during construction and shall amend its plans to reflect such compliance.
- D. The Applicant shall amend all necessary plans pursuant to this approval to depict compliance with any and all existing plans, reports, permits and waivers and the

conditions contained in each of them, including but not limited to the location of any proposed landscaping, to the satisfaction of the Borough professionals.

- E. The Applicant shall obtain and comply with all necessary local, State, and/or Federal permits and/or licensing procedure(s). The Applicant shall file with the Board and the Borough copies of all transmittals to and from all government agencies.
- F. The Applicant shall obtain all necessary and/or applicable exemptions from all applicable governmental agencies. The Applicant shall file with the Board copies of all transmittals to and from all applicable government agencies.
- G. Subject to *N.J.S.A. 40:55D-52*, the Applicant shall comply with any and all requirements of Borough Ordinances and all applicable Federal, State and local laws, rules and/or regulations.

**Motion to adopt Resolution PB 2024-5 by Mayor Shaw, second by Vice Chairman Goyco.**

**Roll Call**

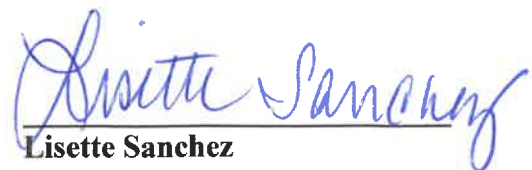
	<u>Motion</u>	<u>Second</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X		X			
Councilman Bernier			X			
Commissioner Bozeman					X	
Vice Chairman Goyco		X	X			
Commissioner Lavin			X			
Commissioner Turnage						X
Commissioner Luc, Jr.						X
Commissioner Whitaker			X			
Chairwoman Williams			X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**ANNOUNCEMENTS/OPEN TO THE PUBLIC FOR COMMENT**

Chairwoman Williams opened up the public comments portion of the meeting. Seeing no one come forward; Chairwoman Williams closed the public comments portion of the meeting.

**MOTION TO ADJOURN**

**Motion to adjourn by Mayor Shaw, second by Vice Chairman Goyco. Motion was approved by unanimous vote. Meeting adjourned at 6:08 p.m.**



**Lisette Sanchez  
Planning Board Secretary**

