

**BOROUGH OF ROSELLE
PLANNING BOARD
MEETING AGENDA
JULY 5, 2023 – 7:00 P.M.**

MEETING CALLED TO ORDER

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 Star Ledger, published in the Home News Tribune on May 3, 2023, posted on the Bulletin Board in Borough Hall and on the Borough’s website and filed in the Office of the Municipal Clerk.

ROLL CALL

Commissioner Donald Shaw, Mayor, Class I Member
Commissioner Eric Walker, Class II Member
Commissioner Brandon Bernier, Class III Member
Commissioner Vice Chairwoman Olivia Smith, Class IV Member
Commissioner Marjorie Bozeman, Class IV Member
Commissioner James Lavin, Class IV Member
Commissioner Sylvia Turnage, Class IV Member
Commissioner Marthelly Luc Jr., Class IV Member
Commissioner David Goyco, Alternate 2
Commissioner Chairwoman Janna Williams, Class IV Member/Chairwoman

COMMUNICATIONS, REPORTS, AND ADMINISTRATIVE MATTERS

APPROVAL OF MINUTES

OLD BUSINESS

NEW BUSINESS

- A. APPLICATION#2023-4 - FUSE BRANDS INC. SEEKS PRELIMINARY AND FINAL MINOR SITE PLAN APPROVAL WITH DEVIATION AND WAIVER RELIEF TO REUSE THE EXISTING BUILDING FOR A CANNABIS CULTIVATION AND MANUFACTURING FACILITY ON THE PROPERTY LOCATED AT 115 EAST 11TH AVENUE, ROSELLE, NEW JERSEY, ALSO DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ROSELLE AS BLOCK 3501, LOT 19.02, SITUATED IN THE FLEX INDUSTRIAL SUB-ZONE OF THE CENTRAL ROSELLE REVITALIZATION PLAN.**

RESOLUTIONS

- PB2023-9 RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE AUTHORIZING THE APPOINTMENT OF LISETTE SANCHEZ AS PLANNING BOARD SECRETARY**

PB2023-10 RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY RECOMMENDING AMENDMENT #13 TO THE CENTRAL ROSELLE REVITALIZATION PLAN FOR THE REVITALIZATION PLAN AREA

PB2023-11 RESOLUTION OF DENIAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED BULK VARIANCE AND WAIVER RELIEF (APPLICANT: JR TEKTON, LLC, 228 EAST 10TH AVENUE, BLOCK 2805, LOT 1)

ANNOUNCEMENTS/OPEN TO THE PUBLIC FOR COMMENT

MOTION TO ADJOURN

BOROUGH OF ROSELLE PLANNING BOARD



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

RESOLUTION NO. PB2023-9

WHEREAS, the Borough of Roselle Planning Board ("Planning Board") is in need of appointing a secretary with the recent vacancy created in said position; and,

WHEREAS, the Planning Board wishes to authorize the appointment of Ms. Lisette Sanchez as Planning Board Secretary for the remainder of the 2023 calendar year.

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 the remainder of calendar year 2023 and shall be paid a stipend of \$5,000.00 for said services to be provided to the Planning Board.

So resolved on this 5th day of July 2023.

PLANNING BOARD OF
BOROUGH OF ROSELLE

Date signed: _____ 2023

By: _____
Janna Williams, Chairwoman

BOROUGH OF ROSELLE PLANNING BOARD



RESOLUTION NO. PB2023-10

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY RECOMMENDING AMENDMENT #13 TO THE CENTRAL ROSELLE REVITALIZATION PLAN FOR THE REVITALIZATION PLAN AREA

WHEREAS, on October 11, 2007, the Mayor and Borough Council (the "Borough Council") of the Borough of Roselle (the "Borough") adopted a resolution designating the entire Borough as an area in need of rehabilitation; and,

WHEREAS, the aforementioned designation resulted in the creation of the original "South Central Roselle Revitalization Plan" adopted in 2007, which name was amended from "South Central Roselle Revitalization Plan" to "Central Roselle Revitalization Plan" via Amendment #4 on or about April 16, 2014; and,

WHEREAS, On August 20, 2014, after review and recommendation by the Roselle Planning Board on August 6, 2014, the Borough Council designated the area consisting of all the lots on each of Block 2604 and 2605 on the Official Tax Map of the Borough as "An Area in Need of Redevelopment"; and,

WHEREAS, On September 21, 2022, after review and recommendation by the Roselle Planning Board on September 7, 2022, the Borough Council designated Block 2601, Lots 10 through 16, Block 2602, Lots 7 through 17, Block 2603, Lots 4 through 9, and Block 2901, Lots 14 through 19 as "An Area in Need of Redevelopment"; and,

WHEREAS, the Borough's Planner, Colliers Engineering and Design, prepared a further amendment to the redevelopment plan, entitled the "Central Roselle Revitalization Plan Amendment # 13", dated June 2, 2023, and attached hereto as Exhibit A; and,

WHEREAS, the Borough Council has reviewed, and now desires to approve and adopt the "Central Roselle Revitalization Plan Amendment # 13", which provides a comprehensive development plan that will allow and encourage the redevelopment of the identified areas in a manner that is consistent with the Borough's Master Plan and the character of the area, allow for the orderly transition from residential to commercial land uses as appropriate; and,

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:12A-7* the Borough Council requested that the Planning Board of the Borough of Roselle (the "Planning Board") evaluate the proposed "Central Roselle Revitalization Plan Amendment # 13", to determine, among other things, its consistency with the Borough of Roselle's land use and redevelopment goals and objectives for the Central Roselle Revitalization Plan Area; and,

WHEREAS, on July 5, 2023, the Planning Board, at a duly noticed and constituted public meeting, reviewed the "Central Roselle Revitalization Plan Amendment # 13", as well as heard testimony from the Borough's Planner, and allowed all those present who wished to comment to be heard; and,

WHEREAS, following testimony presented by the Borough Planner, the Planning Board hereby finds it appropriate to further amend the Central Roselle Revitalization Plan, to provide a comprehensive development plan that will allow and encourage the further redevelopment of the Central Roselle Revitalization Plan Area in a manner that is consistent with the Borough's Master Plan and the character of the area and, in furtherance thereof, is recommending the adoption of the proposed Central Roselle Revitalization Plan Amendment # 13; and,

WHEREAS, in the opinion of the Planning Board, the adoption of the Amendment is necessary and desirable in order to accomplish the effective redevelopment of the Central Roselle Revitalization Plan Area, the proposed amendment #13 is substantially consistent with the Borough's Master Plan and such redevelopment would be in the best interests of the Borough and its residents.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Roselle as follows:

1. Jurisdiction. The Board has jurisdiction over the review process, and proper proof of service has been made.
2. General. The aforementioned recitals are incorporated herein as though fully set forth at length.
3. Redevelopment Plan Recommended for Adoption. The Planning Board hereby recommends to the Borough Council that the Central Roselle Revitalization Plan Amendment #13, attached hereto as Exhibit A, be adopted by the Borough in order to accomplish the effective redevelopment of the Central Roselle Revitalization Plan Area.
4. Severability. 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.
5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the offices of the Borough Clerk.
6. Effective Date. This Resolution shall take effect immediately.

The undersigned, a Member of the Borough of Roselle Planning Board, certifies that the foregoing this is a true copy of the Resolution adopted on the 5th day of July, 2023 to reflect the action taken by said Board on the 5th day of July, 2023.

ROSELLE BOROUGH PLANNING BOARD

JANNA WILLIAMS, CHAIRWOMAN

EXHIBIT A

CENTRAL ROSELLE REVITALIZATION PLAN

BOROUGH OF ROSELLE, NEW JERSEY



OCTOBER 11, 2007

AMENDED NOVEMBER 7, 2007

AMENDMENT #2 APRIL 14, 2008

AMENDMENT #3 JULY 20, 2011

AMENDMENT #4 APRIL 16, 2014

AMENDMENT #5 SEPTEMBER 18, 2014

AMENDMENT #6 FEBRUARY 17, 2016

AMENDMENT #7 MAY 11, 2016

AMENDMENT #8 MARCH 20, 2019

AMENDMENT #9 JUNE 16, 2021

AMENDMENT #10 JULY 21, 2021

AMENDMENT #11 JUNE 15, 2022

AMENDMENT #12 SEPTEMBER 21, 2022

AMENDMENT #13 JUNE 2, 2023

**PREPARED FOR
ROSELLE PLANNING BOARD**
ORIGINAL, AMENDMENT # 1 AND 2 PREPARED BY CMX

Amendment #3 - #13 Prepared by



Engineering
& Design

The original of this document was signed and sealed
in accordance with N.J.S.A. 45:14A-12.

Darlene A. Green, AICP/PP
License Number 6114

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Section 1. Introduction

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A (“LRHL”) allows municipalities to designate rehabilitation areas. The purpose of this Plan is to encourage investment and improvement within the designated area.

1.1 Statutory Basis for the Revitalization Plan

After review and recommendation by the Roselle Planning Board on October 3, 2007, the Roselle Council designated the entire Borough as “An Area in Need of Rehabilitation” on October 11, 2007. After the Council designation, the Borough authorized the creation of a redevelopment plan. This resulted in the creation of the original “South Central Roselle Revitalization Plan” adopted in 2007. The name of the report was amended from “South Central Roselle Revitalization Plan” to “Central Roselle Revitalization Plan” via Amendment #4 in 2014.

On August 20, 2014, after review and recommendation by the Roselle Planning Board on August 6, 2014, the Roselle Council designated the area consisting of all the lots on each of Block 2604 and 2605 on the Official Tax Map of the Borough as “An Area in Need of Redevelopment”, pursuant to N.J.S.A. 40A:12A-5(g), for purposes of granting tax exemption pursuant to N.J.S.A. 40A:20-1 et seq. or the adoption of a tax abatement and exemption ordinance pursuant to N.J.S.A. 40A:21-1 et seq.

On September 21, 2022, after review and recommendation by the Roselle Planning Board on September 7, 2022, the Roselle Council designated Block 2601, Lots 10 through 16, Block 2602, Lots 7 through 17, Block 2603, Lots 4 through 9, and Block 2901, Lots 14 through 19 as “An Area in Need of Redevelopment”.

Therefore, this Plan contains lots designated under Rehabilitation and Redevelopment criteria pursuant to the Local Redevelopment and Housing Law.

1.2 Description of the Revitalization Plan Area

The Revitalization Plan Area begins at the corner of Chestnut Street and St. George Avenue, north on Chestnut Street to Eighth Avenue, east on Eighth Avenue to Spruce Street, north on Spruce Street to Seventh Avenue, east on Seventh Avenue to Chandler Avenue, south on Chandler Avenue to Morris Place, east on Morris Place to Harrison Avenue south on Harrison Avenue to Georges Place, east on Georges Place to the western border of Warinanco Park, south along the eastern border of Blocks 1402 and 1404 to St. George Avenue, and St. George Avenue west to Chestnut Street.

In general, the Revitalization Plan Area contains a full range of single-family and two-family residential, commercial, industrial, and community and semi-public structures and uses. A good majority of the parcels within the Plan Area are under public ownership, i.e. Borough of Roselle, Board of Education, and church and other religious organizations. Many of the Borough-owned parcels have remained vacant for over 10 years. Some of the buildings fronting St. George Avenue are vacant and contain obsolete layouts, lack of demarcated parking spots, poorly marked ingress/egress points, and no buffer between residential and non-residential uses.

The north side of St. George Avenue forms the southern boundary of the Revitalization Plan Area and remains one of the Borough’s major commercial corridors. In fact over the past several years, this area has been a focus of study by both the City of Linden and Borough of Roselle.

As shown in the Map to the right, much of the Revitalization Area, which includes properties fronting St. George Avenue, the commercial areas along Chestnut Street and the Railroad tracks, are within the Borough's UEZ designation, which is depicted in pink. Additional benefits of UEZ designated properties include a 3 ½% sales tax for shoppers and additional savings for business members. Business owners can also gain a 3 ½% tax savings on business equipment and supplies and can apply for grant funding for façade improvements.



In May 2006, the City of Linden completed a Needs Study that qualified the opposite side of St. George Avenue as an “Area in Need of Redevelopment.” In order to ensure that the two municipalities and their planning efforts complement each other, a number of the streetscape improvements and design elements that were included in Linden’s “St. George Avenue Redevelopment Opportunities Assessment” have been included for reference within this plan.

In order to reestablish St. George Avenue as a vital, commercial area, the fast food chains, automobile-related businesses, vacant properties, and sites with significant asphalt and no or limited commercial activity should be replaced with a diversity of newer uses, such as coffee shops, dance and art studios, banks, florists, family-style restaurants, neighborhood oriented commercial uses and other civic uses. These are the types of businesses that are primarily supported by neighborhoods, but are also convenient to commuters and will be encouraged in this Revitalization Plan.

Reestablishing this corridor also means protecting and enhancing the quality of life for the adjacent residential neighborhoods. It is these neighborhoods that provide another important key to the future revitalization of the Revitalization Area since many of the residential blocks, especially in the Spruce Street, Ninth Avenue, Chandler Avenue and St. George Avenue area, contain properties which are under Borough ownership, and will become sites for new housing construction.

The challenge for the future is to encourage both new residential development and the creation of neighborhood and regional commercial uses that support and complement each other.

Section 2. The Public Purpose

2.1 Goals and Objectives

This plan is based on the following Smart Growth planning principles:

- Revitalizing commercial districts,
- Revitalizing neighborhoods,
- Providing a mixture of land uses,
- Providing a pedestrian oriented environment,
- Capitalizing on mass transit opportunities,

- Providing open space,
- Providing a variety of housing opportunities,
- Preserving natural resources, and
- Utilizing high quality design standards.

The goal of this plan is to create vibrant, fully productive, mixed-use neighborhoods by creating new development opportunities for private and public-private investment in the Revitalization Area. This plan will provide a range of quality commercial, residential, and recreational uses that will capitalize on the area's strategic location and assets.

Among the specific goals applicable to the Revitalization Plan are:

- Establishing a land-use pattern that will enhance private sector economic development;
- Concentrating business and commerce along the Borough's commercial corridors;
- Protecting and enhancing the residential neighborhoods;

To achieve these goals, the objectives of this plan are to:

- Provide parcels of land of sufficient size and dimension to enable an orderly arrangement of new land uses.
- Ensure appropriate rehabilitation of existing residential and commercial buildings, community facilities, and open spaces as well as new infill development through design standards.
- Create land use and building requirements specific to the Revitalization Plan Area that are sensitive to adjoining uses.
- Provide opportunities to expand and strengthen the local and regional retail and commercial uses.
- Provide new housing and employment opportunities.
- Undertake infrastructure improvements including streets, curbs, sidewalks, parking, and open space.
- Ensure a long-term productive reuse of each of the parcels.

2.2 Relationship to Local Objectives

The Borough's current initiatives include revitalization of existing, established neighborhoods, restoring its tax base, and improving general quality of life for its residents, property owners, business establishments, and visitors. Other initiatives have discussed ways to enhance the Borough's downtown shopping district, build upon the UEZ program, reduce loitering, and implementing a Park and Walk program.

The Borough's latest Master Plan is dated December 2010. This Revitalization Plan is consistent with and designed to effectuate the 2010 Roselle Master Plan as it advances the following goals:

- Preserve and promote a balanced variety of residential, commercial, light industrial, public, recreation and, conservation land uses.
- Preserve and protect the established residential character of the Borough.
- Encourage future housing construction that is compatible with the existing character of the Borough.

- Encourage senior citizen housing construction.

The Borough's latest reexamination report is the 2021 Master Plan & Development Regulations Reexamination, which was adopted December 22, 2021. The report updated the Borough's goals and objections. This Revitalization Plan advances the following goals:

- Encourage redevelopment and reinvestment in six focus areas, one of which is St. George Avenue.
- Guide commercial and industrial development into non-residential zones and redevelopment areas.
- Encourage reuse and repurposing of underutilized properties.
- Enhance and upgrade the First Avenue and St. George Avenue corridors.
- Encourage the construction of affordable and/or workforce housing.
- Provide a diversity of housing types and tenures in zones where multi-family residential development is permitted.

Section 3. The Revitalization Plan

3.1 Land Use Plan

The purpose of the Land Use Plan is to provide zoning regulations and design standards that will govern development in the Revitalization Plan Area.

The Revitalization Plan Area consists of Residential, Mixed-Use Commercial, Town Center 1 and Flex Industrial sub-areas, each with its own context, scale, and character. Each of the areas are defined by a predominant use or group of uses and this plan provides distinct guidelines that are suitable and appropriate to the surrounding uses and design.

The plans provide regulations for the development of each district that describe permitted uses, bulk and area requirements, and design standards. As mandated in N.J.S.A. 40A:12A-7(5)c, the regulations in this section shall supersede applicable provisions of the development regulations of the Borough of Roselle, except where noted.

The Sub-Zone Map (located at the end of the plan) depicts the boundaries for each district of the Revitalization Plan Area.

3.2 Definitions

All terms used herein shall have the same meaning as defined in the Borough Land Use Ordinance unless otherwise specified in this Revitalization Plan.

3D Printing – A manufacturing process of making three dimensional solid objects from a digital model utilizing a machine that deposits material layer by layer using a head or similar to that of an inkjet printer, also known as an additive process. 3D Printing is also known as “additive manufacturing” or “rapid prototyping”.

Age-restricted multifamily - A building on one lot, containing separate living units for two or more families, having separate or joint entrances, and including apartments, group homes, townhomes, and condominiums. At least one resident in each unit shall be 55 years of age or older.

Artisan Food and Beverage Production – A facility with on-site production of food or beverage products, involving small batch processing. Typical uses include, but are not limited to: coffee roasting, ice cream, baker, candy, and other foodstuffs; or alcoholic beverage manufacturing. This shall include on-site sales and consumption (i.e., tasting room).

Brew Pub – An establishment that brews malt alcoholic beverages in quantities not to exceed 10,000 barrels per license term and which is operated in conjunction with a restaurant.

Business incubators – One or more businesses sharing common facilities, such as copying equipment, administrative staff, etc.

Canopy sign – A sign located under the canopy of a fuel dispensing facility. However, signs regulated by the State shall be exempt from the standards set forth in this Plan.

Community and cultural center – A building used for recreational, social, educational and/or cultural activities, open to the public or a designated part of the public, owned and operated by a public or non-profit group or agency.

Convenience store with fuel sales – A use that provides retail dispensing or sales of vehicular fuels with a retail facility that sells snack food, drinks, and similar convenience goods. The retail facility may offer for sale pre-packaged food products, sandwiches and other freshly prepared foods for off-site consumption.

H-Frame – A standard construction that is utilized as a take-off structure that aids in the transition from a bus conductor to flexible wired conductor similar to transmission lines. This structure typically also supports the line surge arresters.

Hotel – A building with a central lobby offering transient lodging accommodations to the general public and providing additional services, such as restaurants, bars, banquet facilities, meeting rooms, recreational facilities, etc.

Instructional sign – On-site signage that provides directional information to the pedestrians and/or vehicular traffic that is related to the movement of pedestrian and/or vehicular traffic on the premises (e.g. “entrance”, “exit”, “no parking”, “one-way” and the like) and not displaying a commercial message.

Lightning mast – A steel structure used to direct lightning strikes to ground to provide lightning protection to equipment in the yard.

Monopole – An electronic transmission line structure used for incoming overhead line support.

Neighborhood retail uses – An establishment where goods are sold directly to the consumer for personal household use, with or without processing on the premises for such retail sale. These uses serve residents within five minutes driving time. Typical uses include a food store, coffee shop, pharmacy and clothing store.¹

¹ A neighborhood retail use does not include a gas station or car dealership.

Pole sign – A sign that is mounted on a freestanding pole, poles or other support so that the bottom edge of the sign face is 6 feet or more above grade. May also be referred to as a “freestanding sign”.

Public Utility – A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Service Establishment - Any business use that provides services to an individual, or group of individuals, such as barbershops, dry cleaning establishments, beauty salons, travel agencies and substantially similar type uses, and does not provide goods for retail sale or consumption.²

Studios – An establishment involved in dance, art, aerobic and/or music offering classes, workshop space, etc.

Tasting Room – A facility that offers samples of beer, spirits, and/or wine as well as sale of said product. However, there is no on-site production.

3.3 Permitted Land Uses

The Sub-Zone Map (located at the end of the report) assigns land use categories to the various parcels within the Revitalization Plan Area.

- A. Table 1 provides the permitted principal uses for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones.

² A service establishment does not include an automobile repair shop.

Table 1
Permitted Principal Uses

<i>Residential</i>	<i>Commercial Mixed Use</i>	<i>Flex Industrial</i>
Single-family dwellings	Community and cultural centers	Existing industrial uses, including manufacturing, assembling, processing and warehousing
Two-family dwellings	Restaurants and food stores, excluding drive-thru	Professional and government office uses and office flex
Three-family dwellings	Neighborhood retail uses	Light Industrial
Child care center ³	Service and financial establishments	Business incubators
Parks/playgrounds/ open space	Professional and government office uses	Cannabis delivery service
Places of worship, philanthropic, and charitable Uses	Medical and health services	Cannabis manufacturer
Premises used for municipal purposes, except public works garage and solid waste facilities.	Dwellings above ground floor office or commercial uses	Cannabis distributor
Public schools	Parks/playgrounds/ open space	Artisan food and beverage production
	Places of worship on second floor or above, philanthropic, and charitable uses	3D printing
Age-restricted multifamily	Production or assembly use that makes or assembles products for the retail storefront.	
Multifamily dwellings	Child care center	
	Schools	
	Theaters, studios	
	Hotel	
	Tasting room	
	Brew pub	
	Cannabis delivery service	
	Cannabis manufacturer that makes or assembles cannabis products for an integrated cannabis retailer. However, no outdoor consumption areas are permitted.	
	Artisan food and beverage production	

³ Child care centers shall comply with the bulk standards for multifamily dwellings detailed in Table 3.

B. In addition to the Permitted Uses in Table 1, two uses shall be conditionally permitted in the Commercial Mixed-Use Sub-Zone:

1. A. Convenience store with fuel sales, when the following conditions are met:⁴
 - (a) Minimum lot size: 1.25 acres
 - (b) Minimum lot width: 250 feet
 - (c) Minimum lot depth: 250 feet
 - (d) Minimum front yard setback: 30 feet
 - (e) Minimum side yard setback: 10 feet
 - (f) Minimum rear yard setback: 20 feet
 - (g) Maximum impervious coverage: 95%
 - (h) Maximum building height: 40 feet and 2.5 stories
 - (i) Minimum required on-site parking: one (1) space per 100 square feet of gross floor area
 - (j) The fuel canopy shall be considered a principal structure and shall comply with the yard setback requirements
 - (k) The signage below shall be the only permitted signage for a convenience store with fuel sales:
 - (1) Wall signs
 - [a] One (1) wall sign shall be permitted per public street frontage.
 - [b] The maximum sign area shall be 40 square feet.
 - [c] Wall signs shall not be permitted above the roofline.
 - [d] Wall signs may be internally or externally illuminated.
 - (2) Pole signs
 - [a] One (1) pole sign shall be permitted per parcel.
 - [b] The sign shall be set back at least five (5) feet from all property lines.
 - [c] The maximum sign area shall be 50 square feet, excluding the base.
 - [d] The maximum sign height, including the base, supporting structures and sign, shall be 14 feet above the existing grade.
 - [e] Support structures shall be clad in decorative masonry.
 - [f] Pole signs may be internally illuminated. LED lighting may be permitted for fuel pricing.
 - (3) Instructional signs
 - [a] Instructional signs are permitted as needed on-site.
 - [b] The maximum sign area shall be 3.5 square feet and the sign shall be not taller than three (3) feet.
 - [c] Signs may be internally illuminated.
 - (4) Canopy signs
 - [a] A maximum of two (2) canopy signs shall be permitted per parcel.
 - [b] The maximum sign area shall be 40 square feet.
 - [c] The maximum sign height shall be two (2) feet.
2. Cannabis retailer, when the following conditions are met:
 - (a) Said establishment shall be licensed and shall be located more than 1,000 feet from the property line of any elementary or secondary school property.
 - (b) No outdoor consumption areas are permitted.

⁴ If the conditions are not met, the Application will require a D variance, which cannot be granted under the Central Roselle Revitalization Plan

C. In addition to the Permitted Uses in Table 1, the following uses shall be conditionally permitted in the Flex Industrial Sub-Zone:

1. Cannabis cultivator, which shall meet the following conditions:
 - (a) The design of any building or structure required for such use conforms to the general character of the area in which it is located.
 - (b) The cultivation activities of said establishment must be conducted entirely indoors.
 - (c) Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited beyond the property line. Odor mitigation filtration systems shall be installed and maintained in perfect working order.
2. Public Utility, subject to the following conditions:
 - (a) Minimum setback to buildings and structures:
 - (1) Front yard setback – 35 feet
 - (2) Side yard setback – 10 feet, except where a side yard abuts a residence zone or use, the required side yard setback shall be 25 feet.
 - (3) Rear yard setback – 20 feet, except where a rear yard abuts a residence zone or use, the required rear yard setback shall be 25 feet.
 - (b) Maximum building coverage – 10%
 - (c) Maximum impervious coverage – 90%
 - (d) Maximum building height – two (2) stories and 35 feet
 - (e) Maximum accessory structure height (excluding lightning masts and monopoles) – 45 feet
 - (f) Maximum lightning mast height – 70 feet
 - (g) Maximum monopole height – 60 feet
 - (h) The following requirements shall trigger a “C” variance in the event of non-compliance:
 - (1) Public utilities shall be screened and buffered in accordance with the following:
 - [a] Where a public utility is adjacent to a residential use, a minimum 10-foot-tall solid fence or decorative wall shall be installed. Said fence or wall shall not exceed 12 feet. This requirement shall not trigger a deviation, variance, or waiver from any other provision of the code which establishes limitations for fence and/or wall height.
 - [b] For security purposes a fence or wall may be permitted in the front yard, which may be a maximum of 10 feet tall. This requirement shall not trigger a deviation, variance, or waiver from any other provision of the code which establishes limitations for fence and/or wall height.
 - [c] All street frontages of a public utility shall be planted with a 10-foot-wide buffer comprised of a staggered double row of evergreen shrubs planted at a minimum height of three feet. However, no plantings shall be located within any required sight triangle.
 - [d] Public utility facilities must be screened along all property lines, except those detailed in subsections C.2.(h)(1) and (3), by walls, a solid fence, and/or evergreens to a height of no less than eight feet and no greater than 10 feet. This requirement shall not trigger a deviation, variance, or waiver from any other provision of the code which establishes limitations for fence and/or wall height.
 - (2) Minimum required on-site parking – one (1) space for every 250 square feet of gross floor area. However, unmanned buildings, such as control houses, do not have a parking requirement.

D. Table 2 provides the permitted accessory uses for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones.

Table 2
Permitted Accessory Uses

<i>Residential</i>	<i>Commercial Mixed Use</i>	<i>Flex Industrial</i>
Home occupations, subject to the requirements of §650-89B.(2)(b)	Off-street loading facilities, in accordance with §650-26	Off-street loading, in accordance with §650-26
Residential professional offices, subject to the requirements of §650-89B.(2)(a)	Surface parking lots, when provided as an accessory to a principal permitted use on adjacent lot or within 500 feet.	Surface parking lots, when provided as an accessory to a principal permitted use on adjacent lot or within 500 feet
Private garages not in excess of 600 square feet, including detached and attached garages	Roof-mounted solar panels, in accordance with §650-103	Garage and storage buildings, which are necessary to store any vehicles, equipment or materials on the premises incidental to the principal structure or use
Family day-care		Roof-mounted solar panels, in accordance with §650-103
Customary residential storage buildings not in excess of 200 square feet of building area.	Street furnishings, including benches, planters, streetlights, etc. Sidewalk cafes associated with a restaurant, in accordance with §650-88D.(1)(m)	Signs
Shelters for domestic pets not in excess of 50 square feet of building area, exclusive of runs	Sidewalk cafes associated with a restaurant, in accordance with §650-88D.(1)(m)[2]	Trash enclosures in accordance with §650-28
Roof-mounted solar panels, in accordance with §650-103	Signs	
Signs	Trash enclosures in accordance with §650-28	
Surface parking lots, when provided as an accessory use on adjacent lot or within 500 feet.		
Other customary residential accessory structures such as private and community swimming pools, private and community tennis courts, fireplaces, trellises, post lights, and the like		
Trash enclosures in accordance with §650-28		

E. Town Center 1 Subzone Permitted Uses:

1. Permitted principal uses:
 - (a) There shall be a minimum of 3,000 square feet of neighborhood retail uses, restaurants, brew pubs, tasting rooms, and/or personal service establishments.
 - (b) Multi-family residential uses, including apartments and condominiums, only on the upper floors of a structure. However, a residential lobby and residential amenities may be located on the ground floor along St. George Avenue.
2. Permitted accessory uses:
 - (a) Off-street surface/ground level parking
 - (b) Structured parking
 - (c) Outdoor dining in accordance with §650-88D.(1)(m)[2]
 - (d) Off-street loading
 - (e) Signs
 - (f) Fences and walls
 - (g) Resident amenities such as gyms, mailrooms, package rooms, leasing and management areas, club rooms, lounges, etc.
 - (h) Roof-top passive and active recreation
 - (i) Roof-mounted solar panels in accordance with §650-103
 - (j) Trash enclosures in accordance with §650-28 or trash stored indoors

3.4 Bulk Standards

- A. Tables 3 and 4 provide the bulk standards for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones.

Table 3
Schedule of Regulations – Residential Sub-Zone

Minimum/Maximum	Single-Family Dwellings	Two-Family Dwellings	Three-Family Dwellings	Multifamily Dwellings	Age-Restricted Multifamily	Places of Worship, Philanthropic and Charitable uses	Schools
Min. lot size	4,000 sq ft	4,500 sq ft	10,000 sq ft	20,000 sq ft	20,000 sq ft	20,000 sq ft	5 ac
Min. lot width	40 ft	55 ft	55 ft	100 ft	100 ft	100 ft	100 ft
Min. lot depth	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
Min. front yard	Average or 25 ft, whichever is greater	Average or 25 ft, whichever is greater	Average or 25 ft, whichever is greater	Average or 25 ft., whichever is greater	Average setback of nearest building within a block in each direction on same side of street.	Average or 25 ft., whichever is greater	75 ft
Min. side yard	One: 5 ft Both: 13 ft	One: 6 ft Both: 14 ft	One: 6 ft Both: 14 ft	Each: 10 ft	Each: 10 ft	Each: 15 ft	75 ft
Min. rear yard	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	75 ft
Max. building coverage	40%	40%	40%	50%	65%	50%	50%
Max. impervious coverage	50%	50%	55%	70%	85%	65%	75%
Max. building height	32 ft and 2.5 stories	32 ft and 2.5 stories	32 ft and 2.5 stories	40 ft and 3 stories*	40 ft and 3 stories*	32 ft and 2.5 stories	32 ft and 2.5 stories
Max. Residential density	N/A	N/A	N/A	37 dwelling units per acre*	50 dwelling units per acre*	N/A	N/A

*For lots with frontage on St. George Avenue, the allowable building height may be increased to 55 feet and four (4) stories and the allowable residential density may be increased to 85 dwelling units per acre to facilitate projects along the St. George Avenue corridor.

Table 4
Schedule Of Regulations – Mixed Use Commercial And Flex Industrial Sub-Zones

Minimum/ Maximum	Mixed Use Commercial	Flex Industrial
Min. lot size	7,500 sq ft	5,000 sq ft
Min. lot width	70 ft	50 ft
Min. lot depth	100 ft	100 ft
Min. front yard	Average or 10 ft	35 ft
Min. side yard	Each: 10 ft	Each: 10 ft
Min. rear yard	20 ft	20 ft
Max. building coverage	-	-
Max. impervious coverage	90%	95%
Max. building height	45 ft and 3 stories *	45 ft and 3 stories
Max. Residential density	20 dwelling units per acre*	N/A

*For lots with frontage on St. George Avenue, the allowable building height may be increased to 55 feet and four (4) stories and the allowable residential density may be increased to 85 dwelling units per acre to facilitate projects along the St. George Avenue corridor.

B. Town Center 1 Sub-Zone Bulk Standards:

1. Minimum lot size - two (2) acres
2. Minimum setback to St. George Avenue - No more than 60% of the linear frontage along the street shall have a setback less than five (5) feet. The remainder of the façade shall be setback at least 10 feet
3. Minimum setback to Morris Street - five (5) feet
4. Minimum setback to Jouet Brook - five (5) feet
5. Minimum setback to railroad right-of-way - zero (0) feet
6. Maximum building coverage - 70%
7. Maximum impervious coverage - 85%
8. Maximum building height - 65 feet to the roof surface and five (5) stories⁵
9. Maximum residential density - 88 units per acre
10. Minimum plaza/public space - 1,200 square feet

C. Accessory building regulations for all Sub-Zones are as follows:

1. No accessory building shall be permitted in a side or front yard.
2. Accessory buildings shall be set back from the rear and side yard lot line a minimum of five (5) feet.
3. No accessory building shall exceed 15 feet in height.

3.5 Additional Regulations, Controls, Restrictions, and Relief from Certain Zoning Regulations

In addition, the following standards apply:

A. Building Controls for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones.

1. Type, Size and Use of Building(s)
 - (a) Development of one-family and two-family residential dwellings is permitted in accordance with the provisions of this plan. The Revitalization Plan further allows for the rehabilitation of existing buildings for residential or commercial or mixed residential/commercial purposes. Adaptive reuse is also encouraged where deemed appropriate particularly for buildings with historic character.
2. Open Spaces
 - (a) Open space shall vary from lot to lot. It is expected that the developers of each property will take open space into account in the design of each lot. Some landscaping shall be provided on each site. Special consideration shall be given to the provision of a green space buffer between parking areas and the street.

⁵ For purposes of this Redevelopment Plan, Building Height shall be defined as the vertical distance between the average grade along all exterior foundation walls of a building, which grade shall be substantially unchanged from the natural grade existing at the time of a development application submission, and the highest point of the roof if it is a pitched roof and the top of the roof structure for a flat roof.

3. Setback

- (a) Building(s) shall be set back consistent with the existing buildings on the block. The required front yard setback has been provided in Tables 3 and 4; however, where appropriate it can be calculated based upon the average of the front yard setbacks for all buildings on the block. The average setback for the block shall be determined by calculating the average front yard setback of all buildings existing on the block and fronting on the same side of the street at the time of application for site plan approval. In the event that there are no other buildings fronting on that street on that block, the minimum front yard setback is provided in Tables 3 and 4.
- (b) The front yard setback may be encroached upon by the front porch a maximum of five feet. However, said porch shall be open on three sides. Where a front porch encroaches on the front yard it shall not be permitted to be enclosed.

4. Other Considerations:

- (a) New buildings shall attempt to match the neighborhood architectural style to the greatest degree possible by using such features common to the neighborhood as vernacular architectural trim, front porches, bay windows, and/or similar rooflines in accordance with the remaining architectural style of the neighborhood.

3.6 Site Standards

The following site standards shall apply to all types of development in the Revitalization Plan Area. Any elements not covered by these standards shall be subject to other appropriate provisions of this Revitalization Plan and/or the Roselle Land Use Ordinance. All revitalization activities are also subject to applicable state and federal requirements. The overall purpose of this plan is to create a viable, productive, pedestrian-oriented development pattern that enhances public safety, expands housing opportunities and community resources and services, and creates additional local and regional economic opportunities. These standards shall encourage both new development and rehabilitation of unproductive or underutilized sites throughout the Revitalization Plan Area.

A. Building standards for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones

- 1. New buildings shall be compatible with and support the positive elements of the scale and architectural character of the surrounding neighborhood. Any portion of the Revitalization Plan area that is not necessary for building or parking purposes shall be appropriately landscaped in a manner consistent with the surrounding neighborhood.
- 2. All buildings are required to have entrances accessed directly from the sidewalk. Sidewalks should extend from the building façade to the curb for the purpose of facilitating pedestrian movement and creating opportunities for outdoor eating and shopping areas, providing space for bus waiting areas or shelters, street furniture, etc.
- 3. First floor facades intended for retail use must have large, clear storefront glass areas (minimum 50% to 70% of the façade area) to display the nature of the business and produce an interesting streetscape. Large blank walls are prohibited along any street. Storefront windows may be either typical large, single pane or multiple smaller panes (approximately two foot square) separated by mullions.

4. Each street-level shop shall have its own shop front. The shop fronts may either have identical designs to reinforce the building design or varied designs to express the different businesses. A shop front should be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.
5. Upper floor uses are to be provided with separate exterior entrances unless a large common lobby or atrium is provided.
6. Fences shall not exceed four (4) feet in height and be no less than 50% open if located in the front yard and shall not exceed six (6) feet in height if located outside of the front yard. No fence shall be located within any sight triangle. Barbed, razor, chain link, or equivalent fencing will not be permitted.
7. Roofs may be flat but must include appropriate ornamentation such as cornices or parapets. Artificial mansards are not permitted.
8. Front porches serve as semi-private spaces between the public street and the private home. When well used, they also encourage social interaction which adds to the feeling of security and community that is part of the life of closely knit neighborhoods. They also lend visual continuity yet add variety and scale to the streetscape. The following details are encouraged in the design of one to three family detached homes.
 - (a) A sitting porch shall be at least five (5) feet deep and at least 15 feet wide.

B. Building standards for the Town Center 1 Sub-Zone

1. The purpose of these building standards is to guide future redevelopment in the Town Center 1 Sub-Zone. The goal is to create buildings that are attractive and enliven the streetscape.
2. Massing
 - (a) Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.
 - (b) The maximum spacing between such vertical offsets shall be 40 feet. The minimum projection or depth of any individual vertical offset shall not be less than one (1) foot.
 - (c) Vertical offsets can include pilasters, projecting bays, changes in façade materials, and balconies.
3. Articulation
 - (a) All street-facing building walls shall have a clearly defined base, body, and cap.
 - (b) The base of the building shall align with either the kickplate, sill level of the first story, base panel, or lintel of the first story.
 - (c) The body section of a building may be horizontally divided at floor, lintel, or sill levels with belt courses or other architectural elements.
 - (d) The architectural treatment of a façade shall be completely continued around all street-facing facades of a building.
4. Roof
 - (a) The maximum building height shall be as stated in 3.4B. on page 13. The height of elevator shafts, ventilators, air conditioning and any other apparatus which may be carried on the roof level shall be screened and shall be no higher than five (5) feet above the permitted

- height, including said screening. Said roof-top equipment shall not be visible from surrounding properties or streets.
- (b) The shape, pitch, and color of a roof shall be architecturally compatible with the style, materials, and colors of such building.
 - (c) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment.
 - (d) Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements shall be compatible with the style, materials, colors, and details of the building.
 - (e) Roofline offsets shall be provided along any gable roof measuring more than 50 feet in length to provide architectural interest and articulation to a building.
 - (f) Roof-top heating, ventilating, and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes, and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the street and adjacent properties.
5. Transparency
- (a) Ground floor non-residential uses shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 60% of the total ground level facade area. A building's "ground level façade area" is the area bounded by the side edges of the building and the plane coincident with the internal floor of the building and the internal ceiling of the building
 - (b) Transoms above display windows in the Town Center 1 Sub-Zone are encouraged.
 - (c) Glass blocks are not permitted on facades that abut a street.
 - (d) Roll-down security screens are prohibited.
6. Entrances
- (a) All entrances to a building shall be defined, visible, and adequately lit.
 - (b) Entrances shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and other such elements, where appropriate.
 - (c) Federal law requires that entrances be accessible to handicapped patrons wherever feasible. People with physical disabilities should be able to use the same entrance as everyone else and be provided with an accessible route into the building.
7. Awnings
- (a) Awnings add interest and visual depth to a storefront. They create shelter from sun and rain, provide an opportunity for good graphics and color and create a covered area of displaying merchandise.
 - (b) Awnings are only permitted above ground level doors and windows.
 - (c) The lower edge of an awning shall be at least eight (8) feet above the sidewalk at its leading edge.
 - (d) When awnings occur within the same building structure, they shall be compatible in style, color, dimension, and mounting height.
 - (e) Awnings shall be made of fire-resistance canvas, cloth, or durable architectural standing seam metal.
8. Parking
- (a) Any parking visible from a public right-of-way shall be screened by a building wall, solid fence at least five (5) feet tall, or staggered evergreen landscaping at least five (5) feet tall.

- (b) Any structures parking visible on the St. George Avenue or Morris Street façades shall be specially treated to be inconspicuous as viewed from the street.

C. Parking

1. Surface Lots

- (a) Off-street parking shall be provided in suitable locations. Tree islands shall be provided at the ends of each aisle and interspersed within aisles to provide visual relief from long expanses of parking and to guide circulation. To connect the parking lot to its destination point, pedestrian pathways should be included which protect pedestrians from vehicles and which also connect the parking lot to adjoining streets and commercial and residential properties. Pathways should contain consistent design and landscaping elements, which relate to the overall design of the lot. The materials and colors used for the pedestrian paths should distinguish vehicular travel ways from pathways designed for pedestrian use.

2. Parking Standards for the Residential, Commercial Mixed Use, and Flex Industrial Sub-Zones

- (a) Parking for residential uses other than age-restricted multifamily development shall be provided in conformance with the New Jersey Residential Site Improvement Standards (RSIS) except that applications for a de minimus exception to permit parking less than required by RSIS may be made at the time of site plan review by the Board if sufficient on-street or shared parking is available. For age-restricted multifamily development for 55 years of age and older, the parking requirement shall be 0.7 parking spaces per unit. For age-restricted multifamily development of 62 years of age and older the parking requirement shall be 0.45 parking spaces per unit.
- (b) Parking requirements for non-residential uses are established in accordance with Section §650-24 of the Roselle Ordinance. However, the minimum parking requirements for specific uses shall be as follows:
 - (1) Hotels shall provide one (1) parking space per hotel room.
 - (2) Hotels with banquet facilities, meeting and/or conference rooms shall provide one (1) space for each hotel room and additional parking shall be required by the Board based on a parking study.
 - (3) Places of Worship, Philanthropic, and Charitable Uses – one (1) space per three (3) fixed seats plus one space per 60 square feet of gross floor area for assembly and meeting rooms.
 - (4) Neighborhood retail uses and personal service establishments – one (1) space for every 300 square feet
 - (5) Artisan food and beverage production – one (1) space for every 500 square feet of gross floor area for production areas plus one (1) space for every 300 square feet for on-site sales and consumption areas.
 - (6) Restaurants and brew pub – one (1) space for every four (4) seats and one (1) space for every three (3) employees.
 - (7) 3D printing – one (1) space for every 1,000 square feet
 - (8) Tasting room – one (1) space for every 300 square feet

3. Parking Standards for the Town Center 1 Sub-Zone

- (a) Neighborhood retail uses and personal service establishments – one (1) space for every 300 square feet
- (b) Restaurants and brew pubs – one (1) space for every four (4) seats and one (1) space for every two (2) employees
- (c) Tasting room – one (1) space for every 300 square feet
- (d) Multi-family residential uses

- (1) Studio and 1-bedroom units – one (1) space
- (2) 2- and 3-bedroom units – 1.25 spaces

- 4. Every effort should be made to ensure that all parking areas are at the rear, or, if necessary, the side of the lot. Where applicable, alleys will run along the short axis of the block to provide rear parking for adjacent residents. Parking requirements can be satisfied through the use of other properties located within 500 feet of the development site provided that the parking site is under the same ownership as the development site.
- 5. All off-street parking shall comply with N.J.S.A. 40-55D-66.18 through 40-55D-66.20 regarding electric vehicle supply equipment and Make-Ready parking spaces.
- 6. All off-street parking shall comply with the standards in §650-26

D. Front-Yard Parking

- 1. Front yard parking is only permitted in situations where side or rear parking is not physically feasible as determined by the Board, and new development must adhere to the following design standards. The maximum width of residential (one-, two- and three-family) driveways shall be 10 feet. However, lots with at least 55 feet of frontage may have a driveway with a maximum width of 20 feet.
- 2. So-as not to be the prominent feature of dwelling units, garage doors must adhere to one of the following standards:
 - (a) Garage door must be recessed a minimum of two (2) feet under the second story of the dwelling; OR
 - (b) Garage must be located below ground level; OR
 - (c) A pervious, vegetative planting must be situated in the center of the driveway; OR
 - (d) The driveway must be lined by shrubbery and/or trees on at least one side.

E. Public Rights-of-Way

- 1. Public rights-of-way will be designed to meet all local, state and federal standards. Sidewalks are to be provided on both sides of all streets. All pedestrian crossings will utilize materials and colors to readily distinguish vehicular from pedestrian travel ways.

F. Bike Parking

- 1. Provide at least one (1) secured, enclosed bicycle storage space for every five (5) residential units.

G. Loading

- 1. Within the Town Center 1 Sub-Zone, at least one (1) off-street loading facility per building shall be provided.

H. Sidewalks

- 1. Within the Town Center 1 Sub-Zone, sidewalks along St. George Avenue shall be at least 10 feet wide.

2. Within the Town Center 1 Sub-Zone, sidewalks along Morris Street shall be at least five (5) feet wide.

I. Signs

1. Signs shall be permitted as outlined in Section §620-8 for the Residential Sub-Zone; Section §620-10 for the Flex Industrial Sub-Zone and Section §620-14 for the Mixed-Use Commercial Sub-Zone.
2. The following standards shall apply to all signs in the Town Center 1 Sub-Zone. Refer to Chapter 620, "Signs", Section 1, "Definitions", within the Borough Code for a description of the terms below. No sign type other than those identified below shall be permitted.
 - (a) Wall signs, subject to the following limitations:
 - (1) One (1) wall sign shall be permitted per non-residential use per public street frontage.
 - [a] The following types of wall signs shall be permitted:
 - [1] Internally lit raised letters with concealed ballast;
 - [2] Back-lit raised letters with concealed ballast; and
 - [3] Signage board with or without gooseneck lighting.
 - [b] The horizontal dimension of the sign shall not exceed 80% of the width of the building frontage occupied by the use.
 - [c] The maximum sign area shall be 90% of the linear business frontage, with a maximum area of 50 square feet. For example, if the linear business frontage is 50 feet, the maximum sign area shall be 45 square feet.
 - [d] The top edge of a wall sign shall not be installed more than 18 feet above the sidewalk or ground.
 - (2) Awning signs, subject to the following limitations:
 - [a] Awning signs are only permitted above ground-level doors and windows.
 - [b] One (1) awning per business shall be permitted to contain lettering on the vertical flap, provided that the letter height does not exceed eight (8) inches in height.
 - [c] Logos shall be permitted on the diagonal portion of all ground floor awnings, provided that the logo height does not exceed 50% of the diagonal portion of the awning. The logo shall not exceed 25% of the area of the diagonal portion of the awning.
 - (3) Directory signs, subject to the following limitations:
 - [a] Where a building has upper story uses, one directory sign shall be permitted per entrance to said upper story uses.
 - [b] The maximum sign area shall be 25 square feet.
 - [c] Directory signage shall be located next to the exterior entrance to the upper story use.
 - (4) Window signs, subject to the following limitations:
 - [a] Ground floor non-residential uses may have window signs.
 - [b] Window signs shall not exceed 20% of each window's area.
 - (5) Incidental signs. A maximum of one (1) incidental sign is permitted per non-residential use.
 - (6) Signs listed under Chapter 620, "Signs", Section 4, "Exemptions" within the Borough Code shall be permitted.

J. Street Trees

1. All street frontages shall be planted with street trees at an average spacing of 40 feet.

K. Lighting

1. In connection with every site plan, the applicant shall comply with the lighting standards in §650-27.
2. Pedestrian-scaled lighting, a maximum of 15 feet in height, shall be installed along St. George Avenue at an average spacing of 50 feet.

L. Buffers

1. Places of worship, philanthropic, and charitable uses as well as any non-residential use in the Flex Industrial and Mixed Use Commercial Sub-Zone that abuts the Residential Sub-Zone shall provide buffers as follows:
 - (a) The property shall be screened by a buffer at least eight (8) feet wide and composed of 75% evergreens planted 10 feet on center.
 - (b) The buffer shall include a mixture of shade trees, evergreens, ornamental trees, and understory shrubs, and planted in a staggered fashion.
 - (c) At the time of installation, shade trees shall have a caliper of at least three (3) inches, evergreens shall be at least six (6) feet tall, ornamental trees shall be at least 10 feet tall, and understory shrubs shall be at least 36 inches tall.

M. Affordable Housing Requirements

1. Within the Town Center 1 Sub-Zone, a minimum of 10% of the residential units shall be reserved for moderate-income affordable households.
2. Units shall comply with UHAC regarding bedroom distribution.
3. Units shall have at least a 30-year deed restriction.
4. The developer shall be responsible for retaining a qualified administrative agent.

3.7 Provisions Related to Off-Site Improvements

- A. The designated redeveloper or other such party responsible for the development of a property in the Revitalization Plan Area shall be responsible for their contribution of the pro rata share of any off-site improvements, including, but not limited to required roadways, traffic signals, utilities, lighting, sidewalk/curbs, and drainage. The following provisions shall apply in relation to required off-site improvements:
 1. Off-site improvements are required whenever an application for development requires the construction of off-site improvements that are clearly, directly, and substantially related to or necessitated by the proposed development. The Board shall require as a condition of final site plan or subdivision approval that the applicant provide for such off-site improvements. Off-site improvement include relocation of existing utilities.
 2. Determination of cost. When off-tract improvements are required, the Borough Engineer shall calculate the cost of such improvements in accordance with the procedures for determining performance guaranty amounts in N.J.S.A. 40:55D-53.4. Such costs may include, but not be limited to, any or all costs of planning, surveying, permit acquisition, design, specification, property and easement acquisition, bidding, construction, construction management,

inspection, legal, traffic control, and other common and necessary costs of the construction of improvements. The Borough Engineer shall also determine the percentage of off-tract improvements that are attributable to the applicant's development proposal and shall expeditiously report their findings to the board of jurisdiction and the applicant.

3. Improvements required solely for the application's development. Where the need for an off-tract improvement is necessitated by the proposed development and no other property owners receive a special benefit thereby, or where no planned capital improvement by a governmental entity is contemplated, or the improvement is required to meet the minimum standard of the approving authority, the applicant shall be solely responsible for the cost and installation of the required off-tract improvements. The applicant shall elect to either install the off-tract improvements or pay the municipality for the cost of the installation of the required off-tract improvements.
4. Improvements required for the applicant's development and benefiting others. Where the off-tract improvements would provide capacity in infrastructure in excess of the requirements in Subsection A.1. above, or address an existing deficiency, the applicant shall elect to either install the off-tract improvements, pay the pro rata share of the cost to the Borough, or pay more than its pro rata share of the cost to facilitate the construction of the improvement(s) and accept future reimbursement so as to reduce its payment to an amount equal to its pro rata share. If a developer elects to address the required off-tract improvement(s) by making a payment, such payment shall be made prior to the issuance of any building permit. If the applicant elects to install the off-tract improvements or to pay more than its pro rata share of the cost of the improvements, it shall be eligible for partial reimbursement of costs of providing such excess. The calculation of excess shall be based on an appropriate and recognized standard for the off-tract improvement being constructed, including but not limited to gallonage, cubic feet per second and number of vehicles. Nothing herein shall be construed to prevent a different standard from being agreed to by the applicant and the Borough Engineer. The process, procedures and calculation used in the determination of off-tract costs shall be memorialized in a redeveloper's agreement to be reviewed and approved by the Borough Attorney, who may request advice and assistance from the Board Attorney. Future developers benefiting from the excess capacity provided or funded by the initial developer shall be assessed in their pro rata share of off-tract improvement cost based on the same calculation used in the initial calculation. Such future developers shall pay their assessment, plus an administration fee of 2%, not to exceed \$2,000, to the Borough at the time of the signing of the final plat or final site plan as a condition precedent to such signing. The Borough shall forward the assessment payment to the initial developer, less any administration fee, within 90 days of such payment.
5. Performance guaranty. If the applicant elects to construct the improvements, the applicant shall be required to provide, as a condition of final approval, a performance guaranty for the off-tract improvements in accordance with N.J.S.A. 40:55D-53.
6. Certification of costs. Once the required off-tract improvements are installed and the performance bond released, the developer shall provide a certification to the Borough Engineer of the actual costs of the installation. The Borough Engineer shall review the certification of costs and shall either accept them, reject them or conditionally accept them. In the review of costs, the Borough Engineer shall have the right to receive copies of invoices from the developer sufficient to substantiate the certification. Failure of the developer to provide such invoices within 30 days of the Borough Engineer's request shall constitute forfeiture of the right of future reimbursement for improvements that benefit others.

7. Time limit for reimbursement. Notwithstanding any other provisions to the contrary, no reimbursement for the construction of off-tract improvements providing excess capacity shall be made after 10 years has elapsed from the date of the acceptance of the certification of costs by the Borough Engineer.
- B. All infrastructure improvements shall comply with applicable local, state and federal codes including the Americans With Disabilities Act. All utilities shall be placed underground.

3.8 Provisions Related to State and Federal Regulations

Certain revitalization activities proposed in this plan may be subject to state and federal standards, regulations and permit requirements including but not limited to post-remediation requirements. The redeveloper is responsible for ensuring compliance with all applicable standards and obtaining necessary state and federal permits.

Section 4. Relationship to Zoning and Land Use Ordinance

The standards contained within this Revitalization Plan shall supersede any conflicting regulations in the Roselle Land Use Ordinance. In the case where a particular land use or site standard is not covered in this Revitalization Plan, compliance with the Roselle Land Use Ordinance or other applicable Roselle code or ordinance will be required.

The Board may, after review of a site plan that is in one or more aspects inconsistent with the Revitalization Plan, grant deviations from the strict application of the regulations contained in this Revitalization Plan in accordance with the provisions for bulk variances in NJSA 40:55D-70c. Notwithstanding the above, no deviations shall be granted that would permit any of the following: a use or principal structure that is not otherwise permitted by this Redevelopment Plan; an increase in the maximum permitted floor area ratio; an increase in the maximum permitted density, or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less.

4.1 Zoning Map Revisions

The Zoning Map of the Borough of Roselle is hereby amended in accordance with the Central Roselle Revitalization Plan: Sub-Zones map to indicate the boundaries of the Central Roselle Revitalization Plan Area.

Section 5. Acquisition and Relocation

5.1 Identification of Real Property to be Acquired

The properties identified in this Revitalization Plan have been qualified as either “An Area in Need of Rehabilitation” or “An Area in Need of Redevelopment”, no properties have been identified for public acquisition. No eminent domain is anticipated.

5.2 Plan for Temporary and Permanent Relocation

Eminent domain is not being pursued; no relocation is necessary.

Section 6. Relationship to Other Plans

As required by the New Jersey Local Redevelopment and Housing Law, this section describes the consistency and relationship between the Central Roselle Revitalization Plan and: (a) the Master Plan of contiguous municipalities (Linden) and (b) the Union County Master Plan and (c) the New Jersey State Development and Redevelopment Plan.

6.1 Plans of Adjacent Municipalities

The Central Roselle Revitalization Plan Area is located in southern portion of Roselle with the southern boundary being the centerline of St. George Avenue (the municipal boundary between Linden and Roselle).

Commercial/office uses are found along St. George Avenue, Wood Avenue, Route 1 and Elizabeth Avenue. Linden's Central Business District is located along Wood Avenue between Curtis Street and Munsell Avenue. Other commercial areas are located along Roselle Avenue, Willow Glade Road and along most of St. George Avenue and US Routes 1 & 9.

In May 2006, the City of Linden completed a Needs Study that qualified the opposite side of St. George Avenue as an "Area in Need of Redevelopment."

It can be anticipated that the revitalization occurring in both municipalities will complement and strengthen each other's efforts, resulting in vibrant, revitalized areas.

6.2 Union County Master Plan

The most current version of the Union County Master Plan is 1982, with a Reexamination Report completed in 1988.

While the current version of the Union County Master Plan is more than 20 years old, it remains substantially consistent with the Borough's ongoing planning efforts to revitalize, reinforce, and support its neighborhoods and commercial areas.

A new Draft County Master Plan has identified goals and objectives in four distinct areas:

- Housing
- Development
- Transportation/Circulation
- Economic Development

The goal of Development activities is to direct "new growth to environmentally suitable areas which can be provided with essential infrastructure and support facilities" and "to revitalize the urban centers within the County." This objective is to be met by:

- Identifying land areas suitable for development,
- Identifying environmentally sensitive land areas,
- Promoting development consistent with existing uses,
- Promoting the revitalization of urban centers and older suburban areas through adaptive reuse, cleanup, infrastructure upgrading and improved transportation, and
- Continued expansion and development of recreational facilities.

The goal for Economic Development is to continue "efforts to reduce unemployment, provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial, commercial, office and retail facilities to locate or expand in Union County." To achieve this objective the Master Plan draft puts forward the following objectives:

- Support partnerships among economic development organizations,
- Assist in the development of industrial parks and other infrastructure,
- Encourage the expansion or location of firms in the County,
- Maintain relations with federal, state, regional and municipal economic development organizations, and
- Conduct or promote feasibility and technical studies on economic development issues.

The purposes of this Revitalization Plan are consistent with the goals and objectives of the Union County draft plan.

6.3 New Jersey State Development and Redevelopment Plan

On March 1, 2001, the State Planning Commission adopted the second New Jersey State Development and Redevelopment Plan (SDRP) following the second round of cross-acceptance. The 2001 plan supersedes the plan adopted on June 12, 1992. The SDRP is a guide for investing and spending state dollars in a manner that is consistent with the Plan's goals, yet is voluntary for the municipalities to follow.

The 2001 plan identifies all of the Borough of Roselle as part of the Metropolitan Planning Area (PA-1). The Revitalization Area is compatible with the State Plan's intention for the Metropolitan Planning Area, which is to provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. The revitalization plan also furthers the following State Plan policy objectives:

Land Use

Ensure efficient and beneficial utilization of scarce land to strengthen its existing diversified and compact nature.

Housing

Provide a full range of housing choices through revitalization, new construction, rehabilitation, adaptive reuse and the introduction of new housing into appropriate nonresidential settings.

Economic Development

Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements.

Natural Resource Conservation

Reclaim environmentally damaged sites and mitigate future negative impacts. Use open space to reinforce neighborhood and community identity.

Revitalization

Encourage revitalization at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

Public Facilities and Services

Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and revitalization.

Section 7. Amendments to and Duration of the Revitalization Plan

7.1 Amendments to the Revitalization Plan

This plan may be amended from time to time in accordance with the procedures of the Local Redevelopment and Housing Law.

7.2 Certificates of Completion and Compliance

Upon the inspection and verification by the Borough of Roselle's revitalization entity that the revitalization of a parcel subject to a redeveloper agreement has been completed, A Certificate of Completion and Compliance shall be issued to the redeveloper and such parcel shall be deemed no longer in need of revitalization or rehabilitation.

This Revitalization Plan will remain in effect unless repealed by ordinance of the Borough Council of the Borough of Roselle.

BOROUGH OF ROSELLE PLANNING BOARD
Borough of Roselle, County of Union, State of New Jersey



RESOLUTION NO. PB2023-11

**RESOLUTION OF DENIAL
PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED BULK VARIANCE
AND WAIVER RELIEF**

Applicant: JR Tekton, LLC
228 East 10th Avenue, Block 2805, Lot 1
Borough of Roselle

WHEREAS, the Applicant, JR Tekton, LLC (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 lot width (minimum of 100 feet; 65.07 feet proposed), front yard setback (Central Roselle Revitalization Plan (“CRRP”) requires building to be set back consistent with existing buildings, which is approximately 25 feet; Applicant proposes 110 feet), maximum impervious coverage (70% permitted; 76.03% proposed), and waiver relief from CRRP: Section 3.4 Design Standard: tree islands provided in parking lot; none provided, CRRP: Section 3.4 Design Standards: front yard parking; maximum driveway width 10 foot permitted; 22 feet proposed, CRRP: Section 650-24: Circulation and Parking: Bicycle parking and storage permitted; none provided, CRRP: Section 650-28: Trash and recycle material receptacles permitted in year yard; located in side yard proposed, and CRRP: Section 650- 50: Sidewalks shall be at least 4 feet wide. 3.25 is provided for the premises located at 228 East 10th Avenue, designated on the Borough’s Tax Maps as Block

2805, Lot 1, 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 June 7, 2023; 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 Applicant to obtain preliminary and final site plan approval, it must demonstrate conformance with the requirements of the Borough’s regulations governing site plan approval. Further, 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, on June 7, 2023, the Applicant, through its attorney, Gary Goodman, Esq., presented the professional testimony of Anwar A Alkhatib, R.A., the Applicant’s Architect, Adnan Khan, P.E., the Applicant’s Engineer and Anthony Gallerano, P.P.; and,

WHEREAS, Mr. Alkhatib, Mr. Khan and Mr. Gallerano 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 hearing; and,

WHEREAS, the hearing was opened to the public; 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 hearing, 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 lot width (minimum of 100 feet; 65.07 feet proposed), front yard setback (Central Roselle Revitalization Plan (“CRRP”) requires building to be set back consistent with existing buildings, which is approximately 25 feet; Applicant proposes 110 feet), maximum impervious coverage (70% permitted; 76.03% proposed), and waiver relief from CRRP: Section 3.4 Design Standard: tree islands provided in parking lot; none provided, CRRP: Section 3.4 Design Standards: front yard parking; maximum driveway width 10 foot permitted; 22 feet proposed, CRRP: Section 650-24: Circulation and Parking: Bicycle parking and storage permitted; none provided, CRRP: Section 650-28: Trash and recycle material receptacles permitted in year yard; located in side yard proposed, and CRRP: Section 650- 50: Sidewalks shall be at least 4 feet wide. 3.25 is provided for the premises located at 228 East 10th

Avenue (Block 2805, Lot 1) in the Borough of Roselle (hereinafter referred to as “Application”).

3. The Applicant is seeking site plan approval along with the aforementioned variance and waiver relief to permit the demolition of the existing structure and the construction of a fourteen (14) unit multi-family building where the subject Property is located.
4. The Property is located within the Central Roselle Revitalization Plan (“CRRP”) in the Residential Sub-Zone, where multi-family dwellings are permitted.
5. 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 June 7, 2023 hearing, as follows:
 - a. Application for Development with attachments, undated;
 - b. Architectural Plans consisting of three (3) sheets entitled, “Proposed Plans”, prepared by Anwar A. Alkhatib, R.A., of AK Architecture, LLC, dated June 8, 2022, last revised February 21, 2023;
 - c. Site plans consisting of nine (9) sheets entitled “Preliminary and Final Site Plan, 228 East 10th Avenue, Tax Lot 1, Block 2805, Borough of Roselle, Union County, New Jersey”, prepared by Adnan A. Khan, P.E., C.M.E., of AWZ Engineering, dated April 5, 2022, last revised January 6, 2023;
 - d. Attorney letter consisting of one (1) sheet, prepared by Gary S. Goodman, dated April 11, 2022;
 - e. Engineering letter consisting of two (2) sheets, prepared by Adnan A. Khan, P.E., C.M.E., dated July 7, 2022;

- f. Architectural letter consisting of two (2) sheets, prepared by Anwar Alkhatib, R.A., July 12, 2022;
 - g. Roselle Fire Department letter, consisting of one (1) sheet, prepared by Captain Richard Myers, dated July 13, 2022;
 - h. Memorandum to the Development Review Committee, prepared by Darlene A. Green, PP, AICP, dated August 2, 2022;
 - i. Final Site Plan Checklist, consisting of one (1) sheet, not dated;
 - j. Preliminary Site Plan Checklist, consisting of one (1) sheet, not dated; and,
 - k. Borough of Roselle Preliminary Environmental Impact Statement, consisting of eight (8) sheets, not dated;
 - l. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated November 22, 2022, revised April 4, 2023, consisting of eight (8) pages; and,
 - m. Exhibit A-1, a one page aerial photograph prepared by Anthony Gallerano, P.P., dated December 7, 2022.
6. The first witness on behalf of the Applicant to testify was Anwar A. Alkhatib, R.A., the Applicant's professional architect.
7. Mr. Alkhatib testified as to the revised architectural plans he had prepared for the subject Property. He testified that the project had been revised by the Applicant, reducing the number of proposed units from nineteen (19) to fourteen (14), as well as reducing the number of proposed stories for the multi-family dwelling from three (3) stories to two (2) stories.
8. Mr. Alkhatib next testified as to the proposed layout of each of the proposed floors of the multi-unit dwelling, including the number of units per floor and layout of each of

the type of proposed units (1 bedroom, 1 bedroom plus den and 2 bedroom). Mr. Alkhatib testified that the first (1st) floor would consist of six (6) total units and the second (2nd) floor would consist of eight (8) total units.

9. According to Mr. Alkhatib's testimony, there would be a total of eight (8) 1 bedroom units, one (1) 1 bedroom unit with a den, and five (5) 2 bedroom units in the proposed multi-unit dwelling.
10. Mr. Alkhatib next testified as to the proposed exterior finishes of the building as well as the elevations and proposed composition and makeup of the free standing sign for the Property.
11. Mr. Alkhatib finally testified as to the each unit having its own laundry facilities and there was testimony provided to the Board as to the proposed trash enclosure area proposed to be located at the side of the Property.
12. The next witness to testify on behalf of the Applicant was Adnan A. Khan, P.E., C.M.E., of AWZ Engineering, the Applicant's Engineer.
13. Mr. Khan testified as to the layout of the subject Property. He testified that the subject lot, which is "L" shaped in its configuration presently created the issue of the minimum road frontage, which is why the Applicant is applying for a variance from this requirement.
14. Next, Mr. Khan testified as to the Site Plan prepared, which was provided to the Board as part of the underlying Application.
15. Mr. Khan testified as to the parking requirement for the proposed project, which would be a minimum of twenty-four (24) parking spaces with the EV credit and twenty-six (26) parking spaces are being proposed, with two (2) handicap parking spaces which

meets the Borough requirements. In addition, Mr. Khan testified that the proposed Property would have four (4) EV charging stations, with one (1) of those EV charging stations being installed at one (1) of the proposed handicap parking spaces.

16. Next, Mr. Khan testified as to the access to the Property and the parking area and testified as to his sheet C-07 of the site plan, which was the circulation plan for the parking area. Mr. Khan testified as to how the garbage trucks and other vehicles would be able to property circulate through the proposed parking area for the subject Property.
17. Mr. Khan then testified as to the proposed trash enclosure area which will be enclosed by masonry block. Mr. Khan testified that there is a waiver being requested as part of the Application for the location of the proposed trash enclosure area which is proposed to be located on the side of the subject Property.
18. Mr. Khan next testified that there is also a waiver being requested for the width of the proposed sidewalk area located from the proposed multi-family dwelling to the street which 4 feet is minimally required and the Applicant is proposed a width of 3.25 feet.
19. Mr. Khan testified as to the proposed bicycle racks which are to be located near the front of the proposed multi-family dwelling. A waiver is being requested from the Board for the open style of the proposed bicycle racks as to opposed the requirement of enclosed bicycle racks.
20. Next, Mr. Khan testified as to the proposed landscaping and fencing for the subject Property, as well as the proposed lighting.
21. Mr. Khan testified that there was also a variance request for the impervious coverage as the proposed impervious coverage exceeds the maximum permitted by a little over 6%.

22. Finally, Mr. Khan testified as to the parking area circulation plan that there was ample room in the turn around area for all emergency vehicles to turn around with the exception of a fire truck.
23. Next to testify on behalf of the Applicant was the Applicant's Planner, Anthony Gallerano, P.P.. Mr. Gallerano testified to the "c" variances and waiver relief being requested and that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan, including the CRRP subzone.
24. Mr. Gallerano utilized and testified to Exhibit A-1, which was an aerial photograph (one page) prepared by Mr. Gallerano dated December 7, 2022, which demonstrated, among other things, the irregularly shaped lot (flag lot) of the subject Property.
25. Next, Mr. Gallerano testified that the requested "c" variances can be granted under the c(1) hardship standard and c(2) standard based upon the existing nature of the subject Property and that the benefits of granting the requested variances outweigh any detriments. He testified that the benefits of the changes that the Applicant has made to the previous provided site plan outweighs any detriments. There was no further testimony as to specifically how the benefits of granting the requested variances would outweigh any possible detriments.
26. Mr. Gallerano did further testify in support of the positive criteria that the requested variances are consistent with purpose "G" of the Municipal Land Use Law, which is to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens

27. Mr. Gallerano next testified as to the negative criteria, including: (a) that relief can be granted without substantial detriment to the public good; and, (b) the Application will not substantially impair the intent and purpose of the master plan and zoning ordinance.
28. The hearing was then opened to the public, to which two (2) individuals spoke regarding their concerns with the application and the detrimental impact the proposed Property would have on the surrounding neighborhood. In addition, concerns were raised as to how large trucks, including a fire truck and other emergency vehicles would be able to access the property in the subject neighborhood, based upon the current parking condition(s) of same. The individuals from the public who spoke stated that there were no positives for residents in the subject neighborhood from the proposed project.
29. The Board members expressed concerns during the course of the hearing conducted as to the health and safety of the residents regarding the fire and emergency response efforts to be conducted at the proposed building based upon its location, which the Board was taking into consideration the currently known traffic congestion issue(s) at and/or near the subject Property.
30. Additional concerns were raised by member(s) of the Board as to the proposed sidewalk width, taking into consideration the need for the fencing and associated fence post(s) which would create a safety concern based upon the actual width of the sidewalk.
31. The Board members expressed concerns regarding the size and scope of the proposed Project, although scaled down to fourteen (14) units from the initially proposed nineteen (19) units and from three (3) stories to two (2) stories was still too dense and not with the neighborhood character for the subject area and ultimately would pose a

substantial detriment to the public good and, thus, would not promote the general welfare. The Board, in conducting its deliberations, found that the overall testimony and proofs provided did not make the necessary demonstration in order to obtain the variance and waiver relief requested.

32. Furthermore, the Board also relied upon its professionals who noted issues with the proposed stacked parking spaces, the total number of units being proposed as being too dense for the subject location and the emergency management services issues noted by the Board members.
33. On the basis of these findings of fact and the discussion of the Members of the Board present at the hearing, the Borough of Roselle Planning Board made the following conclusions of law:
 - a. The Application as presented did not demonstrate that the site is particularly suited for the proposed two (2) story, fourteen (14) unit multi-family dwelling and, therefore same does not promote the general welfare of the Borough of Roselle residents and the Borough of Roselle. In addition, the proposed Application, as presented, with all of the health, welfare and safety concerns identified by the Board and the members of the public during the hearing conducted will pose a detriment to the public good and that the proposed multi-family dwelling does not meet the intent of the Borough of Roselle master plan for this zone.
 - b. Overall, the Board found that based upon the concerns raised by the Borough Fire Department and the professionals concerning the size and scope of the Application, the Application cannot be granted without substantial detriment to the public health, safety and welfare, and that although there were some positive benefits to the

Application, those benefits did not outweigh the detriments to the intent and purpose of the MLUL and the Borough zoning plan and land use ordinances.

- c. Ultimately, the Board found that the subject Application of the Property seeking preliminary and final site plan approval along with “c” bulk variance relief for lot width (minimum of 100 feet; 65.07 feet proposed), front yard setback (Central Roselle Revitalization Plan (“CRRP”) requires building to be set back consistent with existing buildings, which is approximately 25 feet; Applicant proposes 110 feet), maximum impervious coverage (70% permitted; 76.03% proposed), and waiver relief from CRRP: Section 3.4 Design Standard: tree islands provided in parking lot; none provided, CRRP: Section 3.4 Design Standards: front yard parking; maximum driveway width 10 foot permitted; 22 feet proposed, CRRP: Section 650-24: Circulation and Parking: Bicycle parking and storage permitted; none provided, CRRP: Section 650-28: Trash and recycle material receptacles permitted in rear yard; located in side yard proposed, and CRRP: Section 650- 50: Sidewalks shall be at least 4 feet wide. 3.25 is provided cannot 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.

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 JR Tekton, LLC for Preliminary and Final Site Plan Approval with “c” bulk variance relief for accessory building location (accessory structures not permitted in side or front yard where accessory structures located in both side yards proposed), accessory building setback (5 foot setback from rear and side yard for accessory structures where accessory structure located

in side yard is 1.5 feet and accessory structure located in rear yard is 2.0 feet proposed), refuse enclosure and location (location must be in rear yard enclosed on 3 sides with a solid masonry enclosure not less than 6 feet in height with fourth side to be enclosed with a solid gate where proposed receptables to be located in side yard with no enclosures or gate,), minimum front yard setback (35 feet required, 15 feet proposed, existing non-conforming), minimum rear yard setback (20 feet required, 5.2 feet proposed, existing non-conforming), and waiver relief for drive aisle width, tandem parking spaces, and accessible parking spaces for the property designated as 228 East 10th Avenue (Block 2805, Lot 1) in the Borough of Roselle, County of Union and State of New Jersey, be and is hereby DENIED, for the reasons stated herein and for those reasons stated on the record during the hearing conducted on June 7, 2023.

So resolved on this 5th day of July, 2023.

PLANNING BOARD OF
BOROUGH OF ROSELLE

Date signed: _____ 2023

By: _____
Janna Williams, Chairwoman