

**BOROUGH OF ROSELLE
PLANNING BOARD
MEETING MINUTES
JULY 5, 2023**

Chairwoman Janna Williams called the Planning Board Meeting of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on July 5, 2023 at 7:12 p.m.

Chairwoman Janna Williams read the “Open Public Meetings Act” Compliance Statement.

STATEMENT OF COMPLIANCE

The requirements of N.J.S.A. 10:4-6 et seq., the “Sunshine Law” has been met. A notice of this meeting was sent to the 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

Present:

Mayor Donald Shaw, Class I Member
Council President Brandon Bernier, Class III Member
Commissioner Vice Chairwoman Olivia Smith, Class IV Member
Commissioner Marthelly Luc Jr., Class IV Member
Commissioner James Lavin, Class IV Member
Commissioner David Goyco, Alternate 2
Commissioner Chairwoman Janna Williams, Class IV Member

Also Present:

Lisette Sanchez, Secretary
Dominic DiYanni, Esq.
Carl O’Brien, Engineer
Lyndsay Knight, Engineer

Absent:

Commissioner Eric Walker, Class II Member
Commissioner Marjorie Bozeman, Class IV Member
Commissioner Sylvia Turnage, Class IV Member

COMMUNICATIONS, REPORTS, AND ADMINISTRATIVE MATTERS None.

APPROVAL OF MINUTES None.

OLD BUSINESS None.

NEW BUSINESS

Motion to Change Order of Business and add a presentation regarding Central Roselle Revitalization Plan for the Revitalization Plan Area by Mayor Donald Shaw, second by Council President Bernier.

Motion was approved by unanimous vote. Motion passed.

A. PRESENTATION – THE CENTRAL ROSELLE REVITALIZATION PLAN AMENDMENT #13

Planning Board Dominic DiYanni, Esq. swore in Project Manager Darlene A. Green from Colliers Engineering and Design; thereafter, Ms. Green provided the Planning Board with an update on the proposed #13 amendment to the Central Roselle Revitalization Plan, which consist of:

- (1) applying to additional properties;
- (2) clarifying the properties governed by said plan which have been designated as properties in need of rehabilitation and properties in need of redevelopment;
- (3) add and/ or clarify certain definitions set forth in the plan;
- (4) modify the uses permitted thereunder;
- (5) modify the bulk standards set forth therein;
- (6) add requirements relating to the provision of affordable housing; and
- (7) add provisions relating to responsibility for off-site improvements

Chairwoman Williams opened up the public comments regarding the proposed Amendment #13 to the Central Roselle Revitalization Plan; thereafter, seeing no one come forward, Chairwoman Williams closed the Public Comments.

B. 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.

Planning Board Dominic DiYanni, Esq. swore in Brian M. Miranda, Esq., Engineer James Cash, Esq., applicant Alan Patton and Devin Lillies before giving testimony.

Applicant's attorney Brian M. Miranda, Esq. testified that his client Alan Patton is seeking approval to open a cannabis business at 115 East 11th Avenue. In addition, Devin Lillies testified about the proposed odor mitigation system.

Chairwoman Williams opened up the public comments for this application; therefore, the following public comments were made:

1. **Janette Reynold** who resides at 126 East 10th Street expressed her concerns regarding cannabis odor, security and Jasper Street being a dead-end street.
2. **Councilwoman Cynthia Johnson** who resides at 127 East 10th Avenue expressed her concerns regarding children who walk up and down the street, security and lighting.

3. **Julie Pinho from Pinho’s Bakery** in Roselle expressed her concerns regarding cannabis odor and young employees that are employed at the bakery.

After several questions regarding plans from Commissioners, Mr. Patton was requested to come back before the Planning Board with plans for signage, odor control, security detail and parking.

Motion to table Application #2023-4 until the August 2, 2023 Planning Board meeting by Council President Bernier, second by Mayor Shaw. Motion was approved by unanimous vote. Motion passed.

RESOLUTIONS

RESOLUTION NO. PB2023-9

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

WHEREAS, the Borough of Roselle Planning Board (“Planning Board”) is 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.

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.

Motion to adopt Resolution No. PB2023-9 by Council President Bernier, second by Mayor Shaw.

Roll Call

	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X			
Council President Bernier	X			
Commissioner Bozeman				X
Commissioner Goyco	X			
Commissioner Lavin	X			
Commissioner Luc Jr.	X			
Commissioner Turnage				X

Commissioner Smith	X			
Commissioner Walker				X
Chairwoman Williams	X			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

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.

Motion to adopt Resolution No. PB2023-10 by Mayor Shaw, second by Council President Bernier.

Roll Call

	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X			
Council President Bernier	X			
Commissioner Bozeman				X
Commissioner Goyco			X	
Commissioner Lavin			X	
Commissioner Luc Jr.	X			
Commissioner Turnage				X
Commissioner Smith	X			
Commissioner Walker				X
Chairwoman Williams	X			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

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 receptacles 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.

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.

Motion to adopt Resolution No. PB2023-11 by Council President Bernier, second by Mayor Shaw.

Roll Call

	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Shaw	X			
Council President Bernier	X			

Commissioner Bozeman				X
Commissioner Goyco			X	
Commissioner Lavin			X	
Commissioner Luc Jr.	X			
Commissioner Turnage				X
Commissioner Smith	X			
Commissioner Walker				X
Chairwoman Williams	X			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ANNOUNCEMENTS/OPEN TO THE PUBLIC FOR COMMENT None.

MOTION TO ADJOURN

Motion to adjourn by Mayor Shaw, second by Commissioner Goyco. Motion was approved by unanimous vote. Meeting adjourned at 8:42 p.m.


Lisette Sanchez
Planning Board Secretary