

**BOROUGH OF ROSELLE
PLANNING BOARD
MEETING MINUTES
OCTOBER 4, 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 October 4, 2023 at 7:00 p.m.

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

STATEMENT OF COMPLIANCE

The requirements of N.J.S.A. 10:4-6 et seq., the “Sunshine Law” has been met. A notice of this meeting was sent to the 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 James Lavin, Class IV Member
Commissioner Chairwoman Janna Williams, Class IV Member
Commissioner David Goyco, Alternate 2

Also Present:

Lisette Sanchez, Planning Board Secretary
Dominic DiYanni, Esq., Planning Board Attorney
Kevin Boyer, Planning Board Engineer
Lyndsay Knight, Planning Board Planner

Absent:

Commissioner Marjorie Bozeman, Class IV Member
Commissioner Marthelly Luc Jr., Class IV Member
Commissioner Sylvia Turnage, Class IV Member
Commissioner Eric Walker, Class II Member

COMMUNICATIONS, REPORTS, AND ADMINISTRATIVE MATTERS None.

APPROVAL OF MINUTES

- Minutes of the Planning Board Meeting – September 6, 2023
(Commissioners Goyco, Lavin, Turnage and Walker were absent)

Motion to adopt by Council President Bernier, second by Mayor Shaw.

Roll Call

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

OLD BUSINESS None.

NEW BUSINESS

- A. LETTER DATED SEPTEMBER 18, 2023 FROM STEPHEN F. HEHL, ESQ. ATTORNEY FOR 508 1ST AVENUE, LLC, PROPERTY 508 EAST FIRST AVENUE, BLOCK 703, LOTS 5 AND 6 REQUESTING A ONE-YEAR RETROACTIVE EXTENSION OF THE APPROVAL TO MARCH 3, 2024.

Stephel F. Hehl, Esq. appeared on behalf of the applicant, thanked the board for their consideration and will work with Ms. Darlene Green for compliance.

Motion to grant a one-year retroactive extension of approval to March 3, 2024 for property 508 East First Avenue, Block 703, Lots 5 and 6 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 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 | | | | |

- B. LETTER DATED SEPTEMBER 18, 2023 FROM STEPHEN R. HEHL, ESQ. ATTORNEY FOR 508 1ST AVENUE, LLC, PROPERTY 110 DRAKE AVENUE, BLOCK 703, LOT 7 REQUESTING A ONE-YEAR RETROACTIVE EXTENSION OF THE APPROVAL TO SEPTEMBER 17, 2024.

Stephel F. Hehl, Esq. appeared on behalf of the applicant, thanked the board for their consideration and will work with Ms. Darlene Green for compliance.

Motion to grant a one-year retroactive extension of approval to September 17, 2024 for property 110 Drake Avenue, Block 703, Lot 7 by Council President Bernier, second by Commissioner Goyco:

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 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 | | | | |

- C. **APPLICATION #2023-7 – 206 EAST 9TH AVENUE, BLOCK 2703, LOT 3 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOMES, LLC**

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in by Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot width, side yard setback (one), side yard setback (both), patio setback, front porch set back, front porch width and maximum driveway width.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-7 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 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 | | | | |

D. APPLICATION #2023-8 – 243 EAST 9TH AVENUE, BLOCK 2701, LOT 25 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOMES, LLC

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in by Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot width, side yard setback (one), side yard setback (both), patio setback, front porch width and maximum driveway width.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-8 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 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 | | | | |

E. APPLICATION #2023-9 – 415 EAST 9TH AVENUE, BLOCK 2203, LOT 2- MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOMES, LLC

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in my Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot area, minimum lot width, side yard setback (one), side yard setback (both), patio setback, front porch width and maximum driveway width.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-9 by Mayor Shaw, second by Commissioner Goyco:

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 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 | | | | |

F. APPLICATION #2023-10 – 1019 HARRISON AVENUE, BLOCK 1207, LOT 20 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOME HOMES,

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LLC

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in my Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot area, minimum lot width, minimum front yard, front porch encroachment, a/c condenser location, patio location, front porch encroachment, A/C Condenser location, patio location, maximum driveway width, front porch width, maximum driveway width, maximum fence height and driveway location.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-10 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 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 | | | | |

G. **APPLICATION #2023-11 – 410 MORRIS PLACE, BLOCK 1201, LOT 5 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOMES, LLC.**

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in my Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot area, minimum lot width, side yard setback (one), side yard setback

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(both), impervious coverage, patio setback, front porch width and maximum driveway width.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-11 by Mayor Shaw, second by Commissioner Goyco:

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 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 | | | | |

H. APPLICATION #2023-12 – 817 SPRUCE STREET, BLOCK 2203, LOT 25 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOMES, LLC

Applicant Alfred Faiella, Esq. of Rose Homes, LLC appeared with Richard Adelsohn, Applicant's Engineer. Mr. Adelsohn was sworn in by Planning Board Attorney DiYanni.

Applicant's Engineer Mr. Adelsohn testified that his client proposes to build a one family home in the Central Roselle Revitalization Plan which is permitted in the zone but will require the following "c" variances: minimum lot width, front porch width and maximum driveway width.

Council President Bernier requested that a deed restriction be added to restrict garage to remain for parking only.

Chairwoman Williams opened up the public comments for this application. Seeing no one come forward, Chairwoman Williams closed the public comment portion for this application:

Motion to approve Application #2023-12 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 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 | | | | |

RESOLUTIONS

RESOLUTION NUMBER PB2023-14

Resolution of Denial Application for Variance Relief

**Applicant: Tilo Salamanca
732 East 1st Avenue, Block 204, Lot 4
Borough of Roselle**

WHEREAS, the Applicant, Tilo Salamanca (hereinafter referred to as the “Applicant”), has applied to the Planning Board of the Borough of Roselle (hereinafter referred to as the “Board”) for “c” bulk variance relief to permit a second-story addition and deck to a portion of the existing two-family home for the premises located at 732 East 1st Avenue, designated on the Borough’s Tax Maps as Block 204, Lot 4, in the Borough of Roselle, County of Union and State of New Jersey and located within the Commercial/Residential Transition (hereinafter “CRT”) Zone of the First Avenue Redevelopment Area (hereinafter referred to as the “Property”); and,

WHEREAS, a public hearing was held on the Application on September 6, 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 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 public and community benefits associated with the granting of the variance relief requested would outweigh any detriments as well as demonstrating that same would 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 September 6, 2023, the Applicant, Tilo Salamanca, presented his own lay testimony as well as the professional testimony of Alexander Baffoe-Bonnie, R.A., the Applicant’s Architect; and,

WHEREAS, Mr. Baffoe-Bonnie were accepted by the Board as an expert in his respective field of architecture; and,

WHEREAS, Board Attorney Dominic P. DiYanni, Esq., of Eric M. Bernstein & Associates, LLC, was also present at the hearing; 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 “c” bulk variance relief for the following pre-existing nonconforming conditions:
 - a. Section 650-90C.(1)(b)[1] via Section VIII.B.3.a. of the Redevelopment Plan – The CRT Zone requires uses permitted under the Residence B Zone to comply with the bulk requirements of the Residence B Zone. The subject property is developed with an existing two-family dwelling, which is permitted in the Residence B Zone. The Ordinance requires two-family dwellings in the Residence B Zone to be on lots of at least 7,000 square feet. The subject property is only 5,000 square feet.
 - b. Section 650-90C.(1)(b)[2] via Section VIII.B.3.a. of the Redevelopment Plan – The Residence B Zone requires properties with a two-family dwelling to have a minimum lot width and frontage of 70 feet. The subject property only has 50 feet of frontage along East 1st Avenue.
 - c. Section 650-90C.(1)(b)[4] via Section VIII.B.3.a. of the Redevelopment Plan – The Residence B Zone requires a minimum front yard setback of 25 feet for two-family dwellings. According to the Survey, the existing front yard setback from East 1st Avenue ranges from 24.78 feet to 27.81 feet.
3. In addition to the above variance relief, the Applicant is requesting approval for the following additional “c” bulk variance relief for the following conditions:
 - a. Section 650-90C.(1)(b)[4] via Section VIII.B.3.a. of the Redevelopment Plan – Deviation for front yard setback. The CRT Zone requires uses permitted under the

Residence B Zone to comply with the bulk requirements of said Zone. The Residence B Zone requires a minimum front yard setback of 25 feet for two-family dwellings. According to the Survey, the existing front yard setback to the Hawthorne Street property line ranges from 14.65 feet to 14.76 feet. The Applicant proposes a second story addition above the existing garage, which would vertically exacerbate the pre-existing front yard setback to Hawthorne Street.

- b. Section 650-90C.(1)(b)[6] via Section VIII.B.3.a. of the Redevelopment Plan – Deviation for rear yard setback. The Residence B Zone requires a minimum rear yard setback of 25 feet for two-family dwellings. According to the Survey, the existing rear yard setback ranges from 10.74 to 10.8 feet. The Applicant proposes a second-story addition above the existing garage, which would vertically exacerbate the pre-existing rear yard setback. The Applicant also proposes a new deck that is 11 feet, four inches from the rear yard property line.
- c. Section 650-90C.(1)(b)[5] via Section VIII.B.3.a. of the Redevelopment Plan – The Residence B Zone requires a minimum side yard setback of ten feet for two-family dwellings. According to the Survey, the existing side yard setback is 4.84 feet to 4.86 feet. The Applicant proposes to construct a deck off the second-floor addition that is seven feet, ten inches from the side yard property line.
- d. Section 650-90C.(1)(b)[7] via Section VIII.B.3.a. of the Redevelopment Plan – Deviation for impervious coverage. The Residence B Zone limits impervious coverage to 50% of the lot area for two-family dwellings. According to the impervious coverage calculations on Sheet A-0.1, the existing impervious coverage is 52.36%. However, see Comment #6 for further discussion of this deviation.

- e. Section VIII.B.5.a – Deviation for number of parking spaces. The CRT Zone requires parking for residential uses to comply with the Residential Site Improvement Standards (hereinafter “RSIS”). As discussed in Comment #8, the Applicant requires 2.5 parking spaces for the upper unit and two parking spaces for the lower unit, which totals four parking spaces. The existing two-car garage and driveway only provide two parking spaces according to RSIS.
 - f. Section 650-88D(1)(d) – Variance for non-conformity with yards. The Ordinance does not allow any building to be altered or enlarged except in conformity with the yard, lot, and area regulations. The second story addition is located within the required front yard setback to Hawthorne Street and within the required rear yard setback. The new deck is within the required side yard setback.
 - g. Section 650-88D.(5)(c) – Variance for patio location. The Ordinance permits patios to be located in any rear yard but not less than seven feet from any property line. According to the Survey, the existing paver patio is in the side and rear yards and is less than seven feet from the side (west) and rear (south) property lines. No permits have been provided indicating the patio received Borough approval, therefore a variance is required.
- 4. The Applicant is seeking the aforementioned variance relief to permit a second-story addition and deck to a portion of the existing two-family home where the subject Property is located.
 - 5. The Property is located within the Commercial/Residential Transition (hereinafter “CRT”) Zone of the First Avenue Redevelopment Area where two (2) family dwellings are permitted.

6. The Board received and considered the following evidence from the Applicant, as well as other items, as more fully set forth as follows:
 - a. Application with attachments, executed on November 19, 2021;
 - b. Survey prepared by George J. Anderson, LLC, Professional Land Surveyors dated October 11, 2013;
 - c. Architectural Plan consisting of one (1) sheet, prepared by Alexander Baffoe-Bonnie, R.A., of Studio 445, LLC, dated August 24, 2022;
 - d. Memorandum to the Development Review Committee, prepared by Darlene A. Green, PP, AICP, dated May 9, 2023;
 - e. Borough of Roselle Planning Board/Zoning Board of Adjustment Checklist, not dated; and,
 - f. Correspondence from Kevin Boyer, P.E. C.F.M. regarding Engineering review, dated July 14, 2023, consisting of two (2) pages.
7. The first witness on behalf of the Applicant to testify was Alexander Baffoe-Bonnie, R.A., the Applicant's professional architect.
8. Mr. Baffoe-Bonnie testified as to the architectural plan he had prepared for the subject Property. He testified as to the proposed addition to be constructed above the existing garage to provide an additional four hundred square feet (400 sf) of additional living space for the first (1st) floor unit. The additional living space would be comprised of a master bedroom suite with a master bathroom and closet space.
9. The Board and its professionals had questions concerning the Applicant performing previous improvements to the Property, specifically the construction of the patio area

and retaining wall and the increased impervious coverage of the Property resulting from same, without obtaining the proper permit(s) from the Borough.

10. The Applicant provided some testimony in response to the questions concerning the impervious coverage issue, but the Applicant and/or Mr. Baffoe-Bonnie were not able to provide complete and full responses satisfying the inquiries of the Board Engineer concerning a water runoff drainage plan for the increased impervious coverage, which same had never been provided to the Board by the Applicant. This concern was reiterated by other members of the Board.
11. There were additional concerns raised by the Board and the Board professionals concerning the current parking situation on the Property and the parking variance triggered by the subject Application. The parking requirements have now increased for the subject Property with the proposed Application from a minimum of four (4) off-street parking spaces to a minimum of five (5). The Property currently has two (2) which are designated for inside the garage and the Application does not seek to offer any additional off-street parking. This was a significant concern expressed by the Board as there is already an off-street parking issue within the Borough and the Application appears to exacerbate the issue.
12. After the Applicant and Mr. Baffoe-Bonnie concluded their testimony, no testimony from any other professionals was presented to the Board on behalf of the Applicant in support of the positive and negative criteria for any of the requested C-variance relief, which demonstration is required to be made by the Applicant for such relief to be granted by the Board.

13. The Board members expressed many concerns as to the Applicant not revising its Plan in accordance with the Board professionals' concerns previously expressed, specifically and most notably as to the parking situation and the impervious coverage issues previously noted and those contained on the record. Furthermore, the Applicant failed to provide sworn expert testimony regarding the criteria, both positive and negative, for the granting of the requested C-variance relief.
14. Overall, due to the lack of information provided by the Applicant and the failure of any expert testimony to be provided in support of the application for the C variance relief request, the Board finds that the Application cannot be granted without substantial detriment to the public health, safety and welfare, that although there may have been some positive benefits to the Application, those benefits did not outweigh the detriments to the community as a whole and to the intent and purpose of the MLUL and the Township's zoning plan and land use ordinances.
15. In addition, the Applicant failed to show to the satisfaction of the Board the necessary criteria, both positive and negative, to warrant the granting of the C variance relief as required by the New Jersey Municipal Land Use Law.
16. 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 addition 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 during the hearing conducted will pose a detriment to the public good and that the proposed addition to the two (2) family unit 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 member of the Board and its professionals, 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 “c” bulk variance relief for the above noted conditions to permit a second-story addition and deck to a portion of the existing two-family home 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 Tilo Salamanca for “c” bulk variance relief for the Property designated as 732 East 1st Avenue (Block 204, Lot 4) 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 September 6, 2023.

Motion to adopt Resolution PB2023-14 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 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 NUMBER PB2023-15

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

**Applicant: Superwash of Roselle, LLC
1201 East Saint Georges Avenue, Block 1301, Lot 5.01
Borough of Roselle**

WHEREAS, the Applicant, Superwash of Roselle, 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 associated variance and waiver relief to permit the replacement of the signage for the existing laundromat with no other site improvements proposed for the premises located at 1201 East Saint Georges Avenue, designated on the Borough’s Tax Maps as Block 1301, Lot 5.01, in the Borough of Roselle, County of Union and State of New Jersey (hereinafter referred to as the “Property”); and,

WHEREAS, the subject Property is located in the Borough’s Central Roselle Revitalization Plan in the Mixed-Use Commercial Sub-Zone (“Zone”) where the current laundromat use is a permitted use within that Zone; and,

WHEREAS, a public hearing were held on the Application on September 6, 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 Board to grant the requested "c" variances (bulk relief), it requires that the Applicant demonstrates that, due to unique circumstances affecting its Property, it would suffer some hardship without the variance or that the variance would benefit the community and advance the purposes of the Municipal Land Use Law. In addition, the Applicant must demonstrate that the granting of the application would not impose a substantial detriment to the public good or substantially impair the intent and purpose of the municipal master plan and/or Borough Code; and,

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

WHEREAS, at the September 6, 2023 hearing, the Applicant, through its attorney, Steven Merman, Esq., of Javerbaum, Wurgaft, Hicks, Kahn, Wikstrom & Sinins, P.C., presented the lay testimony of Lawrence Wainstein, Owner of the laundromat business, and Antonio Arrieta of CAD

Signs and the professional testimony of Alexander Dougherty, P.P., the Applicant's Planner; and,

WHEREAS, Mr. Dougherty was accepted by the Board as an expert in his respective field of planning; and,

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

WHEREAS, the hearing on September 6, 2023 was held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and was opened to the public; and,

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

1. The Board has jurisdiction over the matter and proper proof of service has been made.
2. The Applicant is requesting approval for preliminary and final site plan approval along with "c" variance relief and waiver relief to permit the replacement of the signage for the existing laundromat with no other site improvements proposed for the premises located at 1201 East Saint Georges Avenue, designated on the Borough's Tax Maps as Block 1301, Lot 5.01, in the Borough of Roselle.
3. The current laundromat use is a permitted use within the Zone where the subject Property is located.
4. The subject Property consists of one (1) irregular shaped tax parcel identified as Block 1301, Lot 5.01 as per the Borough of Roselle Tax Maps. The Property is located within the Industrial Zone and is located on the southwestern side of the intersection of Aldene

Road and South Avenue East and is commonly known as 1201 East Saint Georges Avenue.

5. The subject property consists of one (1) rectangular shaped tax parcel identified as Block 1301, Lot 5.01 per the Borough of Roselle Tax Map. The property is located within the Mixed-Use Commercial Sub-Zone of the Central Roselle Revitalization Plan. The property in question is located north of the intersection of East St. Georges Avenue and Chandler Avenue and is commonly known as 1201 East St. Georges Avenue. The subject property consists of an area of approximately 28,971.75 square feet (0.6651 acres) and is currently composed of a one-story shopping center and surface parking.
6. The Applicant proposes to remove and replace the existing panel sign and install a new sign panel on the existing cabinet and pole with two (2) sign casings instead of the one (1) existing sign casing.
7. 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 September 6, 2023 hearing as follows:
 - a. Borough of Roselle Administrative Completeness Review, prepared by Kevin Boyer, dated June 20, 2023;
 - b. Attorney Submission Letter, dated May 25, 2023;
 - c. Development Review Committee, dated November 1, 2022;
 - d. Development Review Committee Meeting Minutes, dated November 18, 2022;
 - e. Technical Completeness Review, prepared by Kevin Boyer, dated June 20, 2023;

- f. Borough of Roselle, Planning Board/Zoning Board of Adjustment Application, undated;
 - g. Signage Plan, consisting of three (3) sheets, prepared by CAD Signs, dated October 7, 2021;
 - h. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated July 27, 2023; and,
 - i. Exhibit A-1, consisting of a two (2) page specification sheet for the proposed signage utilized at the hearing conducted on September 6, 2023.
8. The first witness to testify before the Board at the September 6, 2023 hearing was Mr. Wainstein, the owner and operator of the Superwash laundromat business at the subject Property located at 1201 East Saint Georges Avenue within the Borough of Roselle.
9. Mr. Wainstein testified as to the nature of the business and that he has been at the subject location for the past two (2) years and has put a lot of time and effort into beautifying the Property. He went on to further testify as to the need for the proposed sign replacement at the Property and that he will be utilizing energy efficient LED lighting for the proposed signage.
10. Next to testify on behalf of the Applicant was Mr. Antonia Arrieta from CAD Signs, the company which will be providing the proposed signage for the subject Property. Mr. Arrieta testified as to Exhibit A-1 which was a two (2) page specification sheet regarding the proposed signage and answered any questions the Board members and/or Board professionals had regarding same.
11. The last witness to testify on behalf of the Applicant was the Applicant's Planner, Alexander Dougherty, P.P. Mr. Dougherty testified as to the history of the signage at

the subject Property and that the Application was seeking to modify same and make the existing signage much better both functionally and aesthetically. Mr. Dougherty 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.

12. In addition, Mr. Dougherty further testified to the positive criteria that would be required should the Board approve the Application, including: (a) the benefits the community would receive as a whole including the aesthetic improvement the replacement signage would bring, as well as the public safety and traffic improvement benefits; (b) that the variance(s) can be granted without substantial detriment to the public good; and, (c) that the benefits of the deviation would substantially outweigh any detriment, which he could not find any detriments in the granting of the requested variance and waiver relief. Mr. Dougherty also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes A, H and I.
13. Mr. Dougherty 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.
14. The hearing was then opened to the public, to which no members of the public came forward.
15. The Board found the testimony of Mr. Wainstein, Mr. Arrieta and Mr. Dougherty to be credible.

16. The Board ultimately found after further deliberation that the subject preliminary and final site plan application of the Property along with “c” variance relief and waiver relief to permit the replacement of the signage at the subject Property can be granted without substantial detriment to the public good and without substantially impairing the intent and the purpose of the master plan and ordinances of the Borough of Roselle.
17. The Board further finds that the Applicant has represented, and the Planning Board has relied upon the representations, that the Applicant will obtain any and all other governmental approvals, permits, letters, waivers and exemptions and will comply with the conditions of all other governmental entities.
18. The Board finds that the Applicant agrees to comply with all terms, conditions, and recommendations contained in all of the reports of the Borough’s officials and professionals, as if they were set forth at length herein.
19. The Board finds that the Applicant agrees to comply with all requirements and conditions set by Borough and/or Board officials to the extent deemed necessary in the field, as well as with all requirements and conditions imposed in any governmental approval.
20. The Board finds and agrees that the Application shall improve the area for the general welfare of the community at large and demonstrates that the Applicant will continue to contribute towards the well-being of the surrounding citizens and communities.
21. The Board finds in favor of approving the subject Application based upon the Applicant satisfying the necessary criteria for site plan approval along with c variance relief and design waiver relief.

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 Superwash of Roselle, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the replacement of the signage for the existing laundromat with no other site improvements proposed for the property designated as 1201 East Saint Georges Avenue (Block 1301, Lot 5.01) in the Borough of Roselle, County of Union and State of New Jersey, be and is hereby further APPROVED, subject to the following Conditions of Approval:

- A. The introductory clauses and the findings of fact set forth above are incorporated herein as if set forth at length, as Conditions of Approval, where applicable.
- B. The Applicant shall comply with all of the terms, conditions and recommendations contained in all of the reports of Borough officials and professionals, including, but not limited to, any and all reports of the Board Planner, Borough Engineer, and the Borough’s Police and Fire Departments. The reports are made a part of this Resolution as if set forth in their entirety.
- C. The Applicant shall comply with all directions of Borough officials and professionals with respect to any changes made in the field during construction and shall amend its plans to reflect such compliance.
- D. The Applicant shall amend all necessary plans pursuant to this approval to depict compliance with any and all existing plans, reports, permits and waivers and the conditions contained in each of them, to the satisfaction of the Borough professionals.
- E. The Applicant agrees to install LED lighting that has adjustable illumination levels which illumination levels shall be tested and approved after installation to the satisfaction of the Board’s professionals.
- F. The Applicant shall obtain and comply with all necessary local, State, and/or Federal permits. The Applicant shall file with the Board and the Borough copies of all transmittals to and from all government agencies.
- G. The Applicant shall obtain all necessary and/or applicable exemptions from all applicable governmental agencies. The Applicant shall file with the Board copies of all transmittals to and from all applicable government agencies.

- H. Subject to *N.J.S.A.* 40:55D-52, the Applicant shall comply with any and all requirements of Borough Ordinances and all applicable Federal, State and local laws, rules and/or regulations.

Motion to adopt Resolution PB2023-15 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 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 NUMBER PB2023-16

Resolution of Approval

Preliminary and Final Site Plan with Associated Bulk Variance and Waiver Relief

**Applicant: CRP/SG Roselle Industrial Owner, LLC
120 Aldene Road, Block 6501, Lot 3
Borough of Roselle**

WHEREAS, the Applicant, CRP/SG Roselle Industrial Owner, 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” variance relief for the following pre-existing non-conforming conditions: Section 650-97C.(1)(e) -side yard setback where the Ordinance requires one side yard setback of five feet and one side yard setback of 15 feet while the portion of building #4B to remain has an existing side yard setback of zero feet to the northern property line and Building #4 has an existing side yard setback of 3.1’ to the

side property line; and Section 650-97E.(2)(a) – landscape buffer where the Ordinance requires a ten-foot-wide landscaped buffer area whenever a use in the Industrial Zone is adjacent to a residence zone or residential use and the existing conditions do not provide a ten-foot buffer along these property lines¹; and, the following waiver relief: Section 650-26D.(1) - Waiver for parking area landscaping where the Ordinance requires parking areas to be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as to enhance the environment and the Applicant proposes 38 parking spaces to the rear of the Building 9 with no landscaping; Section 650-26D.(2) - Waiver for parking area landscaping where the Ordinance requires off-street parking areas providing 15 or more parking spaces to be planted with two-inch caliper shade trees, which shall be located throughout the parking area and the Applicant does not propose the trees throughout the parking area, however proposes the required number of shade trees along the eastern and southern property lines; Section 650-26G.(1)(d) - Waiver for driveway clear distance where the Ordinance requires a minimum clear distance of 200 feet measured along the right of way line to separate the closest edge of any two driveways to a single site and the Applicant proposes to modify the northern driveway, which reduces the minimum clear distance between the northern and southern driveways from approximately 158 feet to 147.9 feet; Section 650-26G.(3) - Waiver for driveway width where the Ordinance requires industrial uses to provide 24-foot-wide two-way operation driveways and the Applicant proposes the northern driveway to be 34 feet wide at the Aldene Road right- of-way²; Section 650-26N. (1) - Waiver for loading berth location where the Ordinance does not permit off- street loading in any front yard and the Applicant has requested a waiver to permit the use of the existing overhead doors on the front wall of Building 9 to be used

¹ However, it should be noted that the West Brook is located along a majority of the southern property line adjacent to the residential zones, which does not allow for landscaping to be planted within the required buffer.

² It should be noted that the southern driveway, which is not proposed to be modified is approximately 41 feet wide.

for loading; and, Section 650-27B. - Waiver for freestanding light fixture height where the Ordinance limits the height of freestanding lights to 16 feet and the Applicant proposes 25-foot-tall freestanding light fixtures to permit a contractor's yard for the premises located at 120 Aldene Road, designated on the Borough's Tax Maps as Block 6501, Lot 3, in the Borough of Roselle, County of Union and State of New Jersey (hereinafter referred to as the "Property"); and,

WHEREAS, the subject Property is located in the Borough's Industrial Zone ("Zone") where the proposed contractor's storage yard is a permitted use within that Zone; and,

WHEREAS, a public hearing were held on the Application on September 6, 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 Board to grant the requested "c" variances (bulk relief), it requires that the Applicant demonstrates that, due to unique circumstances affecting its Property, it would suffer some hardship without the variance or that the variance would benefit the community and advance the purposes of the Municipal Land Use Law. In addition, the Applicant must demonstrate that the granting of the application would not impose a substantial detriment to the public good or substantially impair the intent and purpose of the municipal master plan and/or Borough Code; and,

WHEREAS, in order to satisfy the criteria for a design waiver/exception, if applicable, the

Applicant must demonstrate that the waiver or exception is reasonable and within the general purpose and intent of the standards and that the literal enforcement of one or more provisions of the particular standard is impracticable or will exact undue hardship because of peculiar conditions pertaining to the development in question; and,

WHEREAS, at the September 6, 2023 hearing, the Applicant, through its attorney, Michael Bonner, Esq. of the Frieri Law Group, presented the lay testimony of Brian Milberg, representative of the Owner of the Property, and the professional testimony of Nora Ahmed, P.E. the Applicant's Engineer, John Buchholz, R.A., the Applicant's Architect and Matthew Flynn, P.P., the Applicant's Planner; and,

WHEREAS, Ms. Ahmed, Mr. Buchholz and Mr. Flynn were accepted by the Board as an expert in his respective field(s); and,

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

WHEREAS, the hearing on September 6, 2023 was held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and was opened to the public; and,

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

1. The Board has jurisdiction over the matter and proper proof of service has been made.
2. The Applicant is requesting approval for preliminary and final site plan approval along with "c" variance relief for the following pre-existing non-conforming conditions:

Section 650-97C.(1)(e) -side yard setback where the Ordinance requires one side yard setback of five feet and one side yard setback of 15 feet while the portion of building #4B to remain has an existing side yard setback of zero feet to the northern property line and Building #4 has an existing side yard setback of 3.1' to the side property line; and Section 650-97E.(2)(a) – landscape buffer where the Ordinance requires a ten-foot-wide landscaped buffer area whenever a use in the Industrial Zone is adjacent to a residence zone or residential use and the existing conditions do not provide a ten-foot buffer along these property lines; and, the following waiver relief: Section 650-26D.(1) - Waiver for parking area landscaping where the Ordinance requires parking areas to be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as to enhance the environment and the Applicant proposes 38 parking spaces to the rear of the Building 9 with no landscaping; Section 650-26D.(2) - Waiver for parking area landscaping where the Ordinance requires off-street parking areas providing 15 or more parking spaces to be planted with two-inch caliper shade trees, which shall be located throughout the parking area and the Applicant does not propose the trees throughout the parking area, however proposes the required number of shade trees along the eastern and southern property lines; Section 650-26G.(1)(d) - Waiver for driveway clear distance where the Ordinance requires a minimum clear distance of 200 feet measured along the right of way line to separate the closest edge of any two driveways to a single site and the Applicant proposes to modify the northern driveway, which reduces the minimum clear distance between the northern and southern driveways from approximately 158 feet to 147.9 feet; Section 650-26G.(3) - Waiver for driveway width where the Ordinance requires industrial uses to provide 24-foot-

wide two-way operation driveways and the Applicant proposes the northern driveway to be 34 feet wide at the Aldene Road right- of-way; Section 650-26N. (1) - Waiver for loading berth location where the Ordinance does not permit off- street loading in any front yard and the Applicant has requested a waiver to permit the use of the existing overhead doors on the front wall of Building 9 to be used for loading; and, Section 650-27B. - Waiver for freestanding light fixture height where the Ordinance limits the height of freestanding lights to 16 feet and the Applicant proposes 25-foot-tall freestanding light fixtures to permit a contractor's yard at the Property located at 120 Aldene Road (Block 6501, Lot 3) in the Borough of Roselle.

3. The proposed use as a contractor's storage yard is a permitted use with in the Industrial Zone where the subject Property is located.
4. The subject Property consists of one (1) irregular shaped tax parcel identified as Block 6501, Lot 3 as per the Borough of Roselle Tax Maps. The Property is located within the Industrial Zone and is located on the southwestern side of the intersection of Aldene Road and South Avenue East and is commonly known as 120 Aldene Road.
5. The subject Property consists of an area of approximately 375,078 square feet (8.61 acres) and is currently composed of eleven (11) buildings that contain office, repair shop, and warehouses uses according to the Stormwater Management Report.
6. The Applicant proposes to demolish a majority of the existing buildings and site improvements and to renovate "Building 9" into a garage and storage building, renovate "Building 4", an existing 1,060 square foot building into a utility shed with restrooms and renovate a portion of the existing "Building 4B" into a tenant storage facility. Additional site improvements include forty-three (43) parking spaces, two (2)

loading spaces, six (6) contractor storage areas, new asphalt and pavement, striping, grading, drainage, utilities, landscaping, lighting, signage, fencing, and refuse areas.

7. 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 September 6, 2023 hearing as follows:

- a. Architectural Plans consisting of three (3) sheets entitled, “Building 4B, 109 Aldene Road, Roselle, NJ 07203” prepared by John Buchholz of Buchholz Architects LLC, dated July 11, 2023, last revised August 17, 2023;
- b. Architectural Plans consisting of eight (8) sheets entitled, “Building 4, 109 Aldene Road, Roselle, NJ 07203” prepared by John Buchholz of Buchholz Architects LLC, dated April 23, 2023, last revised August 17, 2023;
- c. Architectural Plans consisting of eight (8) sheets entitled, “Building 4, 109 Aldene Road, Roselle, NJ 07203” prepared by John Buchholz of Buchholz Architects LLC, dated April 23, 2023, last revised August 17, 2023;
- d. Site Plan, consisting of twenty-five (25) sheets, entitled, “Preliminary and Final Site Plans for CRG/SG Roselle Industrial Owner, LLC, proposed development”, prepared by Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated December 30, 2022, last revised August 23, 2023;
- e. Carlyle – Roselle Site Plan Approval Resolution Executed, dated March 2023;
- f. Engineer’s Letter, prepared by Nora H Ahmed, PE, and Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated July 13, 2023;
- g. Bohler Transmittal Letter, prepared by Erin Saunders of Bohler Engineering, dated July 18, 2023;

- h. Attorney's Letter, prepared by John R. Fieri, dated April 22, 2023;
- i. Development Review Committee Memorandum, prepared by Darlene A. Green, PP, AICP, dated August 3, 2023;
- j. Ownership Disclosure, dated April 24, 2023;
- k. Drainage Area Map, prepared by Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated December 30, 2022, last revised July 7, 2023;
- l. Inlet Area Map, prepared by Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated December 30, 2022, last revised July 7, 2023;
- m. Fire comments, prepared by Captain Rick Myers, dated April 28, 2023;
- n. Borough of Roselle, Preliminary Environmental Impact Statement Worksheet;
- o. Borough of Roselle Planning Board/Zoning Board of Adjustment Application;
- p. Site Photos, consisting of eleven (11) sheets, prepared by Bohler Engineering;
- q. Police comments, prepared by Captain H. Freire, dated May 8, 2023;
- r. Stormwater Management Facility Operations & Maintenance, prepared by Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated December 2022, last revised July 2023;
- s. Survey, prepared by James D. Sens NJPLS, of Control Point Associates, Inc., dated March 28, 2022, last revised September 22, 2022;
- t. Administrative Completeness Review, prepared by Kevin Boyer, P.E., C.F.M., dated April 11, 2023;
- u. Traffic Impact Analysis, prepared by John R. Harter, PE, and David W. Fahim, PE, of Atlantic Traffic and Design, dated January 23, 2023, last revised July 7, 2023;
- v. Borough of Roselle Planning Board/Zoning Board of Adjustment Application;

- w. Aerial Exhibit, prepared by Bohler Engineering, dated December 30, 2022;
 - x. Engineer's response letter, prepared by Nora H. Ahmed, P.E., and Benjamin S. Crowder, PE, LEED AP BD + C, of Bohler Engineering, dated August 23, 2023; and
 - y. Performance Standards Memo, prepared by Bohler Engineering, dated August 22, 2023.
 - z. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated August 18, 2023;
 - aa. Exhibit A-1, consisting of a colorized version of the overall site layout plan; and,
 - bb. Exhibit A-2, consisting of a rendering of Building #9, dated September 6, 2023.
8. The first witness to testify before the Board at the September 6, 2023 hearing was Mr. Milberg, the official representative of the Applicant. Mr. Milberg testified that the Applicant is an entity that has more than twenty (20) years' experience in finding underutilized sites in dilapidated condition and has a proven track record of modernizing those sites utilizing appropriate uses, while also bringing in additional jobs for the community. Mr. Milberg also testified that the owner has not yet identified any tenants for the Property for the contractor's storage yard use but did confirm that the Applicant will only market the Property for tenants for the permitted use(s) only.
9. Next to testify on behalf of the Applicant was Ms. Nora Ahmed, P.E., the Applicant's Engineer. Ms. Ahmed testified as to the current status of the site utilizing an aerial photograph exhibit. Ms. Ahmed then testified as to the proposed improvements, including the demolition of eight (8) out of the eleven (11) existing buildings on the Property, the location of the remaining building or portion(s) thereof, the ingress and

egress to the site and other site characteristics. Ms. Ahmed further testified to the many pre-existing, non-conforming variances which will be abrogated based upon the proposed demolition of the eight (8) buildings on the Property.

10. In addition, Ms. Ahmed testified as to the parking on the site which proposed parking is compliant, including the installation of the requisite EV parking spaces. Ms. Ahmed testified that the utility services would be extended and that two (2) additional fire hydrants would be installed on the site to alleviate the concern raised by the Borough Fire Department.
11. As for landscaping, Ms. Ahmed testified that the Application proposes to add landscaping and an additional buffer area on the south side of the Property to increase the buffer between the residential zone from twenty-five (25) feet to at least fifty (50) feet. Ms. Ahmed noted that a waiver was being requested as part of the Application for the location of the buffer and placement of the required plantings.
12. Ms. Ahmed then concluded her testimony with an explanation as to the proposed lighting and signage for the Property which new LED efficient lighting will be installed along with house side shields to avoid any potential spillage onto the adjacent properties. In addition, there is one (1) proposed free standing sign and one (1) wall sign for the tenant. As to proposed lighting and signage, Ms. Ahmed testified that the Applicant would comply with all Borough ordinances and to the satisfaction of the Borough professionals.
13. Next to testify on behalf of the Application was John Buchholz, R.A., the Applicant's Architect. Mr. Buchholz testified as to the current condition of the Property and then provided detailed testimony as to the proposed layouts of the three (3) remaining

buildings, Building #9, Building #4 and Building #4B. Mr. Buchholz testified that Buildings #9 and #4 would be remaining “as is” and that Building #4B would be reduced in size down to 1,404 square feet. Mr. Buchholz utilized Exhibit A-2 during his testimony to further illustrate the buildings testified to.

14. The last witness to testify on behalf of the Applicant was the Applicant’s Planner, Matthew Flynn, P.P. Mr. Flynn 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.
15. In addition, Mr. Flynn further testified to the positive criteria that would be required should the Board approve the Application, including: (a) the benefits the community would receive as a whole including the cleaning up the site, the reduction in impervious coverage, the improvement of the buffer areas and the addition of at least one (1) acre of green space; (b) that the variance(s) can be granted without substantial detriment to the public good; and, (c) that the benefits of the deviation would substantially outweigh any detriment, which he could not find any detriments in the granting of the requested variances. Mr. Flynn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes A, G, I and N.
16. Mr. Flynn 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.
17. The hearing was then opened to the public, to which no members of the public came forward.

18. The Board found the testimony of Mr. Milberg, Ms. Ahmed, Mr. Buchholz and Mr. Flynn to be credible.
19. The Board ultimately found after further deliberation that the subject preliminary and final site plan application of the Property along with “c” variance relief and waiver relief to permit a contractor’s yard can be granted without substantial detriment to the public good and without substantially impairing the intent and the purpose of the master plan and ordinances of the Borough of Roselle.
20. The Board further finds that the Applicant has represented, and the Planning Board has relied upon the representations, that the Applicant will obtain any and all other governmental approvals, permits, letters, waivers and exemptions and will comply with the conditions of all other governmental entities.
21. The Board finds that the Applicant agrees to comply with all terms, conditions, and recommendations contained in all of the reports of the Borough’s officials and professionals, as if they were set forth at length herein.
22. The Board finds that the Applicant agrees to comply with all requirements and conditions set by Borough and/or Board officials to the extent deemed necessary in the field, as well as with all requirements and conditions imposed in any governmental approval.
23. The Board finds and agrees that the Application shall improve the area for the general welfare of the community at large and demonstrates that the Applicant will continue to contribute towards the well-being of the surrounding citizens and communities.

24. The Board finds in favor of approving the subject Application based upon the Applicant satisfying the necessary criteria for site plan approval along with c variance relief and design waiver relief.

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 CRP/SG Roselle Industrial Owner, LLC for Preliminary and Final Site Plan Approval along with “c” variance relief for the following pre-existing non-conforming conditions: Section 650-97C.(1)(e) -side yard setback where the Ordinance requires one side yard setback of five feet and one side yard setback of 15 feet while the portion of building #4B to remain has an existing side yard setback of zero feet to the northern property line and Building #4 has an existing side yard setback of 3.1’ to the side property line; and Section 650-97E.(2)(a) – landscape buffer where the Ordinance requires a ten-foot-wide landscaped buffer area whenever a use in the Industrial Zone is adjacent to a residence zone or residential use and the existing conditions do not provide a ten-foot buffer along these property lines; and, the following waiver relief: Section 650-26D.(1) - Waiver for parking area landscaping where the Ordinance requires parking areas to be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as to enhance the environment and the Applicant proposes 38 parking spaces to the rear of the Building 9 with no landscaping; Section 650-26D.(2) - Waiver for parking area landscaping where the Ordinance requires off-street parking areas providing 15 or more parking spaces to be planted with two-inch caliper shade trees, which shall be located throughout the parking area and the Applicant does not propose the trees throughout the parking area, however proposes the required number of shade trees along the eastern and southern property lines; Section 650-26G.(1)(d) - Waiver for driveway clear distance where the Ordinance requires a minimum clear distance of 200 feet

measured along the right of way line to separate the closest edge of any two driveways to a single site and the Applicant proposes to modify the northern driveway, which reduces the minimum clear distance between the northern and southern driveways from approximately 158 feet to 147.9 feet; Section 650-26G.(3) - Waiver for driveway width where the Ordinance requires industrial uses to provide 24-foot-wide two-way operation driveways and the Applicant proposes the northern driveway to be 34 feet wide at the Aldene Road right- of-way; Section 650-26N. (1) - Waiver for loading berth location where the Ordinance does not permit off- street loading in any front yard and the Applicant has requested a waiver to permit the use of the existing overhead doors on the front wall of Building 9 to be used for loading; and, Section 650-27B. - Waiver for freestanding light fixture height where the Ordinance limits the height of freestanding lights to 16 feet and the Applicant proposes 25-foot-tall freestanding light fixtures to permit a contractor's yard for the property designated as 120 Aldene Road (Block 6501, Lot 3) in the Borough of Roselle, County of Union and State of New Jersey, be and is hereby further APPROVED, subject to the following Conditions of Approval:

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

- M. The Applicant agrees to provide guardrail plans to the Board professionals for their review and to their satisfaction.
- N. The Applicant agrees to work with the Borough's Police and Fire Departments to insure access for emergency vehicles to the subject Property at all times.
- O. The Applicant shall obtain and comply with all necessary local, State, and/or Federal permits. The Applicant shall file with the Board and the Borough copies of all transmittals to and from all government agencies.
- P. The Applicant shall obtain all necessary and/or applicable exemptions from all applicable governmental agencies. The Applicant shall file with the Board copies of all transmittals to and from all applicable government agencies.
- Q. Subject to *N.J.S.A. 40:55D-52*, the Applicant shall comply with any and all requirements of Borough Ordinances and all applicable Federal, State and local laws, rules and/or regulations.

Motion to adopt Resolution PB2023-16 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 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

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

MOTION TO ADJOURN

Motion to adjourn by Council President Bernier, second by Commissioner Goyco. Motion was approved by unanimous vote. Meeting adjourned at 8:26 p.m.

Thereafter, the meeting was reopened and an additional variance was requested for Application #2023-10.

F. APPLICATION #2023-10 – 1019 HARRISON AVENUE, BLOCK 1207, LOT 20 – MINOR SITE PLAN WITH DEVIATIONS AND WAIVERS BY ROSE HOME HOMES, LLC

Applicant Alfred Faiella, Esq. of Rose Homes, LLC requested a variance for a six-foot fence.

Motion to approve a variance for a six-foot fence for Application #2023-10 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 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 | | | | |

Motion to adjourn by Mayor Shaw, second by Commissioner Goyco. Motion was approved by unanimous vote. Meeting adjourned at 8:35 p.m.


Lisette Sanchez
Planning Board Secretary