

**BOROUGH OF ROSELLE  
PLANNING BOARD  
MEETING AGENDA  
DECEMBER 6, 2023 – 7:00 P.M.**

**MEETING CALLED TO ORDER**

The requirements of N.J.S.A. 10:4-6 et seq., the “Sunshine Law” has been met. A notice of this meeting was sent to the Star Ledger, published in the Home News Tribune on May 3, 2023, posted on the Bulletin Board in Borough Hall and on the Borough’s website and filed in the Office of the Municipal Clerk.

**ROLL CALL**

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

**COMMUNICATIONS, REPORTS, AND ADMINISTRATIVE MATTERS**

**APPROVAL OF MINUTES**

- Minutes of the Planning Board Meeting – October 4, 2023  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt:

Second:

**OLD BUSINESS**

**NEW BUSINESS**

**RESOLUTIONS**

**PB2023-17** RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING REQUEST FOR ONE (1) YEAR EXTENSION TO EXISTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE PROPERTY DESIGNATED AS BLOCK 703, LOTS 5 & 6  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-18 RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING REQUEST FOR ONE (1) YEAR EXTENSION TO EXISTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE PROPERTY DESIGNATED AS BLOCK 703, LOT 7**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-19 RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (415 EAST 9<sup>TH</sup> AVENUE, BLOCK 2203, LOT 2)**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-20 RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (206 EAST 9<sup>TH</sup> AVENUE, BLOCK 2703, LOT 3)**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-21 RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (243 EAST 9<sup>TH</sup> AVENUE, BLOCK 2701, LOT 25)**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-22 RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (1019 HARRISON AVENUE, BLOCK 1207, LOT 20)**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-23 RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (410 MORRIS PLACE, BLOCK 1201, LOT 5)**  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)*

Motion to adopt: Second

**PB2023-24    RESOLUTION OF APPROVAL PRELIMINARY AND FINAL SITE PLAN  
WITH ASSOCIATED VARIANCE AND WAIVER RELIEF (817 SPRUCE  
STREET, BLOCK 2203, LOT 25  
*(Commissioners Bozeman, Luc, Jr., Turnage and Walker were absent)***

Motion to adopt:                      Second

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

**MOTION TO ADJOURN**

## **BOROUGH OF ROSELLE PLANNING BOARD**



### **RESOLUTION NUMBER PB2023-17**

#### **RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING REQUEST FOR ONE (1) YEAR EXTENSION TO EXISTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE PROPERTY DESIGNATED AS BLOCK 703, LOTS 5 & 6**

**WHEREAS**, 508 1<sup>st</sup> Avenue, LLC (hereinafter referred to as the "Applicant") has applied to the Borough of Roselle Planning Board (hereinafter referred to as the "Board") seeking a one (1) year extension on the preliminary and final site plan approval along with lot consolidation and variance approval by the Board which approval was memorialized on March 3, 2021 for the property located at 508 East 1<sup>st</sup> Avenue and designated as Block 703, Lots 5 and 6 on the official tax map of the Borough of Roselle (hereinafter referred to as the "Property"); and,

**WHEREAS**, a public hearing was held on October 4, 2023, as to the Applicant's request for a one (1) year extension as to the protection afforded the site plan approval against a change in the zoning; and,

**WHEREAS**, at the October 4, 2023 hearing, Stephen Hehl, Esq. the Applicant's attorney, appeared on behalf of the Applicant; and,

**WHEREAS**, all jurisdictional requirements have been met; and,

**WHEREAS**, the matter was opened to the public; and,

**WHEREAS**, the Board, after a hearing was conducted pursuant to law and having received the application and any and all exhibits and testimony presented by and on behalf of the Applicant and having reviewed same and considered the reports, opinions and/or testimony of the professionals from the Borough of Roselle, if any, 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 application.
2. Notice is not required pursuant to the Municipal Land Use Law (MLUL) as the extension request being sought is for a period less than five (5) years.
3. In accordance with the Municipal Land Use Law (MLUL), the zoning protection as to the subject approvals for the Property was set to expire on March 3, 2023.
4. Pursuant to the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-52(a), the Applicant is requesting a one (1) year extension of the zoning protections afforded

to the preliminary and final major site plan approval granted by the Planning Board Resolution, memorialized on March 3, 2021.

5. The Applicant filed the extension request on September 18, 2023, within the statutorily defined period where extensions are permissible, pursuant to N.J.S.A. 40:55D-52.
6. The Applicant's request would extend the zoning protection period of the preliminary and final major site plan approval to March 3, 2024.
7. The Applicant has advised that since obtaining the final site plan approval back on March 3, 2021, the developer has been delayed but is currently in the process of completing any remaining resolution compliance items to permit the project to proceed as approved.
8. The Applicant has met all of the criteria established for the granting of this requested one (1) year extension pursuant to law.

**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 508 1<sup>st</sup> Avenue, LLC to extend the zoning protection afforded to its preliminary and final major site plan approval along with lot consolidation and variance approval originally granted by the Planning Board Resolution memorialized on March 3, 2021 for a period of one (1) year, through to March 3, 2024 is hereby APPROVED, subject to the following conditions:

1. The Applicant shall still comply with all of the comments, conditions, findings, obligations and requirements contained in the Borough of Roselle Planning Board Resolution, memorialized on March 3, 2021, as set forth in their entirety herein.
2. The Applicant shall still comply with any other rules, regulations, statutes and ordinances and obtain necessary approvals of any other agency, authority or body with jurisdiction over the Property.

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 6th day of December 2023 to reflect the action taken by said Board on the 4<sup>th</sup> day of October 2023.

ROSELLE BOROUGH PLANNING BOARD

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JANNA WILLIAMS, CHAIRWOMAN

Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed:** \_\_\_\_\_, 2023

## **BOROUGH OF ROSELLE PLANNING BOARD**



### **RESOLUTION NUMBER PB2023-18**

#### **RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY APPROVING REQUEST FOR ONE (1) YEAR EXTENSION TO EXISTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE PROPERTY DESIGNATED AS BLOCK 703, LOT 7**

**WHEREAS**, 508 1<sup>st</sup> Avenue, LLC (hereinafter referred to as the “Applicant”) has applied to the Borough of Roselle Planning Board (hereinafter referred to as the “Board”) seeking a one (1) year extension on the preliminary and final site plan approval along with variance approval by the Board which approval was memorialized on September 17, 2021 for the property located at 110 Drave Avenue and designated as Block 703, Lot 7 on the official tax map of the Borough of Roselle (hereinafter referred to as the “Property”); and,

**WHEREAS**, a public hearing was held on October 4, 2023, as to the Applicant’s request for a one (1) year extension as to the protection afforded the site plan approval against a change in the zoning; and,

**WHEREAS**, at the October 4, 2023 hearing, Stephen Hehl, Esq. the Applicant’s attorney, appeared on behalf of the Applicant; and,

**WHEREAS**, all jurisdictional requirements have been met; and,

**WHEREAS**, the matter was opened to the public; and,

**WHEREAS**, the Board, after a hearing was conducted pursuant to law and having received the application and any and all exhibits and testimony presented by and on behalf of the Applicant and having reviewed same and considered the reports, opinions and/or testimony of the professionals from the Borough of Roselle, if any, 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 application.
2. Notice is not required pursuant to the Municipal Land Use Law (MLUL) as the extension request being sought is for a period less than five (5) years.
3. In accordance with the Municipal Land Use Law (MLUL), the zoning protection as to the subject approvals for the Property was set to expire on September 17, 2023.
4. Pursuant to the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-52(a), the Applicant is requesting a one (1) year extension of the zoning protections afforded

to the preliminary and final major site plan approval granted by the Planning Board Resolution, memorialized on September 17, 2021.

5. The Applicant filed the extension request on September 18, 2023, within the statutorily defined period where extensions are permissible, pursuant to N.J.S.A. 40:55D-52.
6. The Applicant's request would extend the zoning protection period of the preliminary and final major site plan approval to September 17, 2024.
7. The Applicant has advised that since obtaining the final site plan approval back on September 17, 2021, the developer has been delayed but is currently in the process of completing any remaining resolution compliance items to permit the project to proceed as approved.
8. The Applicant has met all of the criteria established for the granting of this requested one (1) year extension pursuant to law.

**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 508 1<sup>st</sup> Avenue, LLC to extend the zoning protection afforded to its preliminary and final major site plan approval along with variance approval originally granted by the Planning Board Resolution memorialized on September 17, 2021 for a period of one (1) year, through to September 17, 2024 is hereby APPROVED, subject to the following conditions:

1. The Applicant shall still comply with all of the comments, conditions, findings, obligations and requirements contained in the Borough of Roselle Planning Board Resolution, memorialized on September 17, 2021, as set forth in their entirety herein.
2. The Applicant shall still comply with any other rules, regulations, statutes and ordinances and obtain necessary approvals of any other agency, authority or body with jurisdiction over the Property.

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 6th day of December 2023 to reflect the action taken by said Board on the 4<sup>th</sup> day of October 2023.

ROSELLE BOROUGH PLANNING BOARD

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JANNA WILLIAMS, CHAIRWOMAN



Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed: \_\_\_\_\_, 2023**

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



**RESOLUTION NUMBER PB2023-19**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-9**  
**415 East 9th Avenue, Block 2203, Lot 2**  
**Borough of Roselle**

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**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 415 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2203, Lot 2, 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 along the northern side of East 9<sup>th</sup> Avenue in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single-family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.

The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Area- (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,333 square feet proposed (variance required); Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required); Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required); Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and, Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required) to permit the construction of a single-family dwelling at the premises located at 415 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2203, Lot 2, in the Borough of Roselle.

2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.

3. The subject property consists of one (1) tax parcel identified as Block 2203, Lot 2 per the Borough of Roselle Tax Map. The property is located along the northern side of East 9th Avenue in the Central Roselle Revitalization Plan (CRRP). The property in question is located at the intersection of Rivington Street and East 9th Avenue, adjacent to Calisthenics Park.
4. The subject property consists of an area of approximately 3,333 square feet (0.077 acres) and is currently undeveloped except for a curb cut and asphalt driveway. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of four (4) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.
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 October 4, 2023 hearing as follows:
  - a. Borough of Roselle Administrative Completeness Review Checklist, dated September 5, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, “Proposed New One Family Residence for Rose Homes, LLC, 415 9th Avenue, Roselle, NJ”, prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated July 12, 2023;
  - c. Engineer’s Cost Estimate, dated September 1, 2022;
  - d. Stockholder Disclosure Certification;

- e. Development Review Committee Meeting Minutes, dated August 22, 2023;
  - f. Engineer's response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 29, 2023;
  - g. Escrow Agreement, signed by Alfred Faiella, dated July 2023;
  - h. Final Site Plan Checklist, dated August 28, 2022;
  - i. Borough Planner's Memo, prepared by Darlene A. Green, PP, AICP, dated August 21, 2023;
  - j. Borough of Roselle Preliminary Site Plan Checklist, dated August 23, 2022;
  - k. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - l. Engineering plans, consisting of six (6) sheets entitled "Rose Homes, LLC, 415 East 9th Avenue, Block 2203, Lot 2, Borough of Roselle, Union County NJ", prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised August 29, 2023;
  - m. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;
  - n. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 5, 2023;
  - o. Frank H. Lehr Associates Transmittal, dated August 29, 2023; and,
  - p. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated July 27, 2023.
6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 415 East 9th Avenue within the Borough of Roselle.

7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.
9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single-family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back.
10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.
11. Mr. Adelsohn next testified to the "c" variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
  - a. Minimum Lot Area- (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,333 square feet proposed (variance required);
  - b. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required);
  - c. Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required);

- d. Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required);
  - e. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and,
  - f. Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single-family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.
14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.
16. The Board found the testimony of Mr. Adelsohn to be credible.



17. 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 construction of the proposed single-family home 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the construction of a single-family home at the property designated as 415 East 9th Avenue (Block 2203, Lot 2) 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. There shall be a deed restriction executed and appropriately recorded with all buyers restricting the parking garage to parking on the subject Property.
- 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023

By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Mayor Shaw and seconded by Board Member Goyco at the Hearing held on October 4, 2023:

Roll Call: Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by  
\_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

Date signed: \_\_\_\_\_, 2023

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



**RESOLUTION NUMBER PB2023-20**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-7**  
**206 East 9th Avenue, Block 2703, Lot 3**  
**Borough of Roselle**

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**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 206 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2703, 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 along the southern side of East 9<sup>th</sup> Avenue in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single-family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.  
  
The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required); Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required); Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and, Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required) to permit the construction of a single-family dwelling at the premises located at 206 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2703, Lot 3, in the Borough of Roselle.
2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.
3. The subject property consists of one (1) tax parcel identified as Block 2703, Lot 3 per the Borough of Roselle Tax Map. The property is located along the southern side of

East 9th Avenue in the Central Roselle Revitalization Plan (CRRP). The property in question is located east of the intersection of Walnut Street and East 9th Avenue.

4. The subject property consists of an area of approximately 6,666 square feet (0.153 acres) and is currently vacant. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of four (4) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.
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 October 4, 2023 hearing as follows:
  - a. Borough of Roselle Administrative Completeness Review Checklist, dated September 5, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, "Proposed New One Family Residence for Rose Homes, LLC, 206 9th Avenue, Roselle, NJ", prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated July 12, 2023;
  - c. Engineer's Cost Estimate, dated September 1, 2022;
  - d. Stockholder Disclosure Certification;
  - e. Development Review Committee Meeting Minutes, dated August 22, 2023;
  - f. Engineer's response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 29, 2023;
  - g. Escrow Agreement, signed by Alfred Faiella, dated July 2023;

- h. Final Site Plan Checklist, dated August 29, 2022;
  - i. Borough Planner's Memo, prepared by Darlene A. Green, PP, AICP, dated August 21, 2023;
  - j. Borough of Roselle Preliminary Site Plan Checklist, dated August 29, 2022;
  - k. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - l. Engineering plans, consisting of six (6) sheets entitled "Rose Homes, LLC, 206 East 9th Avenue, Block 2703, Lot 3, Borough of Roselle, Union County NJ", prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised August 23, 2023;
  - m. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;
  - n. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 5, 2023;
  - o. Frank H. Lehr Associates Transmittal, dated August 29, 2023; and,
  - p. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated October 2, 2023.
6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 206 East 9th Avenue within the Borough of Roselle.
7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family



dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.

9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single-family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back. Mr. Adelsohn further testified that there would be removal of sidewalk in the front along with new tree planting(s) in the front.
10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.
11. Mr. Adelsohn next testified to the "c" variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
  - a. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required);
  - b. Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required);
  - c. Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required);
  - d. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and,

- e. Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single-family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.
14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.
16. The Board found the testimony of Mr. Adelsohn to be credible.
17. 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 construction of the proposed single-family home 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated "c" variance and waiver relief to permit the construction of a single-family home at the

property designated as 206 East 9th Avenue (Block 2703, 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:

- 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. There shall be a deed restriction executed and appropriately recorded with all buyers restricting the parking garage to parking on the subject Property.
- 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023 By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Mayor Shaw and seconded by Councilman Bernier at the Hearing held on October 4, 2023:

Roll Call: Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by  
\_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the  
Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed:** \_\_\_\_\_, 2023

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



**RESOLUTION NUMBER PB2023-21**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-8**  
**243 East 9th Avenue, Block 2701, Lot 25**  
**Borough of Roselle**

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**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 243 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2701, Lot 25, 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 along the northern side of East 9<sup>th</sup> Avenue in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single-family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.

The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required); Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required); Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required); Patio Setback (Section 650-88D(5)(c) of the Zoning Ordinance)- 7 feet from any property line where 5.4 feet is proposed (variance required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and, Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required) to permit the construction of a single-family dwelling at the premises located at 243 East 9th Avenue, designated on the Borough’s Tax Maps as Block 2701, Lot 25, in the Borough of Roselle.

2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.



3. The subject property consists of one (1) tax parcel identified as Block 2701, Lot 25 per the Borough of Roselle Tax Map. The property is located along the northern side of East 9th Avenue in the Central Roselle Revitalization Plan (CRRP). The property in question is located west of the intersection of Spruce Street and East 9th Avenue.
4. The subject property consists of an area of approximately 4,444 square feet (0.102 acres) and is currently vacant. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of four (4) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.
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 October 4, 2023 hearing as follows:
  - a. Borough of Roselle Administrative Completeness Review Checklist, dated September 5, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, "Proposed New One Family Residence for Rose Homes, LLC, 243 9th Avenue, Roselle, NJ", prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated July 12, 2023;
  - c. Engineer's Cost Estimate, dated September 1, 2022;
  - d. Stockholder Disclosure Certification;
  - e. Development Review Committee Meeting Minutes, dated August 22, 2023;

- f. Engineer's response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 29, 2023;
  - g. Escrow Agreement, signed by Alfred Faiella, dated July 2023;
  - h. Final Site Plan Checklist, dated August 23, 2022;
  - i. Borough Planner's Memo, prepared by Darlene A. Green, PP, AICP, dated August 21, 2023;
  - j. Borough of Roselle Preliminary Site Plan Checklist, dated August 23, 2022;
  - k. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - l. Engineering plans, consisting of six (6) sheets entitled "Rose Homes, LLC, 243 East 9th Avenue, Block 2701, Lot 25, Borough of Roselle, Union County NJ", prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised August 29, 2023;
  - m. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;
  - n. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 5, 2023;
  - o. Frank H. Lehr Associates Transmittal, dated August 29, 2023; and,
  - p. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated October 2, 2023.
6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 243 East 9th Avenue within the Borough of Roselle.

7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.
9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single-family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back.
10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.
11. Mr. Adelsohn next testified to the "c" variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
  - a. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 33.33 feet proposed (variance required);
  - b. Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 4.33 feet proposed (variance required);
  - c. Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 9.33 feet proposed (variance required);

- d. Patio Setback (Section 650-88D(5)(c) of the Zoning Ordinance)- 7 feet from any property line required where 5.4 feet is proposed (variance required);
  - e. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and,
  - f. Maximum Driveway Width (CRRP Section 3.4)- 8.33 feet maximum where 11 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single-family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.
14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.
16. The Board found the testimony of Mr. Adelsohn to be credible.

17. 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 construction of the proposed single-family home 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the construction of a single-family home at the property designated as 243 East 9th Avenue (Block 2701, Lot 25) 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. There shall be a deed restriction executed and appropriately recorded with all buyers restricting the parking garage to parking on the subject Property.
- 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023 By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Councilman Bernier and seconded by Mayor Shaw at the Hearing held on October 4, 2023:

Roll Call: Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by  
\_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

Date signed: \_\_\_\_\_, 2023

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



**RESOLUTION NUMBER PB2023-22**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-10**  
**1019 Harrison Avenue, Block 1207, Lot 20**  
**Borough of Roselle**

---

**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 1019 Harrison Avenue, designated on the Borough’s Tax Maps as Block 1207, Lot 20, 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 along the eastern side of Harrison Avenue in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single-family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.

The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Area (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,525 square feet proposed (variance required); Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 30.47 feet proposed (variance required); Minimum Front Yard (CRRP Section 3.3 and Section 650-88D(6)(b) of the Zoning Ordinance)- 25 feet on both street frontages where 1.6 feet proposed for Georges Place frontage (variance required); Front Porch Encroachment (CRRP Section 3.3a(4))- Up to 5 feet and 20 feet from the property line where 1.875 feet proposed front porch distance from Georges Place (variance required); A/C Condenser Location (Section 650-88D(5)(c) of the Zoning Ordinance)- Central air conditioning equipment shall be located in rear yard only where proposed condenser is in front yard (variance required); Patio Location (Section 650-88D(5)(c) of the Zoning Ordinance)- Patios may be located within any rear yard but shall be not less than seven feet from any property line where patio in front yard and 3.08 feet from the property line is proposed (variance required); Front Porch Width

(CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); Maximum Driveway Width (CRRP Section 3.4)- 7.75 feet maximum where 11 feet is proposed (waiver required); Maximum Fence Height where 3 feet maximum is required and 6 foot fence is proposed along St. Georges Avenue; and, Driveway Location (Section 650-26G(1)(c) of the Zoning Ordinance)- Driveways not permitted within 50 feet of the two intersecting streets where 23.3 feet is proposed (waiver required) to permit the construction of a single-family dwelling at the premises located at 1019 Harrison Avenue, designated on the Borough's Tax Maps as Block 1207, Lot 20, in the Borough of Roselle.

2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.
3. The subject property consists of one (1) tax parcel identified as Block 1207, Lot 20 per the Borough of Roselle Tax Map. The property is located along the eastern side of Harrison Avenue in the Central Roselle Revitalization Plan (CRRP). The property in question is located southeast of the intersection of Harrison Avenue and Georges Place.
4. The subject property consists of an area of approximately 3,525 square feet (0.08 acres) and is currently undeveloped. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of four (4) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.

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 October 4, 2023 hearing as follows:
- a. Borough of Roselle Administrative Completeness Review Checklist, dated September 19, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, “Proposed New One Family Residence for Rose Homes, LLC, 1019 Harrison Avenue, Roselle, NJ”, prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated September 14, 2023;
  - c. Engineer’s Cost Estimate, dated August 31, 2022;
  - d. Stockholder Disclosure Certification, dated June 15, 2023;
  - e. Development Review Committee Meeting Minutes, dated September 19, 2023;
  - f. Engineer’s response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 5, 2023;
  - g. Borough Planner’s Memo, prepared by Darlene A. Green, PP, AICP, dated July 25, 2023;
  - h. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - i. Engineering plans, consisting of six (6) sheets entitled “Rose Homes, LLC, 1019 Harrison Avenue, Block 1207, Lot 20, Borough of Roselle, Union County NJ”, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised August 29, 2023;
  - j. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;

- k. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 19, 2023;
  - l. Frank H. Lehr Associates Transmittal, dated September 8, 2023; and,
  - m. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated September 27, 2023.
- 6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 1019 Harrison Avenue within the Borough of Roselle.
  - 7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
  - 8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.
  - 9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single-family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back.
  - 10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.

11. Mr. Adelsohn next testified to the “c” variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
- a. Minimum Lot Area (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,525 square feet proposed (variance required);
  - b. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 30.47 feet proposed (variance required);
  - c. Minimum Front Yard (CRRP Section 3.3 and Section 650-88D(6)(b) of the Zoning Ordinance)- 25 feet on both street frontages where 1.6 feet proposed for Georges Plance frontage (variance required);
  - d. Front Porch Encroachment (CRRP Section 3.3a(4))- Up to 5 feet and 20 feet from the property line where 1.875 feet proposed front porch distance from Georges Place (variance required);
  - e. A/C Condenser Location (Section 650-88D(5)(c) of the Zoning Ordinance)- Central air conditioning equipment shall be located in rear yard only where proposed condenser is in front yard (variance required);
  - f. Patio Location (Section 650-88D(5)(c) of the Zoning Ordinance)- Patios may be located within any rear yard but shall be not less than seven feet from any property line where patio in front yard and 3.08 feet from the property line is proposed (variance required);
  - g. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required);

- h. Maximum Driveway Width (CRRP Section 3.4)- 7.75 feet maximum where 11 feet is proposed (waiver required);
  - i. Maximum Fence Height- 3 feet maximum required on front yard where 6 foot fence is proposed along St. Georges Avenue; and,
  - j. Driveway Location (Section 650-26G(1)(c) of the Zoning Ordinance)- Driveways not permitted within 50 feet of the two intersecting streets where 23.3 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single-family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.
14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.

16. The Board found the testimony of Mr. Adelsohn to be credible.
17. 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 construction of the proposed single-family home 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.
18. 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.
19. 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.
20. 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.
21. 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.



22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the construction of a single-family home at the property designated as 1019 Harrison Avenue (Block 1207, Lot 20) 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. There shall be a deed restriction executed and appropriately recorded with all buyers restricting the parking garage to parking on the subject Property.
- F. The proposed location of the single-family dwelling shall be moved to the 25 foot setback.

- G. The Applicant shall extend the sidewalk on Georges Place and the two (2) trees in said proposed sidewalk extension pathway shall be removed by the Applicant.
- H. 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.
- I. 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.
- J. 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023                      By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Councilman Bernier and seconded by Mayor Shaw at the Hearing held on October 4, 2023:

Roll Call:        Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by \_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

Chairwoman Williams						
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**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed:** \_\_\_\_\_, 2023

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



**RESOLUTION NUMBER PB2023-23**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-11**  
**410 Morris Place, Block 1201, Lot 5**  
**Borough of Roselle**

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**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 410 Morris Place, designated on the Borough’s Tax Maps as Block 1201, Lot 5, 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 along the southern side of Morris Place in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single-family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.

The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Area- (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,000 square feet proposed (variance required); Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 30.00 feet proposed (variance required); Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 1.0 foot proposed (variance required); Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 6 feet proposed (variance required); Impervious Coverage (CRRP Section 3.3, Table 2)- maximum of 50% of lot area where 51.1% is being proposed (variance required); Patio Setback (Section 650-88D(5)(c) of the Zoning Ordinance)- Ordinance requires patios to be located in the rear yard only and at least 7 feet from any property line where the Applicant proposes a 2.17 foot setback to the proposed patio (variance required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and, Maximum Driveway Width (CRRP Section 3.4)- 7.5 feet maximum where 11 feet is proposed (waiver required) to permit the construction of a single-

family dwelling at the premises located at 410 Morris Place, designated on the Borough's Tax Maps as Block 1201, Lot 5, in the Borough of Roselle.

2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.
3. The subject property consists of one (1) tax parcel identified as Block 1201, Lot 5 per the Borough of Roselle Tax Map. The property is located along the southern side of Morris Place in the Central Roselle Revitalization Plan (CRRP). The property in question is located east of the intersection of Morris Place and Chandler Avenue.
4. The subject property consists of an area of approximately 3,000 square feet (0.069 acres) and is currently vacant. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of four(4) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.
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 October 4, 2023 hearing as follows:
  - a. Borough of Roselle Administrative Completeness Review Checklist, dated September 19, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, "Proposed New One Family Residence for Rose Homes, LLC, 415 9th Avenue, Roselle, NJ", prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated September 14, 2023;

- c. Engineer's Cost Estimate, dated August 31, 2022;
  - d. Stockholder Disclosure Certification;
  - e. Development Review Committee Meeting Minutes, dated September 19, 2023;
  - f. Engineer's response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 5, 2023;
  - g. Borough Planner's Memo, prepared by Darlene A. Green, PP, AICP, dated July 27, 2023;
  - h. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - i. Engineering plans, consisting of six (6) sheets entitled "Rose Homes, LLC, 410 Morris Place, Block 1201, Lot 5, Borough of Roselle, Union County NJ", prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised August 31, 2023;
  - j. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;
  - k. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 19, 2023;
  - l. Frank H. Lehr Associates Transmittal, dated September 8, 2023; and,
  - m. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated October 3, 2023.
6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 410 Morris Place within the Borough of Roselle.



7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.
9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single-family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back.
10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.
11. Mr. Adelsohn next testified to the "c" variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
  - a. Minimum Lot Area- (CRRP Section 3.3, Table 2)- 4,000 square feet required where 3,000 square feet proposed (variance required);
  - b. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 30.00 feet proposed (variance required);
  - c. Side Yard Setback (One) (CRRP Section 3.3, Table 2)- 5 feet required where 1.00 feet proposed (variance required);

- d. Side Yard Setback (Both) (CRRP Section 3.3, Table 2)- 13 feet required where 6.00 feet proposed (variance required);
  - e. Impervious Coverage (CRRP Section 3.3, Table 2)- maximum of 50% of lot area where 51.1% is being proposed (variance required);
  - f. Patio Setback (Section 650-88D(5)(c) of the Zoning Ordinance)- Ordinance requires patios to be located in the rear yard only and at least 7 feet from any property line where the Applicant proposes a 2.17-foot setback to the proposed patio (variance required);
  - g. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and,
  - h. Maximum Driveway Width (CRRP Section 3.4)- 7.50 feet maximum where 11 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single-family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.

14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.
16. The Board found the testimony of Mr. Adelsohn to be credible.
17. 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 construction of the proposed single-family home 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.
18. 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.
19. 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.
20. 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.

21. 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.

22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the construction of a single-family home at the property designated as 410 Morris Place (Block 1201, Lot 5) 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. There shall be a deed restriction executed and appropriately recorded with all buyers restricting the parking garage to parking on the subject Property.

- 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023      By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Mayor Shaw and seconded by Board Member Goyco at the Hearing held on October 4, 2023:

Roll Call:      Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by \_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed: \_\_\_\_\_, 2023**

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



**RESOLUTION NUMBER PB2023-24**

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

**Applicant: Rose Homes, LLC**  
**Application No. 2023-12**  
**817 Spruce Street, Block 2203, Lot 25**  
**Borough of Roselle**

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**WHEREAS**, the Applicant, Rose Homes, 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 construction of a single-family home at the premises located at 817 Spruce Street, designated on the Borough’s Tax Maps as Block 2203, Lot 25, 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 along the eastern side of Spruce Street in the Borough’s Central Roselle Revitalization Plan (“CRRP”) where the proposed single family dwelling use is a permitted use within the CRRP; and,

**WHEREAS**, a public hearing were held on the Application on October 4, 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 October 4, 2023 hearing, the Applicant, through its attorney, Alfred L. Faiella, Esq., presented the professional testimony of Richard J. Adelsohn, P.E., the Applicant’s Engineer; and,

**WHEREAS**, Mr. Adelsohn was 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 October 4, 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.

The Applicant is requesting approval for preliminary and final site plan approval along with “c” variance relief and waiver relief for the following: Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 39.75 feet proposed (variance required); Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and, Maximum Driveway Width (CRRP Section 3.4)- 9.94 feet maximum where 11 feet is proposed (waiver required) to permit the construction of a single-family dwelling at the premises located at 817 Spruce Street, designated on the Borough’s Tax Maps as Block 2203, Lot 25, in the Borough of Roselle.

2. The proposed single-family use is a permitted use within the CRRP where the subject Property is located.
3. The subject property consists of one (1) tax parcel identified as Block 2203, Lot 25 per the Borough of Roselle Tax Map. The property is located along the eastern side of Spruce Street in the Central Roselle Revitalization Plan (CRRP). The property in question is located north of the intersection of Spruce Street and East 9th Avenue.

4. The subject property consists of an area of approximately 5,216 square feet (0.12 acres) and is currently vacant. The Applicant proposes to construct a two-story, single-family home. The first (1<sup>st</sup>) floor consists of a garage, living room, powder room, kitchen, dining area, two (2) mechanical rooms, pantry, and two (2) closets. The second (2<sup>nd</sup>) floor consists of three (3) bedrooms, bathroom, laundry room, master bedroom, master bathroom, walk-in closet, and five (5) closets. Additional on-site improvements include landscaping, a patio, 6-foot PVC stockade fence, paver driveway, and drainage.
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 October 4, 2023 hearing as follows:
  - a. Borough of Roselle Administrative Completeness Review Checklist, dated September 19, 2023;
  - b. Architectural Plans consisting of four (4) sheets entitled, “Proposed New One Family Residence for Rose Homes, LLC, 415 9th Avenue, Roselle, NJ”, prepared by Matthew G. Evans, A.I.A., of Evans Architects, dated September 19, 2023;
  - c. Development Review Committee Meeting Minutes, dated September 19, 2023;
  - d. Engineer’s response letter, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 5, 2023;
  - e. Borough Planner’s Memo, prepared by Darlene A. Green, PP, AICP, dated July 25, 2023;
  - f. Borough of Roselle Planning/Zoning Board of Adjustment Application, not dated;
  - g. Engineering plans, consisting of six (6) sheets entitled “Rose Homes, LLC, 817 Spruce Street, Block 2203, Lot 25, Borough of Roselle, Union County NJ”,

prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated August 1, 2023, last revised September 1, 2023;

- h. Stormwater Drainage Calculations, prepared by Richard J. Adelsohn, PE, of Frank H. Lehr Associates, dated September 1, 2022;
  - i. Technical Completeness Review Memo, prepared by Borough Engineer Kevin Boyer, PE, CFM, dated September 19, 2023;
  - j. Frank H. Lehr Associates Transmittal, dated September 8, 2023; and,
  - k. Correspondence from Lyndsay Knight, P.P., A.I.C.P., regarding Planning review, dated October 3, 2023.
6. The first witness to testify before the Board at the October 4, 2023 hearing was Mr. Adelsohn, the Applicant's Engineer who testified as to the current site and conditions at the subject Property located at 817 Spruce Street within the Borough of Roselle.
7. Mr. Adelsohn testified as to the site plan he had prepared with regards to the subject Property which was provided to the Board as part of the underlying Application.
8. Mr. Adelsohn testified that the current condition of the Property is that it is an undersized vacant lot where the proposed Application to construct a single-family dwelling would be appropriate and would fit within the character and aesthetics of the surrounding neighborhood.
9. Mr. Adelsohn testified that the Applicant proposes to construct a single-family home, a particular model to which the Applicant has already built within the Borough of Roselle, which proposed single family home would be twenty-four feet (24') wide and forty-five feet (45') deep and would also have a driveway in the front and a patio in the back.

10. The Board was aware and familiar with the style of type of home to which the Applicant is proposing to construct on the subject Property as the Applicant has already built a number of similar single-family dwellings within the Borough of Roselle.
11. Mr. Adelsohn next testified to the “c” variances and waiver relief being requested as part of the underlying Application.
12. The requested variances and waiver relief testified to by Mr. Adelsohn were as follows:
  - a. Minimum Lot Width (CRRP Section 3.3, Table 2)- 40 feet required where 39.75 feet proposed (variance required);
  - b. Front Porch Width (CRRP Section 3.4)- 15 feet required where 13 feet is proposed (waiver required); and,
  - c. Maximum Driveway Width (CRRP Section 3.4)- 9.94 feet maximum where 11 feet is proposed (waiver required).
13. Mr. Adelsohn testified that the subject Application is consistent with the intent and purposes of the Borough Code and the master plan. In addition, Mr. Adelsohn 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 newly constructed single family dwelling located on a vacant substandard lot; (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. Adelsohn also noted that the proposed Application also advances the purposes of the Municipal Land Use Law, specifically, purposes E, I and J.

14. Mr. Adelsohn 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.
15. The hearing was then opened to the public, to which no members of the public came forward.
16. The Board found the testimony of Mr. Adelsohn to be credible.
17. 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 construction of the proposed single-family home 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.
18. 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.
19. 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.
20. 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.

21. 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.

22. 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 Rose Homes, LLC for Preliminary and Final Site Plan Approval along with associated “c” variance and waiver relief to permit the construction of a single family home at the property designated as 817 Spruce Street (Block 2203, Lot 25) 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. There shall be a deed restriction executed and appropriately recorded with the County of Union identifying the restriction(s) as it relates to the proposed parking garage on the subject Property.
- 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.

So resolved on this 6<sup>th</sup> day of December 2023.

PLANNING BOARD OF  
BOROUGH OF ROSELLE

Date signed: \_\_\_\_\_ 2023      By: \_\_\_\_\_  
Janna Williams, Chairwoman

**A Motion** to Approve the Application was made by Councilman Bernier and seconded by Mayor Shaw at the Hearing held on October 4, 2023:

Roll Call:      Voting “yes” in favor of approval: (5)

Councilman Bernier, Board Member Goyco, Board Member Lavin, Mayor Shaw,  
Chairwoman Williams

Voting “no” in favor of approval: (0)

**Motion** to Approve Resolution of Approval taken on \_\_\_\_\_, 2023 made by \_\_\_\_\_ and seconded by \_\_\_\_\_:

Roll call vote to approve Resolution of Approval:

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

Commissioner Turnage						
Commissioner Goyco						
Chairwoman Williams						

**I certify that the above Resolution is a true copy of the Resolution passed by the Borough of Roselle Planning Board on December 6, 2023.**

\_\_\_\_\_  
**Lisette Sanchez**  
**Roselle Borough Planning Board Secretary**

**Date signed: \_\_\_\_\_, 2023**