ORDINANCE NO. 10-2020

BOROUGH OF ROSELAND COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF ROSELAND AMENDING CHAPTER XXX OF THE CODE OF THE BOROUGH OF ROSELAND, ENTITLED "ROSELAND BOROUGH LAND DEVELOPMENT ORDINANCE" BY AMENDING VARIOUS SECTIONS OF SAME TO CREATE THE R-10/AH-4 AFFORDABLE HOUSING DISTRICT

BE IT ORDAINED by the Borough Council of the Borough of Roseland, County of Essex and State of New Jersey as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to amend the Borough of Roseland's Land Development Ordinance in accordance with the Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC") entered into on November 7, 2019, the Settlement Agreement entered into between the Borough and K&K Developers, Inc. entered into on November 13, 2019, and the Borough's Housing Element and Fair Share Plan, by adding a new section 30-404.9 to establish the requirements of a new zoning district referred to as R-10/AH-4 Affordable Housing Zone, which will result in the creation of an inclusionary development consisting of 177 multifamily rental units and 34 townhouses, fifteen percent (15%) of which shall be reserved for low- and moderate-income households.

SECTION 2: NEW SECTION: §30-404.9.

Article IV of Chapter XXX the Code of the Borough of Roseland is hereby amended to add Section 30-404.9, as follows:

§30-404.9 R-10/AH-4 Affordable Housing Zone

- a. Permitted Principal Uses and Densities. Properties in the R-10/AH-4 District may be developed for townhouses and apartments subject to the following requirements and limitations:
 - 1. In the R-10/AH-4 District, properties may be developed for townhouses and apartments at a maximum development yield of two-hundred and eleven (211) housing units. Not less than thirty-two (32) housing units shall be designated for occupancy by very low, low- and moderate income households. The units designated for very low, low- and moderate- income households shall be in the multifamily buildings. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAH affordable housing

- regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws.
- b. Permitted Accessory Uses. The following accessory uses are permitted in the R-10/AH-4 District:
 - 1. Private garages.
 - 2. Buildings for storage of maintenance equipment.
 - 3. Off-street parking as regulated by Section 30-520 of the Borough Code.
 - 4. Signs in accordance with subsection 30-403.17.
 - 5. Private recreation buildings and facilities, including swimming pools, intended for use by residents of the premises.
 - 6. Electric automobile charging stations shall be provided.
- c. Required Conditions. The following zoning standards shall apply to development in the R-10/AH-4District:
 - 1. Minimum lot area-Eighteen (18) acres¹.
 - 2. Minimum setback from public streets-forty (40) feet.
 - 3. Minimum setback from tract boundary fifty (50) feet.
 - 4. Maximum building coverage -twenty (20%) percent of site.
 - 5. Maximum height of building -

No multi-family building shall exceed four (4) stories. No townhome building shall exceed three (3) stories.

- 6. Parking Adequate provision shall be made for off-street parking in accordance with Section 30-520.
- 7. Low- and Moderate-Income Housing Units: In the R-10/AH-4 District, low- and moderate-income housing units shall be interspersed with market rate apartment units. No townhouse building shall contain very low, low- and moderate- income housing units. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAR affordable housing regulations including but not limited to phasing requirements, any applicable order of the Court, and other applicable laws.
- d. Minimum Distances Between Buildings. There shall be a minimum distance

¹ A tract may be subdivided to accommodate the construction of a townhome condominium development which shall otherwise conform to the requirements set forth in the R-10/AH-4 Affordable Housing Zone. The area of the new lot shall not be less than five (5) acres. The bulk standards shall be based on the entire tract.

between dwelling structures as provided in the following schedule:

	Minimum at any
Front facing front	50 feet
Front facing rear	50 feet
Front facing side	25 feet
Rear facing rear	50 feet
Rear facing side	20
Side facing side	20

e. Accessory Buildings.

- 1. Setbacks. Accessory buildings shall meet the street and property line setbacks of the principal building. Swimming pools, tennis courts and other surfaced recreation facilities shall be at least one hundred (100) feet from a residential property line and at least fifty (50) feet from any other property line.
- 2. Height. The maximum height of an accessory building shall be sixteen (16) feet. Clubhouses shall be governed by height limitations for principal buildings.
- 3. Design. Architectural design and materials used in the construction of accessory buildings shall conform to those used in the construction of principal buildings.
- f. Open Space. Exclusive of internal roadways and parking areas, there shall be provided a minimum, of fifteen (15%) percent of the entire tract for common open space.

SECTION 3: INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: COPIES OF ORDINANCE

At least three copies of said full Ordinance are on file in the Office of the Borough Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours.

SECTION 6: NOTICE

The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Essex County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the Essex County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: March 17, 2020

Motion to Introduce by: <u>Councilwoman Tolli</u>
Motion Seconded by: <u>Councilwoman Fishman</u>

Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: May 19, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi			X				
Councilwoman Fishman			X				
Councilman Freda			X				
Councilwoman Perrotti	·	X	X				
Councilwoman Tolli	X		X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
		VOTE:	6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19th day of May, 2020.

Jain's R. Spango, Mayor

Date of Publication: May 28, 2020, The Progress



BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY

140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068 (973) 226-8080

BOROUGH CLERK Jock H. Watkins, RMC

CERTIFIED MAIL NO: 7018-1830-0002-1066-8883

April 30, 2020

Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044

RE:

Ordinance No. 08-2020
Ordinance No. 09-2020
Ordinance No. 10-2020
Amend and Supplement Borough Code
Chapter XXX, Land Development

Dear Mr. Antonio:

Pursuant to N.J.S.A. 40:55D-15, we sent you notice, with enclosed copies of the above referenced ordinance(s), advising that the subject ordinances were introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Roseland on the 17th day of March, 2020. Due to the Covid-19 health emergency, the public hearings on these ordinances were tabled until the May 19th meeting of the Roseland Governing Body. This notice is to advise you that the above referenced ordinances, copies of which were previously sent, shall come up for final passage at an Official Meeting of the Governing Body to be held via Teleconference on Tuesday, the 19th day of May, 2020, at 7:30 PM. Public participation in the meeting can be accessed by computer at www.freeconferencecall.com/wall/boroughofroseland/ or by telephone at 760-548-9833 at which time any persons interested shall be given the opportunity to be heard concerning said Ordinances.

Jock H. Watkins Municipal Clerk

watkins@roselandnj.org

973-403-6029

Enclosure(s)

Via Certified mail to Municipal Clerks of:

Borough of Essex Fells

Township of East Hanover

Township of Livingston

Township of West Caldwell

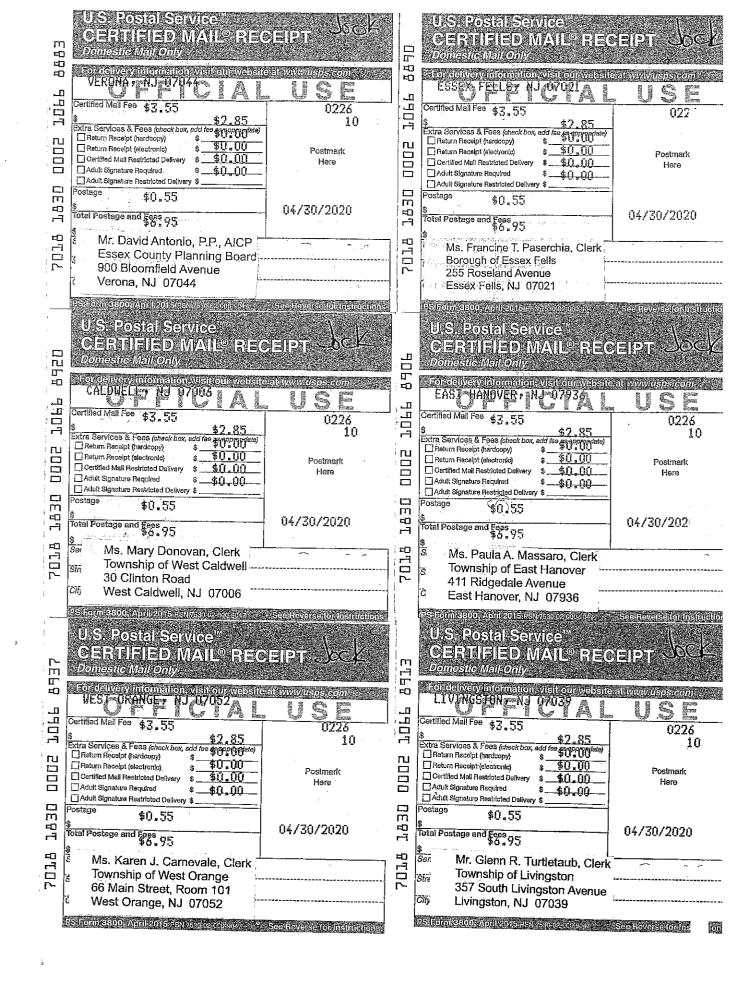
Township of West Orange

Certified Mail No. 7018-1830-0002-1066-8906

Certified Mail No. 7018-1830-0002-1066-8913

Certified Mail No. 7018-1830-0002-1066-8920

Certified Mail No. 7018-1830-0002-1066-8937



PS. Form 38.11; July 2015 PSN 7530-02-000-9053		Ms. Mary Donovan, Clerk Township of West Caldwel 30 Clinton Road West Caldwell, NJ 07006	 Complete Items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: 	SENDER COMPLETE THIS SECTION	PS Form 3811, July 2015 PSN 7550-02-000-9053	2. Article Mumber Transfer from service labeli	95.500.000.000.000.000.000.000.000.000.0	Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044	1. Article Addressed to:	 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	SENDERHOOMER FREE SECTION
Domestic Return Receipt	3. Service Type Adult Signature		X A Signature X D Agent C D Addressee B. Received by (Printed Name) C. Date of Delivery D is delivery address different from item 1? D Yes If YES, enter, delivery address below: D No	COMPLETE THIS SECTION ON BELIVERY	Domestic Return Receipt	/ Restricted Delivery cted Delivery	3. Service Type Adult Signature		D. Is delivery address different from tem 17/日內語 If YES, enter delivery address below: /口No	B. Received by (Printed Name) 9. Date by Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053	9590 9402 5002 9063 1738 99 2. Article Number (Transfer from service label) 7 0 1 8 1 8 3 0 0 0 0 1 1 0 1 1 1 1 1 1 1 1 1 1 1 1	Ms. Karen J. Carnevale, Clerk Township of West Orange 66 Main Street, Room 101 West Orange, NJ 07052	■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mallplece, or on the front if space permits. 1. Article Addressed to:	SENDER: COMPLETE THIS SECTION	PS Form 3811, July 2015 PSN 7530-02-000-9053	2. Article Number/Transfer from service label) 7018 1630 0002 1066 6652	95 5000000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Mr. Glenn R. Turtletaub, Clerk Township of Livingston 357 South Livingston Avenue Livingston, NJ 07039	1. Article Addressed to:	 Complete items 1, 2, and 3. Print you, name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	SENDER: COMPLETE THIS SECTION
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Ms. Francine T. Paserchia, Clerk Borough of Essex Fells 255 Roseland Avenue Essex Fells, NJ 07021 Setylos Type Security Mall Express® Lacult Signature Cardinis Mall® Cardinis Signature Cardinis Mall® Cardinis Signature Cardinis Mall® Cardinis Signature Cardinis Mall® Card	S. Service-Type Indicating the continuation of the form 3811, July 2015 PSN 7530-02-9063 Indicating Type	Ms. Francine T. Paserchia, Clerk Borough of Essex Fells 255 Roseland Avenue Essex Fells, NJ 07021
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BOROUGH OF ROSELAND

ESSEX COUNTY, NEW JERSEY 140 EAGLE ROCK AVENUE, ROSELAND, NEW JERSEY 07068 (973) 226-8080

BOROUGH CLERK Jock H. Watkins, RMC

CERTIFIED MAIL NO: 7018-1830-0002-1066-8821

March 30, 2020

Mr. David Antonio, P.P., AICP Essex County Planning Board 900 Bloomfield Avenue Verona, NJ 07044

RE:

Ordinance No. 08-2020

Ordinance No. 09-2020 Ordinance No. 10-2020

Amend and Supplement Borough Code Chapter XXX, Land Development

Dear Mr. Antonio:

Pursuant to N.J.S.A. 40:55D-15, enclosed are copies of the above referenced ordinance(s) that were introduced by the Borough Council at a meeting held March 17, 2020. The Council will conduct a public hearing and consider final passage of the ordinance(s) during its regular meeting scheduled for April 21, 2020 at 7:30 PM via teleconference. We will provide the telephone access numbers necessary for the teleconference as soon as they become available.

Sincerely

Jock H. Watkins Municipal Clerk

jwatkins@roselandnj.org

973-403-6029

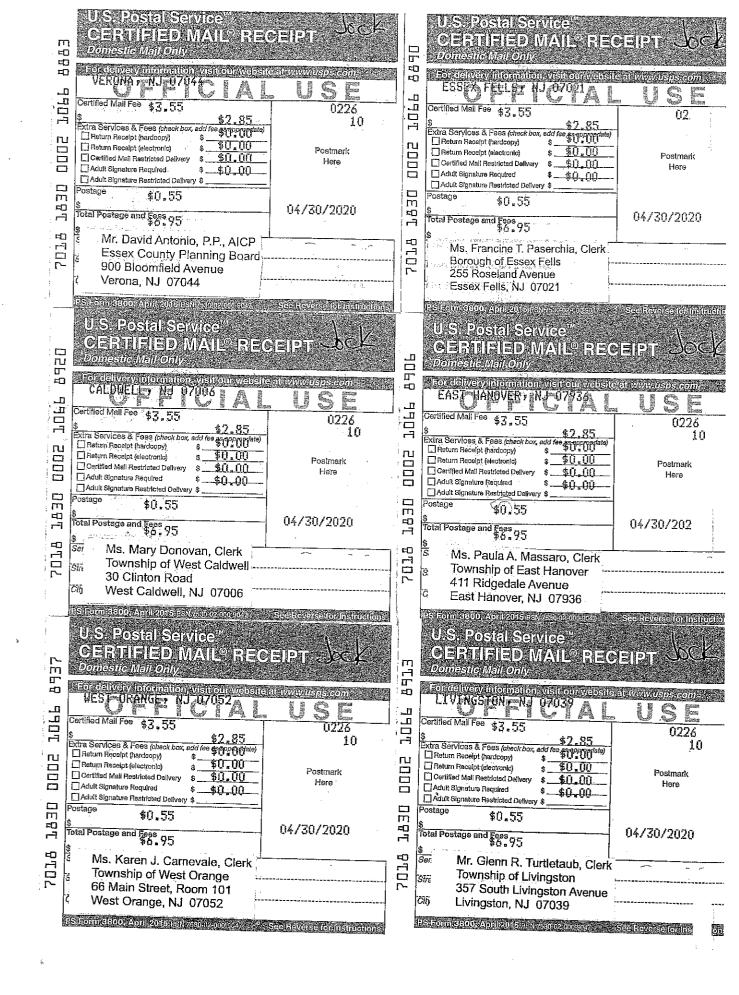
Enclosure(s)

Via Certified mail to Municipal Clerks of:

Borough of Essex Fells
Township of East Hanover
Township of Livingston
Township of West Caldwell
Township of West Orange

Certified Mail No. 7018-1830-0002-1066-8838 Certified Mail No. 7018-1830-0002-1066-8845 Certified Mail No. 7018-1830-0002-1066-8852

Certified Mail No. 7018-1830-0002-1066-8869 Certified Mail No. 7018-1830-0002-1066-8876



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	Mr. Glenn R. Turtletaub, Clerk Township of Livingston Avenue Livingston, NJ 07039	SHNDIAR COMPLETE THIS SECTION Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the body of the practical of the card to you.	9590 9402 5002 9063 1738 20 9511 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Ms. Paula A. Massaro, Clerk Township of East Hanover 411 Ridgedale Avenue East Hanover, NJ 07936	SENDER: COMPLIFICATION Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the maliplece, or on the front if space permits.
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