

ORDINANCE NO. 17-2020

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE OF THE BOROUGH OF ROSELAND AMENDING
THE LAND DEVELOPMENT ORDINANCE CONCERNING THE
COLLECTION OF AFFORDABLE HOUSING DEVELOPMENT FEES
TO COMPLY WITH CURRENT STATE AFFORDABLE HOUSING
REGULATIONS**

BE IT ORDAINED, by the Council of the Borough of Roseland, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1. Section 30, Article X: Mandatory Development Fees (COAH) is hereby repealed and replaced with the following:

Article X: Mandatory Affordable Housing Development Fees

§30-1001 Purpose

1. In Holmdel Builder's Association V. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
2. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
3. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
4. This article establishes standards for the collection, maintenance, and

expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

§30-1002 Basic requirements

1. This article shall not be effective until the Superior Court approves the Borough's Development Fee Ordinance in accordance with N.J.A.C. 5:93-8.
2. The Borough of Roseland shall not spend development fees until the Superior Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-8.

§30-1003 Definitions

The following terms, as used in this article, shall have the following meanings:

1. "Affordable housing development" means a development included in the Borough's Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
2. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the Supreme Court's Mount Laurel IV opinion and order, any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey, Law Division, Essex County.
3. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
4. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
5. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
6. "Green building strategies" means those strategies that minimize the impact of

development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§30-1004 Residential Development Fees

1. Imposed Fees

- a. Within all zoning districts, residential developers, the developers of all new development of principal and accessory residential buildings, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- b. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

2. Eligible Exactions, Ineligible Exactions, and Exemptions for Residential Development

- a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- c. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

- d. The expansion or improvement of an existing residential structure shall be exempt from any development fee requirement.
- e. Other development shall be exempt from any development fee required to the extent provided by the terms of any order entered by the Superior Court of New Jersey.

§30-1005 Non-residential Development Fees

1. Imposed fees

- a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- b. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible Exactions, Ineligible Exactions, and Exemptions for Non-Residential Development

- a. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
- b. The two and one-half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions

required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Roseland as a lien against the real property of the owner.
- f. Other development shall be exempt from any development fee required to the extent provided by the terms of any Order entered by the Superior Court of New Jersey.

§30-1006 Collection Procedures

- 1. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- 2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer in accordance with the instructions in Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments in keeping with the instructions in Form N-RDF.
- 3. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- 4. Within ninety (90) days of receipt of that notice, the municipal tax assessor,

based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within ten (10) business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Roseland fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
8. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
9. Appeal of development fees
 - a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Roseland. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - b. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Roseland. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90)

days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§30-1007 Affordable Housing Trust Fund

1. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - a. Payments in lieu of on-site construction of affordable units;
 - b. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - c. Rental income from municipally operated units;
 - d. Repayments from affordable housing program loans;
 - e. Recapture funds;
 - f. Proceeds from the sale of affordable units; and
 - g. Any other funds collected in connection with the Borough of Roseland's affordable housing program.
3. In the event of a failure by the Borough of Roseland to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Roseland, or, if not practicable, then within the County or the Housing Region.

4. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

§30-1008 Use of funds

1. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Roseland's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Borough of Roseland for past housing activities.
3. At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
 - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

- b. Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income.
 - c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- 4. The Borough of Roseland may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- 5. No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements for the affordable housing in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§30-1009 Monitoring

- 1. On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose, Borough of Roseland shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

§30-1010 Ongoing collection of fees

1. The ability for Borough of Roseland to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless Borough of Roseland has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance. If Borough of Roseland fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Roseland shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance and repose, nor shall the Borough of Roseland retroactively impose a development fee on such a development. The Borough of Roseland shall not expend development fees after the expiration of judgment of compliance and repose.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Roseland, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Municipal Code of the Borough of Roseland are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Essex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Roseland for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 6. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Essex County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

regulation as to these specific subjects and matters consistent with the Affordable Housing obligations and implementation of same for the Borough of Roseland in the best interest of the Borough as to the matters listed therein.

CONCLUSIONS

1. The Planning Board following its review and discussion now finds and concludes that proposed Ordinance No. 17-2020 to amend Section 30, Article X "Mandatory Development Fees (COAH)" and replace with "Mandatory Affordable Housing Development Fees", to now amend the Borough's Land Use Ordinances does not contain any provisions in the proposed revisions and amendments that would be inconsistent with the Master Plan for the Borough of Roseland. Further this proposed Ordinance is specifically determined by this Planning Board to be fully consistent with the Master Plan and is therefore appropriately approved by this Board and recommended for further action to the Governing Body for the Borough of Roseland.

NOW, THEREFORE, based upon all of the above, the Planning Board for the Borough of Roseland hereby recommends to the Mayor and Council for the Borough of Roseland and supplies its report herein pursuant to N.J.S.A. 40:55-26 that proposed Ordinance No. 17-2020 to repeal Article X, Section 30 "Mandatory Development Fees (COAH)" and replace with "Mandatory Affordable Housing Development Fees", to become part of the Land Development Ordinances for the Borough of Roseland, being presented to, discussed by, and now favorably approved by this Planning Board with the recommendation of the Board to Mayor and Council that the proposed Ordinance now be enacted as it being determined by the Planning Board for the Borough of Roseland that said Ordinance would be appropriate for adoption as being fully consistent with the Master Plan for the Borough of Roseland.

The undersigned Secretary of the Borough of Roseland Planning Board hereby certifies that the within Resolution and Memorialization was adopted by the Planning Board for the Borough of Roseland pursuant to N.J.S.A. 40:55D-10(g) at its meeting of August 17, 2020.

VOTE ON RESOLUTION

On motion of: Jack A. Gordon, Esq.

Seconded by: Joe LaMonica

The vote on the Resolution was as follows:

AYES: Louis Lasalle, Chairman, Michael Oliveira,
Richard Reynolds, Jack A. Gordon, Esq., Joe
LaMonica, Manny Oliveira, Joseph Rolli

NAYS: None

ABSENT: Recuse:
Councilwoman Eileen Fishman
Mayor James Spango

Adopted and Approved
August 17, 2020
ROSELAND PLANNING BOARD



LOUIS LASALLE, Chairman



DANIEL BLOCH, Acting Secretary

Dated: August 17, 2020
Prepared by: Vincent K. Loughlin, Esq.

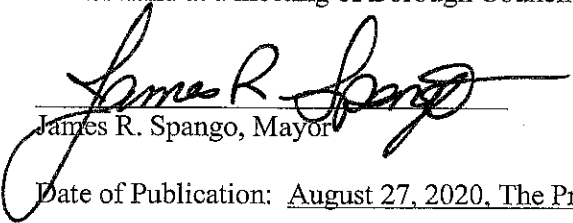
DATE OF INTRODUCTION: July 21, 2020

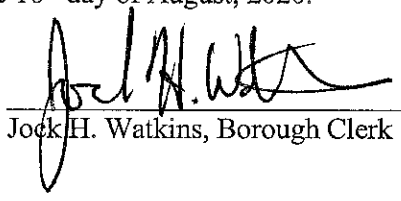
Motion to Introduce by: Councilman Bardi
Motion Seconded by: Councilwoman Perrotti
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: August 18, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilwoman Fishman			X				
Councilman Freda			X				
Councilwoman Perrotti	X		X				
Councilwoman Tolli			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 18th day of August, 2020.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: August 27, 2020, The Progress

MEMORIALIZING RESOLUTION OF THE ROSELAND PLANNING BOARD

**RESOLUTION CONFIRMING REVIEW AND RECOMMENDATION
TO MAYOR AND COUNCIL REGARDING ORDINANCE NO. 17-2020
ORDINANCE AMENDING THE LAND MANAGEMENT ORDINANCE CONCERNING
THE COLLECTION OF AFFORDABLE HOUSING DEVELOPMENT FEES TO
COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS**

HEARING: AUGUST 17, 2020

MEMORIALIZED: AUGUST 17, 2020

WHEREAS, at the regularly scheduled meeting of the Planning Board for the Borough of Roseland on August 17, 2020 which was a virtual meeting of the Board conducted in accordance with current State regulations and requirements regarding same, at which time a quorum of the Board was present to hear and consider this matter, and an opportunity was afforded to members of the public and/or interested persons or parties to be heard regarding same, and a verbatim record of these proceedings was maintained, the Planning Board for the Borough of Roseland acknowledged receipt of a request for review and recommendations as to proposed Ordinance No. 17-2020 from the Mayor and Borough Council; and

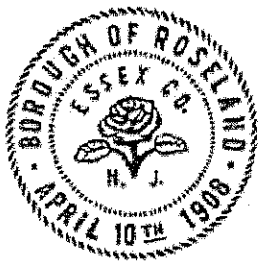
WHEREAS, as a result of the Board's hearing and the related proceedings regarding the matter described herein, the Board now finds and determines as follows:

FINDINGS

1. The Planning Board acknowledged a request from Mayor and Council for the Borough of Roseland for the Planning Board to review, consider, and discuss proposed Ordinance No. 17-2020 which would repeal Article X, Section 30 "Mandatory Development Fees (COAH)" and replace with "Mandatory Affordable Housing Development Fees" to comply with current State Affordable Housing regulations in accordance with the form of the proposed Ordinance submitted to the Planning Board for consideration; and

2. The Board discussed the proposed Ordinance with Ms. Shirley Bishop, the Borough Planning Consultant, after she had reviewed with the Board the specifics of the proposed Ordinance and the purposes for same; and

3. The Board following its review and discussion recognized and agreed that the proposed Ordinance as presented, which would amend the Borough's Land Use Ordinances to require an Affordable Housing mandatory set-aside requirement, as presented is necessary and appropriate for the better management and



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: 7019-1640-0000-9930-5815

July 24, 2020

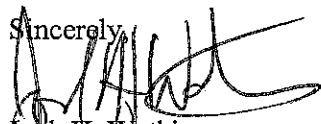
Mr. David Antonio, P.P., AICP
Essex County Planning Board
900 Bloomfield Avenue
Verona, NJ 07044

RE: Ordinance No. 17-2020
Ordinance No. 18-2020
Ordinance No. 19-2020
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 July 21, 2020. The Council will conduct a public hearing via teleconference and consider final passage of the ordinance(s) during its regular meeting scheduled for August 18, 2020 at 6:30 PM. The public is invited to join the Roseland teleconference Council Meeting via computer by logging in to: HTTPS://ZOOM.US/J/93530484582 or via telephone by calling +1 646-558-8656, Webinar ID: 935 3048 4582.

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. 7019-1640-0000-9930-5839
Certified Mail No. 7019-1640-0000-9930-5822
Certified Mail No. 7019-1640-0000-9930-5792
Certified Mail No. 7019-1640-0000-9930-5808
Certified Mail No. 7019-1640-0000-9930-5846

7019 1640 0000 9930 5815

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Verona, NJ 07044

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.40

Total Postage and Fees \$8.80

Se Mr. David Antonio, P.P., AICP

Essex County Planning Board

900 Bloomfield Avenue

Verona, NJ 07044

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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East Hanover, NJ 07936

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.40

Total Postage and Fees \$8.80

Se Ms. Paula A. Massaro, Clerk

Township of East Hanover

411 Ridgedale Avenue

East Hanover, NJ 07936

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Livingston, NJ 07039

OFFICIAL USE

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.20

Total Postage and Fees \$8.60

Se Mr. Glenn R. Turteltaub, Clerk

Township of Livingston

357 South Livingston Avenue

Livingston, NJ 07039

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0000 9930 5792

7019 1640 0000 9930 5835

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT *Joek*
Domestic Mail Only
For delivery information, visit our website at www.usps.com

Essex Fells, NJ 07021

OFFICIAL USE

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.40

Total Postage and Fees \$8.80

Se Ms. Francine T. Paserchia, Clerk

Borough of Essex Fells

255 Roseland Avenue

Essex Fells, NJ 07021

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0000 9930 5845

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT *Joek*
Domestic Mail Only
For delivery information, visit our website at www.usps.com

West Orange, NJ 07052

OFFICIAL USE

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.40

Total Postage and Fees \$8.80

Se Ms. Karen J. Carnevale, Clerk

Township of West Orange

66 Main Street, Room 101

West Orange, NJ 07052

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 1640 0000 9930 5808

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT *Joek*
Domestic Mail Only
For delivery information, visit our website at www.usps.com

Caldwell, NJ 07006

OFFICIAL USE

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85
☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.40

Total Postage and Fees \$8.80

Se Ms. Mary Donovan, Clerk

Township of West Caldwell

30 Clinton Road

West Caldwell, NJ 07006

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: 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 back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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



9590 9402 5760 0003 0981 56

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5815

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: 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 back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ms. Karen J. Carnevale, Clerk
Township of West Orange
66 Main Street, Room 101
West Orange, NJ 07052



9590 9402 5760 0003 0991 84

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5846

Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

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

- 3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
- Collect on Delivery Restricted Delivery

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5815

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

Ms. Karen J. Carnevale, Clerk
Township of West Orange
66 Main Street, Room 101
West Orange, NJ 07052

- 3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
- Collect on Delivery Restricted Delivery

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5846

Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: 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 back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Mary Donovan, Clerk
Township of West Caldwell
30 Clinton Road
West Caldwell, NJ 07006



9590 9402 5760 0003 0992 14

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5808

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: 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 back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ms. Francine T. Paserchia, Clerk
Borough of Essex Fells
255 Fosseland Avenue
Essex Fells, NJ 07021



9590 9402 5760 0003 0995 66

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5839

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

Ms. Mary Donovan, Clerk
Township of West Caldwell
30 Clinton Road
West Caldwell, NJ 07006

- 3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
- Collect on Delivery Restricted Delivery

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5808

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

Ms. Francine T. Paserchia, Clerk
Borough of Essex Fells
255 Fosseland Avenue
Essex Fells, NJ 07021

- 3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
- Collect on Delivery Restricted Delivery

2. Article Number (Transfer from service label)

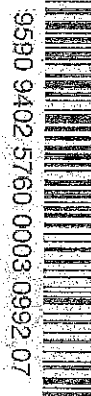
7019 1640 0000 9930 5839

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

1. 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.
1. Article Addressed to:

Mr. Glenn R. Turteltaub, Clerk
Township of Livingston
357 South Livingston Avenue
Livingston, NJ 07039



9590 9402 5760 0003 0992 07

2. Article Number (Transfer from service label)

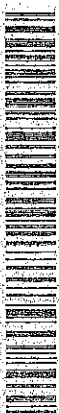
7019 1640 0000 9930 5792

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: 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 back of the mailpiece, or on the front if space permits.
1. Article Addressed to:

Ms. Paula A. Massaro, Clerk
Township of East Hanover
411 Ridgedale Avenue
East Hanover, NJ 07936



9590 9402 5760 0003 0995 59

2. Article Number (Transfer from service label)

7019 1640 0000 9930 5822

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
- B. Received By (Printed Name) ☐ C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail™
- ☐ Certified Mail® ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
- ☐ Collect on Delivery ☐ Signature Confirmation™
- ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
- ☐ Insured Mail ☐ Signature Confirmation Restricted Delivery
- ☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail™
- ☐ Certified Mail® ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise
- ☐ Collect on Delivery ☐ Signature Confirmation™
- ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery
- ☐ Insured Mail ☐ Signature Confirmation Restricted Delivery
- ☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt