

ORDINANCE NO. 21-2020

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

**AN ORDINANCE OF THE BOROUGH OF ROSELAND
AMENDING CHAPTER 30 OF THE CODE OF THE
BOROUGH OF ROSELAND, ENTITLED "ROSELAND
BOROUGH LAND DEVELOPMENT ORDINANCE" BY
AMENDING VARIOUS SECTIONS OF SAME TO CREATE
THE MU/AH MIXED USE AFFORDABLE HOUSING
OVERLAY 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, and the Borough's Housing Element and Fair Share Plan, by adding a new section 30-404.13 to establish the requirements of a new zoning district referred to as MU/AH Mixed Use Affordable Housing Overlay District.

SECTION 2: NEW SECTION: §30-404.13.

Article IV of Chapter XXX the Code of the Borough of Roseland is hereby amended to add Section 30-404.13, as follows:

§30-404.13 MU/AH Mixed Use Affordable Housing Overlay Zone

- a. Permitted Conditional Uses. Properties in the MU/AH District may be developed or redeveloped for mixed use development, subject to the following requirements and limitations:
 1. In the MU/AH Mixed Use Affordable Housing Overlay Zone, properties may be developed or redeveloped with mixed use development consisting of commercial uses as permitted in the underlying zone district with two additional stories of multi-family residential dwellings.
 2. The maximum density shall be fifteen (15) housing units per acre.
 3. Not less than twenty (20) percent of the housing units on each property shall be designated for occupancy by very low, low- and moderate-income households.

4. The units designated for very low, low- and moderate-income housing units shall be interspersed with market rate units. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the UHAC, applicable COAH affordable housing regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws.
5. Mixed-Use development shall comply with the bulk requirements applicable to the underlying B-1 Zone District.
6. The maximum permitted building height shall be three (3) stories / forty-five (45) feet.
7. Adequate off-street parking shall be provided on site in accordance with Section 30-520. Alternatively, parking which cannot be accommodated on-site may meet the requirement by providing the required spaces off-site, but within one thousand (1,000) feet of the proposed use, in a lot owned or leased by the developer of the proposed use.

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 and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Borough Clerk.

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.

DATE OF INTRODUCTION: August 18, 2020

Motion to Introduce by: Councilman Trillo

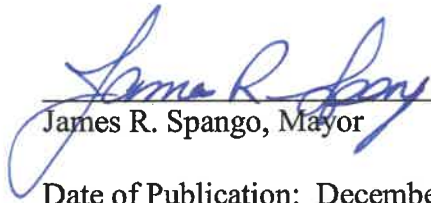
Motion Seconded by: Councilman Bardi

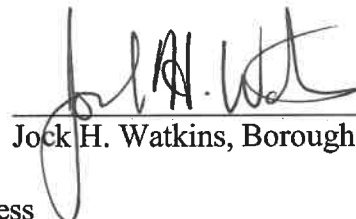
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: October 20, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman		X	X				
Councilman Freda			X				
Councilwoman Perrotti			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 20th day of October, 2020.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: December 3, 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: 7014-1820-0000-6423-4873

July 24, 2020

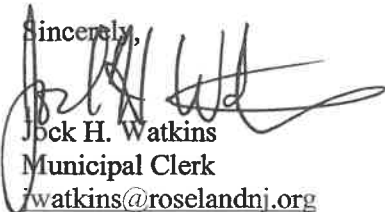
Mr. David Antonio, P.P., AICP
Essex County Planning Board
900 Bloomfield Avenue
Verona, NJ 07044

RE: Ordinance No. 21-2020
Amend and Supplement Borough Code
Chapter 30, Land Development

Dear Mr. Antonio:

Pursuant to N.J.S.A. 40:55D-15, enclosed is a copy of the above referenced ordinance that was introduced by the Borough Council at a meeting held August 18, 2020. The Council will conduct a public hearing via teleconference and consider final passage of the ordinance during its regular meeting scheduled for October 20, 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](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

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. 7014-1820-0000-6423-4866

Certified Mail No. 7014-1820-0000-6423-2718

Certified Mail No. 7020-1290-0000-4098-8307

Certified Mail No. 7020-1290-0000-4098-8314

Certified Mail No. 7020-1290-0000-4098-9366

7014 1820 0000 6423 4873

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com.

Version 1.0, JUN 14 2014 **OFFICIAL USE**

Postage	\$3.55	0286
Certified Fee	\$2.85	02
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.95	08/25/2020

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

PS Form 3800, July 2014 See Reverse for Instructions

7014 1820 0000 6423 2718

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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East Hanover, NJ 07936 **OFFICIAL USE**

Postage	\$3.55	0286
Certified Fee	\$2.85	02
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.95	08/25/2020

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

PS Form 3800, July 2014 See Reverse for Instructions

7020 1290 0000 4098 8314

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com.

Colt, NJ 07006 **OFFICIAL USE**

Certified Mail Fee	\$3.55	0286
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	08/25/2020
Total Postage and Fees	\$6.95	

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

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

7014 1820 0000 6423 4866

U.S. Postal Service
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For delivery information, visit our website at www.usps.com.

Essex, NJ 07021 **OFFICIAL USE**

Postage	\$3.55	0286
Certified Fee	\$2.85	02
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.95	08/25/2020

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

PS Form 3800, July 2014 See Reverse for Instructions

7020 1290 0000 4098 8307

U.S. Postal Service
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Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Livingston, NJ 07039 **OFFICIAL USE**

Certified Mail Fee	\$3.55	0286
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	08/25/2020
Total Postage and Fees	\$6.95	

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

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

7020 1290 0000 4098 9366

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

West Orange, NJ 07052 **OFFICIAL USE**

Certified Mail Fee	\$3.55	0286
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	02
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	08/25/2020
Total Postage and Fees	\$6.95	

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

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 0992 21

2. Article Number (Transfer from service label)

7014 1820 0000 6423 4873

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature 
B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Insured Mail (over \$500)

Domestic Return Receipt

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. Francine T. Pasarchia, Clerk
Borough of Essex Fells
255 Roseland Avenue
Essex Fells, NJ 07021




9590 9402 5172 9122 0446 49

2. Article Number (Transfer from service label)

7014 1820 0000 6423 4856

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature 
B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Insured Mail (over \$500)

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature 
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If YES, enter delivery address below: ☐ No

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☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
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☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Insured Mail (over \$500)

Domestic Return Receipt

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☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
Insured Mail (over \$500)

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



9590 9402 5760 0003 0992 45

2. Article Number (Transfer from service label)

7020 1290 0000 0058 7856

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