

BOROUGH OF ROSELAND LAND USE PLAN AMENDMENT

1.0 Introduction

The Planning Board of the Borough of Roseland conducted a Periodic Master Plan Reexamination and Land Use Plan Amendment that was adopted on December 6, 2010. That exercise addressed the requirements of the Municipal Land Use Law as found in N.J.S.A. 40:55D-89. The Reexamination Report included two specific revisions to the Land Use Element of the Master Plan. The report also included the following recommendation:

The Borough needs to monitor the aftermath of the current recession before determining if any significant revisions are needed to the Borough Master Plan and Development Regulations. Any needed revisions are more likely to be apparent once a new economic order has been established post recession.

While it can be argued whether the state or the nation has fully exited from the recession or are experiencing a second recession, the Planning Board has determined that certain additional changes to the Land Use Element are appropriate at this time. Now is the time to establish appropriate land uses that will be ready for future development that is desired by the community. Therefore this Land Use Plan Amendment has been undertaken to address specific land use issues in two separate areas of the Borough.

2.0 Multi-family Housing in the RM Zone

Existing Conditions

The RM Research/Manufacturing Zone is primarily intended for research laboratories and light industrial operations. Specifically the following are principal permitted uses in the zone as identified in Section 30-404.5 of the Land Development Ordinance:

1. *Research laboratories.*
2. *Limited manufacturing, assembly and light industrial operations.*
3. *Clubs, lodges, and fraternal, civic and charitable organizations, as regulated in the OB-3 Zone District.*
4. *Offices for professional or business use, including executive, engineering, accounting, statistical and financial purposes, provided that such office use(s) shall be limited to a maximum of twenty (20%) percent of the total floor area of a building(s) on a site and shall not exceed a total of twenty-five thousand (25,000) square feet. Such calculations shall exclude office space ancillary to a research or manufacturing use; however, such ancillary office space shall not exceed twenty (20%) percent of the gross floor area of the research or manufacturing use.*

5. *Child care centers.*

In addition to the permitted uses, a number of conditional uses are permitted in the zone. They include self-storage facilities, public and private trade schools, municipal uses, recreational facilities, neighborhood shopping centers, Board of Education uses, public utility facilities, public garages and gasoline service stations, wireless telecommunications antennas, shopping centers and age restricted multi-family housing.

Some of the conditional use standards for age-restricted multi-family housing include a minimum tract size of twelve (12) acres and direct primary access from a local road only. Additionally the maximum density permitted is not to exceed six (6) dwelling units per acre. The ordinance also requires that this type of development shall directly abut an R-6 Zone.

Block 32, Lot 13, otherwise identified as 55 Locust Avenue is in the RM Zone, abuts the R-6 Zone and meets the conditional use requirements for age-restricted multi-family housing. It is identified on the Borough's tax maps as having 14.05 acres to the centerline of Locust Avenue and a net area of 13.628 acres to the side line of Locust Avenue. It abuts the existing Nob Hill multi-family residential development to the west, which is in the R-6 Zone, a Public Service Electric and Gas Company right of way with overhead electric transmission lines immediately to the north and undeveloped woodlands owned by Essex County in the C Conservation Zone to the east and south. A self storage facility is located to the north of the PSE&G right of way.

The subject property formerly housed a warehouse facility for Annin Flag Company. The building has been removed and the disturbed site has some evidence of the previous use with remnants of driveways and parking areas. The property received approval for 82 units of age-restricted multi-family housing.

Recommended Modifications

In 2009 the New Jersey Legislature recognized that there has been an oversupply of age-restricted housing approvals. Many age-restricted projects throughout the State have gone undeveloped or have been unable to sell or lease due to the declining market for those types of dwelling units. The Legislature passed C.45:22A-46.3 et. al. in recognition of this oversupply and the need for work force housing affordable to New Jersey families.

The Borough of Roseland additionally recognizes the declining demand for age-restricted housing as evidenced by the lack of prosecution of the approval of the 82 units on Block 32, Lot 13. This is an important property within the Borough as one of the few larger parcels that is available for development. Given the current economic conditions in the State and the Nation it is not in the best interest of the community that this property remains undeveloped. Therefore this Land Use Plan Amendment proposes the following recommendation for changes to conditional uses in the RM Zone.

It is recommended that the Land Development Ordinance be amended to modify Section 30-405.9 to permit non-age-restricted multi-family housing as a conditional use in the RM Zone.

While many of the current conditional use standards, such as the minimum tract size of twelve (12) acres and the proximity to multi-family development in the R-6 Zone will remain as currently established some significant changes are recommended. Those recommended changes to the conditional use standards are as follows:

- No age restrictions.
- A density not to exceed ten (10) dwelling units per acre.
- The number of units in a building not to exceed eight (8) except for any affordable housing which would permit a greater number of units per building.

Therefore multi-family development will continue to be a permitted conditional use in the RM Zone, although without any mandatory age restrictions. Other details and design standards for the potential development in this zone should be provided in the ordinance to be adopted by the Borough.

In December 2008, the Borough submitted its Housing Element and Fair Share Plan to the Council on Affordable Housing (COAH). Redevelopment of the subject property was not anticipated in that plan and therefore was not included. That plan included a vacant land adjustment and had provisions that satisfied the reduced third round obligations.

The future affordable housing obligations of the Borough are uncertain at this time given recent court decisions and potential legislative actions. Therefore a change of land use designation and the elimination of age restrictions with an increase in the density as a conditional use in the RM Zone should be accompanied with a set-aside of low and moderate income housing in order not to burden the Borough with any future obligations generated from this development. The developer may also be given the opportunity to employ a payment in lieu of construction alternative. These Land Use Plan amendments will also require amendments to the Borough's Housing Element and Fair Share Plan.

3.0 Block 30.01, Lots 4, 5, 6, 7 & 8

Existing Conditions

The subject properties are currently located within the R-2 Zone in which single-family detached dwellings are the principal permitted use. The properties front on Eagle Rock Avenue and are bordered on the south, east and west by OB-2 Office Building Zone. To the north, across Eagle Rock Avenue the land is zoned AH-1/R-7 and is developed for multi-family housing.

These properties were addressed in the 2010 Master Plan Reexamination Report and at that time adjacent Lot 3 was recommended to be rezoned from R-2 to OB-2, which was in fact rezoned on December 28, 2010. The properties were also discussed in the 1982 Master Plan Revision and the 1988 Reexamination Report. Residential uses have been abandoned on these lots over the years and continued residential use of the properties has become less desirable and less appropriate. As noted in the 2010 Reexamination Report Shelbourne Healthcare

Development Group LLC applied in June 2010 to the Zoning Board of Adjustment for use variance approval to permit the construction of an 85 unit assisted living facility on four of the five lots. The fifth lot was to be used for an emergency access driveway for the ADP property. That application was approved by the Zoning Board.

Recommended Modification

This Land Use Plan Update recommends that Lots 4, 5, 6, 7 & 8 on Block 30.01 be rezoned from R-2 to OB-2 in order to be consistent with the current zoning of the adjacent properties. This recommendation is also consistent with the previous recommendation of 2010 Master Plan Reexamination and Land Use Plan Amendment.

4.0 Relationship to Adjacent Municipalities

The 2010 Reexamination Report included a statement of the relationship of the Borough's Master Plan to those of adjacent communities. The properties that are the subject of this Land Use Plan Element Amendment are most proximate to the Township of Livingston. These properties do not abut that community and are buffered from the single-family residential land use in Livingston by a substantial distance. Therefore the proposed land use changes in this report will have minimal impact on any adjacent communities.

