
**BOROUGH OF ROSELAND
MASTER PLAN**

REEXAMINATION REPORT

2000 UPDATE

Prepared for the Roseland Borough Planning Board

Prepared by:
Carolyn B. Neighbor, PP

SCHOOR DEPALMA INC.
Phillipsburg, New Jersey

The original of this report was signed and sealed
in accordance with NJSA 45:14-12

Carolyn B. Neighbor, PP #3049

April 26, 2000
Revised May 16, 2000

TABLE OF CONTENTS

INTRODUCTION	1
I. <u>THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT</u>	3
II. <u>THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE CHANGED</u>	4
III. <u>SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES</u>	6
IV. <u>RECOMMENDATIONS</u>	11
V. <u>REDEVELOPMENT PLAN</u>	18
VI. <u>PROPOSED AMENDMENTS</u>	19

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 1 of 28

BOROUGH OF ROSELAND

~~RE~~EXAMINATION OF MUNICIPAL PLANS AND REGULATIONS

Pursuant to:

CHAPTER 291, LAWS OF NEW JERSEY 1975

INTRODUCTION

The New Jersey Municipal Land Use Law (MLUL, Chapter 291, Laws of New Jersey 1975) requires that municipalities reexamine their Master Plan and development regulations periodically, to ascertain whether or not these documents are still valid tools for guiding and implementing the growth and development of the Municipality. The Borough last reexamined its Master Plan, in accordance with the requirements of the MLUL, in 1994.

Roseland Planning Board originally adopted a Master Plan for the Borough in 1962. Its Plan was revised in 1978 to comply with the requirements of the newly adopted Municipal Land Use Law. The Master Plan was reviewed and again revised in 1982, with minor amendments to the Land Use Element and a new Energy Conservation Plan. The 1988 Reexamination Report recommended a number of changes to the Master Plan that were subsequently adopted. They included a new set of Goals and Objectives for the Master Plan, a revised Housing Element, a Stormwater Management Plan and a Recycling Plan. Changes were also recommended for the new Land Development Ordinance which was awaiting adoption. These included adding recycling requirements, stormwater management and affordable housing amendments, references to NJDEP wetlands regulations and a second business zone.

The Master Plan and Land Development Ordinance, adopted in 1990, were reviewed last in 1994, at the end of a real estate development lull which started in the late 1980's. Little had changed since the last reexamination; and no changes were recommended at that time.

Since the last reexamination in 1994, the economy has improved; and building pressures are again affecting the Borough. The reexamination process provides a good framework within which to review these present and anticipated changes and their impact on local land use and future development of the Borough.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 2 of 28

Specifically, the MLUL (NJSA 40:55D-89) requires the Planning Board to look at:

- a. The major problems and objectives relating to land development in the Municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and Municipal policies and objectives.
- d. The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies, and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," (P.L. 1992, c. 79) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The responses to items a, b and c provide the background information necessary for the Board to determine whether the present Master Plan and zoning are adequate to control and direct future growth; or whether changes are needed to these planning documents to ensure the orderly future development of the Township. The three items are addressed in Sections I, II and III below. Section IV addresses the conclusions and recommendations; and Section V deals with redevelopment plans, and is only necessary if the municipality is involved in such.

I. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT

The first section of the reexamination report requires a statement of the "major problems and objectives relating to land development in the Municipality at the time of the adoption of the last reexamination report."

Of major concern in the 1994 Reexamination Report were three issues. The first dealt with the impact of the three affordable housing projects, in various stages of approval, construction, and completion. By 1994, one project (Bellemead with 179 units) had been completed; one (Essex Glen with 98 units) was ready for construction; and one (Winchester with 274 units) was in the approval process. These three projects, on the last three large vacant residential tracts, represented the most significant residential development the Borough has had in decades and the last large-scale residential development possible for the town.

The influx of such a large number of new residents raised a number of concerns related to the ability of an established, stable community to absorb and service the newcomers. Principal among the concerns were issues of increased traffic congestion, infrastructure problems and a general strain on the municipality's ability to provide for the additional needs of the new residents.

The second major concern dealt with the need and desire to encourage additional non-residential development to provide services and shopping for the both the new residents and the day-time population of the Borough's offices. Local businesses were primarily located in the downtown business district, which lacked the space for expansion, either for new businesses or for the sorely needed parking. Efforts to alleviate downtown congestion were not fairing well; and efforts to establish additional shopping opportunities along Eisenhower Parkway were stalled.

The third dealt with changing land use needs. Because of the limited number of vacant, developable parcels, considerable concern was generated related to the appropriate development of the remaining vacant land; the adequacy of the infrastructure to accommodate both the proposed and potential development; and the need to protect the Borough's remaining natural and community resources.

These concerns have been reflected throughout the past reexamination reports. As the Borough moves closer to full development, the use of the remaining vacant parcels becomes a major issue. And the growing overuse of already developed areas becomes a more critical concern. The slow real estate market and lack of development activity between the last two reexaminations had done little to relieve the concern of the Borough about these issues.

II. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE CHANGED

Section II must address the "extent to which such problems and objectives have been reduced or have increased subsequent" to the last master plan or reexamination.

The upturn in the economy and particularly in the real estate market has resulted in continuing growth pressure in the Borough, despite its limited available land. The second affordable housing project has been completed; and, after failed litigation attempting to limit particularly the traffic impacts of the project, the third is nearing construction. Several of the remaining, smaller residential tracts are now being subdivided, to the extent possible, for new houses.

New construction, however, is not sufficient to satisfy the demand for housing in Roseland. And new trends are appearing. Existing homes, owned by long-term residents at the end of their family cycle, are being bought by families still in the child-rearing stages. This changing demographic trend is putting a strain on the schools, community, recreation and park facilities, as these new residents have reversed the prior decline in population. Often these homes are then being remodeled and expanded; and because of the small lot sizes, this frequently requires setback variances and creates a more crowded appearance in the neighborhood.

The impacts associated with such growth within, and surrounding, the Borough continue to aggravate long standing problems in town, including traffic, parking, limited shopping and services, infrastructure and drainage. And the local growth is creating new needs, for more recreation and open space, for community services and facilities and for improved infrastructure.

Commercial development to service the expanded population has increased somewhat with the redevelopment of the Rodgers and Sheldon tract to add a strip mall to the existing lumberyard. However, the shopping center planned for the intersection of Eisenhower and Eagle Rock has not materialized and does not appear likely in the near future.

Efforts to expand parking in the downtown area have had little or no effect on increasing the number of spaces available. And the very high parking needs of certain types of downtown businesses have periodically exacerbated the situation.

Traffic problems have increased, with the increase in traffic on the Borough streets. New local and regionally generated traffic has aggravated existing problems; and most of the obvious and easy improvements to traffic flow have already been done. Short of the completion of Eisenhower Parkway, there are few good solutions to the present and ever-increasing congestion within the Borough.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 5 of 28

Unfortunately, the spillover of the excessive traffic is adversely impacting local residential neighborhoods, as drivers seek alternative routes through these areas in an attempt to avoid local bottlenecks. Possible traffic calming devices are currently being explored for these areas.

Water availability continues to be a problem. Because of a supply problem, aggravated by drought, Roseland was subjected to water restrictions in the summer of 1999, before such restrictions became wide spread. Essex Fells, despite its claims to the contrary, has been unable to provide the additional capacity needed by the Borough as part of its service contract. NJDEP has indicated that there is a "serious water shortage" within the Essex Fells system, to the point that service had been denied to Winchester until improvements are made or another source of supply is found. The Borough is currently exploring such alternate service, either to replace Essex Fells when the current contract expires in 2006 or to provide an additional supplier to supplement Essex Fells water.

The sanitary system continues to have I & I (infiltration and inflow) problems system-wide. An I & I study has been done for the entire system and recommendations made for remediation; however, such improvements are costly. The Council is currently reviewing methods of funding and staging the reconstruction to minimize the impact on the local budget.

Prior study of the problems at the main pump station show that the equipment is undersized for the current and projected volumes. Whetstone has agreed to pay for the improvements as an off-tract assessment as part of their development, however since it will use only a portion of the increased capacity, the developer will be reimbursed for the excess capacity as additional users come on-line. This upgrade to the pumping station has been designed and is being permitted. Once completed, it should alleviate the existing problems and provide sufficient capacity for proposed new development in the Borough.

Drainage problems have been aggravated as new development both inside and out side of the Borough has increased. Several of the streams running through the Borough need erosion protection as a result of the increasing flows, particularly during storms. This protection is currently left to the homeowners along the stream corridors; however, more effective future remediation may be needed.

Substantial flooding occurs in the Crest area drainage system, at the eastern end of town, primarily because of development and lack of adequate storm water management in communities to the east of Roseland. This results in periodic flooding of the residential neighborhood to the west of Laurel Avenue and to increased I & I in the sewer system in that area.

As open areas become scarcer and the strain of community resources both natural and built continues, the Borough has grown increasingly concerned about how and if the remaining land should be developed.

III. SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

Section III must address the "extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County, and Municipal policies and objectives."

1. Density and Distribution of Population and Land Uses

Roseland is undergoing two significant changes in demographics. The first is typically found in stable communities with a fairly homogeneous population and in single-family developments of a certain age. Households age in place. Families with school-aged children become empty-nester homes as the children grow up and move out. The population of the community stabilizes or perhaps even declines; as does the school population. Then, as the empty-nesters age, they begin to move to other, more convenient or necessary housing options, making way for new residents, often at the beginning of the family cycle.

The result of this trend is an increase in population and the number of school children, even without any new construction, such as the Borough has been experiencing in the recent past. The recycling of single-family homes often also results in a secondary trend affecting land use. Because of the age of the local house stock, it does not meet current expectations as to size, amenities and life styles. The result is the now common practice of renovating and improving the existing housing stock, to add the "family" room, additional bathrooms and other features found in new homes and desired in the older units. The added square footage needed to do this, in areas where the lot sizes are already small, has resulted in an increasing perception of crowding in local neighborhoods and the need to control this perceived over-development.

The second demographic trend results from a change in the type of housing being constructed in the more developed areas. Until recently, residential development in the Borough has been predominantly single family. New housing has been predominantly multifamily, which combined with the several older multifamily units substantially increases the percentage of households living in such units in the Borough. These households have a different demographic profile from single-family households, with different needs and desires for community services, recreation and other activities.

The result of this trend is an increase in small households, generally professionals without children or empty-nesters, with fewer ties to traditional community activities (which tend to be child-oriented).

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 7 of 28

Over the next six-year cycle, with the completion of the affordable housing projects, these trends will continue in the Borough. The combination of the two contradictory shifts tends to offset basic changes to the demographic profile of the Borough. Smaller households in the multifamily units will counter the increase in household size resulting from the turnover of the single-family homes. While younger families will be moving into the existing single-family units, older residents will find the multifamily units attractive, dampening the change in the average age of the population. However it is clear that both the total population and the number of school children will increase, as will the percentage of multifamily units within the Borough. And, these changes in demographics will have a number of implications for land use within the Borough.

The increase in the younger, more active population and a decline in private yard space make public recreation areas critically more important to insure that there will be adequate land area for future active recreation needs. Increasing emphasis on children's organized sports programs will enhance the need for appropriate playing fields; while the active adults in the multifamily units will need both passive and active recreation opportunities not found within their developments, but expected within the community.

Demands for other types of recreation and leisure time activities will increase, as will the demand for more convenient services and shopping, putting pressure on the Borough's business areas to supply these new needs. In addition, new land uses, such as cell towers, require consideration of the appropriate locations for such uses within the Borough.

Uses within the Manufacturing Zone are beginning to change as Roseland's industrial base changes. Older manufacturing companies are closing or relocating, to be replaced with lighter manufacturing or office uses. The large industrial buildings are being retrofitted for these new uses; and as this happens, the Borough has an opportunity to create an industrial/office zone more in keeping with the developed and residential nature of the area.

2. Housing Conditions

Housing stock in the Borough has remained in good condition. The Borough has retained its desirability as a residential community; and the demand for local housing has ensured its continued quality. However, it has had a side effect that has begun to create problems within the Borough.

Because of the age of the housing stock, existing homes in the Borough may lack the space and amenities found in newer homes and sought by new owners. Since new homes, with these amenities in place, are not widely available, new owners are creating these amenities by renovating and enlarging the existing housing stock. This results in larger homes on the small lot sizes generally found in the community. Such expansions may require variances, for setbacks or coverage, and result in a feeling of higher density, even with the same number of dwellings. In any case, they necessitate a

review of the scale of development to be allowed in residential zones and of the other, non-residential uses allowed that might increase the feeling of density in an area.

3. Circulation

Unfortunately, there have been no changes in the policies related to regional traffic problems that require comprehensive intergovernmental solutions. However, the pressure to re-address Eisenhower Parkway and its extension north to Routes 46 and/or 80 is increasing with the increase in traffic and congestion. To address at least some of the local adverse impacts of the regional traffic, the Borough has begun to look at methods such as traffic calming devices to discourage shortcutting through residential neighborhoods. Larger efforts to control or redirect traffic have not been successful.

4. Conservation of Natural Resources

With the decrease in vacant undeveloped land, conservation of the remaining natural areas has become an increasing priority within the Borough. The existing methods of preserving critical areas and reducing development impact within and adjacent to natural areas need to be reviewed and strengthened as necessary.

Of particular concern is the impact of development on the ability of the local stream corridors to handle the increase in storm water run-off. Flooding problems have developed as a result of increased upstream run-off, often from development beyond the municipal boundaries. The most critical area is the residential neighborhood west of Laurel Avenue. The stream corridor has insufficient capacity to deal with the amount of stormwater flowing to it, primarily from the Crestmont Country Club property on the east side of Laurel Avenue, which is largely in the Town of West Orange. To preserve the stream corridor and reduce the periodic inundation and flooding, the Borough needs to retrofit the area with the types of stormwater management controls presently required for new construction, but not installed when this area was developed.

The only area suitable for the construction of the needed detention facilities is the land on the east side of Laurel Avenue owned by the Golf Course and currently vacant. This area should be preserved to remediate the run-off problems originating on the golf course and impacting the down-stream property owners.

At present, two of the six wells serving the Borough are in the final stages of environmental clean-up required by past contamination. Since the water quality of the Borough's wells is critical to its ability to continue to supply adequate potable water to its residents, there is a growing concern for the protection of these wells and the ground water they draw on. This concern focuses both on the protection of the area immediately adjacent to the well sites and on the prevention of future possibilities for contamination by

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 9 of 28

controlling the types of uses allowed in the Borough and monitoring their compliance with environmental regulations.

5. Energy Conservation

There have been no changes in this area.

6. Recycling

The recycling program has continued to evolve, to meet the changing requirements of the County and State and to expand the amount and extent of materials collected.

7. State, County and Municipal Policies and Objectives.

The Office of State Planning is in the process of reexamining and revising the State Development and Redevelopment Plan. [Need information on Planning Area designation and changes, if any, proposed to PAs in Borough]

The desire to maintain and enhance the quality of the Borough's residential neighborhoods has led to extensive discussions related to both the extent of development to be allowed on residential lots and the non-residential uses to be allowed in residential zones. Current bulk standards, for setbacks and coverage, are subject to continuing requests for variances to allow often extensive additions to existing homes. At the same time, the pressure for new housing in the Borough is leading to the consolidation and resubdivision of over-size, under-utilized lots to create additional building lots by the combination of unused rear lot areas. Over-building of either an individual lot or a neighborhood can have a negative impact of the quality and desirability of that area.

Non-residential uses may also intrude into peace and enjoyment of the Borough's residential areas. Home-based businesses are expanding at an enormous rate, as a result of the rapid changes in technology and telecommunications. While many such businesses may be conducted unnoticed, with no impact on the residential quality of a neighborhood, some can be disruptive and therefore undesirable.

The State has been wrestling with this issue in the form of a series of proposed amendments to the Municipal Land Use Law, most of which do not address the serious concerns of local communities related to the potential adverse impact of allowing unrestricted home businesses in residential zones. At this time, none of the amendments have made it through the legislative review process; and the Borough has gone on record opposing any such amendment. To deal with this issue responsively, the Borough has already adopted standards for home offices, as a conditional use, with appropriate conditions to address the potential impacts of such uses.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 10 of 28

Because of the concern for neighborhood preservation, all of the non-residential uses currently allowed in residential zones as conditional uses, should be reviewed to determine if the current conditions are still appropriate or whether additional conditions are necessary to insure these uses' continued appropriateness, given the few locations still available. Of particular concern is the location of new churches and schools within established neighborhoods where the infrastructure is insufficient to handle the increased demand for service.

Changing technology and changing market forces are also affecting the Borough's Manufacturing zone. The older industries that have been the mainstay of this zone are gradually relocating elsewhere, to be replaced by other uses. This trend presents the opportunity to change the entire character of the Zone, to uses more in keeping with the Borough's fully developed character. This is particularly important since the Manufacturing zones are located on the already overburdened road network, within the heart of the Borough and in close proximity to residential uses. It also provides the opportunity to clean up sites that were subject to contamination from past uses and obsolete

The Borough Council has reviewed the requests of various telecommunications companies wishing to locate within the Borough and has determined that it is in the Borough's best interest to establish a location policy for such uses. Location priorities have been established, with municipal lands for new towers and existing buildings and structures for new antennas as the primary location choice.

As part of the review of the Master Plan, an effort was made to identify areas that would be suitable for non-conforming lot sizes. Experience over the last several years has indicated that this has been difficult to administer and that the production of the desired effect of providing the highest quality of land use is not being achieved. It is recommended that the Borough Council consider the possibility of revising the lot size requirements for non-conforming lots to better reflect the current market conditions and the needs of the community.

Finally, the Borough Council is encouraged to consider the possibility of revising the lot size requirements for non-conforming lots to better reflect the current market conditions and the needs of the community.

RECOMMENDATIONS

The fourth requirement for a reexamination report is the "specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies, and standards, or whether a new plan or regulations should be prepared."

While the Goals and Objectives of the Master Plan that were adopted with the 1988 Reexamination Report are still good guidelines for the Borough, many of the issues and problems facing the town are only tangentially related to or controlled by local land development policies. The Borough is nearly developed; and many of the problems discussed above will continue, even if there is no further new construction within the community.

A. Enlargement of Existing Structures

As land uses change and buildings age, existing sites and structures will need to be retrofitted to comply with modern needs and standards; or they may be redeveloped to replace obsolescent uses and buildings with new uses and structures. This trend has started with residential homes and on the Rogers and Sheldon tract. And it has significant zoning and land use implications, which need to be addressed, particularly related to actual or perceived over-development.

Enforcement of existing regulations is of critical importance, as is the careful review and limited granting of variances, particularly for the enlargement of uses beyond the extent allowed by ordinance. As the Borough reaches full development, requests for such expansions will increase and the problems that result from overuse must be addressed.

As part of ordinance changes made in 1993, an amendment was adopted allowing certain types of expansion for non-conforming lots without the need to go through the variance procedure. Experience over the last six years indicates that these provisions have been difficult to administer and have not produced the desired effect. Instead of providing the intended minor relief, they have actually rewarded non-conforming lots by allowing substantial expansion of the existing non-conformity without any municipal review and approval. Therefore, we recommend that the general provisions for dealing with non-conforming lots in Section 401C. be modified. (See Amendment 1 for the proposed ordinance changes.)

Elimination of this provision will allow the Board of Adjustment to review any building expansion on existing non-conforming lots to determine its impact on the lot itself and on the surrounding neighborhood.

The Reexamination Committee discussed recommending possible additional zoning controls to address the issue of over-development in the residential zones, but ultimately decided that such controls would only increase the burden on residents in legitimate need of variances. Instead, the Board strongly emphasizes the need to review any request for variances to allow the management of an existing structure to determine its impact on critical areas of concern. For example, an increase in lot coverage can have an adverse impact on the local drainage pattern, aggravating area flooding. The reduction of a side or rear yard can intrude on the privacy, use and enjoyment of the neighboring property; or a reduction in the front or side yard setbacks and an increase in the size of the front face of a building can create a feeling of over-development and crowding.

At the same time, such variances should only be allowed in strict conformance with the standards for such variances in the Municipal Land Use Law. For most bulk variances, that means that there is some unique physical characteristic of the lot or some exceptional situation unique to the property or the buildings thereon; or that the purposes of the MLUL will be advanced and that the public benefits will out-weight the detriment of granting the variance.

B. Floor Area Ratio

At the same time, the Committee discussed the Floor Area Ratio as it applies to the non-residential zones. Currently, only the Office zones (OB-1, 2, and 3) have FARs. Because most of these zones are built out at or close to the existing FAR, we do not recommend a change to the OB zones, with one exception. In the OB-1 zone on the Prudential tract north of Prudential Drive, containing Buildings 1 and 2, the FAR has been calculated on the entire Lot 2.01. Block 34, including the R-2 portion of the tract. Currently, that FAR is at 153% including the residential lands. Without this portion of the lot, the current development would exceed the allowed 18%.

To recognize the prior use of residential land to calculate non-residential density, we recommend a change to the zoning to create an R-2A zone for the use of residential land in Lot 2.01. This zone would allow the R-2A portion of the Prudential tract to be used for increased FAR on the OB-1 portion of the tract (recognizing what Prudential is already doing), in lieu of residential development in the R-2 area of the lot. (See Amendment 2 for the proposed ordinance changes.)

C. Manufacturing Zone

Because of the changes that are occurring to uses within the manufacturing zone we recommend some changes to that zone to reflect more clearly the direction the Planning Board would like those areas to go. First, we recommend a name change from manufacturing (M) to research, office and manufacturing (ROM) to shift the emphasis away from industrial uses to office and other such uses more appropriate for the developed nature of the

Borough. Second, we recommend performance standards in addition to those already included in Section 505. Third, we recommend that an FAR of 25% be added to the Zoning Schedule, since most of the uses allowed are comparable to those in the OB zones. (See Amendment 3 for the proposed ordinance changes.)

D. Passaic Avenue

Because Eisenhower Parkway has not been extended northward past I-280, traffic to and from the north uses local streets to continue their journey. As a result, Passaic Avenue has become a major traffic link between Eisenhower Parkway and communities to the north of Roseland. The heavy flow of traffic has made entering and exiting driveways and side streets extremely difficult and, at certain times, dangerous. The addition of traffic from the Winchester project will further aggravate this problem. The Report strongly recommends the rezoning of lands on Passaic Avenue to reduce the number of potential new access points and the future development impact on the road capacity.

Therefore, we recommend the creation of a new R-1 zone to replace the R-2 zone on the east side of Passaic Ave. This zone would increase the required lot size from 30,000 square feet to 45,000 square feet, with a minimum lot frontage of 125 feet and a new minimum depth requirement of 360 feet. Minimum depth requirements would also be added to the other residential zones.

(See Amendment 4 for the proposed ordinance changes.)

E. Cell Towers

As land uses change and evolve, zoning changes are needed to incorporate these changes. Cell towers are one of these new, and controversial, uses which need to be addressed. The Federal Telecommunications Act of 1996, which regulates wireless telecommunication facilities, precludes local municipalities from banning such towers altogether and requires communities to provide for "reasonable access to the airwaves." The Act does allow towns to specify areas where facilities will be allowed, and to apply regulations intended to protect the public welfare, such as setbacks, screening and buffering.

To insure that the Borough has as much control as possible over the siting and construction of telecommunication facilities, the Report recommends that an amendment to the zoning be adopted that will allow telecommunication antennas and towers in certain zones, under certain limited conditions. (See Amendment 5 for the proposed ordinance changes.)

F. Map Changes

As conditions change, the zoning designation of areas may need to be modified. In addition to the changes to the zone district requirements recommended above, the Board also recommends certain changes to the zoning map, detailed below.

1. Rezoning of the Historical Society property on Livingston Avenue (Block 30, Lot 18.01) from Office Business-2 to Conservation, to reflect its quasi-public use.
2. Rezoning of the R-3 tract south and east of the interchange of Livingston Avenue and Route 280 from R-3 to C. This property apparently has no Block or Lot numbers. It is shown as Department of Transportation property and is commonly referred to as the "bowtie" property, because of its shape. This change reflects the property's lack of access, its remoteness from the rest of the Borough and the Conservation zoning south and west of the interchange.
3. Rezoning of the Crestmont Country Club parcel (Block 55; Lot 1) from R-3 to Conservation, to reflect its current use as an integral part of the golf course operation. The lot contains a portion of one of the fairways and half of a man-made pond which is incorporated into the course layout and operation. It also contains a stream corridor and a large area of associated wetlands. Only a small portion of the lot is unencumbered uplands. Given the drainage and run-off problems generated from the golf course and adversely impacting the down hill homeowners in Roseland, this small uplands may be needed to remediate existing flooding problems originating from the upstream Country Club.

G. General Review of Zoning Ordinance

As part of the general use and review of the zoning ordinance, we have found a number of typographic errors and cross-referencing inconsistencies. For example, under the conditional use section 405B.3, churches are indicated as being allowed in all zones, except the M zone. However, in the zoning section 404F for the Conservation and Conservation-Recreation Zones, conditional uses are limited to schools, municipal uses and Board of Education uses; that is, churches are specifically excluded.

We recommend that this specific change be made to make the conditional use section consistent with the zoning section. (See Amendment 6 for the proposed ordinance changes.) We also recommend that the Land Development Ordinance be further screened for additional typographical errors and inconsistencies; and that this review be overseen by the Zoning

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 15 of 28

Officer. Further, the Ordinance should be transcribed to the Borough's computer system, updated to include all of the recent amendments and reprinted in 3-ring binder format, for ease of future use. Any corrections, other than typographical errors, would require action by the Council in the form of future ordinance amendments.

H. Non-Zoning Recommendations

As part of its reexamination, the Board also discussed a number of issues which affect land use, but do not relate to zoning directly and has the following recommendations for consideration and possible action by other municipal agencies:

1. Acquisition of open space and recreational areas

As the Borough reaches full development and infill development reduces the number of vacant parcels, serious consideration should be given to the future open space and recreational needs of the residents. While the Borough may also consider other properties, the Board strongly recommends the acquisition of two specific properties: 1) the Dockerell property, because of its central location and juxtaposition to the school, existing parklands and the Winchester development; and 2), the Morris & Erie Railway right-of-way, for use as a trail to provide access from the various neighborhoods to community facilities that abut the ROW.

2. Enforcement of Board approvals and applicable standards

Continued enforcement, particularly of Board imposed conditions, is needed to insure that development conforms to the requirements imposed by its approvals. This is especially important with regard to environmental issues, to minimize future concerns related to health and safety.

3. Environmental Clean-up

Activities within the Borough that preceded present environmental controls have created environmental problems that the Borough needs to work toward remediating; by enforcement of current standards and by whatever clean-up methods and funding are available to address the particular situation. A number of government programs now provide funding and expertise in environmental remediation; and the Borough should encourage landowners to participate in such programs where applicable.

4. Continued lobbying for the extension of Eisenhower Parkway

Without the extension of Eisenhower Parkway, it will be difficult, if not impossible, to address the traffic problems within the Borough. Continued efforts need to be made to try to persuade the County and State to finish the Parkway to a major east-west connector north of the Borough.

5. Traffic calming

To provide some interim relief to affected neighborhoods, we recommend that traffic-calming devices be used on the local streets which are currently being used as short-cut routes for through traffic.

6. Infrastructure improvements

Demand and age have taken their toll on the Borough's infrastructure. Infiltration and inflow (I & I) of storm and ground water into the sanitary sewer lines has reduced system capacity and increased treatment costs. The Borough has started a program to correct I & I problems on a neighborhood basis. This work should continue until the entire transmission system is upgraded.

The main sewer pump station at Cedar Lane is at capacity. It is proposed to be upgraded as part of the Winchester project, to accommodate the additional flows that this development will generate. The increase in capacity is essential, if the Borough is to retain the ability to handle increased flows through the sewer system.

Like the sanitary system, the water system is approaching its limit. The on-going improvements to water delivery system should be completed. However, these improvements may not be sufficient to provide a continued adequate supply of water for the Borough. It may be necessary to identify and tie into an alternate water supply to supplement the existing supply.

Flooding has been an increasing problem as areas in and around the Borough continue to develop. In addition to the problems in the Laurel Avenue area, other areas of the town are subject to periodic flooding. Both improved stormwater management and stream corridor protection are needed to help control the effects of storm run-off.

7. Continuing education

The Reexamination committee strongly recommends that the Planning Board and Board of Adjustment participate in and perhaps sponsor on-going educational programs for its members and staff to enhance their abilities to address the land use issues facing the Borough.

8. Downtown off-street parking

At the Board's May 15, 2000 meeting, there was considerable comment and discussion relative to the lack of off-street parking in the downtown business district. Recognizing the anticipated growth in new residential population and expanding nearby commercial and office development, the Board feels downtown parking problems will increase.

The Chairman and members of the Board noted that a downtown parking analysis was completed some years ago. The Board recommends that the previous parking analysis be revisited and updated as needed. It is recommended that any future parking study should seriously investigate the development of off-street municipal parking facilities to alleviate current and anticipated parking problems.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 18 of 28

AN
151
of 28

V. REDEVELOPMENT PLAN

The fifth issue to be addressed is: "the recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the 'Local Redevelopment and Housing Law,' P.L. 1992, c.79 (C. 40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality."

The Local Redevelopment and Housing Law, adopted in 1992, consolidates the various regulations related to housing redevelopment and rehabilitation into a single act. It establishes the goals, conditions and procedures for setting up a redevelopment program. It also requires substantial Planning Board involvement at both the planning and review level. Because of this mandated Board inclusion in the process, the requirements for the periodic reexamination have been expanded to incorporate a review of the need for redevelopment plans in the Borough.

The redevelopment law deals with designated redevelopment or blighted areas, not individual units in need of rehabilitation. Since the housing stock in the Borough is generally maintained and there are no designated areas in need of redevelopment, it does not appear necessary at this time to incorporate redevelopment plans into the land use element of the Master Plan or the development ordinances.

VI. PROPOSED AMENDMENTS

Amendment 1: Section 401C.

Replace the entire Section 401C. with the following:

Use of undersized lots existing prior to adoption of ordinance. Any lot existing at the time of the adoption of the ordinance (insert date) with an area, width or lot depth less than that prescribed for a lot in the zone in which such lot is located, may be used as a lot for any purpose permitted in the zone, if (1) at the time of and since the adoption of the zoning ordinance making the lot non-conforming the owner of the lot did not own adjoining property and (2) all other regulations prescribed for the zone are or can be complied with.

Amendment 2: Prudential R-2 zone

The purpose of this amendment to allow the conversion of the residential density in the R-2A zone to non-residential density in the OB-1 zone and the preservation of the R-2A zone as open space.

1. Add "R-2A" to list of zones in section 402A.
2. Add section 404A.1.f.:
404A.1.f. Open space in the R-2A in accordance with section A.8 below.
3. Add section 404A.8:
8. Conversion of Residential Density: Non-residential floor area may be substituted for residential density in the R-2A zone, subject to the requirements below:
 - a. Both the OB-1 and the R-2A areas shall be under the same ownership.
 - b. FAR on the R-2A portion shall be 18%.
 - c. The R-2A portion shall be deed restricted against any further development.

Amendment 3: Changes of the Manufacturing Zone

The purpose of these amendments is to upgrade the current manufacturing zone to reflect changes in the actual and desired uses of these areas and to mitigate the potential conflicts between these uses and the adjoining residential neighborhoods.

1. Change the name to ROM, Research, Office and Manufacturing throughout the Ordinance.
2. Change the definition of Light Industrial by adding "chemical formulation and mixing industries" to the list of prohibited uses and activities.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 20 of 28

PLAN
PORT
2000
BRLP151
21 of 28

Districts 3. Add an additional section 5. Performance Standards to read as follows:

5. Performance Standards

a. Screening, landscaping or fencing shall be provided along the property lines of the tract, adjacent to any residential zone or residential use, in accordance with Sections 403I and 516.

b. Compliance with Section 505 and all applicable State and Federal environmental regulations, including air quality, water quality, noise, radiation, hazardous waste storage, handling and disposal, site clean-up and past pollution remediation.

c. Truck arrivals and departures and unloading and loading activities on site shall be limited to weekday daytime hours, between 8:00 am and 6:00 pm. Trucks on-site overnight shall be parked in designated, approved parking areas and shall not be left running. Truck arrivals and departures should be scheduled, to the extent possible, for off-peak traffic times.

4. Add an FAR of 0.25 to the Schedule of Zone Districts at the end of Article 400.

Amendment 4: Passaic Avenue.

The purpose of this amendment is to maintain the existing capacity of Passaic and Harrison Avenues and to minimize the potential additional points of conflict along these roadways:

1. Add an R-1 Detached Single Family Residence Zone to Section 402A and R-1 to Section 404A.
2. Add R-1 bulk standards to the Schedule of Zone Districts at the end of Article 400, as follows:

Frontage:	125 feet
Width at Min. Setback Line:	140 feet
Area:	45,000 SF
Front Yard:	70 feet
Side Yard:	35 feet
Rear Yard:	100 feet
Min. Lot Depth:	360 feet
Max. Bldg. Cover:	20%
Max. Impervious:	30%
Building Height:	35 feet

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 21 of 28

PLAN

REPORT

, 2000

BRLP151

22 of 28

3. Add Minimum Lot Depths to residential zone in the Schedule of Zone Districts at the end of Article 400, as follows:

R-2, Min. Lot Depth, 145 feet

R-3, Min. Lot Depth, 125 feet

R-4, Min. Lot Depth, 105 feet

Amendment 5: Cell Towers

We recommend the following amendments to the Land Development Ordinance, to permit telecommunication antennas and towers within the Borough in certain locations and under specific circumstances.

- A. Article 200, Definitions, Section 202, should be amended to add wireless telecommunication facilities, as separate and distinct uses, different from public utilities.

Amend subsection 181, Public Utility to read as follows:

181. Public Utility – Services provided to a use including, but not limited to sewage treatment, water supply, gas, electric, and telephone, as generally regulated by the Board of Regulatory Commissioners, but not including cellular telephone service or wireless telecommunication facilities.

Add subsection 214A, Telecommunication Equipment and Facilities, Wireless to read as follows:

214A. Telecommunication Equipment and Facilities, Wireless – A wireless telecommunication facility may consist of the following wireless telecommunication equipment:

- a. Wireless telecommunication antenna – a system of electrical conductors that transmit or receive radio frequency signals, digital signals, analog tele signals, or electromagnetic waves for wireless communication.
- b. Wireless telecommunication equipment compound – a fenced-in area that houses any combination of wireless telecommunication structures, buildings, antennas, equipment and/or towers.
- c. Wireless telecommunication tower – a vertical monopole structure used to support wireless telecommunication antennas, excluding lattice type and guyed towers.

Wireless
this
business

B. Location of Wireless Telecommunication Equipment and Facilities

The installation of wireless telecommunication antennas on existing structures is recommended as a conditional use in any of the non-residential zones in the Borough, except the B-1 zone. The installation of wireless telecommunication towers should be permitted as a conditional use and limited to the C zone. An equipment compound may accompany the installation of either an antenna or tower.

To add these uses to the appropriate zones we recommend the following changes to the Land Development Ordinances:

1. Section 404C, Business Zones, add subsection:

3.h. Wireless telecommunication antennas and equipment, in the B-2 Zone only.

2. Section 404D, Office Building Zones, add subsection:

3.i. Wireless telecommunication antennas and equipment.

3. Section 404E, Manufacturing -Industrial Zone, add section:

3.h. Wireless telecommunication antennas and equipment.

4. Section 404F, Conservation and Conservation-Recreation Zones, add subsection:

3.d. Wireless telecommunication antennas, telecommunication towers and equipment compounds, in the C Zone only.

C. Conditions for Wireless Telecommunication Equipment and Facilities

We recommend the following changes to Section 405 to permit wireless telecommunication equipment and facilities as conditional uses within the Borough:

1. Section 405A, add Wireless Telecommunication Antennas and Equipment and Wireless Telecommunication Antennas, Telecommunication Towers and Equipment Compounds to the list of allowed conditional uses.

2. Section 405D, Conditional Commercial Uses, add subsection 2. Wireless Telecommunication Antennas and Equipment and Wireless Telecommunication Towers and Equipment Compounds

Section 405D.2. Wireless Telecommunication Antennas and Equipment and Wireless Telecommunication Towers and Equipment Compounds

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 23 of 28

LAN
00
151
of 28

3. Wireless Telecommunication Antennas and Equipment and Wireless Telecommunication Towers and Equipment Compounds . . . This ordinance shall regulate the location and placement of wireless telecommunication antennas and equipment and wireless telecommunication towers and equipment compounds. It is also the purpose of this ordinance to recognize that the installation of new towers to support such antennas has a negative impact on the scenic and historic character of the community which the Master Plan seeks to protect. This ordinance seeks to meet the mandate of the Telecommunications Act of 1996, while at the same time limiting the proliferation of wireless telecommunication towers and antennas. Wireless telecommunication antennas and equipment and wireless telecommunication towers and equipment compounds shall be allowed in certain zone districts within the Borough, subject to the following conditions:

a. Wireless telecommunication antennas

1. Wireless telecommunication antennas shall be permitted in all non-residential zones, except the B-1 zone. They shall be limited to whip-type antennas and no building or other structure shall host more than three (3) such antennas.
2. Wireless telecommunication antennas may be located on any existing structure (e.g., building, silo, steeple) which is permitted in the zone. Such antennas shall not exceed 10 feet in height above the highest point of the structure nor shall they exceed 10 feet above the maximum height limit of the zone. Such antennas shall be suitably finished and/or painted so as to minimize their visual impact on the area.
3. Wireless telecommunication antennas located on an existing structure shall be subject to site plan approval.
4. Wireless telecommunication antennas, in any district where allowed, shall meet the following:
 - (a). Demonstration of need for a wireless telecommunication antenna at the proposed location. Such evidence shall describe in detail: 1) the wireless telecommunication network layout and its coverage area requirements, and 2) the need for new wireless telecommunication facilities at a specific location within the Borough.

- (b). Report from a qualified expert certifying that the wireless telecommunication antenna and the building to which it is attached will comply with the structural and wind loading requirements as set forth in the BOCA Code; or the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard, entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended; or such other code as may apply to these facilities; including a description of the number and type of antennas it is designed to accommodate.
- (c). Wireless telecommunication equipment may be installed in support of an antenna. Such equipment shall be contained either directly within the structure the antenna is mounted on or within another existing structure on site.

b. Wireless telecommunication towers and equipment compounds

1. Wireless telecommunication towers and equipment compounds shall be permitted in the Conservation (C Zone) only.
2. Only monopoles shall be permitted. Tower heights shall not exceed a maximum of 100 ft for towers designed for a single user, 120 ft for two users and 140 ft for three or more users. Any antennas or lightening rods attached to the tower shall not exceed 10 feet beyond the top of the tower. No individual carrier shall have more than three (3) antennas on any tower.
3. Wireless telecommunication towers shall be subject to major site plan approval. Carriers not approved with the original site plan approval shall be subject to additional site plan review prior to installation of additional antennas and equipment.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 25 of 28

4. Wireless telecommunication towers and equipment compounds shall meet the following:

(a). Demonstration of need for a wireless telecommunication tower at the proposed location. Such evidence shall describe in detail: 1) the wireless telecommunication network layout and its coverage area requirements; and 2) the need for new wireless telecommunication facilities at a specific location within the Borough.

(b). Proof that the applicant has exercised its best efforts to locate the wireless telecommunication antennas on an existing building or structure, rather than on the proposed tower. Evidence demonstrating that no existing wireless telecommunications tower or building or structure can accommodate the provider's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area that is necessary to meet the provider's radio frequency engineering requirement to provide reliable coverage.

(2) Existing towers or structures are not of sufficient height and cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements.

(3) The provider's proposed antenna would cause electromagnetic interference with antennas on existing towers or structures or the antennas on the existing towers or structures would cause interference with the provider's proposed antenna.

(4) The fees, cost, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable. Actual, direct costs exceeding new tower design, development, and construction are presumed to be patently unreasonable.

(5) The provider demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

BOROUGH OF ROSELAND MASTER PLAN
REEXAMINATION REPORT

May 16, 2000

BRLP151

Page 26, of 28

PLAN
PORT
000
LP151
7 of 28

5. Wireless telecommunication towers and equipment compounds shall be located with the compound having a minimum setback from the property line as required for accessory buildings in the zone in which it is located. The tower shall have a minimum setback from any property line of 10% more than the height of the tower, but not less than 1000 feet from any existing residence. The equipment compound shall be situated behind existing structures, buildings or terrain features which will shield the compound from public view, where possible. When a location out of public view is not possible, a landscape buffer of 20 feet in depth shall be provided around the compound to shield it from public view. The equipment compound shall not exceed 1,500 square feet. The equipment for all carriers at a site shall be contained within a single structure, which structure shall not exceed 144 square feet of gross floor area, nor exceed ten (10) feet in height.

6. Equipment compounds shall be designed to accommodate the maximum number of carriers designed for the tower. Authorization for the construction for a new telecommunications tower shall be conditioned upon agreement by the tower owner that other telecommunication service providers will be permitted to co-locate on the proposed tower within the limits of the structural and engineering requirements and at rates which reflect the fair market price for such services.

c. Design Requirements

1. Wireless telecommunication facilities should be located to minimize the number of facilities needed in the community, while insuring effective and efficient telecommunication services; to encourage the use of existing buildings and structures to the maximum extent possible; to minimize the visual impact through careful siting, design, landscaping, screening and innovative camouflaging techniques, to make the facility compatible with any neighboring residences and with the character of the community as a whole. Facilities should be placed to ensure that historic and architecturally significant areas, buildings and structures and significant views, landscapes and streetscapes are not visually impaired.
2. Signs shall not be permitted except for a sign displaying owner contact information, warnings, equipment information, and safety instructions. Such sign shall not exceed 2 square feet in area. No commercial advertising shall be permitted on any wireless telecommunication facility.

Amend Section 6: 23. No lighting is permitted except as follows:

- amend Section 406B.2 a) Churches, Church
parish houses or
permitted as a con
and C/A Zone
building
- a) Wireless telecommunications equipment compounds enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes; and
- b) No lighting is permitted on a wireless telecommunications tower, except as may be required by government regulation.
4. Wireless telecommunication antennas and towers shall be maintained to assure their continued structural integrity. The owner of the tower or antenna shall also perform such other maintenance of the structure and of the site as to assure that it does not create visual nuisances.
5. Wireless telecommunication towers shall be of a color appropriate to the tower's location and to make it as unobtrusive as possible, unless otherwise required by government regulation.
6. Wireless telecommunication facilities shall be surrounded by a fence and/or other approved security features. All towers shall be designed with anti-climbing devices to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed and as approved by the applicable Board.
7. No equipment shall be operated so as to produce noise in excess of the limits of this ordinance or any other applicable noise regulations, except for emergency situations requiring the use of a backup generator.
8. Wireless telecommunication towers and equipment compounds shall be appropriately landscaped in accordance with an approved landscaping plan that enhances the appearance of the project, as seen from the surrounding area and shall include native evergreen and deciduous trees, providing an average buffer height of at least 6 feet at the time of planting.

Amendment 6: Zoning Consistency

Amend Section 405B.3 to read as follows:

3. Churches. Churches and similar places of worship and rectories or parish houses or convents of religious groups on the same tract are permitted as a conditional use in all zone districts except the ROM, C and C/R Zones, provided said conditional uses shall meet all the following requirements: