



BOROUGH OF  
**ROSELAND**  
THE GEM OF ESSEX COUNTY

# 2020 MASTER PLAN REEXAMINATION REPORT



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Borough of Roseland  
Essex County, New Jersey

Adopted by the Roseland Planning Board: **December 21, 2020**

Prepared by:



A handwritten signature in black ink, appearing to read 'Daniel N. Bloch', written over a horizontal line.

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*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12*

## **Borough of Roseland**

**2020**

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## Introduction

The New Jersey Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq. stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-89 states:

“The governing body shall, at least every ten years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the County Planning Board and the municipal clerk of each adjoining municipality.”

The Roseland Borough Master Plan was first adopted in 1962, which was subsequently revised in 1978 and again in 1982. The Roseland Planning Board reexamined the Master Plan in 1988, 1994, 2000, 2004, and most recently on December 6, 2010. Housing Element & Fair Share Plans were adopted in 1986, 1995, 2006, 2008 and 2020.

The purpose of a Master Plan Reexamination Report (“MPR”), prepared in accordance with the Municipal Land Use Law, is to periodically reexamine the master plan, zoning, and land development regulations of a municipality to determine whether they continue to address the development goals and objectives of the municipality and to provide recommendations that will address proposed changes in development goals, the impact of development within the municipality and the impact of planning and development regulations by the County, the State of New Jersey and the Federal government.

This reexamination of the Borough of Roseland Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-89 by including the following:

- A. The major problems and objectives relating to land development in the municipality at the time of 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", N.J.S.A. 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 plans of the municipality.

It is important that a master plan be kept up-to-date and flexible so that it can respond to changing conditions and reflect the current land use policies of the municipality. The master plan should be a document that is easily amended so that it can respond to both concerns and opportunities. The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow.



## Municipal Summary

The Borough of Roseland contains approximately 3.5 square miles (2,240 acres) and is situated in the northwestern part of Essex County, New Jersey, along the border of Morris County. Roseland is adjacent to the Townships of Livingston, West Orange, West Caldwell, and East Hanover, as well as the Borough of Essex Fells, all within Essex County. Additionally, the Township of East Hanover—found in Morris County—borders Roseland to the west. Interstate 280 (also known as Essex Freeway) runs east and west through the Borough.

Roseland is a suburban community with predominately single-family detached housing units and single-family attached housing units. Commercial development is limited to two business districts located at the intersection of Eagle Rock Avenue/Roseland Avenue and Eagle Rock Avenue/Eisenhower Parkway. Office development exists along Livingston Avenue and Eisenhower Parkway.

Roseland has an estimated population of 5,907 residents and 2,922 jobs according to the 2018 American Community Survey (“ACS”). The Borough is within the Caldwell Borough STP Sewer Service Area. According to the 2001 State Development and Redevelopment Plan (“SDRP”) Policy Map, Roseland contains 1,986.5 acres within the Metropolitan Planning Area and 305.2 acres within the Parks and Natural Areas.

## Planning History

- 1978—Comprehensive Master Plan
- 1982—Master Plan Revision
- 1986—Housing Element and Housing Plan
- 1988—Master Plan Reexamination
- 1994—Master Plan Reexamination
- 1995—Housing Element and Housing Plan
- 2000—Master Plan Reexamination
- 2004—Master Plan Reexamination
- 2004—Land Use Element Amendment
- 2006—Housing Element and Fair Share Plan
- 2008—Housing Element and Fair Share Plan
- 2010—Master Plan Reexamination and Land Use Plan Amendment
- 2011—Land Use Plan Amendment
- 2020—Land Use Plan Amendment
- 2020—Housing Element & Fair Share Plan

## Master Plan Goals and Objectives

This section of the MPR recites the various master plan goals and objectives that form the underpinning of the Roseland Borough Master Plan.

### 1982 Master Plan Revision Goals

1. Maintain the residential character of the Borough integrated with a variety of land uses.
2. Provide a balance between continued growth of professional office uses and other existing land uses.
3. Continue to provide a mix of high- and low-density housing types for residents.
4. Concentrate commercial expansion in the defined business centers of the Borough to protect and strengthen these areas.
5. Protect designated open space lands and flood areas from encroachment by development.
6. Encourage private office and industrial growth to promote a viable fiscal base.
7. Ensure the quality of education for Roseland residents while responding to population fluctuations.
8. Ensure adequate fire and police protection, municipal services, and utility services.

### 1988 Master Plan Reexamination Land Use Goals and Objectives

The 1988 MPR states that the approaching full development of the Borough indicates a shift in planning emphasis from new development design and review to conservation, enhancement, and creative reuse of existing

development. A new set of Goals and Objectives were developed in the 1988 MPR to reflect this change. This 2020 MPR reaffirms the goals and objectives, as follows:

#### Residential

- Retain the existing residential character of the Borough.
- Maintain and enhance the quality of the existing housing stock and residential neighborhoods.
- Protect residential neighborhoods from the intrusion of non-residential traffic.
- Provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

#### Office and Manufacturing

- Provide for the controlled growth of office uses to minimize the adverse impacts on the Borough and surrounding communities.
- Maintain and enhance the viability of existing manufacturing activities within the Borough.

#### Business

- Concentrate commercial expansion in defined centers of the Borough.
- Enhance accessibility and parking for commercial centers to encourage increased use.
- Provide for the expansion of necessary ancillary services to the office uses.
- Protect abutting residential neighborhoods from a disorderly expansion of commercial uses.

## Conservation/Recreation

- Limit development in environmentally sensitive areas, including strict adherence to applicable flood plain and wetlands regulations.
- Encourage protection of these sensitive areas by donation/acquisition of such areas for public preservation.
- Maintain and enhance the recreational opportunities within the local community.
- Preserve existing active recreational areas, both public and private, and encourage additional facilities as part of new development projects.

## Significant Changes in Assumptions, Policies and Objectives

As required under N.J.S.A. 40:55D-89(c), this section of the MPR addresses 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.

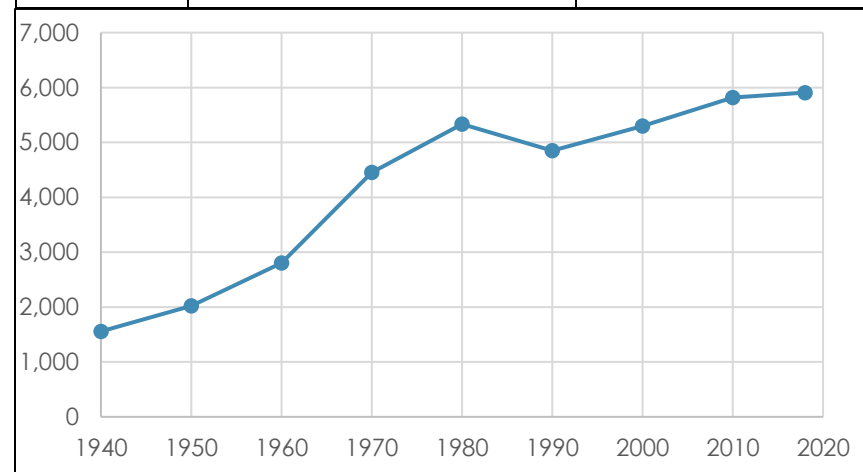
## Population Changes

Roseland is a suburban community with an estimated population of 5,907 residents according to the 2014-2018 American Community Survey (ACS), which equates to a population density of about 1,659 persons per square mile. This is 171 residents less than the 1,488 residents reported in the 2010 Decennial Census. Between 1940 and 1980, the Borough's population steadily rose, with the 1960s showing the largest population increase of 58.8%, or 4,453 persons. Between 1980 and 1990, however, the Borough saw a marked decrease in its population, decreasing 9.1%--the only major

decrease in population since the 1940s. The first decade of the 2000s experienced a renewed increase of 9.8%, though slowing to 1.5% by 2018.

Figure 1: Historical Population Trends

Year	Population	Change
1940	1,556	-
1950	2,019	29.8%
1960	2,804	38.9%
1970	4,453	58.8%
1980	5,330	19.7%
1990	4,847	-9.1%
2000	5,298	9.3%
2010	5,819	9.8%
2018	5,907	1.5%



Source: 2010 Census Table DP-1, 2018 ACS Table DP05  
<http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>



## Borough of Roseland

The North Jersey Transportation Planning Authority (“NJTPA”) projects that the Roseland Borough will grow by 837 residents (14.3% percent) by 2045, from 5,836 residents in 2015 to 6,673 residents. This equates to an annualized increase of approximately 28 residents (0.5 percent). These estimates share a similar outcome as the 2014-2018 ACS counts for the year 2018; at approximately an increase of 28 persons a year, the NJTPA estimates would approximately be 5,920 persons in 2018, a 13-person difference to ACS’s population of 5,907.

Figure 2: Population Projections			
Year	Population	Change	Percent
2000	5,298	-	-
2015	5,836	538	10.2%
2045	6,673	837	14.3%
Source: 2010 Census Table DP-1, 2017 ACS Table DP02 & NJTPA Population Forecast by County and Municipality 2015-2045			

According to the New Jersey Department of Labor and Workforce Development (“NJDLWD”), who publishes population projections from 2014 to 2034 for each of the 21 Counties in New Jersey, Essex County is projected to increase in population as well from 795,700 persons in 2014 to 840,100 persons in 2034—a 5.6% overall increase.

## Land Use Changes

According to the New Jersey Department of Environmental Protection (“NJDEP”) Land Use / Land Cover data from 2007 and 2015, Roseland saw only slight land use changes during this period in several land use classifications. The most notable change between 2007 and 2015 is the 14.75 acres gained in land uses reserved for utilities and other services; the second largest addition to a land use classification is the 13-acre gain in residential uses. The next largest changes came in the form of a decrease in acreage: industrial land uses lost 12.22 acres during this time and forested lands decreased 11.12 acres. There are other smaller reductions in acreage as well,

such as barren lands (-10.99 acres), recreational lands (-3.41 acres), and urban or other built up lands (-7.60 acres). Other additions in acreage include commercial uses (9.95 acres), and lands reserved for water (3.35 acres). Several land uses—agriculture, cemeteries, and transportation—exhibited no noticeable land use changes during this period.

Figure 3: Land Use / Land Cover (2007 - 2015)			
Land Use / Land Cover	2007 (acres)	2015 (acres)	Change (acres)
Agriculture	2.78	2.78	0.00
Barren Lands	12.23	1.24	-10.99
Cemetery	0.32	0.32	0.00
Commercial	231.72	241.67	9.95
Forest	510.95	499.83	-11.12
Industrial	71.47	59.25	-12.22
Recreation	71.01	67.60	-3.41
Residential	737.70	750.70	13.00
Transportation	101.69	101.69	0.00
Urban or Built-up land	141.90	134.30	-7.60
Utilities	24.04	38.79	14.75
Water	20.01	23.36	3.35
Wetlands	434.83	439.11	4.28
Total	2,360.64	2,360.64	0.00

Property tax data is also utilized to identify changes in land use since the 2010 MPR. The NJ Department of Community Affairs–Division of Local Government Services publishes a summary of the tax ratables for each year. From 2010 to 2019, there was a net reduction of 10 parcels from the tax rolls. Such a reduction is likely a result of properties being purchased for public open space. The tax data shows that there was a loss of 18 vacant parcels between 2010 and 2019. Those vacant parcels would have been developed, which would change their tax class to commercial or residential; or they could have been purchased for public use, which would change their tax class to public property.

The tax data also shows that the Borough’s last remaining farmland property was lost during this time period, which could have been developed or lost its farmland assessment due to no longer being farmed. Residential parcels experienced the largest gain of 8 parcels during this time. There was one additional apartment property added to the tax rolls between 2010 and 2019, one loss of industrial property, and one additional commercial property.

The tax data also provides property assessment values for each property classification. In order to compare the assessed values for each year, the assessed property values must be adjusted to an equalized market value based on the State’s annual equalization ratios. The equalization ratio provides a ratio of assessed value to market value. The equalization ratio was 100.52% in 2010 and 93.82% in 2019.

Overall, the taxable value of properties in Roseland decreased from 2010 to 2019, resulting in a net loss of over \$24 million. This again could be primarily a result of the purchase of vacant lands for public open space. The reduction of 18 vacant parcels correlates with a loss of \$15 million in property value.

Despite an increase in commercial properties, those properties saw a loss in nearly \$90 million in property values during that timeframe. Residential properties experienced an appreciation in value overall at over \$43 million and apartment properties saw over \$27 million in growth.

Figure 5: Property Tax Ratable Base						
Land Use Class	Number of Parcels			Equalized Property Value		
	2010	2019	Change	2010	2019	Change
Vacant	56	38	-18	\$21,479,904	\$6,052,654	-\$15,427,250
Residential	2,054	2,062	8	\$982,316,600	\$1,025,461,415	\$43,144,816
Farmland	1	0	-1	\$4,576	\$0	-\$4,576
Commercial	66	67	1	\$663,306,009	\$573,733,959	-\$89,572,050
Industrial	23	22	-1	\$85,426,781	\$95,358,985	\$9,932,205
Apartment	1	2	1	\$53,627,338	\$81,025,048	\$27,397,710
<b>Total</b>	<b>2,201</b>	<b>2,191</b>	<b>-10</b>	<b>\$1,806,161,208</b>	<b>\$1,781,632,061</b>	<b>-\$24,529,146</b>

[http://www.nj.gov/dca/divisions/dlgs/resources/property\\_tax.html](http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html)

## Employment Changes

The NJDLWD maintains tabulations of employment and wage data for employers covered under the New Jersey Unemployment Compensation Law. The data is published quarterly and annually, utilizing the North American Industry Classification System (NAICS).

Employment in Roseland had been fairly flat from 2010 to 2012, in the range of 10,400 jobs. After 2012, the number of jobs in Roseland began to decline steadily, losing 1,050 jobs by 2018. From 2018 to 2019, the Borough saw a slight increase of 241 new jobs.

Figure 5: Employment Growth (2010-2019)			
Year	Private Sector Jobs	Local Gov't Jobs	Total
2010	10,385	175	10,560
2011	10,409	166	10,575
2012	10,458	163	10,621
2013	10,196	168	10,364
2014	9,992	167	10,159
2015	9,987	160	10,147
2016	9,859	142	10,001
2017	9,726	145	9,871
2018	9,408	150	9,558
2019	9,649	154	9,803

Source: NJDLWD, Quarterly Census of Employment and Wages, 2010-2019

## Employment Projections

The NJTPA estimated that there were 12,693 jobs in Roseland in 2015, which is somewhat higher than the NJDLWD reported for the same year. NJTPA used the 2015 employment estimate as the baseline for the 30-year

employment projections. The NJTPA estimates that employment within Roseland will grow by 706 jobs between 2015 and 2045, an average of 24 new jobs per year for the 30-year period. Given the decline in jobs that Roseland saw from 2012 to 2018, and the redevelopment of several office buildings for multi-family residential, this employment growth projection may be overstated.

Figure 5: Employment Projection			
Year	Jobs	Change	Percent
2015	12,693	-	-
2045	13,399	706	6%

Source: <https://apps.njtpa.org/plan2045/docs/Demographic%20Appendix.pdf>

## Changes in State Planning Regulations

### Municipal Land Use Law (MLUL)

Amendments to the Municipal Land Use Law (MLUL) since the 2010 MPR was adopted that are worth noting include:

1. N.J.A.C. 40:55D-66.11 now provides that renewable energy facilities on parcels comprising 20 or more contiguous acres that are owned by the same person or entity shall be a permitted use within every industrial district of a municipality (P.L. 2009, c. 35, adopted March 31, 2009).
2. A Master Plan Reexamination Report is now required at a minimum of once every 10 years instead of every 6 years (P.L. 2011 c. 65, approved on May 4, 2011).
3. The MLUL was amended to define "inherently beneficial use" for purposes of zoning variance and specifically includes facilities and structures that supply electrical energy produced from wind, solar, or

photovoltaic technologies (P.L. 2009 c. 146, approved on November 20, 2009).

4. The MLUL was amended to add a “Green Buildings and Environmental Sustainability Plan Element” to the components that comprise a municipal master plan, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design (P.L. 2008, c.54, approved on August 5, 2008).
5. General development plan (GDP) protection can now be extended to development projects situated on sites less than 100 acres based on certain criteria. GDP’s can now be sought for projects with a non-residential floor area of 150,000 square feet or more, or with 100 residential dwelling units or more, on sites of 100 acres or less (P.L. 2011 c. 86, approved July 1, 2011).
6. The MLUL was amended to allow municipalities to authorize noncontiguous development, including the transfer of floor area ratio or density between noncontiguous parcels (P.L. 2013, c. 106, approved August 7, 2013).
7. The MLUL was amended to require that for any land use element of a municipal master plan adopted after the effective date of P.L 2017 c. 275 (January 8, 2018), the land use element shall include a statement of strategy concerning: smart growth, including consideration of potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability (P.L 2017 c. 275, approved on January 8, 2018).

## **Local Redevelopment and Housing Law (LRHL)**

A “Non-Condemnation Redevelopment Area” provision was included in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-6) by P.L. 2013, C. 159, approved on September 6, 2013. This amendment significantly changes the way that municipalities may designate areas in need of redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). Chapter 159 provides that a municipality shall make a decision to utilize or reserve the power of eminent domain at the beginning of the redevelopment process. When a planning board investigates whether an area should be designated as being “in need of redevelopment”, the municipality must indicate whether it is seeking to designate a potential redevelopment area as a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area”. The evaluation criteria for each type of redevelopment area are the same except for determining whether the power of eminent domain will or will not be exercised.

On August 9, 2019, the LRHL was amended by P.L 2019, C. 229 to expand the redevelopment designation criterion at N.J.A.C. 40A:12A-5(b) to include the discontinuance building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

## **Council on Affordable Housing (“COAH”)**

The Borough of Roseland has continuously addressed its affordable housing obligation since the 1980’s. Roseland originally prepared its Housing Plan in December 1986 and first received substantive certification from the Council on Affordable Housing (“COAH”) on October 17, 1988. The Borough prepared a Second Round Housing Plan in June 1995 and received substantive certification from COAH on August 2, 2000.

Roseland Borough was also granted an extension of its Second Round certified plan through August 2, 2006, which was subsequently extended by COAH to December 31, 2008 for all municipalities. Roseland adopted a Housing Element & Fair Share Plan on June 19, 2006, pursuant to address the Third Round Substantive Rules in N.J.A.C. 5:94.

In October of 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements in New Jersey. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

For the Third Round, COAH determined that Roseland had a rehabilitation obligation of 1 unit, a Prior Round obligation of 182 units (which was adjusted to 162 based on the Second Round vacant land adjustment), and a Third Round growth share obligation of 148 units (which Roseland sought to reduce to 40 units based on a Third Round vacant land adjustment). This is a combined total obligation of 203 affordable housing units. Roseland adopted a Housing Element and Fair Share Plan in December 2008 to address the 203 units obligation. Roseland's Third Round petition was submitted to COAH on December 20, 2008 and ruled complete by COAH on April 4, 2009. The petition was never reviewed by COAH for substantive certification.

In 2009, appeals were filed regarding the new Third Round rules' methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. Oral argument occurred in November 2012 and an order was finally issued by the Supreme Court on September 26, 2013. The Supreme Court ruled that the key set of rules

establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the Fair Housing Act (FHA) and the Mount Laurel doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months. In March 2014, the N.J. Supreme Court extended the deadline for adoption of rules to November 2014.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015, which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allows low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provides a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The Borough of Roseland filed for declaratory judgement on July 6, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfies the Borough's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing. Since July 2015, the Borough has been in negotiations with several interested parties and intervenors to determine the Borough's third round obligation and the mechanisms to satisfy the obligation. A Settlement Agreement was finally reached between the Borough and the Fair Share Housing Center ("FSHC") on November 7, 2019, setting forth the extent of Roseland's Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which Roseland proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring.

One of the terms of the Settlement Agreement is that the Borough must adopt an updated Housing Element & Fair Share Plan, along with a Spending Plan, and adopt all zoning ordinances required as part of the Settlement

Agreement. The Roseland Planning Board adopted a Housing Element & Fair Share Plan on August 17, 2020 to effectuate the terms of the Settlement Agreement. Currently, the Borough is still working towards a Final Judgment of Compliance and Repose from the Court.

## Stormwater Management Program

Enacted on February 2, 2004, New Jersey's stormwater management program, comprised of two separate Rules (N.J.A.C. 7:8 and 7:14A), establishes a framework for addressing water quality impacts associated with existing and future stormwater discharges. Together with the new Flood Hazard Control Act Rules (N.J.A.C. 7:13), they provide for Category One (C1) Water Protection including a 300-foot Special Water Resource Protection Area or riparian buffer for new major development adjacent to all C1 waters and upstream tributaries of C1 waters within the same HUC-14 sub-watershed. The NJDEP has not classified any of the waterways within Roseland as C1 waters.

The Borough has complied with the 2004 rule changes as follows:

1. Obtaining a Stormwater Permit from the State of New Jersey and addressing the Statewide Basic Requirements (SBN's) in that permit on a recurring basis, including the filing of annual MSRP reports and complying with the required 12 points of credit each, which involves public education, signage, promotional items, website information, and Land Use Board member education.
2. Preparing and adopting a Stormwater Management Plan, approved in 2005.
3. Preparing and adopting a Stormwater Control Ordinance, adopted in 2006.
4. Reviewing development applications for compliance with the adopted Stormwater Control Ordinance where applicable.

As part of this 2020 MPR process, the Municipal Stormwater Management Plan and Stormwater Control Ordinances have been reviewed and determined to be in conformance with the State Stormwater Control regulations. However, it is anticipated that the Stormwater Management Plan and/or Ordinance will be amended in the near future to comply with the new NJDEP regulations and model ordinance.

## Water Quality Management Planning

The New Jersey Department of Environmental Protection (NJDEP) administers the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15, in conjunction with the Statewide WQM Plan, which together constitute the Continuing Planning Process conducted pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*, the Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*, and N.J.S.A. 13:1D-1 *et seq.*, and as required by Sections 303(e) and 208 of the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*). The intent of the continuing planning process is to align federal, state, regional and local land use planning to ensure that these land use plans do not conflict with each other.

NJDEP readopted the WQM Planning rules on May 20, 2008, with the rule readoption effective May 21, 2008 and adopted rule amendments, repeals and new rules effective July 7, 2008 (see 40 N.J.R. 4000(a)). The rule amendments and new rules provide the following:

- Reassign wastewater management planning responsibility to the county boards of chosen freeholders and require counties to update WMPs;
- Establish clear standards for delineating appropriate sewer service areas to protect environmentally sensitive areas as well as clear, environmentally protective standards for the review of WQM plan amendments;
- Set forth clear standards to require identification of adequate wastewater management alternatives, address water supply, and



control nonpoint source pollution (including controls related to stormwater, riparian zones and steep slopes);

- Require updated WMPs to address septic density in a manner that demonstrates compliance with a 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis or as required by development type and location.
- Make provisions to allow the withdrawal of sewer service areas and redesignate these areas as general wastewater service area of 2,000 gallons per day or less and less than six residential units (restricted septic service areas) where the applicable WMP is not in compliance with the mandatory update schedule contained in the rules; and
- Require municipalities to develop a septic system inventory and tracking system through an ordinance or other means which will ensure that septic systems are functioning properly through a mandatory maintenance program.

P.L.2011, c.203 was enacted on January 17, 2012, which permits a Wastewater Management Planning Agency to prepare and submit to the NJDEP at least that portion of a wastewater management plan designating sewer service area, which shall comply with the NJDEP's regulatory criteria. The law requires that wastewater service area designations and sewer service area designations remain in effect and not be withdrawn for a period not to exceed two years. This law expired on January 17, 2014.

The Essex County Future Wastewater Management Area Map was adopted by NJDEP on March 5, 2013, pursuant to P.L.2011, c. 203. The Essex County Wastewater Management Plan was submitted to NJDEP on December 4, 2014, which has not yet been adopted. The WMP shows that Roseland Borough is entirely within the sewer service area served by the Caldwell Borough Sewer Treatment Plant.

## **Together North Jersey**

In November 2011, the U.S. Department of Housing and Urban Development (HUD) awarded Together North Jersey ("TNJ", also known as the North Jersey Sustainable Communities Consortium) a \$5 million Sustainable Communities Regional Planning Grant. The grant is matched with an additional \$5 million in leveraged funds from project partners. TNJ brought together a coalition counties, municipalities, educational institutions, nonprofits, businesses and other groups, to develop the first comprehensive plan for sustainable development for the 13 northern New Jersey counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

The final TNJ Plan was released in November 2015. The plan presents an overview of the TNJ regional planning process that took place from 2011 to 2015 and proposes strategies for achieving a competitive, livable, efficient, and resilient region. The Goals and Objectives of the TNJ Plan are as follows:

### **Goal 1: Grow a Strong Regional Economy**

- Keep and create well-paying jobs.
- Ensure infrastructure (transportation, utilities, and communications) is in good repair, can support economic development and is resilient to extreme weather.
- Ensure the region's workforce has the training and skills needed to support current and future industry needs.
- Support small businesses and entrepreneurship.

### **Goal 2: Create Great Places**

- Maintain or expand vibrant downtowns and "main streets."

- Create safe, stable, resilient neighborhoods with high-quality housing options affordable to a range of incomes.
- Preserve and enhance the character of existing neighborhoods and communities.
- Make it easier and safer to walk, bike and take transit.

### **Goal 3: Increase Access to Opportunity**

- Connect where people live with where they need to go.
- Create inclusive, mixed-income neighborhoods.
- Maintain and improve the quality of schools.
- Improve access to community, arts, cultural and recreational resources (e.g. theaters, museums, libraries, senior centers, youth activities, and parks).
- Improve public health and access to health services.

### **Goal 4: Protect the Environment**

- Preserve and enhance open space, natural areas and wildlife habitat.
- Improve air quality and reduce emissions that contribute to climate change.
- Increase ability to respond to and recover from extreme weather events.
- Improve water quality and ensure adequate supply.

### **Goal 5: Work Together**

- Ensure broad participation in planning efforts, including populations traditionally under-represented.
- Foster collaboration among levels of government and provide a regional framework for making decisions about growth and investment.
- Respect property rights during planning and implementation.

## **New Jersey Energy Master Plan**

Governor Murphy unveiled the finalized 2019 New Jersey Energy Master Plan (EMP) Pathway To 2050 in January 2020, envisioning initiatives to achieve 50 percent clean energy by 2030 and 100 percent clean energy by 2050. The plan concedes that the State's current trajectory will not allow it to meet these goals, so the Master Plan identifies major contributors to the state's carbon footprint—such as transportation and electric generation—and evaluates carbon neutral solutions. In reducing the dependence on fossil fuels, the EMP outlines seven key strategies guiding New Jersey's path to energy efficiency, each with underlying goals and objectives intended to aid the transition to a clean energy future. The strategies and goals of the Energy Master Plan are as follows:

### **Strategy 1: Reduce Consumption and Emissions from the Transportation Sector**

- Decarbonize the transportation sector.
- Improve connections between people, jobs, and services.
- Reduce port and airport emissions.

**Strategy 2: Accelerate Deployment of Renewable Energy and Distributed Energy Resources**

- 100% clean power by 2050
- Develop 7,500 MW of offshore wind energy generation by 2035
- Maximize local (on-site or remotely-sited) solar development and distributed energy resources by 2050

**Strategy 3: Maximize Energy Efficiency and Conservation and Reduce Peak Demand**

- Increase New Jersey's overall energy efficiency
- Manage and reduce peak demand
- Strengthen building and energy codes and appliance standards

**Strategy 4: Reduce Energy Consumption and Emissions from the Building Sector**

- Start the transition for new construction to be net zero carbon
- Start the transition to electrify existing oil- and propane-fueled buildings

**Strategy 5: Decarbonize and Modernize New Jersey's Energy System**

- Plan for and implement the necessary distribution system upgrades to handle increased electrification and integration of distributed energy resources.

- Exercise regulatory jurisdiction and increase oversight over transmission upgrades within the state to ensure prudent investment and cost recovery from New Jersey ratepayers.
- Modify current rate design and ratemaking process to empower customers' energy management, align utility incentives with state goals, and facilitate long-term planning and investment strategies.
- Maintain existing gas pipeline system reliability and safety while planning for future reductions in natural gas consumption.

**Strategy 6: Support Community Energy Planning and Action with an Emphasis on Encouraging and Supporting Participation by Low- and Moderate-Income and Environmental Justice Communities**

- Encourage and support municipalities to establish and enact Community Energy Plans.
- Support local, clean power generation in low- and moderate-income and environmental justice communities.
- Prioritize clean transportation options in low- and moderate-income and environmental justice communities.
- Identify barriers that prevent the participation in and benefit from the clean energy economy and create outreach programs that work with communities to overcome those obstacles.

**Strategy 7: Expand the Clean Energy Innovation Economy**

- Grow world-class research and development and supply chain clusters for high-growth clean energy sub-sectors
- Establish workforce training programs to ensure New Jersey has the local expertise necessary to support a growing clean energy economy

and provide support to those in stagnating industries to refine their skills in line with new needs.

- Provide innovative financing and low-cost loans to support in-state clean energy projects and technology development.
- Capitalize on offshore wind economic development opportunities, including establishment of the WIND Institute, to provide the coordination and connection to resources, including workforce training, research and development, and capital investments to make New Jersey the home of the U.S. off shore wind industry.
- Establish a Clean Energy New Technology Innovation Center and other state-level facilities and resources to support research, development, and commercialization for promising and emerging clean energy innovations

## Changes in County Planning Regulations

### Essex County All Hazard Mitigation Plan (2015)

An update of the 2008 Plan, the Essex County All Hazard Mitigation Plan was prepared in order to remain eligible to receive Public Assistance (Categories C-G), and Pre-Disaster Mitigation, Hazard Mitigation Grant Program and Flood Mitigation Assistance grant funds. The Plan's ranking of natural hazards by municipality ranks two phenomena—severe storms and severe winter storms—as high risk to Roseland. It is estimated Roseland has 1,616 buildings that fall within the Hurricane Inundation Zone, indicating a risk of property damage, which equates to an approximate \$1.4 million in improvement value at risk. The Borough is mentioned as a municipality most at risk from significant riverine flooding due to the Passaic River corridor running through it. The county, as of the time of the adoption of the plan, evaluated the progress on local mitigation actions, and of those listed, Roseland completed all but the Education & Awareness actions listed in the All Hazard Mitigation Plan; these are actions that inform and educate citizens.

### Essex County Comprehensive Transportation Plan (2014)

The County's Comprehensive Transportation Plan was adopted to outline a vision for a comprehensive county-wide transportation system. The Plan mentions Roseland several times, including in its list of deficient intersections identified by the County's Department of Public Works, of which includes the intersection of Eisenhower Parkway and Eagle Rock Avenue. The Plan's candidate projects, which consist of deficient roads for rehabilitation, include Roseland Avenue (CR 527). The county-wide initiative to identify projects that address the Plan's five goals are identified as either Tier 1 (short-term), Tier 2 (medium-term), or Tier 3 (long-term) projects, several projects in Roseland listed include:

- Roadway System Projects
  - Passaic Avenue (CR 613) Corridor—Tier 2;
  - Intersections of Eagle Rock Avenue with Eisenhower Parkway, Passaic Avenue, Roseland Avenue, and Pleasant Valley Way—Tier 2;
- Bicycle, Pedestrian, and Safety Systems Projects
  - Intersection of Eagle Rock Avenue (CR 611) and Eisenhower Parkway (CR 609)—Tier 1

Five broad goals were developed to achieve the Plan vision, as follows:

- Maintain a Safe & Efficient Roadway System
- Increase the Use of Mass Transit
- Increase and/or provide opportunities for walking & bicycling
- Connectivity for all modes of Transportation
- Foster and Support Development & Industrial Growth

## Changes in Municipal Land Use Regulations

Since the 2010 MPR, Roseland has adopted 24 ordinance changes to the land use regulations, as summarized below:

1. Ordinance 13-2011 amending Chapter 30 to rezone Lots 4, 5, 6, 7 & 8 in Block 30.01 (Shelbourne Healthcare) from R-2 Residential to OB-2 Office Building; adopted October 18, 2011.
2. Ordinance 16-2011 amending Chapter 30, Section 405.9 to modify the RM Research/Manufacturing District to permit non-age-restricted multi-family housing as a conditional use at a density of 10 dwelling units per acre; adopted December 13, 2011.
3. Ordinance 07-2012 adopting a Redevelopment Plan for the Safer Site (Block 21, Lot 1.01; 9 Woodland Road); adopted August 14, 2012.
4. Ordinance 08-2012 amending Article 405-5 “Conditional Commercial Uses” to add Electric High Voltage Transmission Towers as a conditional commercial use; adopted February 26, 2013.
5. Ordinance 08-2013 amending Chapter 30, Section 1006 for the purpose of adding reimbursement of administrative agent’s fee for the sale of an affordable housing unit; adopted August 20, 2013.
6. Ordinance 01-2014 amending Chapter 30, Section 403.23 to provide for permanent generators; adopted February 25, 2014.
7. Ordinance 07-2016 amending Chapter 30, Section 403.17 “Signs” regarding temporary signs; adopted June 21, 2016.
8. Ordinance 11-2017 adopting Redevelopment Plan for Block 30, Lot 2 (6 Becker Farm Road); adopted August 15, 2017.
9. Ordinance 12-2017 adopting Redevelopment Plan for Block 30.1, Lot 14 (85 Livingston Avenue); adopted August 15, 2017.
10. Ordinance 15-2013 amending Chapter 30, Section 202 to amend the definition of “Change of Use”; adopted December 26, 2013.
11. Ordinance 07-2017 amending Chapter 30 to amend the definitions and requirements for Fast Service Restaurants and Convenience Food Stores; adopted June 20, 2017.
12. Ordinance 13-2019 amending Chapter 30, Section 404 to amend the affordable housing regulations; adopted July 16, 2019.
13. Ordinance 20-2019 amending Chapter 30 to prohibit vape shops; adopted September 17, 2019.
14. Ordinance 24-2019 amending Chapter 30 prohibiting marijuana sales or harvesting in all zones; adopted October 15, 2019.
15. Ordinance 28-2019 amending Chapter 30 to regulate short-term rentals; adopted November 26, 2019.
16. Ordinance 01-2020 amending Chapter 30 to revise the lighting regulations; adopted March 17, 2020.
17. Ordinance 02-2020 amending Chapter 30 to revise zoning permit fees; adopted March 17, 2020.
18. Ordinance 08-2020 amending Chapter 30 to create the R-12/AH-6 Affordable Housing District; adopted May 19, 2020.
19. Ordinance 09-2020 amending Chapter 30 to create the R-11/AH-5 Affordable Housing District; adopted May 19, 2020.
20. Ordinance 10-2020 amending Chapter 30 to create the R-10/AH-4 Affordable Housing District; adopted May 19, 2020.
21. Ordinance 17-2020 amending Chapter 30 to revise the Development Fee Ordinance; adopted August 18, 2020.

22. Ordinance 18-2020 amending Chapter 30, Section 1101 replacing Affordable Housing Growth Share with Affordable Housing Mandatory Set-Aside; adopted August 18, 2020.
23. Ordinance 19-2020 amending Chapter 30 replacing Affordable Housing Ordinance; adopted August 18, 2020.
24. Ordinance 21-2020 amending Chapter 30 to adopt the MU-AH Business District Overlay Zone; adopted October 20, 2020.

## Master Plan Problems & Objectives

As required under N.J.S.A. 40:55D-89 (a), (b) and (d), the following section of the 2020 MPR (a) examines the major problems and objectives relating to land development in the Borough of Roseland that were included in the 2010 MPR, (b) identifies the extent to which such problems or objectives have changed, and (d) identifies specific recommendations for the Master Plan or development regulation, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

### 1. Residential Objectives

- a. Retain the existing residential character of the Borough.*
- b. Maintain and enhance the quality of the existing housing stock and residential neighborhoods.*
- c. Protect residential neighborhoods from the intrusion of non-residential traffic.*
- d. Provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.*

This 2020 MPR reaffirms these planning objectives. These residential objectives will continue to provide guidance to ensure that future development will be consistent with the suburban character of the Borough.

### 2. Office and Manufacturing Objectives

- a. Provide for the controlled growth of office uses to minimize the adverse impacts on the Borough and surrounding communities.*
- b. Maintain and enhance the viability of existing manufacturing activities within the Borough.*

The business office and manufacturing markets appear to be declining at this time in Roseland. Several of the office developments in the OB-2 Zone along Becker Farm Road and Livingston Avenue are being redeveloped for inclusionary housing projects to meet the Borough's affordable housing obligations. Similarly, the Bobst industrial development and the concrete plant along Harrison Avenue, both within the RM Zone along Harrison Avenue, have been rezoned to permit the redevelopment of those industrial uses with inclusionary housing.

### 3. Business Objectives

- a. Concentrate commercial expansion in defined centers of the Borough.*
- b. Enhance accessibility and parking for commercial centers to encourage increased use.*
- c. Provide for the expansion of necessary ancillary services to the office uses.*
- d. Protect abutting residential neighborhoods from a disorderly expansion of commercial uses.*

The proposed MU/AH Mixed Use Affordable Housing Overlay Zone will encompass the entire B-1 District (see Map 5 below). The MU/AH Overlay Zone permits mixed use development, including two stories of residential uses above commercial uses that are permitted in the underlying B-1 District. The maximum density is be 15 dwelling units per acre with a minimum affordable housing set-aside of 20 percent.



The proposed MU/AH Overlay Zone promotes Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation. The MU/AH Overlay will also promote the economic viability of the existing or future businesses within the B-1 District by bringing new residents within the walkable downtown center.

#### 4. Conservation/Recreation Objectives

- *Limit development in environmentally sensitive areas, including strict adherence to applicable flood plain and wetlands regulations.*
- *Encourage protection of these sensitive areas by donation/acquisition of such areas for public preservation.*
- *Maintain and enhance the recreational opportunities within the local community.*
- *Preserve existing active recreational areas, both public and private, and encourage additional facilities as part of new development projects.*

The limited remaining vacant properties available in the Borough has a potential to constrain adequate passive and active recreation facilities. The Borough should consider preparing an Open Space and Recreation Plan Element of the Master Plan to evaluate the future needs of the Borough and determine whether additional facilities are needed.

#### 5. Rezone Lot 9.01 in Block 32 from R-6 to B-2

*Block 32, Lot 9.01 on Eisenhower Parkway which is currently zoned R-6 Garden Apartment District. This lot contains approximately 1.07 acres and is the only lot remaining in the R-6 Zone District not developed for residential use. It is too small to be developed for the permitted garden apartment uses where the minimum tract size required is 9 acres. This lot is adjacent to the B-2 Business District and fronts on Eisenhower Parkway. The minimum lot size requirement in the B-2 District is 40,000 square feet which the subject property meets. Permitted principal uses in the*

*B-2 District include retail sales and services and business and professional offices. These uses are compatible with the commercial environment along Eisenhower Parkway. Therefore, it is recommended that Block 32, Lot 9.1 be rezoned from R-6 to B-2.*

The Zoning Map has not yet been amended to rezone Lot 9.01 to B-2 Business District. This recommendation is still valid.

#### 6. Rezone Lot 3 in Block 30.01 from R-2 to OB-2

*Block 30.01, Lot 3 on Eagle Rock Avenue. This property is within the R-2 Single Family Residence Zone where the only permitted principal use is single family detached dwellings. It is adjoined on two sides by the OB-2 Office Building Zone District. The Land Use Plan in the 1982 Master Plan Revision shows the subject property as designated for office building use. The zoning of the subject property in 1982 was OB-2. The 1988 Reexamination Report recommended that six small residential lots on the south side of Eagle Rock Avenue (including the subject property) be rezoned from OB-2 to R-2 to make the residential uses conforming, thereby eliminating the necessity of appeal to the Board of Adjustment for every small change to the house or property. Over the years the residential uses have been abandoned on these six lots save for the two lots at either end of the string of six lots. Continued use of these lots for single family residences has obviously become less desirable. In June 2010 Shelbourne Healthcare Development Group LLC made application to the Roseland Zoning Board of Adjustment for a use variance to allow construction of an 85 unit assisted living facility on four of the lots with a fifth lot to be used for a relocated emergency access driveway to the ADP property. The application was approved by the Zoning Board of Adjustment and therefore Block 30.01 Lot 3 is the only remaining lot of the original six which retains a detached single-family home. Long term use of this property for a single-family home is not viable and it is recommended that the parcel be rezoned OB-2 to be consistent with adjoining lands. Although the property at approximately ¾ acre contains less than the minimum lot size requirement of five acres for the OB-2 Zone District it can likely be developed for a permitted use in the Zone which includes offices for professional or business use including executive, engineering, accounting and financial purposes.*

The Zoning Map has not yet been amended to rezone Lot 9.01 to OB-2 Office Business District. This recommendation is still valid.

## Specific Changes Recommended for the Master Plan or Development Regulations

The following section identifies specific recommendations for the Master Plan or development regulation, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

### 7. Repeal the R-2A Single-Family Overlay District

The R-2A Overlay District encompasses 28 acres along the easterly end of Prudential Drive where it intersects with Eagle Rock Avenue. The R-2A District overlays the OB-1 Office Business District. The R-2A was adopted to permit residential development as an alternative to the office uses permitted in the OB-2 District. The ordinance allows for nonresidential floor area to be substituted for residential density in the R-2A Overlay District, provided that the R-2A portion of the development be deed restricted against any further development.

On April 23, 2001, the Planning Board granted minor subdivision and preliminary and final site plan approval for the development of the Prudential office complex on Lot 2.01 in Block 34. The developer availed itself to the residential density conversion provisions of the R-2A Overlay, which increases the nonresidential floor area permitted on the OB-2 portion of the property. As a condition of approval, the property owner was required to deed restrict the R-2A Overlay portion of the property to restrict against any future development. Since the entirety of the R-2A Overlay has been deed restricted, the R-2A Overlay District has become obsolete. It is recommended that the overlay zone be deleted from the zoning map and zoning ordinance. A note should be added to the zoning map to indicate that the property has been deed restricted.

### 8. Revise Zoning Map

The Roseland Borough Zoning Map has not been updated since October 2005. The Zoning Map needs to be updated to reflect the numerous zoning changes that have been adopted since 2005, including any redevelopment zones.

### 9. Sustainability and Resiliency

A major planning concern today throughout the world is how to effectively plan for and mitigate the effects of climate change. Roseland Borough should consider preparing a Green Buildings and Environmental Sustainability Plan Element of the Master Plan to plan for future climate change and provide local controls to promote local resiliency, carbon sequestration, renewable energy infrastructure, smart growth (including consideration of potential locations for the installation of electric vehicle charging stations), storm resiliency (with respect to energy supply), and environmental sustainability.

## Recommended Changes in the Master Plan and Development Regulations to effectuate Municipal Redevelopment Plans

Since 2010, the Borough has adopted three Redevelopment Plans for designated areas in need of redevelopment which should be incorporated into the municipal master plan and zoning regulations.

1. Redevelopment Plan for Safer Site (Block 21, Lot 1.01 – 9 Woodland Road); adopted August 13, 2012.
2. Redevelopment Plan for Block 30, Lot 2 (6 Becker Farm Road); adopted August 15, 2017.
3. Redevelopment Plan for Block 30.1, Lot 14 (85 Livingston Avenue); adopted August 15, 2017.