

**MINUTES  
ROSELAND PLANNING BOARD  
REGULAR MEETING  
MAY 16, 2016**

**CALLED TO ORDER:**

Joe LaMonica called the meeting to order at 7:00 p.m. Those present on roll call were:

Louis LaSalle, Chairman (arrived at 7:40 p.m.)

Dick Reynolds

Joe LaMonica

Jack A. Gordon

Nancy Sayer

Manny Oliveira

Steve Salvanto, Mayor's Alternate

Vincent Loughlin, PB Attorney

Ralph Tango, PB Engineer

Those absent were:

Councilman David Jacobs

Michael Oliveira

Mayor John Duthie

**SALUTE TO FLAG**

**STATEMENT OF COMPLIANCE:**

In compliance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of annual notice filed with The Progress, The Star Ledger, and the office of the Administrator of Roseland on February 4, 2016 as so certified by the Secretary. Notice has also been posted in a public place in Borough Hall, 19 Harrison Avenue, Roseland, NJ.

**APPROVAL OF MINUTES:**

The minutes of the Reorganization and Regular Meeting of April 18, 2016

A motion was made by Mr. Reynolds and seconded by Mr. Salvanto to approve the minutes as amended. Roll Call: Reynolds, Yes, Gordon, Yes, LaMonica, Yes, Manny Oliveira, Yes, and Salvanto, Yes. The motion was approved 5-0.

**GENERAL BUSINESS:**

- a. Vouchers – April Bill List

A motion was made by Mr. Reynolds and seconded by Mr. Gordon to approve the bill list as presented. Roll Call: Reynolds, Yes, Gordon, Yes, LaMonica, Yes, Sayer, Yes, Manny Oliveira, Yes, and Salvanto, Yes. The motion was approved 6-0.

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A break was taken from 7:09 p.m. to 7:20 p.m. Roll Call: Reynolds, Yes, Gordon, Yes, LaMonica, Yes, Sayer, Yes, Manny Oliveira, Yes, and Salvanto, Yes.

**APPLICATIONS TO BE HEARD:**

**#15-07 – Roseland Plaza, LLC – Block 44, Lot 12.** Request for Preliminary and Final Site Plan approval to add parking, lighting, and fencing located at 184 Eagle Rock Avenue in the B-1 Zone.

Charles Rosen, attorney for the applicant, stated that the application was for the addition of a net of 4 parking spaces, lighting, fencing, and curbing. There were no variances being requested. According to the cross access easement with lot 13, a specific spot where that access easement was to be located was not designated. The cross parking easements are between lots 10, 12, and 13.

Thomas Quinn, the applicant's engineer, described the existing site and reasons for the proposed increase in parking. The current building on site requires 9 parking spaces and they wanted 10 parking spaces for The Roseland Plaza located on lot 15. The proposal is for an additional 350 square feet of paving, a 6-foot high board on board fence, curbing, and a conforming parking lot light. Mr. Quinn entered A-1 as an exhibit depicting an enlarged version of the existing and proposed vehicle maneuvering plan. He stated that he uses a 3-D program to insure that a large ladder truck can make the maneuver. He stated that snow would be piled on the grass island between lots 12 and 13. In answering the Board, he stated that there would be an 8-inch curb and a board on board fence between the proposed parking and the playground for the daycare located on lot 13.

Lou LaSalle arrived at 7:40 p.m.

Ed Fout, notified property owner for lot 13, stated that a portion of the grassed island where they want to pile snow is his. Mr. Quinn stated that his client owns 7-8 feet. Mr. Fout entered O-1 as an exhibit which were 3 photographs taken by himself. There was a lengthy discussion regarding a Garmen Parking Plan approved in 1985 for cross access and parking easements. According to Mr. Fout, the plan did not involve The Roseland Plaza located on lot 15. Mr. Fout said that on any given day there are between 30 to 40 parking spaces on lots 10, 12, and 13 that are not being used. Mr. Fout was concerned with the following issues:

- The safety of the children while they are in the playground area because the proposed parking spaces will be 1-foot from the playground.
- The aesthetics from Eagle Rock Avenue.
- The safety of the pickup and drop off of children with limited visibility.
- The comments from both the Fire Chief and the Police Chief who do not feel that a fire truck could maneuver to his lot.

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In answering the Board's questions, Mr. Quinn stated that the parking spaces are needed for the Roseland Plaza.

Mr. Tango stated that the Fire Chief's concerns are well founded. There are a few areas as shown on the truck maneuvering plans where the clearance is very tight.

Mr. Rosen, in summarizing, stated that his client is not interfering with the access or use of lot 13 and that the existing and proposed access to lot 13 are very similar. He also stated that his client should expect the reasonable use of his property which he believes is accomplished by the proposed application. Mr. Fout created a flag lot, thereby, causing his own problem.

A motion was called for, but none was made. A number of the Board members were concerned about the Fire and Police Chiefs' comments and the safety of the children attending the daycare. Vince Loughlin stated that there must be reasons to deny that application.

A motion was made by Mr. Gordon and seconded by Mr. LaMonica to deny the application as presented. Mr. Gordon listed the reasons to deny as: a risk to the safety of the children attending the daycare; the concerns of the Fire and Police Departments re: emergency vehicle maneuverability, prior representation to the Board regarding no need for additional parking spaces, snow removal will be placed on Fout property, current number of parking spaces on site conforms to the Ordinance; sufficient parking on all 3 lots involved in the cross parking easements; and the amount of open parking on site as testified to by Mr. Fout, and not refuted. Roll Call: Reynolds, No, Gordon, Yes, LaMonica, Yes, Sayer, Yes, Manny Oliveira, Yes, and Salvanto, Yes. The motion was approved 5-1.

**#16-01 – Mountain Development Corp. – Block 34, Lot 2.2.** Request for Preliminary and Final Site Plan approval for site modifications and a new exterior building entrance located at 56 Livingston Avenue in the OB-1 & R-2A Zones.

Lou LaSalle took over as Chairman.

Robert Podvey, attorney for the applicant, submitted an exhibit list for the Board members. He described the proposal for a modified access and parking plan, new façade, and entrance. Mr. Podvey reviewed Ralph Tango's letter and stated that they would comply with all items. He requested he be given 3 years for all of the lighting on site to match.

Lauren Monighan, engineer for the applicant, described the existing site, including existing parking. The proposal is to create a boulevard type entrance into the site for Lowenstein Sandler, the new tenant, who will be occupying 170,000 square feet of the building. The proposal is to add (6) additional ADA parking spaces, (28) LED parking light fixtures, (1) wall mounted sign that conforms to the Ordinance, and additional landscaping. The proposal is to reduce the number of parking spaces currently and if the banked parking spaces needed to be built in the

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future, there would be a need for additional storm water management.

Mr. Tango requested, and the applicant agreed, to restripe some of the crosswalks and reorient a number of the proposed parking spaces.

Matt Cornett, the applicant's draftsman, described the proposed Lowenstein Sandler entrance with the proposed façade sign conforming to the Ordinance. The colors of the building entrance are proposed to be different from the existing building colors in order to set the area that Lowenstein Sandler will be occupying apart from the remainder of the building.

A motion was made by Mr. Reynolds and seconded by Mr. Gordon to approve the application as presented. Roll Call: LaSalle, Yes, Reynolds, Yes, Gordon, Yes, LaMonica, Yes, Sayer, Yes, Manny Oliveira, Yes, and Salvanto, Yes. The motion was approved 7-0.

**ADJOURNMENT:**

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted, Gail Tynan, Planning Board Secretary