

**MINUTES
ROSELAND PLANNING BOARD
REGULAR MEETING
DECEMBER 17, 2018 at 7:00 PM**

CALL TO ORDER:

Chairman LaSalle called the meeting to order at 7:17 p.m. Those present on roll call were:

Louis LaSalle, Chairman
Michael Oliveira, Vice Chairman
Councilman Jacobs
Jack A. Gordon
Joe LaMonica
Donna Schiavone
William Johnson, Alt. #2
Vince Loughlin, PB Attorney
Ralph Tango, PB Engineer
Joe Layton, PB Planner

Those absent were:

Richard Reynolds
Manny Oliveira
Joe Rolli, Alt. #1
Steve Salvanto, Mayor's Alternate

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 notice filed with The Progress, The Star Ledger, and the office of the Administrator of Roseland on January 25, 2018, 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 Regular Meeting of November 19, 2018 were reviewed for approval.

A motion was made by Mr. Gordon and seconded by Mr. LaMonica to approve the minutes. Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Ms. Schiavone, Yes; Mr. Johnson, Yes. The motion was approved 7-0.

APPLICATIONS TO BE HEARD:

**#18-01 – 6 Becker Urban Renewal LLC & 65 Livingston Tenant LLC –
Block 30, Lots 1&2**

Application for a Major Site Plan to construct a 299-unit apartment complex at 6 Becker Farm Road, with parking/grading changes at 65 Livingston Avenue – This application was

carried from the November 19, 2018 meeting.

Please see the transcript for detailed dialogue.

Mr. Tombalakian, the applicant's attorney, gave a brief overview of the application and discussed the changes that were made to the newest submission of plans. He then re-introduced Mr. Giurantano, the applicant's engineer/planner, to the Board who began by describing Exhibit A-12, a color rendering similar to Exhibit A-5, but with revisions and titled "Overall Landscape Plan." He continued by addressing each item on the latest engineering report from Maser Consulting that required testimony. Mr. Giurantano stated that most of the items had been addressed; however, any remaining items would be complied with, or had already had waivers requested for them.

Mr. Gordon mentioned a letter that was submitted to the Board members regarding the Caldwell Sewer Utility. He explained the letter from the Department of Environmental Protection (DEP) stated that the Caldwell Wastewater Treatment Plant had reached or exceeded 95% of its permitted flow. He asked Mr. Giurantano what he planned to do about this problem. Mr. Giurantano stated that this is the first he is hearing about the letter, but he will need to get permission from the Caldwell Sewer Utility prior to getting DEP approval.

Other Board members asked Mr. Giurantano if the neighboring communities would see a change in water pressure and if the inclusion of affordable housing units would help with the sewer approval from the DEP. He stated that the water pressure of neighboring communities should not be affected by the development and that he has not personally experienced this, but he has heard that including affordable housing in developments could actually help with DEP approval.

Mr. Tango then listed the potential conditions of approval so far. Mr. Giurantano also mentioned that during the last meeting, Mr. LaMonica asked if the affordable housing residents would need to pay the amenity fees. He explained that if the fees are mandatory, the affordable housing residents would be exempt; however, if the fees are not required, they would need to pay only if they chose to participate.

Ms. Janet Treamont, resident of 38 Leonard Terrace, asked if there was any additional consideration of the location of the dog run. Mr. Loughlin stated that that would be a question for Mr. Carmen, the applicant's landscape engineer, when he testifies. At this time, questions should only be directed to Mr. Giurantano regarding his testimony.

Mr. William Tedesco, resident of 20 Meeker Court, asked how many parking spaces there would be on the property. Mr. Giurantano stated that there would be 280 garage parking spaces and 312 surface parking spaces.

Mr. Tombalakian re-introduced Mr. Carmen. He began by addressing Ms. Treamont's questions regarding the dog run. Mr. Carmen stated that he understood her concerns with noise and odors, but he has never had any issues with regards to dog runs located at any

other of his planned developments. He explained that between the on-site maintenance and the sprinkler system that will wash off the turf, there should not be any issues regarding any odors coming from the dog area.

Ms. Schiavone stated that she visited the applicant's other property in Morris Plains to inspect their dog run. She said she was there for about 40 minutes and the dog run looked like it was in pristine condition, and there were no odors.

Mr. Johnson said he visited the location of the proposed development at 6 Becker Farm Road. He stated that he believed the residents living at the proposed complex would not want to hear or smell the dogs at the dog run either. He explained that those residents living directly next to the dog run would probably hear more noise and most likely file complaints, if necessary. He also mentioned that he understood what it is like having a large development being built next to his property because he lives next to the Roseland Glen.

Ms. Schiavone and Mr. Johnson both stated some of the negative impacts that could arise by eliminating the dog run completely. Ms. Treamont named various dog parks around the area that the residents could take their pets to.

Chairman LaSalle explained that this is a time for questions for Mr. Carmen, not for dialogue between the public and the Board members. Ms. Treamont asked Mr. Carmen if, in his professional opinion, putting the dog run next to another residential property is the best option. Mr. Carmen said yes.

Mr. Tedesco asked Mr. Carmen how often maintenance is performed on the dog run. Mr. Carmen stated that the sprinkler system runs every day, but not during the winter, and that the maintenance staff would occasionally check to make sure the area is clean. Mr. Tedesco also asked how many pets each resident is allowed to have in their apartment. Mr. Carmen stated that each resident is allowed one cat and one dog, as long as that dog falls within the allowed breed list. There is also a monthly fee associated with each pet.

Mr. John Matheis, OEM Coordinator, asked what the protocol would be if there were an emergency in one of the apartments and the main doors were locked. Ms. Trisha Wood, representing the applicant, was then sworn in to answer Mr. Matheis' questions. She explained that in the past, and at their other locations, she administers key fobs to all of the emergency departments who would need access after-hours. Mr. Matheis and Ms. Wood both agreed that a safety plan should be established prior to the building being built.

Mr. Gordon asked if the lighting plan had been revised in regards to the top floor of the parking garage. Mr. Carmen explained that after last month's Planning Board meeting, he planned out three other scenarios for the lights on the roof of the garage, but the best result was still from the original plan of two 18-foot poles. He stated once again that their plan complies with the Borough's current lighting ordinance and, if a new lighting ordinance is passed prior to the construction of the building, they will comply with that as well.

Mr. Loughlin stated all of the conditions that would be included in the resolution so far. He also mentioned that a condition could be added regarding the maintenance of the dog run, if the Board wished to do so. He explained that an annual report could be required to detail the complaints received by the applicant's office, and what action was taken with each complaint. The Board could then decide whether or not to shut down the dog park if it becomes a nuisance.

Mr. Gordon asked if a condition could be added to the resolution regarding the school system issue. He and a few other Board members expressed their concern with the number of children being added to the school system. Mr. Loughlin stated that that was beyond the power of the Board and was not an obligation of the developer. Mr. Gordon discussed his concern with the value of the town decreasing due to the level of education decreasing and asked if the applicant was willing to do anything to help keep the current level of education that the Roseland school system currently provides. Mr. Tombalakian did not answer Mr. Gordon's questions but instead explained a few benefits to having this new development added to the Borough.

Chairman LaSalle stated that it was time for the public comment.

Ms. Treamont asked Mr. Loughlin to explain the dog run condition that he mentioned earlier. Mr. Loughlin briefly explained what would be included in the condition and that it would typically be in the hands of the Borough Engineer or the Board of Health. Ms. Treamont also stated that she agrees with Mr. Gordon regarding the applicant voluntarily contributing to the school system.

Mr. Tedesco stated that he understood that the Borough was in this situation due to the action of the courts. He also told the applicant that he believed the surface parking spaces should be designated like the garage parking spaces. He believed that residents who cannot pay for a garage parking space should still be able to have their own space on the surface parking area.

Mr. Tombalakian gave a brief summary of the application.

A motion was made by Mr. Johnson and seconded by Mr. Michael Oliveira to approve the application with the discussed conditions. Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Ms. Schiavone, Yes; Mr. Johnson, Yes. The motion was approved 7-0.

GENERAL BUSINESS:

a. Vouchers – December

The vouchers were reviewed and there were no comments.

b. Discussion of Lighting Ordinance

Mr. Tango explained the difficulties that have been occurring with the current ordinance and that not many municipalities have lighting ordinances that contain detailed language on LED lighting. He told the Board that he has met with professionals from the industry and discussed types of LED lighting along with specific features such as, dimming, reduction, motion-sensored, etc. He asked the Board if they would like the ordinance to read that all commercial properties must comply with the new ordinance once adopted, or if they do not need to comply unless changes are made. Mr. Gordon offered Mr. Tango a set of handwritten proposed revisions to the draft ordinance, which Mr. Tango promised to incorporate as appropriate.

Ms. Schiavone suggested that all commercial properties should comply with the new ordinance within 5 years of adoption. If any changes are made on the property, they would need to comply with the lighting ordinance then as well. Mr. Gordon stated that he agreed with Ms. Schiavone.

Mr. LaMonica stated that there is still an ongoing lighting issue at 56 Livingston Avenue concerning the residents on Freeman Street. Chairman LaSalle stated that a meeting should be set up to discuss that issue once again with the owners and attorneys of 56 Livingston Avenue. Mr. Tango agreed to set up that meeting.

A motion was made by Councilman Jacobs and seconded by Mr. Michael Oliveira to adjourn the meeting.

ADJOURNMENT:

The meeting was adjourned at 9:36 p.m.

Respectfully Submitted, Melissa Barnes
Planning Board Secretary

