

**MINUTES  
ROSELAND PLANNING BOARD  
REORGANIZATION AND REGULAR MEETING MINUTES  
JANUARY 28, 2019 at 7:00 PM**

**CALL TO ORDER:**

Chairman LaSalle called the meeting to order at 7:02 p.m. Those present on roll call were:

Louis LaSalle, Chairman  
Michael Oliveira, Vice Chairman  
Richard Reynolds  
Councilman Jacobs  
Jack A. Gordon  
Joe LaMonica  
Manny Oliveira  
William Johnson, Alt. # 2  
Kevin Codey, Mayor's Alternate  
Vincent Loughlin, PB Attorney  
Ralph Tango, PB Engineer

Those absent were:

Donna Schiavone  
Joe Rolli, Alt. #1  
Mayor James Spango

**SALUTE TO THE 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.

**EXECUTIVE SESSION:**

Mr. Loughlin explained to the public what an executive session is.

At 7:05 p.m., a motion was made by Mr. Michael Oliveira and seconded by Mr. Gordon to enter into a closed session.

At 7:17 p.m., a motion was made by Mr. Gordon and seconded by Mr. Reynolds to enter back into a public meeting.

**REORGANIZATION FOR 2019:**

Appointment of a Temporary Chairman:

Melissa Barnes was appointed as Temporary Chairman.

**Election of Officers:**

a. Chairman

A nomination was made by Mr. LaMonica to appoint Mr. LaSalle as Planning Board Chairman. A motion was made by Mr. Michael Oliveira and was seconded by Mr. Johnson to appoint Mr. LaSalle as Planning Board Chairman. The Board members unanimously agreed to close the nominations.

Roll Call: Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 7-0.

b. Vice Chairman

A nomination was made by Mr. LaMonica to appoint Mr. Michael Oliveira as the Planning Board Vice Chairman. A motion was made by Mr. Gordon and seconded by Mr. Reynolds to appoint Mr. Michael Oliveira as the Planning Board Vice Chairman. The Board members unanimously agreed to close the nominations.

Roll Call: Chairman LaSalle, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 7-0.

**Appointments:**

a. Discussion, Appointment, and Resolution No. 1-2019 appointing Board Attorney

A motion was made by Mr. Gordon and seconded by Mr. Michael Oliveira to appoint Mr. Loughlin as the Planning Board Attorney.

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 8-0.

b. Discussion, Appointment, and Resolution No. 2-2019 appointing Board

## Engineer

A motion was made by Mr. Gordon and seconded by Mr. Reynolds to appoint Ralph Tango, of Maser Consulting, as the Planning Board Engineer.

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Abstain; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 7-0 with 1 abstention.

Councilman Jacobs briefly described that he abstained from voting on the appointment of Mr. Tango because of a professional, not a personal, conflict.

### c. Discussion, Appointment, and Resolution No. 3-2019 appointing Board Planner

A motion was made by Mr. Gordon and seconded by Mr. LaMonica to appoint Daniel Bloch, of Maser Consulting, as the Planning Board Planner.

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 8-0.

### Swearing in of Re-appointed and New Members:

- a. Michael Oliveira
- b. Jack A. Gordon, Esq.
- c. Joe LaMonica
- d. Councilman Jacobs
- e. Kevin Codey

All of the above referenced Planning Board members were sworn in by Mr. Loughlin.

Those who could not attend and will be sworn in at the next meeting:

- a. Joe Rolli

### Appointments:

#### a. Discussion and Appointment of Board Secretary

A motion was made by Mr. Gordon and seconded by Mr. LaMonica to appoint Melissa Barnes as the Planning Board Secretary

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 8-0.

- b. Discussion, Appointment, and Resolution No. 4-2019 Continue the Appointment of Board Planner for Re-Examination of Master Plan
  - Daniel Bloch, Maser Consulting
- c. Discussion, Appointment, and Resolution No. 5-2019 Continue the Appointment of Board Engineer for Re-Examination of Master Plan
  - Ralph Tango, Maser Consulting
- d. Discussion, Appointment, and Resolution No. 6-2019 Continue the Appointment of Board Planner for Housing Element, Third Round COAH, vacant land assessment
  - Daniel Bloch, Maser Consulting

Chairman LaSalle read through and briefly discussed topics b-d. He then asked if any of the members had any objections to his recommendations. No one objected and a motion was made by Mr. LaMonica and seconded by Mr. Michael Oliveira to appoint the above referenced professionals.

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 8-0.

- e. Discussion, Appointment and Resolution No. 7-2019 appointing Board Hearing Reporter
  - Veritext
- f. Discussion, Appointment, and Resolution No. 8-2019 appointing Board Forester
  - John Linson, The Shade Tree Commission
- g. Discussion and Appointment of Official Newspapers – The Caldwell Progress and The Star Ledger
- h. Adoption of Schedule of Meetings for 2019
- i. Adoption of Rules and Regulations for the Planning Board (no change from 2016)

Chairman LaSalle read through and briefly discussed topics e-i. He then asked if any of the members had any objections to his recommendations. No one objected and a motion was made by Mr. Gordon and seconded by Mr. LaMonica to appoint the above referenced professionals.

Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Mr. Reynolds, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; Mr. Manny Oliveira, Yes; and Mr. Johnson, Yes. The motion was approved 8-0.

Discussion of Administrative Review Coordinator

Chairman LaSalle briefly explained the purpose of the Administrative Review Committee (ARC) and who it consisted of in the past. He suggested that the ARC consist of the Board Secretary, the Board Engineer, and the Board Attorney. A motion was made by Mr. Gordon and seconded by Mr. Michael Oliveira to appoint Ms. Barnes, Mr. Tango and Mr. Loughlin as the Administrative Review Committee.

#### Discussion of Technical Review Committee

Chairman LaSalle briefly explained the purpose of the Technical Review Committee (TRC) and who it typically consists of. He explained that Mr. Michael Oliveira presides over this committee and Mr. LaMonica has been the TRC Chairman in the past. Chairman LaSalle suggested that Mr. LaMonica remain the TRC Chairman and choose three members to join him for each meeting. A motion was made by Councilman Jacobs and seconded by Mr. Johnson to appoint Mr. LaMonica as Technical Review Committee Chairman.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

The minutes of the Regular Meeting of December 17, 2018 were reviewed for approval.

A motion was made by Mr. Michael Oliveira 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; and Mr. Johnson, Yes. The motion was approved 6-0.

#### **RESOLUTIONS TO BE MEMORIALIZED:**

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

Application for a Major Site Plan – Construction of a 299-Unit Apartment Complex including Parking and Grading.

Mr. Loughlin explained that some changes to the resolution that were requested by Mr. Gordon and those changes will be applied. Mr. LaMonica mentioned that he did not see any specifics on the landscaping that will be used in their project. Mr. Loughlin stated that it was included, but he would add additional wording on the landscaping if requested by the Board. The Board agreed that the resolution should include that the original landscaping must be maintained for 2 years after being planted.

A motion was made by Councilman Jacobs and seconded by Mr. Johnson to approve and memorialize the resolution including the discussed changes. Roll Call: Chairman LaSalle, Yes; Mr. Michael Oliveira, Yes; Councilman Jacobs, Yes; Mr. Gordon, Yes; Mr. LaMonica, Yes; and Mr. Johnson, Yes. The motion was approved 6-0.

**APPLICATION TO BE HEARD:**

**#18-04 – 25 Cooper, LLC – Block 6, Lot 1**

Application for a Minor Subdivision.

Ms. Elizabeth Durkin, the applicant's attorney, began by introducing the application to the Board and the public. She then briefly introduced the professionals who would be giving testimony. Exhibit A-1, pictures of the existing property taken on January 28, 2019 were distributed to the Board members and professionals. Ms. Durkin explained what each of the photos showed, and the changes the applicant plans to make to the existing property.

Mr. Charles Stewart, the applicant's engineer/planner, was sworn in by Mr. Loughlin and briefly described his qualifications and listed what his firm has accomplished in the past. A motion was made by Mr. Michael Oliveira and seconded by Mr. LaMonica to accept Mr. Stewart's credentials; the Board unanimously agreed to accept them.

Mr. Stewart began his testimony by describing the minor subdivision plan. He gave an overview of the site and what the applicant is proposing. He explained that the existing house and property are in disrepair and would benefit from the proposal. He also explained that the existing lot is larger than most of the surrounding lots in the neighborhood.

Exhibit A-2, a colorized tax map, was then distributed to the Board members and professionals. The lots marked in orange represented lots with a 50-foot width while the lots marked in yellow represented non-conforming lots with a lot width larger than 50-feet. Lastly, the lots marked in pink represented the subject property.

Mr. Gordon asked Mr. Stewart to clarify what the exact dimensions of the proposed lots would be and how they compared to the smallest lots in the neighborhood. Mr. Stewart confirmed that the proposed lot sizes are 50'x85' and 57.77'x85'. The smallest lot in the neighborhood is 50'x90'. Mr. Gordon clarified with Mr. Stewart that if these houses were to be built, the 50'x85' lot would then be the smallest lot in the neighborhood.

Mr. Stewart then reviewed Maser's letter regarding drainage and grading. He stated that if the application was approved, he would submit additional plans and reports regarding Mr. Tango's comments. Additional comments were made by Mr. Tango during the technical review committee (TRC) meeting which Mr. Stewart said he would adhere to as well.

Mr. Stewart showed the Board what would be removed on the property, what variances were being requested, and why they were necessary. He explained that these were C-2

variances in the MLUL and that he does not anticipate them causing a substantial detriment to the greater good.

Mr. Tango mentioned to the Board that a proposed landscaping plan was requested during the TRC meeting, but had not been submitted to date. He stated that the Board may want to add the landscaping plan submission as a condition of approval. Mr. Stewart stated that he could create a plan if the Board requested it.

Mr. Jonathan Kuybida, the applicant's architect, briefly described his qualifications and the Board unanimously accepted them. He showed the Board members the proposed look of the houses using Exhibit A-3, a rendering of the proposed houses. The exhibit showed that the houses mirror each other on the outside and the inside. The garages are located on opposite sides of the house. He explained the floor plans and stated that each floor will be approximately 1000 square feet.

Exhibit A-4, a proposed basement floor plan, was presented and distributed to the Board members. The drawing showed the proposed basement height as 8 feet compared to 7 ½ feet which were proposed at the TRC meeting. Mr. Kuybida went on to explain that less than 50% of the basement would be located above grade.

Mr. LaMonica questioned why the basement height was changed from 7 ½ feet to 8 feet. Ms. Durkin stated that there must have been a miscommunication. She thought that the Board had requested the 8' ceiling height, but her applicant was willing to revise the plans back to 7 ½ feet. Mr. Tango expressed concern regarding the elevations not being shown accurately on Mr. Stewart's plan, and that it could affect the height of the structure resulting in an additional variance. Mr. Kuybida confirmed that his calculations were based on the elevations from Mr. Stewart's plan.

Mr. Kuybida described the houses as approximately the same size as the existing houses in the neighbor, and went into detail about the materials being used on the proposed houses.

Mr. Codey asked why there are no windows in the master bedroom or bathroom and Mr. Kuybida explained that the plan printed incorrectly and that there are windows proposed in both rooms.

Mr. Gordon asked Mr. Kuybida to clarify what "basic design" means in his design notes. Mr. Kuybida stated that the proposed houses will have the same floor plans and exterior materials.

A couple of Board members expressed concerns regarding the ADA compliant portion of the application. Mr. Michael Oliveira asked how a handicapped individual would enter and exit the home and how they would get to the second floor. Mr. Kuybida stated that the homeowner would need to build a ramp to access the entrances and exits. He also said that the entire house is not ADA compliant and that the applicant does not have plans to

advertise the home as ADA compliant. The Board requested the term “ADA” be removed from the plans completely, and Ms. Durkin stated that that would be done.

Mr. Reynolds asked for confirmation that one of the proposed lots, 50’x85’, will be the smallest lot in the neighborhood. Mr. Kuybida confirmed that fact. Chairman LaSalle then stated that it would be helpful to show a larger area of the lots that surround the subject property. He suggested that the applicant show all the lots west of Passaic Avenue to Eisenhower Parkway to show a larger area. Ms. Durkin agreed to provide this for the Board.

Mr. Manny Oliveira explained to the applicant and his professionals that the height of the basement is a concern because it is a habitable space and could be used as an additional bedroom.

Mr. LaMonica stated that he would like to see the plans for the second house and Mr. Kuybida stated that he could provide those.

Mr. Gordon explained that having no objections from surrounding neighbors is a positive start to the application, but he is concerned about exacerbating a pre-existing non-conforming condition. He also expressed concern with what granting these types of applications would do to the overall tone and personality of the Borough.

The Board agreed that a decision cannot be made without accessing the requested documents and Chairman LaSalle stated that the date of continuation will be February 25, 2019. The applicant agreed to continue the application on that date.

**GENERAL BUSINESS:**

- a. Vouchers – January Bill List

The Bill List was not discussed, but was included in the monthly packets.

- b. Other business

**ADJOURNMENT:**

The meeting was adjourned at 9:01 p.m.

Respectfully Submitted, Melissa Barnes  
Planning Board Secretary