

**MINUTES  
ROSELAND PLANNING BOARD  
REGULAR MEETING  
September 19, 2022 7:00 PM**

**CALL TO ORDER:**

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

Chairman Louis LaSalle  
Michael Oliveira, Vice Chairman  
Anthony Mack, Mayor's Alternate  
Manny Oliveira 7:05 pm  
Councilwoman Eileen Fishman  
William Johnson  
David Jacobs Alt #1

Those absent were:

Mayor James Spango  
Jack A. Gordon  
Joe Rolli  
Joe LaMonica  
Kevin Codey Alt # 2

Board Professionals:

Vincent Loughlin, Board Attorney  
Robert Mannix, Board Engineer  
Nick Dickerson, Board Planner

**SALUTE TO FLAG:**

**STATEMENT OF COMPLIANCE:**

The meeting was conducted in compliance with Chapter 231 of the Public Laws of 1975, annual 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, as so certified by the Secretary. Notice has also been posted in Borough Hall, Roseland, NJ.

**APPROVAL OF MINUTES:**

Minutes from the August 15, 2022, meeting. Motion to approve by Mr. Michael Oliviera, second by Mr. Johnson. Four eligible members in favor of approval.

**NEW BUSINESS:** - None

## **RESOLUTIONS: -**

- a.) Appeal # 22-06 of Medusa Distribution LLC, lessee of property situate block 21, lot 1.01, known as 9 Woodland Road, Suite D, Roseland NJ, requesting Minor Site Plan approval for installation of a new cardboard compactor to be located in an existing loading space with roll up door.

Motion to approve by Mr. Michael Oliviera, second by Mr. Manny Oliviera. Five eligible members voted in favor.

## **PUBLIC HEARINGS:**

- a.) Appeal # 22-05 of Brach-Eichler, lessee of property situate block 20, lot 8, known as 101 Eisenhower Parkway, Roseland, NJ, requesting C Variance relief for two proposed wall signs where one is permitted and a sign area of 196.5 square feet each, where 90 square feet is allowed in the OB2 Zone

Susan Rubright, attorney for the applicant, gave a brief summary of the proposed sign as well as a waiver for submission of a minor site plan since no changes were to be made at the site.

Witness # 1 – Alan Hamer , Esq– Senior Partner at Brach-Eichler, 101 Eisenhower Parkway, Roseland. Mr. Hamer reviewed the history of the firm at the current location since 1982 with 12 more years left on the lease. The firm will be celebrating its 55<sup>th</sup> anniversary and the proposed signage, which would be easily discernable from Rt. 280, would assist with finding the location of the building and the firm. The proposed signage would also be comparable to other signage for other firms within Roseland.

The Board members had no questions, so Chairman LaSalle opened the meeting to questions from the public. John O’Boyle of Pitcairn Drive asked whether the sign would be illuminated and about its placement on the building. Attorney Rubright deferred these questions the sign designer.

Witness # 2 – Bruce Fish – Owner of Signal Signs, 105 Dorsa Avenue, Livingston, NJ. Mr. Fish reviewed his qualifications and background and his employment by Signal Signs since 1980. Mr. Fish then reviewed the proposed signage locations, including the height and sizes of both signs. The area of the signs is calculated using an imaginary box giving the signs an area of 196.5 square feet, due to the red bar included in the logo. Without the red bar, the area of the sign would be 76.8 square feet. Mr. Fish then presented an exhibit of what the lettering would be with compliant sized lettering. Both signs to be identical in size. Mr. Fish further testified that the signs are to be backlit with a halo effect with LED technology. There would be no spillage of lighting onto any adjacent properties as the lighting would be very subtle.

Chairman LaSalle then asked about lighting controls. Mr. Fish stated that a timer would be utilized to control the on & off functions for 11pm at the latest.

Chairman LaSalle then opened up the meeting to Board questions.

Councilwoman Fishman asked if the off time could be 10 pm as the site is adjacent to a residential neighborhood. Ms. Rubright stated that they would degree to the 10pm turn off time.

Chairman LaSalle then opened up the meeting to the public for questions.

Yerman Dermenjian of Roosevelt Street inquired about signs in neighboring towns using the same calculation of area and also if there would be any protection to prevent animals nesting within the signage. Mr. Fish stated that different towns have different codes and some towns may not require a variance for similar signs. As for nesting within the sign, the letters are sealed tight to the building to prevent that from happening.

Witness # 3 – Sean Moronski, PP – 300 Kimble Drive, Parsippany, NJ, reviewed his credentials and he was accepted as a professional in planning. Mr. Moronski reviewed the criteria for the C-2 Variance relief along with the positive and negative criteria associated with the proposed signage. He then reviewed the purposes of the NJ MLUL as they relate to the proposal and indicated that the signs would be less than 1% of the area of the side of the building and that there would be no spillage of the lighting at night and that the signs would be turned off at 10pm as previously agreed to and that there was no detriment to the public.

Chairman LaSalle then asked the board members for questions of which there were none. He then invited the public to ask questions.

John O'Boyle of Pitcairn Ave stated that he was concerned with a direct view of the sign in the fall and after dark and asked that the application be denied.

Attorney Rubright responded by stating that the sign size had to be calculated including a red bar which increased the size from 76.8 to 196.5 square feet and that the lack of lighting spillage was addressed as well as the agreement to turn of the signs as 10pm. She then summarized the application and concluded her case.

Board Planner, Nick Dickerson, inquired to see if a dimming function was possible if the lighting is determined to be too bright. Attorney Rubright agreed to have the illumination tested after the signs are installed to ensure that the borough lighting ordinance is met.

The board then concluded the public session and went into board deliberation.

A motion to approve was made by Mr. Jacobs, second by Mr. Johnson. Board member Fishman abstained due to computer issues and did not return to the meeting. The remaining six members voted in favor of the application.

b.) Appeal # 21-01 of Roseland Redevelopers LLC, purchaser under contract of property situate block 21, lots 22 and 22.01, known as 117 Harrison Avenue, Roseland, NJ, carried from the April 18, 2022 meeting, requesting Major Site Plan approval to construct 104 market rate and 30 age restricted residential units along with associated site improvements.

Peter Flannery, Attorney for the applicant, opened up with a brief summary of the application and a review of the September 7, Colliers Engineering letter.

Witness # 1 – Jamie Guirantano, PE – Witness still under oath from previously being sworn in.

Mr. Giurantano reviewed the resubmission of the plans to address the revised 2021 stormwater regulations to include two underground basins that were previously located adjacent to building three and the parking area adjacent to the parking area of building four. A new bio retention basin is to be located between buildings one and two. Mr. Giurantano then reviewed the report provided by Ralph Tango, the board engineer and the items in the report were agreed to and the applicant will provide all needed information as requested.

Chairman LaSalle then opened up the meeting to the board professionals and board members for questions.

Board Engineer, Robert Mannix, inquired about the existing retaining wall adjacent to the properties on Roosevelt Street. Mr. Giurantano responded that the retaining wall would remain for safety reasons.

Mr. Mannix also asked about the calculations made for the proposed basins and soil testing and the proposed topography and that indicated that there should be a maintenance plan as well. Mr. Giurantano stated that those items would be provided.

There were no questions from the board members at this time so Chairman LaSalle opened up the meeting to the public for questions.

Thomas O'Bierne of Steele Court and other nearby addresses inquired about the drainage areas to Steele Court and revised plans, environmental phase 1 to phase 2 clean up at the existing concrete plant and access to lots 17 and 18. Mr. Giurantano stated that the revised plans would be further revised and that those drainage areas would be shown. Mr. Giurantano did not know the scope of the environmental issues as he was not involved. The applicant's attorney, Peter Flannery, stated that the information would be provided at a subsequent meeting. As for access to lots 17 and 18, Mr. Giurantano stated that the easements were reflected on the plans.

Karen Mcelhaon of Roosevelt St inquired about drainage and indicated that there is a pre-

existing water problem. However, she was instructed by board attorney Loughlin that this portion of the meeting was for only questions only. Mr. Johnson asked if the drainage proposed would have any effects to the residents on Roosevelt. Mr. Giurantano stated that all drainage would be diverted away from Roosevelt Street.

Yervant Dermenjian of Roosevelt Street asked about the impact on the school system, but was instructed by board attorney Loughlin that only questions pertaining to the current testimony would be allowed.

Ben Steiner of Inward Rd in Essex Fells stated that he had asked for additional information from the applicant but he has not received it. Mr. Flannery stated that all information would be provided regarding 36 Roosevelt Street and that a wetlands expert would appear and provide testimony at the next hearing.

Mr. Steiner asked what the cost to comply with the revised stormwater plans was and the impact to the development. Mr. Giurantano stated that he had not calculated the cost and the number of units were not affected.

Mr. Steiner then asked about historic fill that had been placed at the rear of the site. Mr. Giurantano stated he did not know the prior history of the site.

Mr. Steiner asked if the plans had been reviewed by West Caldwell and Mr. Giurantano stated they had not been reviewed with West Caldwell.

Mr. Steiner asked about RSIS and parking for the affordable units. He was again instructed by board attorney Loughlin that those questions were not appropriate as the testimony only involved stormwater issues.

Thomas O'Bierne of Steele Court asked about the hydrologic conditions at the rear of the property and if there had been any changes. Mr. Giurantano stated that nothing had been added based on historical aerial photographs.

Board Member Michael Oliviera stated that he had watched the video from the meeting he was absent at and was eligible to participate in the vote when that time arises.

Application was carried to the October 19, 2022 meeting without further notice using Zoom.

**GENERAL BUSINESS: - None**

A motion was made by Mr. Jacobs and seconded by Mr. Manny Oliviera to adjourn the meeting.  
The meeting was adjourned at 9:05 pm.

Respectfully Submitted,  
James Campbell  
Planning Board Secretary