**MINUTES**

**ROSELAND PLANNING BOARD**

**REGULAR MEETING**

**December 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

Manny Oliveira

Joe Rolli

Joe LaMonica

William Johnson

David Jacobs Alt #1

Those absent were:

Mayor James Spango

Anthony Mack, Mayor’s Alternate

Jack A. Gordon

Councilwoman Eileen Fishman

Kevin Codey Alt # 2

Board Professionals:

Vincent Loughlin, Board Attorney

Ralph Tango, Board Engineer

Debbie Lawlor, 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 October 17, 2022, meeting. Motion to approve by Mr. Johnson, second by Mr. LaMonica. Seven eligible members in favor of approval.

**NEW BUSINESS: - None**

**RESOLUTIONS: - None**

**PUBLIC HEARINGS:**

1. Appeal # #18-01 of 6 Becker Urban Renewal, LLC, situate block 30, lots 2, known as 6 Becker Farm Rd, Roseland NJ, requesting a two- year extension of previously approved Major Site Plan for 299-unit apartment complex and associated site improvements.

Board Attorney Loughlin reviewed the request for the extension and reasoning of same.

Emily Weiner – Attorney for applicant.

Ex A-1 – December 1, 2022 letter received requesting an additional two year extension.

Attorney Weiner summarized the issues that the applicant has had obtaining will serve letters for water and sewer and was hopeful that these issues would be resolved within the extension period.

Chairman LaSalle recommended that the board approve the request due to the circumstances.

Motion to approve by Mr. LaMonica, second by Mr. Jacobs. All seven members present in favor.

b.) Preliminary investigation of property located at 55 & 80 Livingston Avenue, block 34, lots 1.01 & 2.02, Roseland NJ, as a non- condemnation area in need of redevelopment – Presentation by Board Planner Debbie Lawlor.

Debbie Lawlor was sworn in as a witness to testify and acknowledged that copies of the presentation had been submitted and distributed to the board.

Board Planner Lawlor summarized the Redevelopment Process and the proposed site at Block 34, lots 1.01 & 2.01 known as 55 & 80 Livingston Avenue.

Condemnation versus Non Condemnation process covered as well as the criteria involved with the study.

Total area of lots is 135 acres with existing office buildings that have been vacant since 2020.

History of the lots from 1956 through present given as well as vacancy rates that have diminished in recent years as well as the current state of disrepair due to being vacant and that the entire area qualifies as an area in need of redevelopment.

Chairman LaSalle opened up the meeting to question of the board and public of which there were none.

Board Attorney Loughlin directed the public to comment and then the board to vote. No member of the public commented and a motion to approve the area in need of redevelopment by Mr. Michael Oliviera and second by Mr.Manny Oliviera. Seven members voted in favor.

c.) Carried from the November 21, 2022 meeting, Appeal # 21-01 of Roseland Redevelopers LLC, purchaser under contract of property situate block 21, lots 22 & 22.01, known as 117 Harrison Avenue, Roseland NJ, 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 applicant gave a brief summary of previous testimony and review of proposed changes to the stormwater design.

Witness # 1 – Jamie Giurantano, PE – previously sworn in and remained under oath.

Board Engineer, Ralph, Tango commented that some items have been reviewed and resolved , and that the applicant’s engineer should review Mr. Tango’s report for any items still in question.

Mr. Giurantano reviewed the proposed changes with new mountable curb, easement to Harrison Ave, widening of access driveway and changes to the bio retention basin to allow for better stormwater management and more retention.

Freshwater Wetlands interpretation received by NJDEP and confirms buffers and wetlands located within the site as well as the other permits received from the state in conjunction with removing the existing concrete facility.

Mr. Giutantano then reviewed Board Engineer’s Report for open items and testified to the open items and that the applicant would comply with all listed.

Mr. Tango the confirmed that conditions will need to be listed as part of any resolution of approval that may be granted.

Board Attorney Loughlin agreed that there will be a number of conditions that will need to be included and a draft resolution would be tendered after consulting the board planner & engineer.

Chairman LaSalle then asked the board members for any additional questions or comments on the conditions presented by Mr. Giurantano of which there were no questions. The public was then asked for questions.

Thomas O’Beirne – 2.12 acres of coverage removed, would proposed design reduce the amount of runoff?

Mr. Giurantano responded that runoff would be reduced, however he stated that the current calculations met what is required.

Mr. Phil Neuer, Esq – Expressed concerns about Steel Ct and the existing pipe sizing for stormwater conveyance and that the sizes of the pipe were reduced and not reflected accurately on the plans.

Mr. Giurantano stated that the pipe sizes were existing.

Board Engineer Tango stated that the existing drainage facilities on West Caldwell were a choke point and that there had been flooding concerns before on the adjacent West Caldwell residential lots and that by enlarging piping on Steele Court may make flooding worse.

Chairman LaSalle asked that the pipe sizes be confirmed so that a proper design can be developed.

OB Witness # 1 – Joseph Mianecki, PE – Midvale Ct, Towaco NJ

Ex OB# 1 – Survey with red markings as prepared by Gerry Donnelly

Ex OB # 2 – Page 2 with red markings

Both pages show hand written notes indicated the actual measurements of the stormwater piping in the area as marked

Mr. Mianecki reviewed the current piping and the current flow of stormwater of the adjacent site.

Chairman LaSalle inquired if the borough had records showing exactly what has been installed and what would happen if nothing is done to the current situation.

Board Engineer Tango was not sure and would need to check the records at the borough and cautioned the changes so not to cause a problem with flooding in West Caldwell.

Mr. Neuer then asked about stormwater passing through Steele Court in the existing systems and existing flooding.

Mr. Giurantano stated that no study was done, however that reductions will be done overall with exceptions to extreme conditions.

Mr. Neuer asked about revisions to the landscaping plan and the removal of trees.

Mr. Giuantano stated that the landscaping professional would need to comment on those issues.

Mr. Neuer asked about trees at the building 3 location & Steele Court.

Mr. Giurantano reviewed the plan he had but declined to comment further and deferred to the landscape architect.

Mr.Neuer asked about will serve letters for sewer and water.

Mr. Giurantano stated that in the will serve letter for sewer, it is stated that sewer capacity is a limiting factor.

Mr. Steiner then asked about vehicle turning, landscaping and anticipated school children associated with the proposed development.

Mr. Giurantano stated that they used the largest fire truck in the turning template.

Mr. Flannery indicated that there would be approximately 15 children at most.

Mr. Giurantano reviewed the landscape plan as per the plan.

Chairman LaSalle asked about parking spaces parking sizes as well as aisleway width.

Mr. Giurantano stated that the parking sizes are 9 X 18 and drive aisles are to be 24 feet wide and driveways to be 22 feet long.

Prior to the resolution, a list of conditions would be provided and reviewed by Board Attorney Loughlin and the board professionals.

Chairman LaSalle then opened up the meeting to the board for questions of which there were none and then asked the public for comments.

Patty McGrogan Fost – Wooten Rd – Essex Fells – Asked about buffer zone sizing and has Essex County been notified?

Mr. Giurantano stated that the buffer zone varied in size due to riparian zones from 10 to 1110 feet.

Ben Steiner – In favor of removing the concrete plan and provide residential housing and he application is in compliance with the borough’s Master Plan, however the trees to be removed, lack of proposed parking. He then introduced a video of workers at the proposed site, Ex S1 stating that work was done when testified that no work had taken place. He then stated the proposed development violated the objectives of the Master Plan and that the settlement agreement between the borough and developer should have less units.

Thomas O’Beirne – Expressed concerns about complaints from residential units that are to be located next to commercial sites with commercial activities.

Mr. Philip Neuer – Requested that a copy of the draft resolution be provided when available and amendments to be provided.

Board Attorney Loughlin stated that it is not appropriate for amendments to be introduced by an interested party or that the draft resolution be provided.

The board members were then asked to comment on the procedure of the board and all agreed to review the conditions when provided.

The application was carried to the January 23, 2023 meeting to continued without further notice.

d.) Carried from the November 21, 2022 meeting Appeal # 22-01 of AVC Holdings XVI LLC, purchaser under contract of property situate block 7, lot 7, known as 19 Glen Avenue, Roseland NJ, requesting C Variances in conjunction with Minor Subdivision of one lot into two residential lots in the R-4 Zone.

Greg Masera, Esq – Attorney for applicant gave brief review of the application to subdivide one existing residential lot into two lots.

Witness #1 – Charles Stewart, PE & PP of E2PM – Manasquan NJ. Mr. Stewart reviewed his credentials and was accepted as an expert in the field of engineering & planning.

Mr. Stewart reviewed the proposed site plan with the existing lot size of 150 X 90 feet with one residential dwelling on the lot.

Ex A-1 – Proposed site plan showing proposed subdivision.

The proposed lot sizes would be 60 X 90 for the newly created lot & 90 X 90 feet for the existing lot where the lot size required in the R 4 Zone is 11,250 feet with lot dimensions of 50 X 105 minimum dimensions.

Grading & drainage plans would be provided to the engineering dept if application is approved citing the comments from Board Engineer, Ralph Tango.

The engineering report was reviewed in detail for all items requested as well as all variances requested.

Board Engineer, Ralph Tango requested that all items from the engineering report be listed as conditions of approval if the board were to act favorably.

Mr. Stewart then proceeded with the planning testimony and reviewed the relief being sought for lots sizes and setbacks. There were no variances requested for lot coverage or building coverage.

Ex A-2 – Aerial Drone Photo of proposed site and adjacent lots.

10 trees on the proposed lot to be removed for construction of the new home.

Mr. Stewart then reviewed the positive criteria and stated that there were no negative impacts to the neighborhood or detriments.

Board Questions –

Board Engineer Tango stated that the proposed development was consistent with the existing neighborhood, however the board arborist should be involved as a condition of approval.

Board Planner Lawlor agreed that what was being proposed is to be consistent with the neighborhood as well.

Mr. Michael Oliviera, asked about the layout of the house as no plans had been submitted and asked if a basement was to be included and voiced concerns over a house being built with a basement.

Mr. Masera indicated that having a house without a basement would be a hardship and not a reasonable condition and that the basement would not be illegally occupied.

Board Attorney Loughlin advised the board that they have the discretion to include a basement or not depending on the plans received.

Chairman LaSalle asked for plans to show the interior of the proposed house.

Mr. Johnson also stated that interior plans had been provided for other houses and that without plans for the proposed house, voting would be difficult

Mr. LaMonica, Mr. Rolli, Mr. Jacobs & Mr. Manny Oliviera all stated that they would like to see full plans for the proposed house before voting.

Public Questions –

Sandra Gonzalez – Glen Ave – Notice was given indicating that a variance was requested for impervious coverage and now a variance is no longer needed and that the total number of variances being requested seems high.

Mr. Stewart confirmed that the coverage amount is 35% and that the notice had an incorrect number.

Application to be carried to the January 23, 2023 meeting

**GENERAL BUSINESS: -** None

A motion was made by Mr. Jacobs and seconded by Mr. Johnson to adjourn the meeting. The meeting was adjourned at 10:15 pm.

Respectfully Submitted,

James Campbell

Planning Board Secretary