

2020



BOROUGH OF
ROSELAND
THE GEM OF ESSEX COUNTY

Master Plan Land Use Element Amendment

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for Public Hearing
of the Roseland Borough Planning Board



2020 Master Plan Land Use Element Amendment

Borough of Roseland

Essex County, New Jersey

Adopted by the Roseland Borough Planning Board on _____

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Borough of Roseland

2020

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I. INTRODUCTION

Roseland Borough contains approximately 3.66 square miles (or 2,344.48 acres), situated in the western part of Essex County, New Jersey. Roseland Borough shares municipal borders with West Caldwell and Essex Fells to the north, by West Orange to the east, and by Livingston to the south, all of which are within western Essex County. To the west, the Passaic River makes up the border of Roseland and East Hanover, a Morris County municipality.

Roseland Borough is traversed by Interstate 280 (Essex Freeway) with three interchanges at Livingston Avenue, Eisenhower Parkway and Laurel Avenue. The primary thoroughfares through the Borough include Eagle Rock Avenue (County Route 611), Eisenhower Parkway (County Route 609), Harrison Avenue (County Route 656), Laurel Avenue (County Route 634), Livingston Avenue (County Route 527), and Passaic Avenue (County Route 613).

Roseland Borough is a suburban community with limited remaining vacant land. Roseland Borough has an estimated population of 5,907 residents and estimated 2,922 jobs.

About 30 percent or 724 acres of Roseland Borough are environmentally constrained, including 574 acres of wetlands and associated buffers, 459 acres within the FEMA Special Flood Hazard Area, and 57 acres of steep slopes. Roseland Borough has approximately 467 acres of preserved open space owned by the municipality, Essex County, and the federal government. All of the land within Roseland is designated within the PA1 Metropolitan Planning Area of the State Development and Redevelopment Plan.

II. MASTER PLAN

The New Jersey Municipal Land Use Law (“MLUL”) (N.J.S.A 40:55D-28) empowers municipal Planning Boards to prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

The Roseland Borough Master Plan was first adopted in 1962 and was subsequently revised in 1978 and again in 1982. The Roseland Planning Board reexamined the Master Plan in 1988, 1994, 2000, 2004, and 2010. Housing Element & Fair Share Plans were adopted in 1986, 1995, 2006 and 2008.

In planning for the future of Roseland Borough, the Planning Board continually reviews the master plan goals, objectives and policies to ensure that future development is consistent with the future vision for the Borough.

The purpose of this Master Plan Amendment is to recommend zoning changes in response to the Borough’s ongoing affordable housing compliance.

III. MASTER PLAN GOALS AND OBJECTIVES

One of the two master plan elements required by the MLUL is a statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based. The 1988 Master Plan Reexamination found that the approaching full development of the Borough indicated a shift in planning emphasis from new development design and review to conservation,

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enhancement, and creative reuse of existing development. A new set of Goals and Objectives were therefore developed in the 1988 Reexamination Report to reflect this change. This Master Plan Amendment again reaffirms these goals and objectives and bases land use and zoning change recommendations on consistency with these goals and objectives.

The Master Plan goals and objectives are as follows:

1. Residential

- a. Retain the existing residential character of the Borough.
- b. Maintain and enhance the quality of the existing housing stock and residential neighborhoods.
- c. Protect residential neighborhoods from the intrusion of non-residential traffic.
- d. Provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

2. Office and Manufacturing

- a. Provide for the controlled growth of office uses to minimize the adverse impacts on the Borough and surrounding communities.
- b. Maintain and enhance the viability of existing manufacturing activities within the Borough.

3. Business

- a. Concentrate commercial expansion in defined centers of the Borough.
- b. Enhance accessibility and parking for commercial centers to encourage increased use.
- c. Provide for the expansion of necessary ancillary services to the office uses.
- d. Protect abutting residential neighborhoods from a disorderly expansion of commercial uses.

4. Conservation/Recreation

- a. Limit development in environmentally sensitive areas, including strict adherence to applicable flood plain and wetlands regulations.
- b. Encourage protection of these sensitive areas by donation/acquisition of such areas for public preservation.
- c. Maintain and enhance the recreational opportunities within the local community.
- d. Preserve existing active recreational areas, both public and private, and encourage additional facilities as part of new development projects.

IV. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

Affordable Housing

The Borough of Roseland has continuously addressed its affordable housing obligation since the 1980's. Roseland originally prepared its Housing Plan in December 1986 and first received substantive certification from the Council on Affordable Housing ("COAH") on October 17, 1988. The Borough prepared a Second Round Housing Plan in June 1995 and received substantive certification from COAH on August 2, 2000.

Roseland Borough was also granted an extension of its Second Round certified plan through August 2, 2006, which was subsequently extended by COAH to December 31, 2008 for all municipalities. Roseland adopted a Housing Element & Fair Share Plan on June 19, 2006, pursuant to address the Third Round Substantive Rules in N.J.A.C. 5:94.

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In October of 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements in New Jersey. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

For the Third Round, COAH determined that Roseland had a rehabilitation obligation of 1 unit, a Prior Round obligation of 182 units (which was adjusted to 162 based on the Second Round vacant land adjustment), and a Third Round growth share obligation of 148 units (which Roseland sought to reduce to 40 units based on a Third Round vacant land adjustment). This is a combined total obligation of 203 affordable housing units. Roseland adopted a Housing Element and Fair Share Plan in December 2008 to address the 203 units obligation. Roseland's Third Round petition was submitted to COAH on December 20, 2008 and ruled complete by COAH on April 4, 2009. The petition was never reviewed by COAH for substantive certification.

In 2009, appeals were filed regarding the new Third Round rules' methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. Oral argument occurred in November 2012 and an order was finally issued by the Supreme Court on September 26, 2013. The Supreme Court ruled that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the Fair Housing Act (FHA) and the Mount Laurel doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months. In March 2014, the N.J. Supreme Court extended the deadline for adoption of rules to November 2014.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015, which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allows low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provides a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The Borough of Roseland filed for declaratory judgement on July 6, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfies the Borough's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing. Since July 2015, the Borough has been in negotiations with several interested parties and intervenors to determine the Borough's third round obligation and the mechanisms to satisfy the obligation. A Settlement Agreement was finally reached between the Borough and the Fair Share Housing Center ("FSHC") on November 7, 2019, setting forth the extent of Roseland's Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which Roseland proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring.

One of the terms of the Settlement Agreement is that the Borough must adopt an updated Housing Element & Fair Share Plan, along with a Spending Plan, and adopt all zoning ordinances required as part of the Settlement Agreement.

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This Master Plan Amendment is prepared to amend the Land Use Plan Element of the Master Plan to make zoning recommendations to effectuate the Settlement Agreement and fulfill the Borough's affordable housing obligations.

V. LAND USE PLAN AMENDMENT

The second required master plan element is the Land Use Plan Element. The Land Use Element is designed to be a policy statement by the Planning Board, incorporating the goals and objectives of the Borough and considering the current distribution and character of land uses in the Borough. Roseland adopted an Existing Development & Land Use Element as part of the 1982 Revised Master Plan. Amendments to the Land Use Element were adopted in 2004, 2010 and 2011. The following changes are recommended the Land Use Element to facilitate compliance with the Borough's affordable housing obligations as set forth in the FSHC Settlement Agreement.

1. R-10/AH-4 Inclusionary Housing Zone

Bobst North America, Inc is the owner of approximately 26 total acres known Lots 24.03 and 24.05 in Block 12 on the Borough's tax maps, commonly known as 146 Harrison Avenue. The Bobst Tract is developed with a light industrial and office use. K&K Developer's, Inc. is the contract purchaser of approximately 20 acres of the Bobst Tract. The Borough of Roseland entered into a Settlement Agreement with K&K Developers, Inc., on November 13, 2019.

The Bobst Tract is currently situated within the RM Research/Manufacturing Zone District, which permits research laboratories, limited manufacturing, professional or business offices, and child-care centers. Residential uses are not permitted in the RM District. The maximum permitted floor area ratio is 25 percent and the maximum building height is 50 feet.

The Bobst Tract directly adjoins the R-9/AH-3 Affordable Housing District to the west, which is developed with the Roseland Green inclusionary housing development consisting of 42 age-restricted townhouse units. To the north, across Harrison Avenue, the site is adjacent to a single-family neighborhood within the Township of West Caldwell. To the east, the tract is adjacent to other non-residential uses, including a light industrial use on Lot 24.06 in Block 12.

Based on the Settlement Agreement, the zoning for the 20-acre portion of the Bobst Tract, for which K&K is the contract purchaser, is recommended to be changed to R-10/AH-4 Inclusionary Housing to allow the site to be developed with an inclusionary multi-family housing development (see Map 1 below). This recommended rezoning is supported by Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

The R-10/AH-4 Affordable Housing Zone will allow 177 multifamily rental apartment units and 34 townhouse units, for a total of 211 residential dwelling units. A minimum affordable housing set-aside of 15 percent shall be required, which will result on no less than 32 dwelling units for low- and moderate-income households. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAH affordable housing regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws. Low- and moderate-income housing units shall be interspersed with market rate apartment units.



Map 1: Proposed R-10/AH-4 District

The following zoning standards are recommended in the R-10/AH-4 District:

1. Minimum Tract Area: 18 acres, except that a tract may be subdivided to accommodate the construction of a townhome condominium development which shall otherwise conform to the requirements set forth in the R-10/AH-4 Affordable Housing Zone. The minimum lot area of the individual lots shall be 5 acres. The bulk standards shall be based on the entire tract.
2. Minimum Setback from Public Streets: 40 feet
3. Minimum Setback from Tract Boundary: 50 feet
4. Maximum Building Coverage: 20 percent
5. Maximum Height of Building:
 - a. Multi-Family Building: 4 stories
 - b. Townhome Building: 3 stories

2. R-11/AH-5 Inclusionary Housing Zone

Bobst North America, Inc is the owner of approximately 26 total acres known Lots 24.03 and 24.05 in Block 12 on the Borough's tax maps, commonly known as 146 Harrison Avenue. The Bobst Tract is developed with a light industrial and office use. The Borough of Roseland entered into a Settlement Agreement with Bobst North America, Inc, on November 7, 2019.

The Bobst Tract is currently situated within the RM Research/Manufacturing Zone District, which permits research laboratories, limited manufacturing, professional or business offices, and child-care centers. Residential uses are not permitted in the RM District. The maximum floor area ratio is 25 percent and the maximum building height is 50 feet.

The Bobst Tract directly adjoins the R-9/AH-3 Affordable Housing District to the west, which is developed with the Roseland Green inclusionary housing development consisting of 42 age-restricted townhouse units. To the north, across Harrison Avenue, the site is adjacent to a single-family neighborhood within the Township of West Caldwell. To the east, the tract is adjacent to other non-residential uses, including a light industrial use on Lot 24.06 in Block 12.

Based on the Settlement Agreement, the zoning for the 5.2-acre portion of the Bobst tract is recommended to be changed to R-11/AH-5 Inclusionary Housing to allow the site to be developed with an inclusionary multi-family housing development (see Map 2 below). This recommended rezoning is supported by Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

The R-11/AH-5 Affordable Housing Zone will allow 65 multi-family senior housing units, including 12 low- and moderate-income rental units. The 65 units shall be developed in one 3-story building with elevator service and amenities. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAH affordable housing regulations including, but not limited to, phasing requirements, any applicable order of the Court, and other applicable laws. Low- and moderate-income housing units shall be interspersed with market rate apartment units.

The following zoning standards are recommended in the R-11/AH-5 District:

1. Minimum Lot Area: 4 acres
2. Maximum Tract Density: 12.5 units per acre
3. Minimum Affordable Set-aside: 18 percent
4. Minimum Front Yard Building Setback: 50 feet
5. Minimum Side Yard Building Setback: 35 feet
6. Minimum Rear Yard Building Setback: 35 feet
7. Minimum Setback from Tract Boundary: 35 feet
8. Minimum Building Setback from Public Roads: 45 feet
9. Maximum Impervious Coverage: 70 percent
10. Maximum Building Coverage: 20 percent
11. Maximum Building Height: 3 stories/45 feet



Map 2: Proposed R-11/AH-5 District

3. R-12/AH-6 Inclusionary Housing Zone

JMF is the contract purchaser of approximately 10.582 acres known Lots 22 and 22.01 in Block 21 on the Borough's tax maps, commonly known as 117 Harrison Avenue. The JMF Tract is developed with an industrial concrete manufacturing plant and office uses. The Borough of Roseland entered into a Settlement Agreement with JMF on November 7, 2019.

The JMF Tract is currently situated within the RM Research/Manufacturing Zone District, which permits research laboratories, limited manufacturing, professional or business offices, and child-care centers. Residential uses are not permitted in the RM District. The maximum floor area ratio is 25 percent and the maximum building height is 50 feet.

The JMF Tract is a flag-lot with a narrow stem connecting from Harrison Avenue to the wider portion of the property at the rear. The tract lies at the edge of the RM District where it is adjacent to the existing single-family neighborhood along Roosevelt Avenue. To the west, the remainder of the RM District is developed with light industrial and office uses. To the north, the site adjoins the municipal open space and recreation lands within Essex Fells Borough.

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Map 3: Proposed R-12/AH-6 District

Based on the Settlement Agreement, the zoning for the JMF Tract is recommended to be changed to R-12/AH-6 Inclusionary Housing to allow the site to be developed with an inclusionary multi-family housing development (see Map 3 in the Appendix). This recommended rezoning is supported by Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation. Additionally, the redevelopment of the existing concrete plant will eliminate an incompatible land use with the neighboring single-family development. This will promote Goal 1.b of the Master Plan to maintain and enhance the quality of the existing housing stock and residential neighborhoods.

The R-12/AH-6 Affordable Housing Zone will allow the tract to be developed with townhouses and age-restricted multi-family apartments at a maximum development yield of 108 market-rate stacked townhouse units and a 30-unit age-restricted multifamily affordable housing building (22% set aside), for a total of 138 dwelling units. Not less than 30 housing units shall be designated for occupancy by very low, low- and moderate-income households. The units designated for very low, low- and moderate-income households shall be in the multifamily buildings. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAH affordable housing regulations including but not limited to phasing requirements, any applicable order of the Court, and other applicable laws. The market-rate dwelling units may be located on a separate lot from the affordable dwelling units.

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The following zoning standards are recommended in the R-12/AH-6 District:

1. Minimum Lot Area: 2 acres
2. Minimum Lot Width: 75 feet
3. Maximum Gross Residential Density: 14 dwelling units per acre, not to exceed 138 dwelling units
4. Minimum Front, Rear and Side Yards from a Lot Boundary Line for Permitted Principal and Accessory Uses: 10 feet
5. Maximum Impervious Coverage: 75 percent
6. Maximum Building Height for Principal Structures: 3-1/2 stories / 55 feet
7. Maximum Building Length: Each stacked townhome dwelling building shall not exceed 225 feet in length

4. R-13/AH-7 Inclusionary Housing Zone

The FSHC Settlement Agreement identifies three Mack Cali projects to be developed with inclusionary housing. Mack Cali I (6 Becker Farm Road) and Mack Cali II (85 Livingston Avenue) were both designated Areas in Need of Redevelopment and both have received preliminary and final site plan approval from the Roseland Planning Board.

The third project, known as Mack Cali III, is located at 65 Livingston Avenue, known as Lot 1 in Block 30. Lot 1 is a 9.5-acre parcel located at the corner of Livingston Avenue (County Route 527) and Becker Farm Road. The property is currently owned by Livingston I Associates and is developed with a 107,762-square foot, four-story office building with surface parking and other ancillary site improvements.

The Mack Cali III site is currently situated within the OB-2 Office Business District, which permits professional or business offices, research laboratories, and child-care centers. Residential uses are not permitted in the OB-2 District. The maximum floor area ratio is 25 percent and the maximum building height is 4 stories/56 feet.

The Mack Cali III site adjoins the Mack Cali II site to the west. The two projects are proposed to be developed with cross-access driveways from Becker Farm Road allowing better circulation of the development. To the north, the Mack Cali III site is adjacent to the Roseland Historical Society property and the R-8/AH-2 District, which is developed with the Roseland Glen inclusionary housing development. To the west and south of the site are existing office developments within the OB-2 and OB-1 Districts.

Based on the Settlement Agreement, the zoning for Mack Cali III is recommended to be changed to R-13/AH-7 Inclusionary Housing to allow the site to be developed with an inclusionary multi-family housing development (see Map 4 in the Appendix). This recommended rezoning is supported by Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

The R-13/AH-7 Affordable Housing Zone will allow the tract to be developed with multi-family rental apartments at a maximum development yield of 260 market-rate units. Not less than 42 housing units shall be designated for occupancy by very low, low- and moderate-income households. All affordable units shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable COAH affordable housing regulations including but not limited to phasing requirements, any applicable order of the Court, and other

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applicable laws. Low- and moderate-income housing units shall be interspersed with market rate apartment units.

The R-13/AH-7 District may also permit a limited amount of retail, service or restaurant uses, either within the principal structure or within a separate building on the property. Structured parking shall also be permitted. Accessory uses should include a clubhouse, swimming pool, recreational facilities, fitness amenities, etc.



Map 4: Proposed R-13/AH-7 District

The following zoning standards are recommended in the R-13/AH-7 District:

1. Minimum Lot Area: 9 acres
2. Minimum Lot Width: 300 feet
3. Maximum Gross Residential Density: 28 dwelling units per acre, not to exceed 260 dwelling units
4. Minimum Affordable Set-aside: 16 percent, not less than 42 affordable dwelling units
5. Minimum Front Yard Building Setback: 70 feet

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6. Minimum Side Yard Building Setback: 5 feet
7. Minimum Rear Yard Building Setback: 70 feet
8. Maximum Non-Residential Floor Area: 5,400 square feet
9. Maximum Building Coverage: 30 percent
10. Maximum Impervious Coverage: 40 percent
11. Maximum Building Height: 4 stories/56 feet

5. MU/AH Mixed Use Affordable Housing Overlay Zone

As part of the Settlement Agreement, the Borough agreed to adopt an overlay zone, which would provide additional opportunities for affordable housing development. The B-1 Business District was identified as an area with potential for redevelopment to provide mixed-use development with affordable dwellings units.



Map 5: Proposed MU/AH Overlay District

The B-1 District is the Borough’s primary commercial center, encompassing approximately 12 acres in the center of Roseland along Eagle Rock Avenue (County Route 611) and Roseland Avenue (County Route 527). The B-1 District

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permits retail sales and service uses, business and professional offices, single-family detached dwellings, fast-service restaurants within a neighborhood shopping center, banks, clubs, and child-care centers.

The proposed MU/AH Mixed Use Affordable Housing Overlay Zone will encompass the entire B-1 District (see Map 5 below). The MU/AH Overlay Zone will permit mixed use development including two stories of residential uses above commercial uses that are permitted in the underlying B-1 District. The maximum density will be 15 units per acre with a minimum affordable housing set-aside of 20 percent.

The proposed MU/AH Overlay Zone will promote Goal 1.d of the Master Plan, which is to provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation. The MU/AH Overlay will also promote the economic viability of the existing or future businesses within the B-1 District by bringing new residents into within the walkable downtown center.

6. Mandatory Affordable Housing Set-Aside Ordinance

As part of the Settlement Agreement, the Borough also agreed to adopt a Borough-wide Mandatory Set-Aside Ordinance ("MSO"), which would require that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough that results in a multi-family residential development of 5 or more dwellings will require a minimum of 20 percent of the units be reserved for low- and moderate-income households. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Roseland to grant such rezoning, variance, redevelopment designation or other relief. The MSO will not apply to the MU/AH Overlay Zone and nor will it apply to the current Jim Johnson's Steakhouse site at 58 Eisenhower Parkway (Block 2, Lot 4).

VI. RELATIONSHIP TO ADJACENT MUNICIPALITIES

The MLUL (N.J.S.A. 40:55D-28(d)) requires municipal master plans to provide a specific policy statement indicating the relationship of the proposed development of the municipality to the master plans of contiguous municipalities. The 2010 Master Plan Reexamination Report includes a review of zoning in adjacent municipalities.

The proposed R-10/AH-4 and R-11/AH-5 Zone Districts are adjacent to the Township of West Caldwell municipal boundary, which runs along the centerline of Harrison Avenue in this area. The proposed zones are adjacent to an existing single-family residential neighborhood within the R-3 Residential Zone District in West Caldwell. The proposed rezoning will not be inconsistent with the Essex Fells municipal master plan as the lands are zoned for single-family residential.

The proposed R-12/AH-6 Zone District adjoins municipal open space and recreation lands within Essex Fells Borough. The proposed rezoning will not be inconsistent with the Essex Fells municipal master plan as the lands are zoned for municipal parks.