

**MASTER PLAN PERIODIC REEXAMINATION
REPORT AND LAND USE PLAN AMENDMENT
BOROUGH OF ROSELAND
NOVEMBER, 2010**



Adopted By the Roseland Planning Board on December 6, 2010.

Prepared By:

A handwritten signature in cursive script that reads 'Joseph J. Layton'. The signature is written in black ink and is positioned above a horizontal line.

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MC PROJECT NO. 10000757G

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12

Master Plan Reexamination and Amendment

INTRODUCTION

The New Jersey Municipal Land Use Law, N.J.S. 40:55 D-1, et seq. stipulates that each municipality in the State of New Jersey reexamine its Master Plan and development regulations at least every six years. Specifically, N.J.S. 40:55D-89 states:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board ... [and] the municipal clerk of each adjoining municipality.

This reexamination of the Borough of Roseland Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S. 40:55D-89 by including the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.



- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c.79 (C.40A:12A-1, et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This reexamination report considers the Master Plan Reexamination Report adopted on February 23, 2004. This Reexamination Report was also formally adopted as an amendment to the Land Use Plan Element of the Plan.

A. Major Problems and Objectives Relating to Land Development in the Borough of Roseland in 2004, the Year of the Last Reexamination Report

There were three major concerns that were identified in the 2004 Reexamination Report which can be summarized as follows:

1. Concern was expressed that if key parcels within the existing Research, Office and Manufacturing (ROM) Zone, were developed or redeveloped in accordance with the current zoning, there would be the potential to create or exacerbate already compromised traffic conditions on several strategic roadways and intersections within the Borough. To address this concern and reduce peak hour traffic impacts of future large-scale office development it was recommended that the ROM Zone be eliminated in favor of a new Research/Manufacturing (RM) Zone. Large scale office development was recommended to be discouraged with an emphasis placed on permitting less intense research and manufacturing uses and uses that generate less traffic volume within peak hours that do not coincide with current peaks. Although large-scale office development would be discouraged in the new RM Zone, small-scale office use would not be inconsistent with the intent of the zone and is, in fact, a necessary support service to manufacturing or research-type uses.



Accordingly recommendations were made to limit the size of offices as a principal use and also to allow offices as an ancillary use to research or manufacturing use provided such ancillary office space did not exceed 20 percent of the gross floor area.

2. Consistent with the goal of promoting land uses of lower intensity and with traffic generation characteristics that do not coincide with current peaks in the existing ROM Zone, it was recommended that self-storage facilities be permitted as a conditional use in the new RM Zone. "Conditions" for this use should include standards for: visual appearance from public streets; landscaping; limits on hours or operation; materials to be stored; security measures; etc.
3. There was a recurring concern during the course of the 2004 reexamination process regarding the visual appearance of non-residential development. It was recommended that standards for the visual appearance of non-residential development be developed. In particular, the location of parking areas between the street and building lines should be discouraged and, where not practical, landscaping should be provided to allow a visual break from public streets to such parking areas. The development of improved standards for signage and access drives should also be incorporated into such ordinance changes.

B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Since 2004.

The first objective in the 2004 Reexamination Report was addressed through the introduction of the Research Manufacturing (RM) Zone. The RM Zone replaced the old ROM Zone by way of Ordinance No. 8a-2004 adopted in 2004 subsequent to the recommendations in the 2004 Reexamination Report.

In accordance with the recommendations in the Reexamination Report, the RM Zone permits offices for professional or business use, including executive, engineering, accounting, statistical and financial purposes, provided that such office uses(s) shall be limited to a maximum of twenty (20%) percent of the total floor area of a building(s) on a site and shall not exceed a total of twenty-five thousand (25,000) square feet. The calculation excludes office space ancillary to a



research or manufacturing use provided that the ancillary office space does not exceed twenty (20%) percent of the gross floor area of the research or manufacturing use. Age-restricted multi-family housing was also added as a conditional use in the RM Zone in 2005 provided that the age-restricted multi-family development directly abuts an R-6 Zone. The permitted density is six units per acre.

The second objective was also accomplished by Ordinance No. 8a-2004 whereby self-storage facilities were permitted as a conditional use in the new RM Zone. In accordance with the recommendations in the 2004 Reexamination Report there are extensive conditions related to visual appearance. These include prohibition of barbed wire fencing; careful consideration is to be paid to insure high quality exterior building materials; pitched roofs are required for visual interest; neutral building and signage colors are required as are sufficient landscape plantings.

The third objective of the 2004 Reexamination Report which recommended that standards for the visual appearance of non-residential development, in particular standards for the location and screening of off-street parking areas, has not been addressed. Although new standards have not been adopted there are existing standards which exist but these need to be made more comprehensive and precise. The Planning Board and Zoning Board have addressed the appearance of non-residential uses and their parking areas on a case-by-case basis during the review of development applications. Nevertheless, it is recommended that this objective should continue to be addressed in the near future.

C. The Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives Forming the Basis for the 2004 Reexamination Report

Changes in the assumptions, policies and objectives forming the basis for the prior Reexamination Report can be caused by events or changes in philosophy internal to Roseland or from outside influences such as surrounding municipalities or State action and policies. As Roseland is essentially fully developed, the underlying objective has been to preserve and enhance the community as it is rather than seek a new or changed direction. However, given the recent economic recession the assumption that growth is not something that needs to be encouraged is no longer valid. The Borough has seen corporate buildings vacated and tax



collection rates drop. There is a need for new sources of revenue and good ratables. Consequently a major assumption in 2010 is that the Borough needs to encourage growth.

In summary there have been no significant changes in the municipal assumptions, policies and objectives forming the basis for the 2004 Reexamination Report with the exception that the Borough now finds itself in a position where new sources of revenue are needed and therefore growth in the form of new tax ratables needs to be encouraged.

State Level Changes in Assumptions, Policies and Objectives

At the State level, there have been changes in policies and objectives since 2004, many of which affect the Borough of Roseland in some fashion.

Surface Water Quality Standards

The Surface Water Quality Standards (SWQS) establish antidegradation policies for all surface waters of the State under N.J.A.C. 7:9B-1.1 et seq. The SWQS require that all existing and designated uses shall be maintained and protected for all surface waters of the State. Impaired waters must be restored to meet SWQS. Existing water quality shall be maintained. The antidegradation designations include the establishment of Category One Waters by NJDEP with a requirement of a 300 foot wide buffer adjacent to streams. There are no Category One Waters in Roseland.

Council on Affordable Housing

In addition to the SWQS, there have been changes to the Council on Affordable Housing (COAH), as well. COAH is empowered to: (1) define housing regions, (2) estimate low and moderate income housing needs, (3) set criteria and guidelines for municipalities to determine and address their own fair share numbers and then (4) review and approve housing elements/fair share plans and regional contribution agreements for municipalities.

New Third Round COAH Regulations became effective on December 20, 2004. That same year COAH's methodology for calculating the Third Round obligation was challenged and overturned in court. COAH proposed new methodology and rules in January and May of 2008, which were



finally adopted on October 20, 2008. These new regulations and amendments include N.J.A.C. 5:94-1.1 et seq, N.J.A.C. 5:95, N.J.A.C. 5:96, N.J.A.C. 5:97-1.1 et seq, and N.J.A.C. 5:97 – Appendix F, and govern municipal housing obligations for the periods 1999-2014 and 1999-2018. Roseland filed a petition with COAH for Third Round Substantive Certification on December 30, 2008 and the submittal was declared complete on April 27, 2009. However, the Borough has yet to receive Substantive Certification.

Residential Site Improvement Standards

The NJDCA Residential Site Improvement Standards (RSIS) sets forth the standards for residential development. Residential applications before the Borough must conform to the standards or apply for exemptions or waivers to the standards based on special conditions. The latest regulation can be found at N.J.A.C. 5:21-1.1 et seq. effective on June 7, 2010. The Site Improvement Advisory Board provides a mechanism to hear requests for modifications or make changes to the RSIS.

Municipal Stormwater Management

Under the Municipal Land Use Law Section 40:55D-93, every municipality shall prepare a storm water management plan and a storm water control ordinance or ordinances to implement the plan. The Borough adopted a Stormwater Management Plan in accordance with New Jersey Department of Environmental Protection requirements. As required by the Municipal Land Use Law the Stormwater Management Plan has been reexamined and there are no recommended changes.

State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was most recently adopted on March 2, 2001. It contains goals, objectives, and policies to guide the development and redevelopment of New Jersey. Proposed changes to the SDRP were released for cross acceptance in 2004. After many years of delay a Draft Final Plan was issued on January 13, 2010. The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended such as along existing transportation corridors, in developed or developing suburbs, and in urban areas. The SDRP encourages new growth in



“centers” which are “compact” forms of development, rather than in “sprawl” development. The SDRP places the majority of Roseland and surrounding municipalities within the Metropolitan Planning Area. Municipalities in this Planning Area have strong ties to major metropolitan centers and have mature settlement patterns. Much of the States future development and redevelopment is proposed to occur in the Metropolitan Planning Area. The area of Roseland west of Eisenhower Parkway which contains wetlands associated with the Passaic River is classified by the SDRP as Parks and Natural Areas.

Review of Zoning in Adjoining Municipalities

The New Jersey Municipal Land Use Law (MLUL) requires that the Borough evaluate the relationship of its Master Plan to the plans of adjacent municipalities. The policy of the Borough is to work cooperatively with adjoining municipalities to advance sound planning and prepare compatible plans.

Roseland Borough is surrounded by five other municipalities: Borough of West Caldwell, Borough of Essex Fells, Township of West Orange and Township of Livingston in Essex County and the Township of East Hanover in Morris County. The areas of all four Essex County municipalities which abut Roseland are zoned for single family residential use with the exception of the area of West Caldwell in the Passaic River wetlands which is zoned for Open Space similar to the Conservation Zone in Roseland (See attached map - Zoning in Adjacent Municipalities). In East Hanover the area adjacent to Roseland north of I-280 is zoned Light Industrial and the area south of I-280 is in the Public Zone. Although the area north of I-280 in East Hanover is zoned Light Industrial it does not pose a conflict since the area is unable to be developed due to the presence of wetlands.

There are areas of Roseland which abut the surrounding Essex County municipalities which do not replicate the residential zoning across the border. These areas include the RM Zone adjacent to West Caldwell, the OB-1 Zone adjacent to Livingston along I-280 and the RM Zone adjacent to Livingston along Eisenhower Parkway. The area in West Caldwell adjacent to the RM Zone is not developed residentially but contains a large wooded area. The area in Livingston along I-280 is developed for residential uses but it is separated from the development in the OB-1 Zone



in Roseland by I-280 and a narrow area of undevelopable woodland which serves as a buffer. The area along Eisenhower Parkway in Livingston adjacent to the Roseland RM Zone is generally undeveloped.

D. Recommended Revisions to the Borough Master Plan and Development Regulations

The Borough needs to monitor the aftermath of the current recession before determining if any significant revisions are needed to the Borough Master Plan and Development Regulations. Any needed revisions are more likely to be apparent once a new economic order has been established post recession. However, there are two changes to the Master Plan that should be made immediately to enhance the development potential of two unique parcels where the existing zoning is no longer appropriate (See attached Map - Recommended Zoning Changes).

The first parcel is Block 32, Lot 9.1 on Eisenhower Parkway which is currently zoned R-6 Garden Apartment District. This lot contains approximately 1.07 acres and is the only lot remaining in the R-6 Zone District not developed for residential use. It is too small to be developed for the permitted garden apartment uses where the minimum tract size required is 9 acres. This lot is adjacent to the B-2 Business District and fronts on Eisenhower Parkway. The minimum lot size requirement in the B-2 District is 40,000 square feet which the subject property meets. Permitted principal uses in the B-2 District include retail sales and services and business and professional offices. These uses are compatible with the commercial environment along Eisenhower Parkway. Therefore it is recommended that Block 32, Lot 9.1 be rezoned from R-6 to B-2.

The second parcel of concern is Block 30.01, Lot 3 on Eagle Rock Avenue. This property is within the R-2 Single Family Residence Zone where the only permitted principal use is single family detached dwellings. It is adjoined on two sides by the OB-2 Office Building Zone District. The Land Use Plan in the 1982 Master Plan Revision shows the subject property as designated for office building use. The zoning of the subject property in 1982 was OB-2. The 1988 Reexamination Report recommended that six small residential lots on the south side of Eagle Rock Avenue (including the subject property) be rezoned from OB-2 to R-2 to make the residential uses conforming, thereby eliminating the necessity of appeal to the Board of



Adjustment for every small change to the house or property. Over the years the residential uses have been abandoned on these six lots save for the two lots at either end of the string of six lots. Continued use of these lots for single family residences has obviously become less desirable. In June 2010 Shelbourne Healthcare Development Group LLC made application to the Roseland Zoning Board of Adjustment for a use variance to allow construction of an 85 unit assisted living facility on four of the lots with a fifth lot to be used for a relocated emergency access driveway to the ADP property. The application was approved by the Zoning Board of Adjustment and as a consequence Block 30.01 Lot 3 is the only remaining lot of the original six which retains a detached single family home. Long term use of this property for a single family home is not viable and it is recommended that the parcel be rezoned OB-2 to be consistent with adjoining lands. Although the property at approximately $\frac{3}{4}$ acre contains less than the minimum lot size requirement of five acres for the OB-2 Zone District it can likely be developed for a permitted use in the Zone which includes offices for professional or business use including executive, engineering, accounting and financial purposes.

As required by the Municipal Land Use Law Section 40:55D-93 the Municipal Stormwater Management Plan has been reexamined and it does not need to be amended.

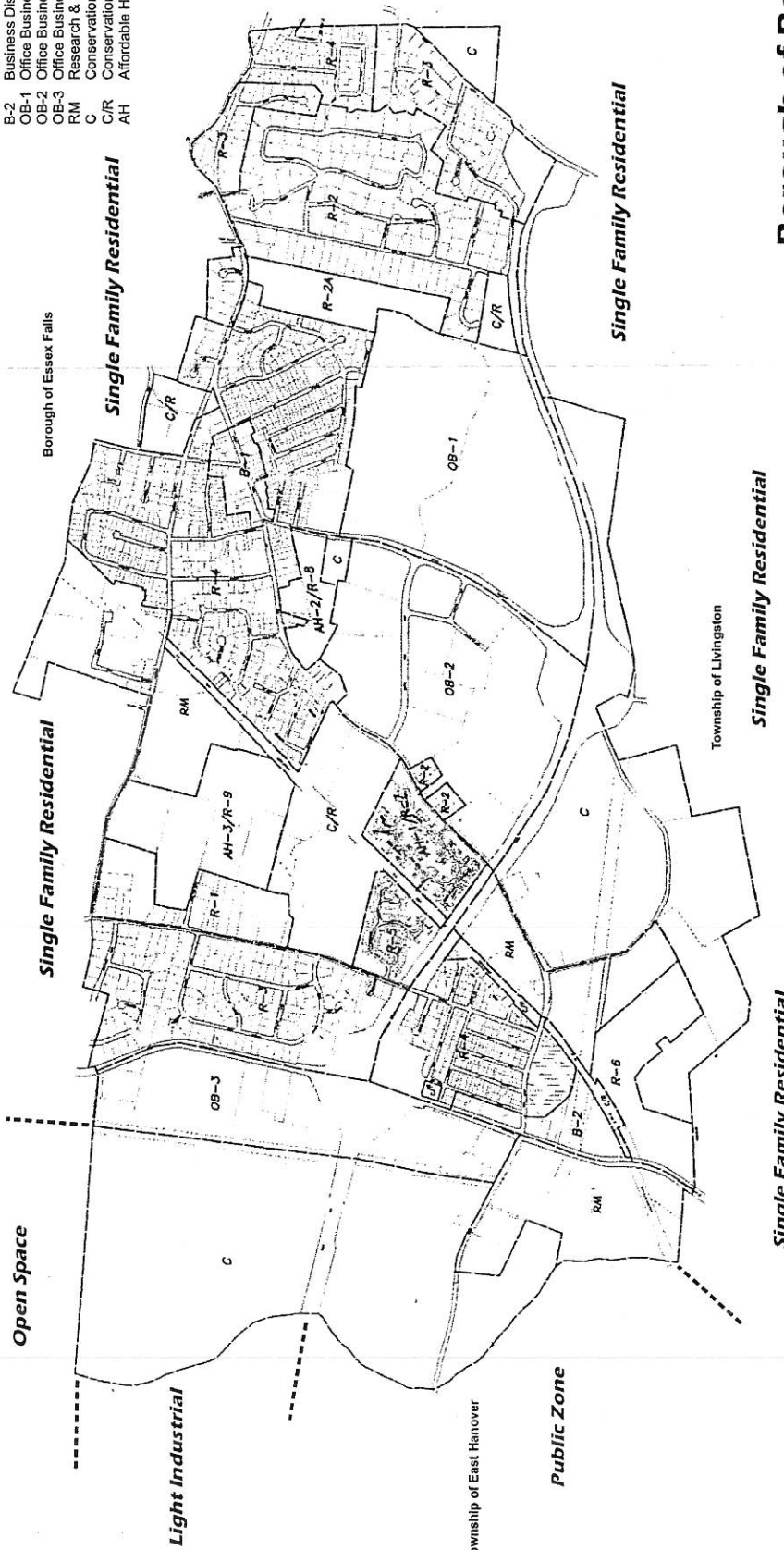
E. Recommendation Concerning Incorporation of Redevelopment Plans

There are no areas of the Borough that are in need of redevelopment. Therefore, there are no recommendations for the incorporation of Redevelopment Plans.

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- R-1 Detached Single Family Residence District
- R-2 Detached Single Family Residence District
- R-2A Detached Single Family Residence District
- R-3 Detached Single Family Residence District
- R-4 Detached Single Family Residence District
- R-5 Single Family Residence District
- R-6 Garden Apartment District
- B-1 Business District
- B-2 Business District
- OB-1 Office Business District
- OB-2 Office Business District
- OB-3 Office Business District
- RM Research & Manufacturing District
- C Conservation District
- C/R Conservation/Recreational District
- AH Affordable Housing District



PREPARED BY:

Borough of Roseland Zoning in Adjacent Municipalities



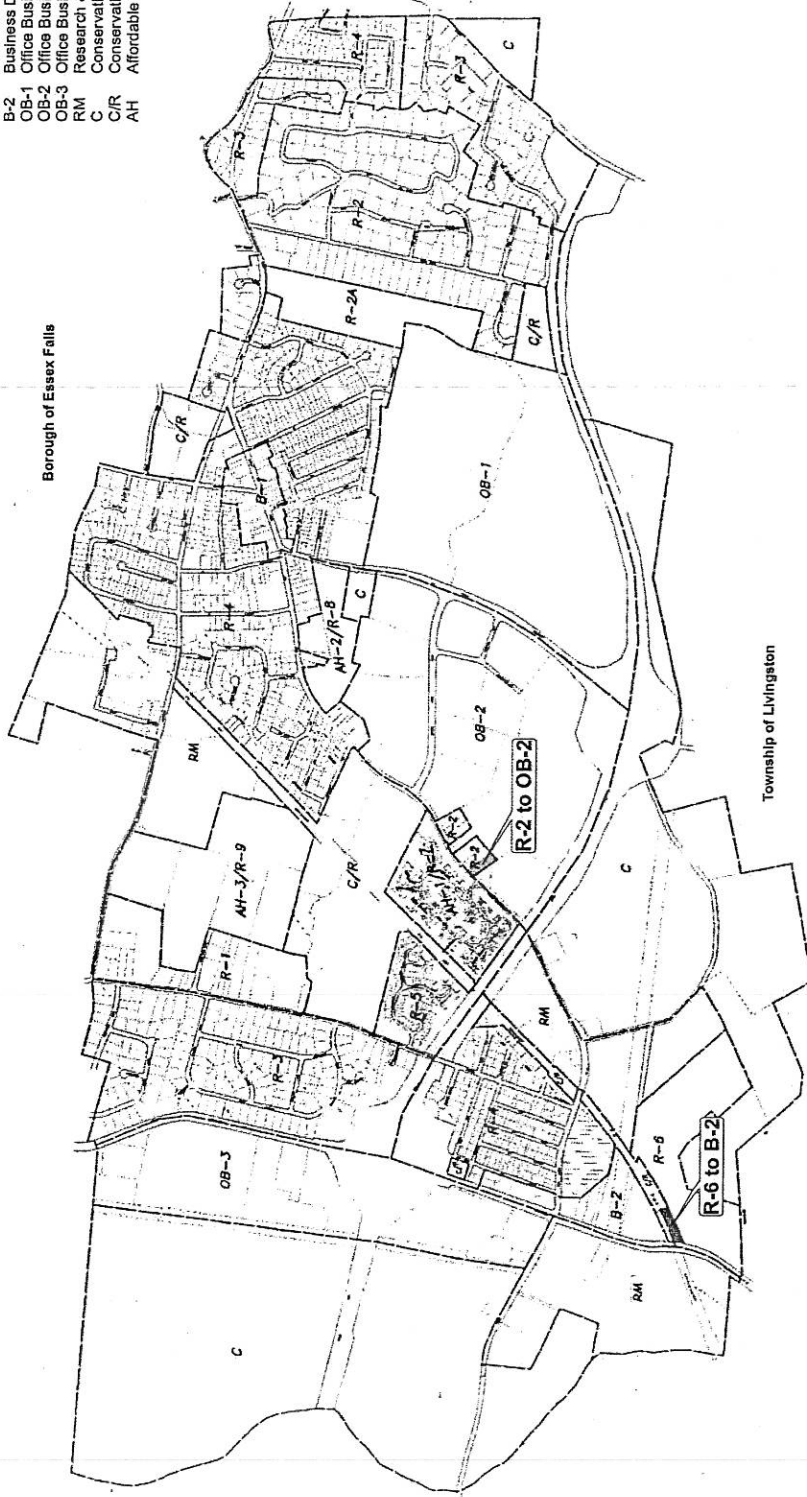
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- R-1 Detached Single Family Residence District
- R-2 Detached Single Family Residence District
- R-2A Detached Single Family Residence District
- R-3 Detached Single Family Residence District
- R-3 Detached Single Family Residence District
- R-3 Single Family Residence District
- R-6 Garden Apartment District
- B-1 Business District
- B-2 Business District
- OB-1 Office Business District
- OB-2 Office Business District
- OB-3 Office Business District
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Township of West Caldwell

Borough of Essex Falls

Township of West Orange



Township of East Hanover

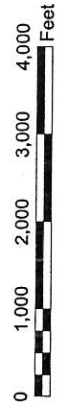
Township of Livingston



Legend

Recommended Zoning Changes

- Change from R-6 to B-2
- Change from R-2 to OB-2



Borough of Roseland Recommended Zoning Changes

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