

RESOLUTION NO. 2016-003

RESOLUTION OF THE MUNICIPAL LAND USE BOARD
OF THE BOROUGH OF ROSELLE PARK, NEW JERSEY
220, 230, 240, 248 and 250 West Westfield Avenue
Block 314, Lots 8-12

PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND APROVAL OF DEVIATIONS

WHEREAS, Meridia on Westfield, Roselle Park, LLC, (the "Applicant") of 201 South Wood Avenue, Linden, NJ, filed an application with the Roselle Park Municipal Land Use Board (the "Board") for preliminary and final site plan approval and a deviation from the provisions of the West Westfield Avenue Redevelopment Plan I (the "Redevelopment Plan") as to building height and for such other deviations and waivers as may be deemed necessary on the premises at 220, 230, 240, 248 and 250 West Westfield Avenue, Roselle Park, NJ, more specifically known as Lots 8 - 12, Block 314 (the "Property"); and

WHEREAS, the Applicant submitted proof of publication of the statutorily required notice of hearing in one of the designated newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of the statutorily required notice of hearing upon all property owners within two hundred (200) feet of the Property by certified mail; and

WHEREAS, the application was to be considered at a public meeting of the Board held on June 13, 2016, and such application was carried by the Board to be heard at a special meeting of the Board on June 27, 2016 and was heard on June 27, 2016; and

WHEREAS, the Applicant submitted a site plan prepared by MCB Engineering Associates, LLC, dated May 24, 2016, revised through June 20, 2016; architectural plans

prepared by CPA Architecture, dated May 25, 2016, revised through June 21, 2016 and a Traffic Report prepared by Dynamic Traffic, dated May 23, 2016.

WHEREAS, John DeNoia, Esq., an attorney at law of the State of New Jersey appeared on behalf of the Applicant; and

WHEREAS, Cristiano Pereira of CPA Architecture was duly qualified as an expert in the field of Architecture and testified as to the design of the structures proposed by the applicant; and,

WHEREAS, Patrick D. McClellan of MCB Engineering Associates, LLC was duly qualified as an expert in the field of Civil Engineering and he testified as to the design for the site plan including the drainage, lighting and landscaping; and,

WHEREAS, Nicholas Verderese of Dynamic Traffic was duly qualified as an expert witness in the field of traffic and transportation engineering. He testified as to the amount of traffic increase occasioned by this proposal, the traffic movements into and out of the site and the traffic movements within the site. He also testified as to the rationale for the parking stall sizes as proposed; and,

WHEREAS, Paul Grygiel of Phillips Preiss Grygiel LLC was duly qualified as an expert witness in the field of planning. He testified relative to the deviations the Applicant requested from the standards of the Redevelopment Plan; and,

WHEREAS, Sean McGowan testified as a representative of the Applicant and testified that, based on the demographics from other similar developments the Applicant anticipates that there would be approximately one school age child for each 100 units constructed; and,

WHEREAS, members of the public raised questions of the witnesses which

questions were responded to by the witness most qualified to respond; and,

WHEREAS, at the conclusion of the applicant's presentation and the participation by the public the members of the Land Use Board discussed the merits of the application and made the following findings of fact and conclusions of law:

1. The Applicant is the contract purchaser of each of the parcels that are included in this application and the owners of each parcel have consented to the application.
2. The property is known and designated as Lots 8, 9, 10, 11 and 12 in Block 314. The properties are more commonly referred to as 220, 230, 240, 248 and 250 West Westfield Avenue in Roselle Park, NJ.
3. The property in aggregate is approximately 1.8 acres in size and has 397.5 feet of frontage along West Westfield Avenue.
4. The property has been designated an Area in Need of Redevelopment and the redevelopment criteria are set forth in the redevelopment plan entitled West Westfield Avenue Redevelopment Plan I, Borough of Roselle Park adopted by ordinance by the Borough Council. The underlying zone is B-3 Arterial Business District.
5. Westfield Avenue is also known as State Highway 28 and abuts the property on the North. To the rear of the Property are railroad tracks. On either side of the Property are commercial/industrial uses.
6. The Applicant is the Designated Redeveloper of the Property.
7. The project proposes the demolition of all of the existing structure on the Property and the construction of two separate buildings, each a six story structure with

two floors of parking within the buildings and four floors of residential living units.

8. The project proposes a total of 213 residential units and a total of 5,000 square feet of retail space to be located on the first floor.

9. The proposed uses and the amount of each use are consistent with the uses permitted by the Redevelopment Plan.

10. The project seeks a deviation from the Redevelopment Plan's standard relative to height. The proposal provides for 74 feet in height where the Redevelopment Plan standard is 72 feet.

11. The testimony of the architect, which the Board accepts as credible, sufficiently explained the basis for the slightly greater height detailing the changing slope of the property and the use of a peaked roof.

12. The project proposes a total of 346 parking spaces located within the buildings and in the open area between the buildings. Of the 346 spaces 61 will be tandem spaces and will be allocated to the occupants of the two bedroom units who have more than one car. The number of parking spaces provided meets the standards of the Redevelopment Plan. The Applicant is seeking design waivers for the size of some of the parking stalls in the buildings and the tandem parking.

13. The site will require a storm water management system which the Applicant's Civil Engineer agreed to provide. The system will contain an underground detention basin.

14. The application proposes two crosswalks across Westfield Avenue. Since Westfield Avenue is a State Highway approval for the crosswalks (whether one, two or none) will have to come from the New Jersey Department of Transportation.

15. The traffic study prepared by the Applicant's traffic engineer has been reviewed by the municipal professionals and found to be satisfactory, the Board concurs. This project would have a minimal effect of the operation of the surrounding roadways.

16. The testimony of the Applicant's traffic expert, which the Board accepts as credible, supports the request for the size of the parking stalls requested and for the tandem parking. Since the parking spaces are reserved for individual apartment tenants they will have knowledge of where each will park and under those circumstances the parking stall sizes are adequate. Further since the tandem spaces are provided to a single apartment unit there will be no conflict with such a parking configuration.

17. The testimony of the Applicant's Planning expert, which the Board accepts as credible, articulates the issue attendant to the sloping site and the need to increase the height of one of the parking floors to accommodate ductwork. The additional two feet in height would be difficult if not impossible to determine from the ground. No detriment to the public good or to the intent and purpose of the Redevelopment Plan can be found.

18. The application is substantially compliant to the provisions of the Redevelopment Plan and the single deviation for building height can be granted without adverse effect to the Redevelopment Plan or to the Master Plan of the Borough of Roselle Park.

19. The Applicant's proofs were factually correct and credible. The Board accepts them and considers them sufficient to support an approval of the application.

20. The applicant having sustained its burden of proof and having adequately

addressed and substantiated the need for the deviation and waiver the application can be approved.

A motion to approve the application was made by Mr. Harms, seconded by Mr. Costello to grant preliminary and final site plan approval, to grant the deviation for height allowing a height of not greater than 74 feet and to grant the waivers for parking stall size and stacked (tandem) parking. The voting was as follows:

<u>AYES</u>	<u>NAYS</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
Harms			
Nitche			
Stephen			
Costello			
Robaina			
Picarelli			
Vitale			
Iungerman			
Delano			

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Land Use Board of the Borough of Roselle Park, based upon the testimony of the Applicant's experts and professionals, the application submitted to the Board by the Applicant, the documents and exhibits submitted in connection with the application, the testimony from the Board's expert, the Findings of Fact and Conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants preliminary and final site plan approval, a deviation for height allowing a height of not greater than 74 feet and waivers for parking

stall size and stacked (tandem) parking all to allow the applicant to construct the proposed project .

BE IT FURTHER RESOLVED that the approval of the said application shall be contingent upon and subject to the Applicant's full and complete satisfaction of the following conditions:

1. The Applicant is to pay all required fees, escrow deposits, and bonds prescribed by Borough ordinances, including but not limited to, any fee due and owing to the Borough's Affordable Housing Trust Fund.

2. The Applicant shall comply with all applicable local, county, state and federal laws, regulations and ordinances as required, including without limitation the New Jersey Residential Site Improvement Standards.

3. The Applicant shall obtain all necessary local, county, state and federal agency approvals as required.

4. All representations made by the Applicant and all conditions agreed to by the Applicant shall be strictly adhered to and complied with, unless otherwise modified. These representations and conditions shall remain in full force and effect, and shall apply to the use variance, bulk variance and waiver approval granted herein.

MOVED BY: - J. Albert Nitche

SECONDED BY: - Glen Costello

THOSE IN FAVOR: - ALL

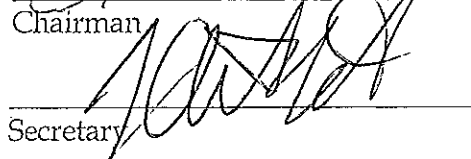
THOSE OPPOSED: -

I hereby certify that the foregoing Resolution was adopted by the Municipal Land

Use Board of the Borough of Roselle Park at its meeting of 8-15-, 2016, and that said Resolution memorializes the action of the Municipal Land Use Board taken at its meeting held on 8-15-, 2016, approving said application by a vote of ___ in favor and ___ against.



Chairman



Secretary