

**REGULAR MEETING – OCTOBER 3, 2019**

**READ PUBLIC MEETINGS LAW ARTICLE**

**ROLL CALL**

**MOMENT OF SILENCE/PRAYER**

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS**

1. Request from Tinkergarten to hold a Fall Lantern Walk at Revered Msgr. Joseph F. Loreti Park on Sunday, November 3, 2019 beginning at 4:15 p.m. (subject to insurance requirements).

**PROCLAMATIONS & PRESENTATIONS**

1. Proclamation: Mayors Against Illegal Guns
2. Certificate: LGBT History Month & Transgender Awareness

**APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS**

1. Regular Meeting Closed Session of July 18, 2019
2. Special Meeting of July 31, 2019

**MOTION BILLS & PAYROLLS BE NOT READ AND PASSED FOR PAYMENT**

**PUBLIC PORTION** (Time Limit 4 Minutes Limited to Agenda Items Only)

**ORDINANCES FOR 2<sup>ND</sup> READING**

ORD. No. 2587      AN ORDINANCE AMENDING CHAPTER XL, “LAND USE,” OF THE CODE OF THE BOROUGH OF ROSELLE PARK SO AS TO INCLUDE NEW DEFINITIONS AND REGULATIONS PERTAINING TO MEDICAL CANNABIS DISPENSARY(IES) AS A CONDITIONAL USE IN THE B-3 AND INDUSTRIAL ZONES WITHIN THE BOROUGH OF ROSELLE PARK

ORD. No. 2588      AN ORDINANCE AMENDING CHAPTER XXII; SECTION 22-1 “FIRE PREVENTION AND PROTECTION; NEW JERSEY UNIFORM FIRE CODE,” OF THE CODE OF THE BOROUGH OF ROSELLE PARK

**ORDINANCES FOR INTRODUCTION**

None

**CONSENT AGENDA**

**"ALL MATTERS LISTED WITH AN ASTERISK (\*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF THE GOVERNING BODY SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA AS PART OF THE GENERAL ORDERS."**

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**RESOLUTIONS:**

- \* **#274-19** – Authorizing the Treasurer to Issue One (1) Check Totaling \$4,291.48 Payable to One (1) Lien Holder on One (1) Property and One (1) Check Totaling \$1,700.00 from the Tax Collector’s Premium Account
  
- \* **#275-19** – Authorizing a \$7,500.00 Increase to the Professional Service Contract with Harbor Consultants, Inc. for the Preparation of a Redevelopment Plan for Block 506, Lots 2, 3, 4, and 5 (Hunter) Reflecting a Revised Maximum Contract Amount Not to Exceed \$20,300.00
  
- \* **#276-19** – Authorizing the Tax Collector to Issue a Refund in the Total Amount of \$32,378.49 on Block 911, Lot 29 (117 East Westfield Avenue) Pursuant to the State Tax Court of New Jersey
  
- \* **#277-19** – Authorizing the Tax Collector to Issue a Refund in the Total Amount of \$1,947.36 on Block 1004, Lot 22 (509 East Lincoln Avenue) Pursuant to the State Tax Court of New Jersey
  
- \* **#278-19** – Approving the Insertion of the 2019 Bulletproof Vest Partnership Grant as a Special Item of Revenue in the 2019 Municipal Budget in the Amount of \$3,633.39
  
- \* **#279-19** – Authorizing Special Need Waiver No. 2 for Roselle Park Housing Rehabilitation Program Case No. RP-39-2, Block 904, Lot 27, Commonly Known as 148 Camden Street
  
- \* **#280-19** – Authorizing Change Order No. 2 to A3 Contracting, LLC for the Project “Roselle Park Housing Rehabilitation Program Case No. RP-39-2” in the Amount of a \$1,100.00 Increase to Reflect a Total Contract Amount of \$34,735.00, Plus a \$275.00 Homeowner Contribution for a Total of \$35,010.00
  
- \* **#281-19** – Awarding a Contract to Cifelli & Son General Contracting, Inc. for the Project “2019 Miscellaneous Concrete Repairs” in an Amount Not to Exceed \$50,000.00
  
- \* **#282-19** – Incorporating Recommendation 1 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019

- \* **#283-19** – Incorporating Recommendation 2 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#284-19** – Incorporating Recommendation 3 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#285-19** – Incorporating Recommendation 4 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#286-19** – Incorporating Recommendation 5 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#287-19** – Incorporating Recommendation 6 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#288-19** – Incorporating Recommendation 7 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#289-19** – Incorporating Recommendation 8 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#290-19** – Incorporating Recommendation 9 of 9 from Resolution 2019-07 of the Municipal Land Use Board into the West Webster Avenue Area 1 Redevelopment Plan Dated September 9, 2019
- \* **#291-19** – Authorizing the Borough Clerk to Auction Unclaimed Vehicles

**REPORTS OF DEPARTMENTS (Time Limit 3 Minutes)**

Written Reports Received:

1. Police Chief's Report for September 2019
2. DPW Superintendent's Report for September 2019
3. Borough Clerk's Report for September 2019

**REPORTS OF BOROUGH COUNCIL / COMMITTEES (Time Limit 7 Minutes)**

**REPORT OF THE MAYOR AND MAYORAL APPOINTMENTS (Time Limit 7 Minutes)**

**PUBLIC PORTION (Time Limit 3 Minutes On Any Subject)**

**EXECUTIVE (CLOSED) SESSION**

**ADJOURNMENT**

**NEXT REGULAR SCHEDULED MEETING OF THE MAYOR AND COUNCIL  
WILL BE HELD ON OCTOBER 17, 2019**

## ORDINANCES FOR SECOND READING

### ORDINANCE NO. 2587

**AN ORDINANCE AMENDING CHAPTER XL, "LAND USE," OF THE CODE OF THE  
BOROUGH OF ROSELLE PARK SO AS TO INCLUDE NEW DEFINITIONS AND  
REGULATIONS PERTAINING TO MEDICAL CANNABIS DISPENSARY(IES) AS A  
CONDITIONAL USE IN THE B-3 AND INDUSTRIAL ZONES WITHIN  
THE BOROUGH OF ROSELLE PARK**

**WHEREAS**, the governing body, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and,

**WHEREAS**, the State of New Jersey has permitted the adult use of marijuana in limited circumstances via the Compassionate Use Medical Marijuana Act, P.L. 2009, c.307 (2010), codified at N.J.S.A. 24:6I-1, et seq. (the "CUMMA"), and its associated regulations; and,

**WHEREAS**, the State of New Jersey is presently reviewing applications and will be issuing licenses to increase the number of medical cannabis dispensaries in the State of New Jersey; and,

**WHEREAS**, the governing body wishes to create land use regulations and licensing requirements for medical cannabis dispensaries (also known as Medical Marijuana Alternative Treatment Centers) that can provide medicinal benefits and promote the health, safety, and general welfare of the community; and,

**WHEREAS**, the Borough of Roselle Park has determined that State-licensed businesses that legally sell, and/or distribute marijuana under such State licenses require special attention in the form of an Ordinance tailored toward the municipality, in order to preserve the public health, safety, and welfare of the community and its inhabitants; and,

**WHEREAS**, the governing body, pursuant to N.J.S.A. 40:55D-64, sought the recommendations of the Roselle Park Municipal Land Use Board relative to these issues; and,

**WHEREAS**, on September 5, 2019, the governing body referred the draft proposed Ordinance amending the municipal zoning code establishing the permitted uses for medical cannabis dispensary(ies) to the Municipal Land Use Board for formal review, report and recommendations as required by N.J.S.A 40:55D-62; and,

**WHEREAS**, the Municipal Land Use Board, at its September 16, 2019 Regular Meeting, confirmed that the proposed amendment is substantially consistent with the Borough's land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL of the Code of the Borough of Roselle Park be and hereby is amended as follows:

**SECTION 1.** Additional Definitions

Part 2 Land Subdivision and Site Plan Review

Article VI Definitions

40-601 TERMS DEFINED.

The following words, terms or phrases, when used in Chapter XL, Land Use, shall have the meanings ascribed in this section:

[...]

**Medical Cannabis Dispensary(ies)** shall mean facility(ies) licensed by the State of New Jersey and the Borough of Roselle Park to dispense medical cannabis in any form approved by the State and related supplies to qualified patients who (1) possess prescriptions issued by a licensed physician and who (2) are registered with the State of New Jersey.

**Medical Use of Cannabis** shall mean the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-2).

**Medical Cannabis Products** shall mean manufactured products having cannabis or a cannabis extract, including but not limited to raw marijuana, edibles, beverages, topical products, ointments, oils, and tinctures, or other products approved by the State of New Jersey.

[...]

**SECTION 2.** Amendments to B-3 Arterial Business District Zoning

Part 3 Zoning

Article XXIV B-3 Arterial Business District

40-2402 PERMITTED USES.

- A. A building or premises may be used only for the following uses:
  - 1. Any use permitted in the Residence Office Building and Central Business Districts.
  - 2. The following retail business shall be permitted, provided that there is a total connected electric motor load for manufacturing or processing of not more than ten (10) horsepower, and further provided that no steam plant shall carry steam at more than one hundred (100) pounds pressure: bakery, carpenter shop, cleaning and dyeing shop, food processing shop, frozen food lockers, laundry, plumber, printing shop and car wash.
  - 3. Retail trade.
  - 4. Retail services.
  - 5. Banks and financial institutions—NAICS Group 5221.
  - 6. Institutional and public uses—NAICS Groups 71211, 8131 and 92.

7. Restaurants, Caterers and Banquet Halls—NAICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.
  8. Funeral Homes—NAICS Group 812210, excluding crematories.
  9. Motion Picture Theaters—NAICS Group 512131.
  10. Mortgage companies and mortgage brokers—NAICS Groups 522292 and 522310.
  11. Fitness and Recreational Sports Centers—NAICS Group 713940.
  12. Pet Grooming Services—NAICS Group 812910
  13. Utility Trailer Merchant Wholesalers—NAICS Group 423110
  14. Screen Printing Apparel & Textile Products—NAICS Group 323113
- B. Any building used for any of the purposes enumerated in subsection A,1 through 10. above may not have more than forty (40%) percent of the first floor devoted to storage purposes incidental to the primary use.
- C. Facades of storefronts, including signs, window displays and lighting or any retail store or other type of establishment with street exposure permitted under this Article shall conform to the following requirements:
1. The use of the following types of attention-getting devices shall be prohibited:
    - a. Direct, unshielded, flashing or intermittent lighting in the display windows or on the storefront.
    - b. Sound device or apparatus for commercial advertising purposes, such as radio or phonograph amplifiers.
    - c. Device or scheme using motion, such as pinwheels, motion pictures, live models or live demonstrations in the display windows, any of which of the aforementioned are disturbing to the senses of pedestrians or motorists using the adjacent sidewalk or street and which tend to impair the dignity and character of the district.
    - d. Nothing appearing herein shall be construed to prohibit temporary holiday lighting.
- D. Uses permitted under Section 40-2402 shall not be located or established in an existing frame house or in a building or structure or extending from an existing frame building.

- E. Retail store or establishment with street exposure shall be of a character consistent with and appropriate to a distinctive, high quality and refined office and business district.
- F. *Conditional Uses.* A building or premises shall be used in the zone only if it meets the following conditions:
  - 1. Hair, nail and skin care services—NAICS Group 81211.
    - a. If the use is 500 linear feet between a similar use; and,
    - b. The building space is 400 square feet or less.
  - 2. **Medical Cannabis Dispensary.**
    - a. **To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval is required for a Medical Cannabis Dispensary as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.); and,**
    - b. **One Medical Cannabis Dispensary shall be allowed per zone district where the use is permitted; and,**
    - c. **A Medical Cannabis Dispensary shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be located; and,**
    - d. **Minimum gross floor area of two-thousand five hundred (2,500) square feet; and,**
    - e. **Minimum parking requirements shall be one (1) space per two hundred fifty (250) square feet of gross floor area (GFA); and,**
    - f. **A Medical Cannabis Dispensary shall not be located within a Drug Free School Safety Zones; and,**
    - g. **A Medical Cannabis Dispensary shall not be located within two hundred and fifty (250) feet of the property line of any existing church, parochial school, childcare center, or any existing public park; and,**
    - h. **There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or marijuana by patrons; and,**



- i. Hours of public operation shall be limited to 9:00 a.m. through 8:00 p.m. Monday through Saturday; and,**
- j. The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Borough of Roselle Park Health Department and Building Department and may be subject to periodic inspection; and,**
- k. No doctors' and/or physicians' offices shall be located on the same site as any State Licensed Medical Cannabis Dispensary, and no recommendations from a doctor and/or physician for medical cannabis shall be issued on-site at any State Licensed Medical Cannabis Dispensary within the Borough of Roselle Park; and,**
- l. Security. All facilities associated with dispensing cannabis shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Roselle Park Police Department for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries. The Roselle Park Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures above and beyond the following requirements:**
  - i. An updated employee (including security) list shall be provided to the Roselle Park Chief of Police (or designee) on a monthly basis, but no later than the close of business on the 10th day of the current month; and,**
  - ii. A Director of Security shall be appointed by the facility owner and identified as such to the Roselle Park Chief of Police (or designee); and,**
  - iii. To the extent not already required by the entity's State license, all licensed facilities must provide a minimum of at least two (2) armed security guards (or more if required by the State of New Jersey) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing; and,**

- iv. To the extent not already required by the entity’s State license, all sites must be equipped with 24/7 closed circuit security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the duration required under State law but no less than 30 days; and,
  - v. All licensed facilities must provide the Roselle Park Police Department with access to security footage immediately upon request by the Department; and,
  - vi. Exterior lighting plans shall be reviewed and approved by the Borough Engineer in consultation the Roselle Park Police Department and submitted with site plan application; and,
  - vii. Reception area shall use bullet-proof glass and hardened doors separating reception area from patient area; and,
  - viii. Panic buttons shall be installed and linked to the Roselle Park Police Department; and,
  - ix. All banking transports shall be provided by an armored car service; and,
- m. The Medical Cannabis Dispensary shall comply with all setback or distance requirements established by law and in effect in the zone in which it is to be located as of the time of the licensee’s application; and,
  - n. Signage shall comply with all existing regulations but shall not include language referring to “marijuana” or “cannabis” or use any symbols that indicate such.

**SECTION 3.** Amendments to I Industrial District Zoning

Part 3 Zoning

Article XXV I Industrial District

40-2502 PERMITTED USES.

- A. A building or premises may be used for any industrial purpose, except the following:

1. Coke, coal or fuel oil storage, except where consumed on the premises.
2. Cotton ginning and food products manufacture.
3. Disinfectant or insecticide manufacture.
4. Electric central lighting or power plant operated by steam, gas or oil.
5. Dwelling purposes, except as set forth in paragraph A,65 of this section.
6. Fish packing or storage other than for local trade.
7. Flour, grist or grain mills or elevators.
8. Gas, illuminating or heating, manufacture or storage.
9. Automotive service stations, except those established prior to the effective date of this chapter.
10. Ice manufacture or cold storage plant from which ice is sold for delivery away from the premises.
11. Open-air parking stations for the sale or exchange of motor vehicles.
12. Ore dumps or elevators.
13. Paper or pulp manufacture.
14. Poultry killing, dressing or live storage, except for retail sale on premises.
15. Salt works.
16. Stable.
17. Trailer camps.
18. Acetylene gas manufacture.
19. Ammonia, chlorine or bleaching powder manufacture.
20. Arsenal.
21. Asphalt manufacturing or refining.
22. Assaying or smelting by the furnace method, but not including one (1) furnace of a capacity of two (2) cubic feet.
23. Blast furnace.
24. Boiler works.

25. Brick, tile or terra cotta manufacture.
26. Carbon, shoeblacking or stove polish manufacture.
27. Celluloid or other cellulose manufacture.
28. Coke ovens.
29. Crematory.
30. Creosote treatment or manufacture.
31. Distillation of coal, wood or bones.
32. Explosives, fireworks or match manufacture.
33. Fat rendering.
34. Fertilizer manufacturing or potash refining.
35. Glue, size or gelatin manufacture.
36. Incineration or reduction of garbage, offal, dead animals or refuse.
37. Iron, steel, brass or copper foundry.
38. Lampblack manufacture.
39. Lime, cement, plaster or plaster of paris manufacture.
40. Linoleum or oilcloth manufacture.
41. Ore reduction.
42. Paint, oil, varnish, turpentine, shellac or enamel manufacture.
43. Petroleum refining or the storage for sale of petroleum or its products above ground or underground in excess of one hundred thousand (100,000) gallons.
44. Printing ink manufacture.
45. Pyroxyline plastic manufacture or the manufacture of products therefrom.
46. Rawhides or skins, storage, curing or tanning.
47. Rubber manufacture from the crude or scrap material.
48. Sewage disposal plant.
49. Slaughtering of animals or fowl.

50. Soap, soda and washing compound manufacture.
51. Starch, glucose or dextrin manufacture.
52. Stockyards.
53. Stone crusher.
54. Sugar refining.
55. Sulfurous, sulfuric, nitric or hydrochloric acid manufacture.
56. Tallow, grease or lard manufacture or refining.
57. Tar distillation or manufacture.
58. Tar roofing or tar waterproofing manufacture.
59. Used car lots.
60. Vinegar manufacture.
61. Wool pulling or scouring.
62. Yeast manufacture.
63. The dismantling or storage of dismantled automobiles or used parts thereof, except in conjunction with the use of the premises as an auto body shop, or the storage or bailing of scrap paper, iron, bottles, rags or junk, except where such use is purely accessory.
64. Any other trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
65. No building or premises shall be used and no building shall be erected or structurally altered for dwelling purposes, except that dwelling quarters may be established in connection with an industrial establishment for necessary watchmen or caretakers employed upon the premises.
66. Open areas for parking motor vehicles for which a fee is charged, except when conducted by the Borough of Roselle Park or its agent.
67. Auto body repair shops.
68. Any use permitted in the B-3 Arterial Business District.

**B. *Conditional Uses.* A building or premises shall be used in the zone only if it meets the following conditions:**

- 1. Hair, nail and skin care services—NAICS Group 81211.**
  - a. If the use is 500 linear feet between a similar use; and,**

b. The building space is 400 square feet or less.

2. **Medical Cannabis Dispensary.**

a. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval is required for a Medical Cannabis Dispensary as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.); and,

b. One Medical Cannabis Dispensary shall be allowed per zone district where the use is permitted; and,

c. A Medical Cannabis Dispensary shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be located; and,

d. Minimum gross floor area of two-thousand five hundred (2,500) square feet; and,

e. Minimum parking requirements shall be one (1) space per two hundred fifty (250) square feet of gross floor area (GFA); and,

f. A Medical Cannabis Dispensary shall not be located within a Drug Free School Safety Zones; and,

g. A Medical Cannabis Dispensary shall not be located within two hundred and fifty (250) feet of the property line of any existing church, parochial school, childcare center, or any existing public park; and,

h. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or marijuana by patrons; and,

i. Hours of public operation shall be limited to 9:00 a.m. through 8:00 p.m. Monday through Saturday; and,

j. The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Borough of Roselle Park Health Department and Building Department and may be subject to periodic inspection; and,

- k. No doctors' and/or physicians' offices shall be located on the same site as any State Licensed Medical Cannabis Dispensary, and no recommendations from a doctor and/or physician for medical cannabis shall be issued on-site at any State Licensed Medical Cannabis Dispensary within the Borough of Roselle Park; and,**
- l. Security. All facilities associated with dispensing cannabis shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Roselle Park Police Department for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries. The Roselle Park Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures above and beyond the following requirements:**

  - i. An updated employee (including security) list shall be provided to the Roselle Park Chief of Police (or designee) on a monthly basis, but no later than the close of business on the 10th day of the current month; and,**
  - ii. A Director of Security shall be appointed by the facility owner and identified as such to the Roselle Park Chief of Police (or designee); and,**
  - iii. To the extent not already required by the entity's State license, all licensed facilities must provide a minimum of at least two (2) armed security guards (or more if required by the State of New Jersey) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing; and,**
  - iv. To the extent not already required by the entity's State license, all sites must be equipped with 24/7 closed circuit security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the duration required under State law but no less than 30 days; and,**
  - v. All licensed facilities must provide the Roselle Park Police Department with access to security footage immediately upon request by the Department; and,**

- vi. Exterior lighting plans shall be reviewed and approved by the Borough Engineer in consultation the Roselle Park Police Department and submitted with site plan application; and,
  - vii. Reception area shall use bullet-proof glass and hardened doors separating reception area from patient area; and,
  - viii. Panic buttons shall be installed and linked to the Roselle Park Police Department; and,
  - ix. All banking transports shall be provided by an armored car service; and,
- m. The Medical Cannabis Dispensary shall comply with all setback or distance requirements established by law and in effect in the zone in which it is to be located as of the time of the licensee's application; and,
  - n. Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or "cannabis" or use any symbols that indicate such.

**SECTION 4.** Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 5.** Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 6.** Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text should be considered a deletion, and all bolded text should be considered an addition.

**SECTION 7.** Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.



**ORDINANCE NO. 2588**

**AN ORDINANCE AMENDING CHAPTER XXII; SECTION 22-1  
“FIRE PREVENTION AND PROTECTION; NEW JERSEY UNIFORM FIRE CODE,”  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK**

**WHEREAS**, N.J.A.C. 5:71-2.10 provides that the State of New Jersey’s Department of Community Affairs Division of Fire Safety shall institute a regular program of monitoring local enforcing agencies to ensure the Fire Code is being properly enforced; and,

**WHEREAS**, during 2018 and continuing into 2019 a representative of the State of New Jersey’s Division of Fire Code Assistance conducted field monitoring of the Borough of Roselle Park’s Bureau of Fire Prevention as a Local Enforcing Agency; and,

**WHEREAS**, the Division of Fire Code Assistance and Division of Fire Safety, having reviewed the Local Enforcing Agency’s various aspects of operation, issued a report dated April 2, 2019 concluding that local enforcement activities were consistent with the standards if the Uniform Fire Code of the State of New Jersey with certain exceptions; and,

**WHEREAS**, the Roselle Park Fire Prevention Bureau, as the Local Enforcing Agency, responded to the Division of Fire Safety in correspondence dated July 15, 2019 providing a status report of corrective actions in the wake of field monitoring; and,

**WHEREAS**, certain recommendations of the field monitoring report issued by the Division of Fire Safety included amendments to the Code of the Borough of Roselle Park; and,

**WHEREAS**, such recommended amendments are understood to address life-hazard use consistency, the enforcement and collection mechanism for non-life hazard use fees, and the update of antiquated permit fees; and,

**WHEREAS**, the governing body of the Borough of Roselle Park, in furtherance of the efforts, commitments, and obligations of the Roselle Park Fire Prevention Bureau, finds it prudent to amend certain portions of Section 22-1 of the municipal Code so as to enact the recommendations of the Division of Fire Safety.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XXII of the Code of the Borough of Roselle Park be and hereby is amended as follows:

**SECTION 1.** Non-Life Hazard Inspections and Fees

22-1.13 Required Inspections and Fees.

In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay an annual fee. **Any use having failed to pay its corresponding annual fee, or having failed to allow for inspection as part hereof, shall be considered in violation of the foregoing regulations and shall be subject to enforcement and penalties as outlined herein.**

a. *Assembly.*

A-1	Eating establishment (under 50 persons)	<del>\$25.00</del> <b>\$50.00</b>
A-2	Take-out food service (no seating)	<del>\$25.00</del> <b>\$50.00</b>
A-3	Church or synagogue	<del>\$25.00</del> <b>\$50.00</b>
A-4	Recreation centers, multipurpose rooms, etc.; ( <del>fewer than</del> <b>under 100</b> persons)	<del>\$50.00</del> <b>\$75.00</b>
A-5	Court rooms, libraries, fraternal organizations, condominium centers; ( <del>fewer than</del> <b>under 100</b> persons)	<del>\$50.00</del> <b>\$75.00</b>
A-6	Senior citizen centers; ( <del>fewer than</del> <b>under 200</b> persons)	<del>\$50.00</del> <b>\$75.00</b>
b. <i>Business/Professional.</i>		
B-1	Professional use one- and two-story less than 5,000 square feet per floor	<del>\$25.00</del> <b>\$50.00</b>
B-2	One- and two-story more than 5,000 square feet, less than 10,000 square feet per floor	<del>\$50.00</del> <b>\$75.00</b>
B-3	One- and two-story more than 10,000 square feet	<del>\$75.00</del> <b>\$100.00</b>
B-4	Three- to five-story less than 5,000 square feet per floor	<del>\$100.00</del> <b>\$125.00</b>
B-5	Three- to five-story more than 5,000 square feet per floor	<del>\$150.00</del> <b>\$175.00</b>
B-6	Three- to five-story over 10,000 square feet per floor	<del>\$200.00</del> <b>\$225.00</b>
c. <i>Retail (mercantile).</i>		
M-1	One- and two-story less than 5,000 square feet per floor	<del>\$125.00</del> <b>\$150.00</b>
M-2	One- and two-story more than 5,000 square feet, less than 10,000 square feet	<del>\$150.00</del> <b>\$175.00</b>
M-3	One- and two-story more than 10,000 square feet per floor	<del>\$175.00</del> <b>\$200.00</b>
M-4	Three- to five-story less than 5,000 square feet per floor	<del>\$200.00</del> <b>\$225.00</b>
M-5	Three- to five-story more than 5,000 square feet, less than 10,000 square feet per floor	<del>\$225.00</del> <b>\$250.00</b>
M-6	Three- to five-story over 10,000 square feet	<del>\$250.00</del> <b>\$275.00</b>

M with the exception of hardware store 3,000 square feet, retail store over 12,000 square feet are life-hazard uses.

d. *Manufacturing (factory).*

F-1	One- and two-story less than 5,000 square feet per floor	<del>\$75.00</del> <b>\$100.00</b>
F-2	One- and two-story more than 5,000 square feet, less than 10,000 square feet	<del>\$100.00</del> <b>\$125.00</b>
F-3	One- and two-story more than 10,000 square feet	<del>\$150.00</del> <b>\$175.00</b>
F-4	Three- to five-story less than 5,000 square feet per floor	<del>\$175.00</del> <b>\$200.00</b>
F-5	Three- to five-story more than 5,000 square feet, less than 10,000 square feet	<del>\$200.00</del> <b>\$225.00</b>
F-6	Three- to five-story over 10,000 square feet	<del>\$250.00</del> <b>\$275.00</b>

F exception life-hazard uses.

e. *Storage S-1 (moderate-hazard S-1, low-hazard S-2):*

S-1	One- and two-story less than 5,000 square feet per floor	<del>\$50.00</del> <b>\$75.00</b>
S-2	One- and two-story more than 5,000 square feet per floor, less than 10,000 square feet per floor	<del>\$100.00</del> <b>\$180.00</b>
S-3	One- and two-story more than 10,000 square feet	<del>\$150.00</del> <b>\$200.00</b>
S-4	Three- to five-story less than 5,000 square feet per floor	<del>\$175.00</del> <b>\$225.00</b>
S-5	Three- to five-story more than 5,000 square feet, less than 10,000 square feet	<del>\$200.00</del> <b>\$250.00</b>
S-6	Three- to five-story over 10,000 square feet	<del>\$250.00</del> <b>\$275.00</b>

S exception life-hazard uses.

f. *Residential (LEA listed with multifamily BHI): fee is for each building.*

R-1	1 to 6 units	<del>\$25.00</del> <b>\$50.00</b>
R-2	7 to 12 units	<del>\$50.00</del> <b>\$75.00</b>
R-3	13 to 20 units	<del>\$75.00</del> <b>\$100.00</b>
R-4	21 to 50 units	<del>\$100.00</del> <b>\$125.00</b>
R-5	For each additional unit	<del>\$2.00</del> <b>\$4.00</b>

**SECTION 2.** Required Permits and Fees

22-1.14 Permits and Fees.

- a. The permit fees established by the Uniform Fire Code shall be ~~amended to provide additionally~~ as follows:
  1. Type 1: ~~\$25.00~~**\$75.00**
  2. Type 2: ~~\$50.00~~**\$100.00**
  3. Type 3: ~~\$100.00~~**\$200.00**
  4. Type 4: ~~\$300.00~~**\$400.00**
  5. Type 5: ~~\$500.00~~**\$550.00**
  
- b. In addition, a permit will be required for the following:
  1. Use of Hydrant. A Type 1 permit shall be required for the use of any hydrant. In addition, a hydrant wrench and gate valve supplied by the Roselle Park Fire Department shall be used to prevent hydrant damage. A deposit of three hundred (\$300.00) dollars shall be paid to the Bureau, which will be refunded when the equipment is returned.
  
  2. The penalty for the unauthorized uses of a fire hydrant, i.e., without a permit, shall be one hundred (\$100.00) dollars for the first offense and five hundred (\$500.00) dollars for each offense thereafter.
  
- c. The following fees are required for copies of documents:
  1. Copy of fire report: ten (\$10.00) dollars each.
  
  2. Copies of all other documents, including but not limited to photographs, statements, etc.: ~~three (\$3.00) dollars for the first page or first photograph and one (\$1.00) dollar for each additional page or photograph shall be provided at the fees prescribed in the New Jersey Open Public Records Act.~~

**SECTION 3.** Violations and Penalties

**22-1.16 Violations and Penalties.**

**Any person or entity who refuses to comply with any part or provision set forth in this Section of Code, or the Uniform Fire Code of the State of New Jersey, or other prevailing statutory regulations relating to fire prevention, shall be in violation of the same and subject to enforcement by the Local Enforcing Agency. Unless otherwise specified by New Jersey State Statute or the provisions of this Section, violators shall be subject to a penalty imposed pursuant to the provisions of the General Penalty, Section 1-5 of the Code of the Borough of Roselle Park.**

**SECTION 4.** Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 5.** Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 6.** Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text should be considered a deletion, and all bolded text should be considered an addition.

**SECTION 7.** Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

**ORDINANCES FOR INTRODUCTION**

NONE

## RESOLUTIONS

### RESOLUTION NO. 274-19

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that they authorize the Tax Collector to direct the Treasurer to issue one (1) check totaling \$4,291.48 payable to one (1) lien holder on one (1) property; and,

BE IT FURTHER RESOLVED that one (1) check be issued in the total amount of \$1,700.00 from the Tax Collector's Premium Account.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 10/3/2019															
	TSC #	BLOCK	LOT	QUAL.	PREMIUM	TOTAL AMOUNT REDEEMED	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 10/3/2019	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 10/3/2019	6% INTEREST PENALTY	LEGAL FEES
MAS CAPITAL	15-052	1014	11		\$ 1,700.00	\$ 4,291.48	\$ 577.06	\$ 11.54		\$ 12.00	\$ 43.00	\$ 2,617.67	\$ 1,030.21		
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						\$ -									
						\$ -									
<b>TOTAL</b>					\$ 1,700.00	\$ 4,291.48	\$ 577.06	\$ 11.54	\$ -	\$ 12.00	\$ 43.00	\$ 2,617.67	\$ 1,030.21	\$ -	\$ -

### RESOLUTION NO. 275-19

WHEREAS, the firm Harbor Consultants, Inc. was responsive to the Request for Proposals (RFP) due November 30, 2018 at 10:00 a.m. for the position of 2019 Municipal Planner; and,

WHEREAS, the firm Harbor Consultants, Inc. was appointed as Municipal Planner of the Borough of Roselle Park for the year 2019 through the adoption of Resolution No. 2019-002 of the Roselle Park Municipal Land Use Board; and,

WHEREAS, the firm Harbor Consultants, Inc. continues to perform all services as Municipal Planner of the Borough of Roselle Park consistent with the response submitted by said firm, including those associated with a Subsidiary Professional Service Contract for the preparation of a Redevelopment Plan for Block 506, Lots 2, 3, 4 and 5 of the municipal tax map as awarded through the adoption of Resolution No. 94-19 of Mayor and Council; and,

WHEREAS, adjustments to the maximum contract amount authorized in Resolution No. 94-19 have been deemed necessary, as attested by the Chief Financial Officer, to ensure the continuation of services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, in accordance with the provisions of N.J.A.C. 5:30-11.6 et seq., hereby authorize a \$7,500.00 increase to the maximum contract amount awarded to the firm Harbor Consultants, Inc. of 320 North Avenue East, Cranford, New Jersey 07016 within their capacity authorized in Resolution No. 94-19, with a revised maximum contract amount not to exceed \$20,300.00; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution No. 2019-002.

RESOLUTION NO. 276-19

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector is hereby authorized per the State Tax Court of the State of New Jersey to issue a refund totaling \$32,378.49 for an appeal granted on Block 911, Lot 29 (117 East Westfield Avenue) and assessed in the name of Jakimowicz Partners, LP:

Block/Lot	Year	Original Assessment	New Assessment	Reduction x Rate	=	Refund
911/29	2018	\$ 2,864,000.00	\$ 2,544,200.00	\$ 319,800 x 3.979/100		\$ 12,724.84
911/29	2019	\$ 2,864,000.00	\$ 2,376,800.00	\$ 487,200 x 4.034/100		\$ 19,653.65
					Total:	\$ 32,378.49

BE IT FURTHER RESOLVED that the check associated with the forgoing action shall be issued to Irwin & Heinze, P.A.

RESOLUTION NO. 277-19

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector is hereby authorized per the State Tax Court of the State of New Jersey to issue a refund totaling \$1,947.36 for an appeal granted on Block 1004, Lot 22 (509 East Lincoln Avenue) and assessed in the name of James and Katherine Gyllenborg:

Block/Lot	Year	Original Assessment	New Assessment	Reduction x Rate	=	Refund
1004/22	2017	\$ 231,300.00	\$ 215,000.00	\$ 16,300.00 x 3.934/100		\$ 641.24
1004/22	2018	\$ 231,300.00	\$ 215,000.00	\$ 16,300.00 x 3.979/100		\$ 648.58
1004/22	2019	\$ 231,300.00	\$ 215,000.00	\$ 16,300.00 x 4.034/100		\$ 657.54
					Total:	\$ 1,947.36

BE IT FURTHER RESOLVED that the provisions of the Freeze Act shall apply for the year 2019; and,

BE IT FURTHER RESOLVED that the check associated with the forgoing action shall be issued to James Gyllenborg.

RESOLUTION NO. 278-19

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$3,633.39 which item is now available as a revenue from the 2019 Bulletproof Vest Partnership Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED, that the like sum of \$3,633.39 is hereby appropriated under the caption of the 2019 Bulletproof Vest Partnership Grant; and,

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this Resolution with enclosures to the Chief Financial Officer to submit the Resolution electronically to the Director of the Division of Local Government Services.



RESOLUTION NO. 279-19

WHEREAS, an application has been submitted for the Borough of Roselle Park’s Home Improvement Program in connection with the owner occupied residence at 148 Camden Street, Roselle Park, NJ 07204, Block 904, Lot 27, Roselle Park Housing Rehabilitation Program Case No. RP-39-2; and,

WHEREAS, the above referenced application includes improvements that require the abatement of code or safety violations or weatherization rehabilitation that will result in the expenditure of rehabilitation funds in excess of the basic program limit of \$20,000.00 for a single family owner occupied house, or \$16,000.00 per unit in an owner occupied multi-family or investor property; and,

WHEREAS, a Special Need Waiver (No. 1) was granted pursuant to Resolution No. 237-19 in an amount of \$1,635; and,

WHEREAS, a second Special Need Waiver (No. 2) is being sought in an amount of \$1,100.00 based upon the need for certain additional work pursuant to the Roselle Park Housing Rehabilitation Program.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby authorizes the Borough Clerk to execute Special Need Waiver No. 2 in order to waive the basic program limit, exceed the allowances set forth in Special Need Waiver No. 1, and allow an expenditure of greater than \$16,000.00 per unit for the owner occupied multi-family residence at 148 Camden Street, Roselle Park, NJ 07204, Block 904, Lot 27, Roselle Park Housing Rehabilitation Program Case No. RP-39-2 for remediation of code or safety violations or weatherization.

RESOLUTION NO. 280-19

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union County, State of New Jersey that upon the recommendation of the Roselle Park Housing Rehabilitation Program Manager, the Change Order for the Contract listed below be and is hereby approved:

TITLE OF JOB: Roselle Park Housing Rehabilitation Program Case No. RP-39-2  
 CONTRACTOR: A3 Contracting, LLC  
 CURRENT CHANGE ORDER: No. 2  
 ORIGINAL CONTRACT: \$28,985.00  
 CHANGE ORDER No. 1: \$4,650.00 (+16.04%); Updated Amount: \$33,635.00 (+16.04%)  
 CHANGE ORDER No. 2: \$1,100.00 (+3.80%); Updated Amount: \$34,735.00 (+19.84%)\*  
 \*Plus \$275.00 Homeowner Contribution (\$35,010.00)

BE IT FURTHER RESOLVED that this Resolution to take effect immediately upon final adoption and upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 281-19

WHEREAS, the Borough Clerk received sealed bids at 11:00 a.m. on Wednesday, August 28, 2019 for the project, “2019 Miscellaneous Concrete Repairs.”

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Qualified Purchasing Agent, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby awards a contract to Cifelli & Son General Contracting, Inc. of 81 Franklin Avenue, Nutley, New Jersey 07110, pursuant to the base bid of the advertised specifications for the project, “2019 Miscellaneous Concrete Repairs,” in an amount not to exceed fifty thousand dollars and zero cents (\$50,000.00) with an itemized cost breakdown as follows:

Item No. 1:	Square Yard of Concrete Sidewalk	\$100.00
Item No. 2:	Square Yard of Concrete Driveway Apron	\$110.00
Item No. 3:	Linear Foot of Concrete Vertical Curb	\$38.00

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 282-19

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the "Plan"), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, "Governing Body") in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 1 of 9

Recommendation: "The second floor terrace (the "Terrace") required by the Redevelopment Plan be reduced to 7,850 SF in Sections 3.2.B and 3.2.D Residential Open Space and Amenities and all other locations in the Redevelopment Plan where it may appear."

RESOLUTION NO. 283-19

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the "Plan"), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, "Governing Body") in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 2 of 9

Recommendation: "Reduce the permitted density from 62 units to 58 units in Section 3.1 Land Use; 3.1.B Building, Area, and Yard Requirements and anywhere else in the Redevelopment Plan it may appear."

RESOLUTION NO. 284-19

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the "Plan"), encompassing Block 506, Lots 2, 3, 4 and

5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, "Governing Body") in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 3 of 9

Recommendation: "Add flexibility that for every unit below the new maximum density of 58 units, the Terrace may be reduced by 150 square feet, but shall not be reduced below 7,400 square feet."

#### RESOLUTION NO. 285-19

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the "Plan"), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, "Governing Body") in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 4 of 9

Recommendation: "Specify that units which front on the shared Terrace amenity on the second floor have their own "private terrace" spaces which are an average size of at least 150 square feet. With the reduction in terrace size this is to help aid those units to have some privacy as it will "set back" the shared resident space. The sufficiency of the "setback" dimensions of the private terraces shall be subject to the review and approval of the Land Use Board and its professionals."

#### RESOLUTION NO. 286-19

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the "Plan"), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, "Governing Body") in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 5 of 9

Recommendation: “Eliminate the required dog walk area from Section 3.2.D Residential Open Space and Amenities.”

#### RESOLUTION NO. 287-19

WHEREAS, the Municipal Land Use Board (hereinafter, “Land Use Board”) of the Borough of Roselle Park (hereinafter, “Borough”) held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the “Plan”), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, “Governing Body”) in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 6 of 9

Recommendation: “Update Section 3.2.D; item 1.b to state that a minimum of 30% (change from 40%) of the area shall contain (previously stated planted) native trees, shrubs, and ground cover subject to the review and approval of the Land Use Board. The plant types, location, size, and all other aspects of the Terrace shall be subject to the review and approval of the Land Use Board and its professionals.”

#### RESOLUTION NO. 288-19

WHEREAS, the Municipal Land Use Board (hereinafter, “Land Use Board”) of the Borough of Roselle Park (hereinafter, “Borough”) held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the “Plan”), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, “Governing Body”) in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 7 of 9

Recommendation: “Update the 3.2.C Building and Architectural Design Standards and Programing to require that, with the exception of units that are along the double loaded corridors directly across the units which are located along the front elevation which fronts on West Webster Avenue and the west elevation which fronts on the Little League fields, no residential units shall be located along the rear of the building which fronts along the railroad tracks.”

RESOLUTION NO. 289-19

WHEREAS, the Municipal Land Use Board (hereinafter, “Land Use Board”) of the Borough of Roselle Park (hereinafter, “Borough”) held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the “Plan”), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, “Governing Body”) in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 8 of 9

Recommendation: “Add that the Terrace area may contain decorative hardscape consisting of stone or other high-quality materials. All materials, color, and design shall be subject to the review and approval of the Land Use Board and its professionals.”

RESOLUTION NO. 290-19

WHEREAS, the Municipal Land Use Board (hereinafter, “Land Use Board”) of the Borough of Roselle Park (hereinafter, “Borough”) held a Regular Meeting on Monday, September 16, 2019 where the West Webster Avenue Area 1 Redevelopment Plan (the “Plan”), encompassing Block 506, Lots 2, 3, 4 and 5 of the tax map of the Borough, dated September 9, 2019 was reviewed as referred by the Mayor and Council (hereinafter, “Governing Body”) in Resolution No. 261-19; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution No. 2019-07, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Governing Body regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan as referenced in Resolution 2019-07.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Plan dated September 9, 2019, referred in Resolution No. 261-19, be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2019-07

Recommendation No.: 9 of 9

Recommendation: “Update the Bulk schedule in Section 3.1.B Building, Area, and Yard Requirements to reduce the required open space to 20% from 25% in order to be consistent with the reduction of the Terrace and increase the maximum impervious coverage from 80% to 87%.”

RESOLUTION NO. 291-19

WHEREAS, the Borough of Roselle Park (the “Borough”) no longer has use for the attached automobiles; and,

WHEREAS, the governing body of the Borough believes it to be advantageous to dispose of this now surplus property; and,

WHEREAS, N.J.S.A. 40A:12-13 and 40A:12-13.1 permit the Borough to dispose of surplus property no longer needed for public use by auction and to authorize such action by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public auction beginning at 10:00 a.m. local prevailing time on Friday, October 25, 2019. The auction will be advertised in the following media: The Union County Local Source and Borough of Roselle Park website; and,

BE IT FURTHER RESOLVED that said auction shall be conducted by the Borough Clerk or by any person so designated by him with the following explicit provisions of sale:

1. Said property is being sold “as is”.
2. All prospective purchasers are put on notice to personally inspect the property.
3. At the date, time and place of sale, a purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the “Borough of Roselle Park.”
4. If the purchaser fails to take title and possession within ten calendar (10) days of the date of purchase, the Governing Body of the Borough may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages; likewise, the Borough may re-sell said property or pursue such other and further legal and equitable remedies as it may have; furthermore, if the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
5. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
6. The Borough of Roselle Park reserves the right to reject bids and shall not be obligated to accept any bids.
7. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the conditions of sale.

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Identification Number</u>	<u>Minimum Bid</u>	<u>Location</u>
1998	Chevrolet	Lumina	2G1WL52MXW9182280	\$200.00	L&J
2002	Dodge	Stratus	1B3EL46X82N331635	\$200.00	George/AA
2008	Jeep	Liberty	1J8GN28K48W175757	\$200.00	L&J