



Borough of Roselle Park Municipal Land Use Board
Roselle Park Municipal Building
110 East Westfield Avenue
Roselle Park, New Jersey 07204

JULY 20, 2020 REGULAR MEETING MINUTES

CALL TO ORDER

Chairman Harms called the meeting to order at 7:04 p.m. and asked the Clerk to read the Open Public Meetings Act disclosure into the record and provide details about the public participation components of the meeting.

Borough Clerk Andrew Casais was sitting in as the Board Clerk for the purposes of the meeting.

Mr. Casais stated that the meeting was being held in accordance with the Open Public Meetings Act and adequate notice of this meeting was provided as required by law. He likewise read the following into the record by way of explaining the public participation components of the meeting: "Any interested member of the public will have an opportunity to view and/or hear the meeting in its entirety, and, during portions of the meeting where the public is invited to participate, be heard by visiting <https://meet.google.com/yeq-gevs-wvd> and following prompts to join the online/virtual meeting, or by participating telephonically by calling 1-414-909-7033 and entering the following access code 991-090-409#. Participating via online/virtual means or telephonically is free of charge to the public. Public access and participation in the meeting is subject to the regular rules of decorum."

ROLL CALL

The following is an accounting of the Municipal Land Use Board's attendance upon roll call called by Mr. Casais:

Attendee Name	Organization	Title	Status	Arrived
Joseph Signorello III	Municipal Land Use Board	Class I Member	P	7:04 PM
William Ferdinano	Municipal Land Use Board	Class II Member	P	7:20 PM
Robert Mathieu	Municipal Land Use Board	Class III Member	P	7:04 PM
Pail Baiamonte	Municipal Land Use Board	Class IV Member	P	7:04 PM
Kevin Kolbeck	Municipal Land Use Board	Class IV Member	P	7:04 PM
J. Albert Nitche	Municipal Land Use Board	Class IV Member	P	7:04 PM
Jay Robaina	Municipal Land Use Board	Class IV Member	P	7:04 PM
John Steven	Municipal Land Use Board	Class IV Member	A	-
John Curia	Municipal Land Use Board	Alternate No. 1	P	7:04 PM
Thomas Signorello	Municipal Land Use Board	Alternate No. 2	P	7:04 PM
Michael L. Quiroga	Municipal Land Use Board	Alternate No. 3	P	7:04 PM
Susan Grosso	Municipal Land Use Board	Alternate No. 4	A	-
Loren Harms	Municipal Land Use Board	Chairperson (Class IV)	P	7:04 PM

Also in attendance was Board Attorney Richard Schkolnick, Municipal Planner Victor Vinegra, and Municipal Affordable Housing Attorney Michael Edwards. Due to the COVID-19 public health emergency all Board members and other attendees, except for Mr. Casais and Chairman Harms, were



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present and participated in the meeting by virtual telephonic means. Mr. Casais and Chairman Harms were physically present in Council Chambers.

SALUTE TO THE FLAG

Did not take place.

PUBLIC NOTICE OF MEETING AND FIRE EXITS

Chairman Harms stated that Mr. Casais had already read the Open Public Meetings Act disclosure. He further advised that fire exists varied depending on the location of each Board member.

APPROVAL OF MINUTES, PENDING ANY CORRECTIONS

Mr. Casais advised Chairman Harms that there were no minutes and that he would inform Board Clerk Martha Banks of the need for meeting minutes from the Regular Meeting of June 15, 2020.

Mr. Harms thanked Mr. Casais.

MEMORIALIZE RESOLUTIONS

Chairman Harms asked Mr. Schkolnick to provide an overview of the need for the following Board Resolution as Listed on the agenda:

RESOLUTION NO. 2020-004

RESOLUTION OF THE MUNICIPAL LAND USE BOARD
OF THE BOROUGH OF ROSELLE PARK

BLOCK 213, LOT 1 AND BLOCK 314, LOT 1
404-450 WESTFIELD AVENUE

AMENDING MLUB RESOLUTION NO. 2019-006; GRANTING
PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH
VARIANCES AND RELATED RELIEF ASSOCIATED WITH 404-
450 WEST WESTFIELD AVENUE, BLOCK 213, LOT 1 AND
BLOCK 314, LOT 1 OF THE MUNICIPAL TAX MAP

WHEREAS, Fernmoor Properties, LLC (“Fernmoor”) filed an application (“the Application”) with the Borough of Roselle Park Land Use Board (“the Board”) seeking preliminary and final site plan approval (with variances and de minimis exceptions from the Residential Site Improvement Standards) for premises commonly known as 405-450 Westfield Avenue, Borough of Roselle Park, which property is identified on the Borough’s Tax Maps as Block 213, Lot 1 and Block 314, Lot 1 (“the Property”); and,



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WHEREAS, the Applicant seeks approval to demolish the existing structure(s) on the Property and develop a project containing 218 residential units in two (2) buildings along with other improvements (“the Project”); and,

WHEREAS, the Board unanimously approved the Application at its meeting of December 16, 2019; and,

WHEREAS, the Board memorialized its decision at its meeting of January 27, 2020 pursuant to Resolution 2019-006 (the “Resolution”); and,

WHEREAS, the Resolution noted that the Project will consist of 218 units with 130 of the units being one bedroom and 81 being two bedroom and 7 being three bedroom; and,

WHEREAS, the testimony on Pages 70 and 74 of the transcript of the November 18, 2019 hearing by Richard W. Arzberger, AIA, P.P., of Sonnenfeld + Trocchia Architects, P.A., who was qualified as a professional architect, is that the breakdown of the bedrooms was 121 one bedroom, 90 two bedroom, and 7 three bedroom units; and,

WHEREAS, the architectural drawings dated October 2019 prepared by Mr. Arzberger, which were submitted with the Application, also show that the breakdown of the 218 units is 121 one bedroom, 90 two bedroom, and 7 three bedroom. However, the October 2019 drawings inadvertently contained a typo when adding up the various units; and,

WHEREAS, the revised architectural drawings submitted by Mr. Arzberger, dated December 16, 2019, corrected the above referenced typo and corroborated that the breakdown for one, two and three bedroom units is 121, 90, and 7 respectively; and,

WHEREAS, the Board wishes to amend the Resolution to accurately reflect that there will be 121 one bedroom units (not 130) and that there will be 90 two bedroom units (not 81). The number of three bedroom units remains at 7; and,

WHEREAS, in June of 2020, Fernmoor realized that the Resolution inadvertently listed the number of one bedroom units at 130 instead of 121 and two bedroom units at 81 instead of 90 and contacted the Board. The Board’s planner corroborated that the testimony and evidence presented by Fernmoor was that the breakdown of one and two bedroom units is 121 and 90 and not 130 and 8.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Land Use Board of the Borough of Roselle Park, County of Union, State of New Jersey that based upon the information set forth above, does hereby amend the Resolution to state that the Application consists of 121 (and not 130) one bedroom units and 81 (not 90) two bedroom units and 7 three bedroom units. In all other respects the Resolution shall remain unchanged.

Mr. Schkolnick provided an overview of Resolution No. 2020-004 and stated that this was a Resolution required in order to clarify unintentional errors within a memorialization Resolution (No. 2019-006) of a clerical nature. He stated that while the errors were small, the applicant wanted to ensure that the official record was clear in order to not affect their ability to acquire financing for the underlying project.

Chairman Harms asked Mr. Vingerger if he concurred with the Resolution and assessment of Mr. Schkolnick.

Roselle Park MLUB – July 20, 2020 Meeting Minutes



Borough of Roselle Park Municipal Land Use Board
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Mr. Vinegra stated that he concurred with Mr. Schkolnick and further stated that Resolution No. 2020-004 met the spirit of the application that was before the Board at the time Resolution No. 2019-006 was adopted.

Chairman Harms asked if the Board members had any questions.

Mayor Signorello asked Mr. Casais if this would effectively allow for the project to commence.

Mr. Casais stated that the project's financing was an underlying factor in getting to project started. He noted that the developer, Fernmoor Homes, was also seeking clarification from the Borough as to a contractual obligation to commence work before the year's end. He further noted that the Borough made the determination that internal demolition and other items of work were considered project commencement and the financing may be factor.

Mayor Signorello thanked Mr. Casais for the information.

With no other questions or comments from the floor, Chairman Harms asked for a motion to adopt Resolution No. 2020-004. Mr. Nitche moved adopt Resolution No. 2020-002; seconded by Mayor Signorello.

Mr. Schkolnick stated that the only Board members eligible to vote on the Resolution were those who voted in the affirmative on the underlying application's initial approval. Moreover, he indicated that approval required a majority of the eligible members. Mr. Scholnick and Mr. Casais confirmed that while there were six (6) affirmative votes on the initial approval, only four (4) Board members were eligible: Messrs. Harms, Ferdinando, Baiamonte, and Nitche.

Chairman Harms asked for a roll call vote.

Vote Record – Resolution No. 2020-004						
	Yes/Aye	No/Nay	Abstain	Absent	Not Voting	
<input type="checkbox"/>	Joseph Signorello III	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	William Ferdinando	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Robert Mathieu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Paif Baiamonte	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Kevin Kolbeck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	J. Albert Nitche	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Jay Robaina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	John Steven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	John Curia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Thomas Signorello	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Michael L. Quiroga	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Susan Grosso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Loren Harms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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PUBLIC PORTION

By unanimous consent Chairman Harms deferred the public comments until later the in the meeting.

NEW BUSINESS

Chairman Harms noted that there was a Development Regulations Ordinance referred from Mayor and Council for review by the Board; Ordinance No. 2618 entitled, "AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ESTABLISHING PART 5, TO BE ENTITLED 'AFFORDABLE HOUSING REGULATIONS'." Chairman Harms invited Mr. Edwards to speak on the proposed Ordinance as the Borough's Affordable Housing Attorney.

Mr. Edwards addressed the Board and provided an overview of the intent of Ordinance No. 2618. He noted that the objective of the Ordinance was to ensure that the Borough did not miss prospective opportunities to implement affordable housing in its redevelopment areas.

Chairman Harms thanked Mr. Edwards and asked Mr. Vingera for an attestation as to the proposed Ordinance's compliance with the Borough's Master Plan.

Mr. Vinegra stated that the Borough's Master Plan could use an update to the Land Use element for clarification purposes, but that the Ordinance is generally compliant with the Borough's planning objectives and any updates that would be prospectively made to the Master Plan.

Chairman Harms thanked Mr. Vinegra and asked that he consider submitting a proposal for services in connection with the referenced update to the Master Plan within the coming year.

Mayor Signorello provided input on the proposed Ordinance and expressed his support for the same.

With no other questions or comments from the floor, Chairman Harms asked for a motion to refer Ordinance No. 2518 back to Mayor and Council without comment. Mr. Kolbeck moved to refer Ordinance No. 2518 back to Mayor and Council without comment; seconded by Mr. Robaina.

Chairman Harms asked for a roll call vote.



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Vote Record – Resolution No. 2020-004		Yes/Aye	No/Nay	Abstain	Absent	Not Voting
	Joseph Signorello III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ferdinano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robert Mathieu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pail Baiamonte	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kevin Kolbeck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Albert Nitche	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jay Robaina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Steven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	John Curia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Thomas Signorello	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Michael L. Quiroga	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Susan Grosso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Loren Harms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted
 Adopted as Amended
 Defeated
 Tabled
 Withdrawn

PUBLIC PORTION

By unanimous consent Chairman Harms declared the public portion of the meeting open to any and all members of the public wishing to make comments

There being no members of the public wishing to speak, Chairman Harms declared the public portion closed by unanimous consent.

PENDING RESOLUTIONS

Chairman Harms stated that there were no pending Resolutions.

FOR THE BENEFIT OF THE BOARD

Chairman Harms noted that the next Regular Meeting of the Municipal Land Use Board will be Monday, August 17, 2020 at 7:00 p.m.

ADJOURNMENT

Chairman Harms asked for a motion to adjourn. Mr. Nitche moved adjourn the meeting at 7:23 p.m.; seconded by Mr. Kolbeck; all members present voting Aye, said motion was adopted.

Respectfully Submitted,

Andrew J. Casais, RMC
Borough Clerk
(Acting Municipal Land Use Board Clerk)