

BOROUGH OF ROSELLE PARK MUNICIPAL LAND USE BOARD

RESOLUTION No. 2023-003

Minor Subdivision and Preliminary and Final Site Plan Approval

**James E. Mooney
222 Sherman Avenue
Block 1101, Lot 20
Application No.: 2022-004**

WHEREAS, James E. Mooney (the “Applicant”) filed an application with the Borough of Roselle Park Municipal Land Use Board (the “Board”) for Minor Subdivision and Preliminary and Final Site Plan approval, with bulk (“c”) variances, on property located at 222 Sherman Avenue, further identified as Block 1101, Lot 120 on the Tax Maps of the Borough of Roselle Park (the “Property”); and

WHEREAS, the Applicant proposes to subdivide the Property to create two (2) nonconforming lots (20.01 and 20.02), to retain the existing four-bedroom residence on lot 20.01, to build a new single-family residence on lot 20.02, and to construct parallel driveways and two-car detached garages on both lots; and

WHEREAS, the subject Property is located in the R-1 Single-Family Residence Zone District, which permits single family detached dwellings; and

WHEREAS, the Application requires bulk (“c”) variances on lot 20.01, including: lot area, where 5,000 s.f. is required and 4,375 s.f. is proposed; lot width, where 50 feet is required and 43.75 feet is proposed; front yard setback, where 20 feet is required and 4.32 is existing; side yard setback, where six (6) feet is required and 5.7 feet is existing; maximum building coverage, where 25% is permitted and 36.91 is proposed; maximum lot impervious coverage, where 50% is permitted and 52.5% is proposed; and maximum accessory building coverage, where 30% is

permitted in the rear yard and 36% is proposed; as well as waiver from the requirement of two (2) shade trees where one (1) shade tree is proposed; and

WHEREAS, the proposal will result in the elimination of a non-conforming condition on lot 20.01 relative to the requirement for off-street parking spaces; and

WHEREAS, the Application requires bulk (“c”) variances on lot 20.02, including: lot area, where 5,000 s.f. is required and 4,375 s.f. is proposed; lot width, where 50 feet is required and 43.75 feet is proposed; maximum building coverage, where 25% is permitted and 30.9 % is proposed; maximum accessory building coverage, where 30% is permitted in the rear yard and 36% is proposed; as well as waiver from the requirement of two (2) shade trees where one (1) shade tree is proposed; and

WHEREAS, in accordance with the Application, the following documents were presented by the Applicant:

Plans entitled “Minor Subdivision & Site Plan of 222 Sherman Avenue, Block 1101, Lot 20, T.M. Sheet 11, Borough of Roselle Park, Union County, N.J.,” consisting of two (2) sheets, prepared by Guarriello & Dec Assoc. LLC, dated September 19, 2022, last revised October 28, 2022 (marked Exhibit A-1);

Plans entitled “New Single Family Dwelling for James Mooney, Block: 1101, Lot: 20.02, 222 Sherman Avenue, Borough of Roselle (sic), Union County, New Jersey 07204,” consisting of three (3) sheets, prepared by Dantas Carrete Architecture, dated November 3, 2022;

Outbound and Topographic Survey, consisting of one (1) sheet, prepared by Robert K. Sanchez, P.L.S. (CME Associated), dated December 18, 2020;

Completed Municipal Land Use Board Application Package, signed August 10, 2021; and

Correspondence regarding amended application from Steven H. Merman, Esq. (Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C.) dated November 4, 2022; and

WHEREAS, Ronald J. Reinertsen, PP, AICP, of CME Associates, the Board's Consulting Planner, reviewed the materials submitted by the Applicant for compliance with the Ordinance and issued a report dated November 16, 2022, which is incorporated herein; and

WHEREAS, Robert Beringer, PE, CME, of Colliers Engineering & Design, reviewed the material submitted by the Applicant for compliance with the Ordinance and issued a report dated December 14, 2022, which is incorporated herein; and

WHEREAS, a public hearing in this matter was held on January 16, 2023, upon proper public and personal notice pursuant to N.J.S.A. 40A:55D-12 and the Ordinance; and

WHEREAS, the Board, after carefully considering the evidence presented by and on behalf of the Applicant, makes the following findings of fact:

1. Except as modified herein, any factual information as set forth in the documents and/or exhibits submitted by the Applicant detailed above is incorporated herein by reference. Except as otherwise set forth herein, the Application conforms to the bulk requirements of the R-1 Zone District and the applicable design standards.

2. Except as modified herein, all recitals set forth above are incorporated herein as findings of fact.

3. The Applicant was represented by Steven H. Merman, Esq. Mr. Merman began his presentation with a brief overview of the application before calling Edward Dec as a witness. Mr. Dec was duly sworn and qualified by the Board as an expert in the field of land surveying and engineering.

4. Mr. Dec testified that he had prepared the site plans for the project. He described the current conditions, including the absence of a driveway or garage, and the proposed improvements. He stated that the Applicant proposes two equal size lots, with the existing

single-family residence to remain on lot 20.01, which would be improved with a driveway and two-car garage in the rear. He further testified that the new lot would be improved with a single-family residence, driveway and two-car garage, noting that while one on-street parking space would be eliminated, each lot could accommodate parking four or five vehicles on site. Mr. Dec confirmed that the Applicant would comply with all of the comments in the review reports of the Board Planner and Board Engineer.

5. Board Planner Reinertsen noted the need for additional variances for maximum accessory building coverage, and questioned whether the Applicant would add at least one shade tree to each lot, which was agreed to. Mr. Reinertsen also confirmed that the proposal satisfied the Residential Site Improvement Standards with regard to parking for four-bedroom residences.

6. Mr. Merman next called Nicholas Graviano, who was dully sworn and qualified by the Board as an expert in the field of professional planning. He noted that the majority of the surrounding lots did not meet the lot area and width standards for the zone, and described the appearance of the vacant portion of the property as like a “missing tooth.” He stated that the two lots would be in keeping with the surrounding neighborhood and streetscape.

7. Mr. Graviano testified as to the justification for the requested variances. He stated that the proposal advances the purposes of zoning set forth in the Municipal Land Use Law, specifically purposes: (a), the appropriate development of land which will promote the public health, safety, morals and general welfare; (g), affording sufficient space in appropriate locations for land development to meet the needs of New Jersey citizens; and (i), the promotion of a desirable visual environment. He further testified that the variances, which he described as minimal in nature, can be granted without substantial detriment to the public good, zone plan or zoning ordinance.

8. Board Planner Reinertsen noted that the characteristics of the property present a unique opportunity for improved zoning, including the fact that the property is larger than most properties in the area, presents a gap in the streetscape that would be filled by the proposal, and currently has a parking nonconformity that would be eliminated.

9. At the conclusion of the testimony, the Board was satisfied that the Applicant had established the justification for the requested variances and voted to approve the Application.

NOW, THEREFORE, BE IT RESOLVED, that the Roselle Park Municipal Land Use Board hereby grants Minor Subdivision and Preliminary and Final Site Plan Approval with regard to Application No.: 2022-004 for property known as 222 Sherman Avenue, with bulk variances from the Ordinance requirements and waivers from shade tree requirements, subject to the following conditions:

- a. As a condition of approval, the Applicant shall provide one (1) shade tree per lot;
- b. The Applicant shall obtain all other approvals and/or permits required for the development;
- c. The site shall be developed in accordance with the plans and renderings submitted to the Board, which have been made a part of this Application, in accordance with good and acceptable engineering and construction standards and all requirements of the Borough of Roselle Park; and
- d. The Applicant shall comply with all representations made at the public hearing on the Application.

I hereby certify that the foregoing Resolution was adopted by the Borough of Roselle Park Municipal Land Use Board at its regular meeting on February 27, 2023, reflecting its oral decision from a vote at its public meeting on January 16, 2023.



JORGE CASALINS, CHAIRMAN
ROSELLE PARK MUNICIPAL
LAND USE BOARD



PAUL BAIAMONTE, SECRETARY
ROSELLE PARK MUNICIPAL
LAND USE BOARD

Member Class	Board Members	Motion	Second	Yes	No	Abstain	Not Voting	Absent
Class I	Mayor Joseph Signorello							✓
Class II	Paul Baiamonte			✓				
Class III	Councilman Jay Robaina			✓				
Class IV	Loren Harms	✓		✓				
Class IV	Susan Grosso			✓				
Class IV	John Curia					✓		
Class IV	Jorge Casalins			✓				
Class IV	Michael Quiroga		✓	✓				
Class IV	Kevin Kolbeck			✓				
Alternate No.1	Nicola Cristofaro							✓
Alternate No.2	Maurice Negron							✓
Alternate No.3	Christian Camilo							✓
Alternate No.4	Roxanne Briano							✓