

RESOLUTION 2023-005
Borough of Roselle Park
Land Use Board
In the Matter of Meridia at Park Square, Urban Renewal LLC
Decided on July 17, 2023
Memorialized on August 21, 2023
Amended Preliminary and Final Major Site Plan Approval

WHEREAS, Meridia at Park Square, Urban Renewal LLC (hereinafter the "Applicant") has made application to the Roselle Park Land Use Board for amended preliminary and final site plan approval for property known as Block 610, Lots 1 and 3, as shown on the Tax Map of the Borough of Roselle Park, located at 10 West Westfield Avenue in the B-3R Arterial Business Redevelopment Zone (hereinafter the "Subject Property"); and,

WHEREAS, public hearings were held on June 26, 2023 and July 17, 2023, after the Board determined it had jurisdiction; and,

WHEREAS, the Applicant was represented by Jason Tuvel, Esq.

NOW THEREFORE, the Land Use Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The application before the Board is a request for amended preliminary and final site plan approval for the Subject Property, and the following documents were reviewed:

- Plans entitled "Amended Preliminary & Final Major Site Plan for Meridia Capodagli Property" consisting of thirty-one (31) sheets, prepared by Stonefield Engineering & Design, dated January 15, 2021, last revised April 26, 2023
- Alta/NSPS Land Title Survey St. No. 10 West Westfield Avenue, Tax Lot 3.01, Block 610, Borough of Roselle Park, Union County, New Jersey, consisting of one (1) sheet, prepared by Wm. DiMarzo & Son, Assoc., dated October 29, 2020, last revised March 2, 2023.
- Plans entitled "Meridia Parking Garage, Roselle Park, New Jersey", consisting of seven (7) sheets, prepared by Design Management, dated April 18, 2023
- Trip Generation & Parking Memorandum, Proposed Mixed-Use Development. 10 West Westfield Avenue, Block 610, Lots 1 & 3, Borough of Roselle Park, Union County, New Jersey, consisting of two (2) pages, prepared by Stonefield Engineering & Design, dated February 20, 2023

- Proof of Taxes Paid, consisting of four (4) pages, submitted by Prime and Tuval
- Resolution No. 2020-003, Resolution of the Municipal Land Use Board of the Borough of Roselle Park, Block 610, Lots 1 and 3, 10 West Westfield Avenue.
- E-mail correspondence entitled “NJ EV Parking regulation – Amended Site Plan Procedure”, consisting of two (2) pages, Stonefield Engineering & Design and the New Jersey Department of Community Affairs, dated April 17, 2023
- DRC Response Letter, Proposed Meridia at Park Square, Mixed-Use Redevelopment
- Block 610/ Lots 1 & 3, 10 West Westfield Avenue, Borough of Roselle Park, Union County, New Jersey, consisting of two (2) pages, prepared by Stonefield Engineering & Design, dated May, 2, 2023
- Completed Municipal Land Use Board Application Package, signed February 10, 2023.
- Applicant letter to Chief of Police dated July 11, 2023.
- Correspondence from Chief of Police to Applicant dated July 12, 2023.

Preliminary and final site plan approval to construct a proposed mixed-use development was approved and memorialized May 18, 2020 and June 15, 2020, respectively (Resolution No. 2020-003). The Applicant now seeks amended site plan for the addition of three (3) stories of parking to the previously approved five (5) story parking garage, in order to construct a parking garage totaling eight (8) stories and increasing the number of parking spaces from 505 spaces to 681 spaces. As previously approved in 2020, the parking garage as amended will be attached to a previously-approved mixed use development proposed at 10 West Westfield Avenue being Block 610 Lot 3.01 (“the Property”). The Property is located within the B-3R (Arterial Business Redevelopment) District in the southern portion of the Borough of Roselle Park (“Borough”). Applicable development regulations are as set forth within the “10 West Westfield Avenue Redevelopment Plan Block 610, Lot 3.01 (prior Lots 1 & 3)” and “The Revised General Ordinances of the Borough of Roselle Park, 2007”.

The property is an irregular-shaped parcel which contains approximately 3.78 acres. The property has 605 ft. of frontage along West Westfield Avenue to the NE, and had 99.38 feet of frontage Locust Street (SW). The portion of the property fronting Locust Street has a flag lot, or

“panhandle” configuration, which also abutting Locust Street and Block 610 Lot 2 (NW). The rear lot of the property abuts Block 2000 Lot 5, a currently unused Conrail (formerly C.R.R. of NJ) Main Line Right of Way (“Conrail ROW”), as well as Block 606 Lot 1 (ENE side). The property is located entirely within the B-3R (Arterial Business Redevelopment) Zone District, and adjacent parcels located within the B-2 (Central Business) Zone District. In general, the development patterns along West Westfield Avenue reflect permitted uses within the B-2 zone.

The previously-approved mixed-use development (the “building”) is currently under construction. The building is permitted to contain 325 dwelling units. The off-street parking tables (“Parking Tables”) provided with the site plans indicate 325 units, consisting of 272 one-bedroom units and 53 2-bedroom units. In addition, 10,832 square feet within the building shall be used for retail/office uses.

The Applicant proposes to amend the previously-approved site plan to construct a parking garage consisting of seven stories and eight parking levels containing 500 parking spaces within the flag-stem portion of the property, 50 spaces of which shall be dedicated to municipal public parking. Access and egress shall be from West Westfield Avenue with emergency egress only provided via Locust Street. A total of 681 off-street parking spaces are provided within the mixed-use development.

At the June 26, 2023 hearing on this matter, Applicant presented Kamil Baraniewicz, PE of Stonefield Engineering who testified to the addition of three (3) stories to the previously approved garage, the Trip Generation and Shared Parking Memorandum, number and location of EV spaces, municipal, retail, residential and restaurant parking space allocations and traffic circulation. Thomas Basile, RA of Desman Associates, also testified at the June 26, 2023 hearing regarding garage design components where Applicant introduced Exhibits A-1 (6/26/2023) - a 2

page rendering of the garage before and after the proposed increase in number of floors from 5 stories to 8 stories and Exhibit A-2 (6/26/2023) County of Union Review Letter dated May 5, 2023.

Testifying on behalf of the Applicant at the July 17, 2023 hearing were architect Thomas Basile and planner Kathryn Gregory, who were both sworn and qualified as experts in their respective fields. As a result of the initial public hearing held on June 26, the Applicant was asked to address two (2) specific issues upon its return on July 17: (1) provide additional photo-renderings marked depicting the proposed parking garage from three (3) different vantage points; and (2) provide a garage security plan. Mr. Basile reviewed the three (3) marked photo-rendering exhibits, A-1, A-2 and A-3, (all dated July 17, 2023) with the Board, testifying both as to the appearance and functionality of the proposed garage, inclusive of the main entrance points facing W. Westfield Avenue, together with the emergency access point facing Locust Street. Mr. Basile also referenced Meridia's July 11, 2023 letter to Police Chief Frino, together with Chief Frino's July 12, 2023 email response that provides:

I have read the letter you sent regarding the security plans for the Meridia project located at 10 W. Westfield Ave. Yes, this letter definitely outlined the security requirements we spoke of at the last meeting with the exception of the parking accommodations and the traffic pattern with regards to D.O.T. advising for the installation of the left turn signal out of the main exit. I am in agreement with all security features memorialized in this letter. Please let this email serve as approval by me to the plans as specified.

The Board spent a considerable amount of time at hearing reviewing the façade design of the proposed parking garage, providing certain recommendations as to how the W. Westfield and Locust Street facing façades might be improved to provide a more aesthetically pleasing appearance. Moreover, the Board expressed concern with the Applicant's ability to secure the garage against access by non-resident and non-business invitee pedestrians, particularly from the emergency egress point located on Locust Street. The Board suggested the Applicant provide security screening in the space between the grade level wall and the second level panels to permit

visability and to otherwise enhance security inside the garage. Given the number of recommendations and potential design changes, the Board recommended and the Applicant agreed to work with a subcommittee of the Board and its professionals to address both aesthetics and security concerns, and upon reaching consensus on both issues, for the Applicant to return before the Board, on notice, to present a plan that would then be subject a subsequent vote to accept or reject such a plan. The Board and Applicant both stipulated that this would be a condition of approval, requiring a successful vote before building permits could be issued to allow construction of the parking garage to commence.

Planner Gregory offered testimony in support of both the amended preliminary and final site plan and the parking variance triggered by the amended plan (709 parking spaces required, whereas only 681 off-street parking spaces provided). Ms. Gregory testified that in her opinion purposes of planning “a” and “g” were promoted by this plan, such that the Board could grant the variance pursuant to the flexible C-2 standard.

One member of the public appeared and expressed an interest in this application.

NOW THEREFORE, the Land Use Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for amended preliminary and final major site plan approval and parking variance to permit the construction of a seven story, eight- parking level, garage containing 500 parking spaces within the flag-stem portion of the property with a revised parking garage plan providing for a total of 681 off-street parking spaces.

The Board finds that in addition to amended preliminary and final site plan approval, bulk variance relief is also required. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when

the Applicant satisfy certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. The Applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, the Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicant has satisfied the c(2) positive criteria as the proposed parking garage better satisfies the anticipated parking demand for this development as compared to the original proposal. Subject to further cooperation between the Board and the Applicant, the

Board finds that the proposed building will result in a high-quality aesthetic appearance and will create a more desirable visual environment which will benefit both the subject Property as well as the entire community. The Board agrees with the applicant's planner that MLUL planning purposes "a" and "g" are advanced by the granting of this variance. The Board, therefore, finds that the Applicant has promoted the goals of planning as enumerated in N.J.S.A. 40:55D-2. The positive criteria has, therefore, been satisfied.

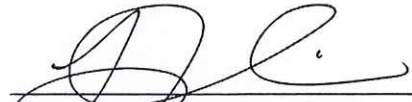
The Board also finds that the Applicant has satisfied the negative criteria. Subject to reaching agreement on final design elements, aesthetics and security improvements, the proposed parking garage will not have a substantial detrimental effect on neighboring properties. The Board finds the improvements will benefit surrounding properties through improved aesthetics and more adequate off-street parking, thereby relieving parking demands within the surrounding area. The Board also finds that the improvements will not interfere with the provision of adequate light, air and open space. The Board also determines that the proposal is not out of character with the Redevelopment Plan or the prevailing neighborhood scheme and will not cause a substantial detriment to the public or substantial impairment to the zone plan or zoning ordinance. The Board further finds that the negative criteria has been satisfied. The Board therefore finds that the positive criteria substantially outweighs the negative criteria and concludes that variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

In reviewing the request for amended preliminary and final site plan approval, the Board concludes the Applicant has met the minimum requirements of the Municipal Land Use Law, Case Law and Borough Ordinances to a sufficient degree so as to enable the Board to grant the relief being requested.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board that the application of Meridia at Park Square, Urban Renewal LLC for Block 610, Lots 1 and 3, as shown on the Tax Map of the Borough of Roselle Park, located at 10 West Westfield Avenue in the B-3R Arterial Business Redevelopment Zone, requesting amended preliminary and final major site plan and variance approval is granted pursuant to N.J.S.A. 40:55D-46, 50 and 70, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plan submitted and approved.
2. Prior to issuance of any building permits to construction the proposed parking garage, the Applicant shall meet with a subcommittee of the Board together with its professionals to reach agreement on both exterior façade design and a parking garage security plan, which shall thereupon be subject to review and approval by the Board on notice to the public.
3. The Applicant shall comply with all technical comments set forth in the review reports of the Board's professionals.
4. All prior conditions of approval not expressly superseded by this amended approval shall remain in effect.
5. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
6. Certificate that taxes are paid to date of approval.
7. Union County Planning Board approval, if necessary.
8. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Roselle Park, County of Union, State of New Jersey, or any other jurisdiction.

The undersigned Chairman certifies the within resolution was adopted by this Board on July 17, 2023 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 21, 2023.



Jorge Casalins, Board Chairperson



Paul Baiamonte, Board Secretary

FOR: 6

AGAINST: 0

ABSTAIN: 0

Board Member(s) Eligible to Vote: Secretary Paul Baiamonte ____, Susan Grosso X, Councilman Jay Robaina X, Vice Chairman Loren Harms ____, John Curia X, Kevin Kolbeck X, Michael Quiroga X, Nicola Cristofaro ____, Chairman Jorge Casalins X.

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