

RESOLUTION NO. 2023-006

Borough of Roselle Park

Land Use Board

In the Matter of County Educators Federal Credit Union

Decided on April 18, 2022

Memorialized on May 16, 2022

Amendment Decided on August 21, 2023

Amendment Memorialized on September 18, 2023

Amended Preliminary and Final Site Plan Approval with Variance Relief

WHEREAS, an application for preliminary and final site plan approval along with ancillary bulk variance relief has been made to the Roselle Park Municipal Land Use Board (hereinafter referred to as the "Board") by County Educators Federal Credit Union (hereinafter referred to as the "Applicant") on lands known and designated as Block 801, Lots 5 and 6.01, as depicted on the Borough Map of the Borough of Roselle Park (hereinafter "Borough"), and more commonly known as 521 Chestnut Street and 16 E. Lincoln Avenue in the ROB (Residence Office Building) Zone; and

WHEREAS, a public hearing was held at Borough Hall on April 18, 2022 with regard to this application; and

WHEREAS, the subsequent public hearing was held at Borough Hall on August 21, 2023 with regard to the amendment of this application, which amended application was docketed as Application #2023-005; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Roselle Park Municipal Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The property in question (PIQ) is an irregularly shaped tract located on the southeast corner of the East Lincoln Avenue (C.R. 618) and Chestnut Street intersection. It is located in the Residence Office Building (ROB) zoning district and has an area of 34,251 S.F. or approximately 0.79 acres. The PIQ is presently occupied by a one-story credit union building, a detached two-car drive-thru canopy and a parking lot for 39 vehicles, including three (3) handicap accessible parking spaces. Access to the site is provided by a one-way entrance and a one-way exit driveway via Chestnut Street.

2. Contiguous zoning is ROB along the east and west sides of Chestnut Street, and R-1 (Single-Family Residence) to the east. Uses in these areas generally reflect uses permitted in the underlying zone districts. Block 801 Lot 29 (15 Webster Avenue E) abuts the SE corner of the property and is located in the ROB zone. The Roselle Park Station (NJ Transit Raritan Valley Line) and a park and ride lot are located west of the property. 510 Chestnut Street (housing offices of the Roselle Park Board of Education) is located south of the park and ride lot. Block 801 Lot 2 (511 Chestnut Street) abutting the southern edge of the property is used as a dental office and has an accessory parking lot in the rear yard area.

3. The Applicant proposes to remove the existing site improvements and construct a new two-story credit union building (having 3,647 S.F./floor; 7295 S.F. gross) with an attached two-car drive-thru canopy and a parking lot for 42 vehicles, including two (2) handicap accessible parking spaces. Access to the site will be provided by a 25 ft wide two-way driveway via Chestnut Street and a 25 ft wide two-way driveway via East Lincoln Avenue. In addition, site improvements will include a new outdoor seating area, refuse area, stormwater drainage

system, curbing, driveway aprons, sidewalk, lighting, landscaping, a monument sign at the northwest corner of the property and other associated improvements.

4. The parking area shall be reconfigured to provide forty-two (42) parking spaces along the eastern, northern and western lot lines, as well as along the southern side wall of the bank, as follows:

- East (facing Lots 7 & 28): Seventeen (17) angled spaces
- North (facing East Lincoln Avenue): twelve (12) perpendicular spaces
- West (facing Chestnut Street): nine (9) perpendicular spaces
- South (abutting the proposed bank): four (4) perpendicular spaces, two (2) of which are accessible spaces.

5. A refuse area is proposed in the SE corner of the property. A vinyl "Board of Board" type fence is proposed to replace the existing fence along the eastern (rear) lot line abutting Lots 7 & 28. The existing chain link and vinyl fences dividing the property from Lots 2 & 29 are proposed to remain. A monument sign shall be located on the NW corner of the property, adjacent to a proposed Union County sight triangle dedication at the corner of Chestnut Street and East Lincoln Avenue.

6. Counsel for the Applicant, Michael DuPont, Esq., stated that the Applicant was seeking preliminary and final site plan approval with ancillary variance and design waiver relief to construct a new credit union structure with drive thru to replace the existing facilities. Mr. DuPont confirmed that Union County's Bureau of Planning and Land use had conditionally approved the application by letter dated March 24, 2022.

7. The Applicant's Engineer, Patrick McClellan, P.E., provided the Board with an overview of the subject Property, its existing conditions and the proposed site plan layout. After

87 years of operation at this location, the existing facilities have worn out and are in need of replacement. Mr. McClellan provided the Board with a detailed explanation of the five phases of construction to allow the site improvements to be implemented all while the business remains in operation serving its clients.

8. Mr. McClellan identified the sole required variance requested involved permitting a 22-foot wide two-way drive aisle on the northerly side of the new building whereas a minimum width of 24 ft is required. The Board Engineer confirmed that while maintaining a 24 foot width is typical and more ideal, the low traffic volume and low on-site vehicular speeds should allow the reduced drive aisle width to operate safely.

9. Mr. McClellan presented Exhibit A-1, a color monument sign detail depicting the lone business identification signage proposed, as no wall signage was being sought by the applicant.

10. Mr. McClellan agreed to work with the Board Engineer to identify possible alternative materials to the parking lot striping that would better withstand the elements than water based paint, but be more economical and easier to install than proposed thermoplastic striping.

11. Mr. McClellan further acknowledged that the lots would be consolidated as a condition of any approval.

12. The Applicant's Planner, Jessica Caldwell, PP, AICP, provided testimony supporting the variance relief required by the proposed site plan. She stated that all of the proposed uses were permitted, but that the site was irregularly shaped and further constrained by having two (2) front yards as well as adjacent residential uses. Also, several pre-existing non-conforming conditions were being improved by the proposed site design. With respect to

the MLUL planning purposes, Ms. Caldwell believed the site plan and variances promoted statutory planning purposes “g” and “m”, and that the negative criteria were satisfied as well.

13. The Applicant’s traffic engineer, Connor Hughes, P.E., summarized the findings of this letter report dated March 17, 2022, confirming that there would be no anticipated change in trip generation associated with this site plan proposal, only an upgrade of the current facilities. Mr. Hughes also weighed in on the drive aisle width variance, providing his opinion that the twenty two foot width drive aisle would work properly and not present any safety hazards. The nature of the business, involving repeat visits by clients familiar with the site, will only further lessen any impact associated with the reduced drive aisle width. Lastly, at the Board’s request, Mr. Hughes stipulated on behalf of the Applicant that the egress movements to East Lincoln Avenue would be limited to right turns only.

14. Lastly, Judy Pinho, the Applicant’s President and CEO, testified to explain the existing and proposed operations of the credit unit. The credit union typically assists approximately 50 to 60 customer visits each day, although increased customer traffic is often associated on pay days. Given the COVID pandemic, the credit union provided remote assistance to its customers, and continues to offer remote services in addition to welcoming back customers and clients at both of its physical branch facilities located in Roselle Park as well as Martinsville.

15. The Board has received, reviewed and considered various exhibits and reports with regard to this application.

16. There were no members of the public expressing an interest in this application.

17. ***The Applicant returned before the Board on August 21, 2023 seeking amended approvals to allow relocation of the proposed generator to the southeast corner of the***

Property, as depicted on the revised site plans prepared by Stewart Surveying & Engineering, LLC, dated October 14, 2021, last revised July 10, 2023. Appearing to testify was Alfred A. Stewart, P.E., testified as to the reasons for relocating the generator off the drive-thru canopy as originally proposed, and that the proposed relocation would cause the loss of a single parking space, such that the total off-street parking would be reduced from 42 to 41 spaces, which would remain conforming. The proposed relocation would be set further away from existing residential as compared to the original location, and would be enclosed by a stockade fence. Mr. Stewart also identified the proposed natural gas generator as a Generac SG130 130kW Industrial Spark-Ignited Generator Set, consistent with the specifications that were filed together with the amended application. The proposed generator is proposed to be exercised weekly on Saturday mornings at 8:30 am, but the applicant will be willing to adjust the time in the case of any noise complaints from neighboring properties. Mr. Stewart acknowledged that the anticipated noise level of 73dbA at the nearest residential property line would exceed the applicable standards, though Mr. Stewart confirmed that emergency generators are exempt from the applicable standards, but nevertheless the anticipated noise level would be compliant at the nearest residence itself. There were no members of the public expressing an interest in this application.

- 18. Judy Pinho, CEO of the County Educators Federal Credit Union, explains that there have been no noise complaints when they run their performance test on the current generator, usually on Saturday mornings. Judy Pinho explained that they can change the time in which they perform the test if necessary*

WHEREAS, the Roselle Park Municipal Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the

general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Roselle Park; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant may be granted preliminary site plan approval pursuant to N.J.S.A. 40:55D-46, final site plan approval pursuant to N.J.S.A. 40:55D-50 and ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2).

The Board finds the Applicant has submitted an application for a permitted use, but requires variance relief. 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 satisfies 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. An 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, an 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 considers the required variance relief collectively. The Board finds the Applicant has satisfied the positive criteria. The Board agrees with the Applicant that approval of this application will result in a safer and more efficient utilization of the land. The proposed development will also be visually attractive and will promote a desirable visual environment. The Board therefore finds that the Applicant has advanced the goals of planning enumerated in the Municipal Land Use Law, N.J.S.A. 40:55D-2. The Board concludes that the Applicant has satisfied the positive criteria.

The Board also finds that the Applicant has satisfied the negative criteria. The Board recognizes that the Applicant has proposed a permitted use. The proposed deviations from the ordinance requirements do not result in additional noise, traffic or odors associated with a permitted use in the Zone. The Board finds that the grant of variance relief will not result in substantial detriment to the Zone Plan or Zoning Ordinance and will also not substantially impair the public good. The Applicant has therefore satisfied the negative criteria. Based upon the foregoing, the Board concludes that the positive criteria substantially outweighs the negative criteria and variance relief pursuant to N.J.S.A. 40:55D-70c(2) is appropriate in this instance.

Aside from the above-referenced variances, the Board finds the Applicant has complied with all other requirements of the zoning and site plan ordinances. *Amended* Preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50 are, therefore, appropriate.


NOW, THEREFORE, BE IT RESOLVED by the Roselle Park Municipal Land Use Board on this 16th day of May, 2022, that the action of the Municipal Land Use Board taken on April 18, 2022 granting Application No. 2002-006 of County Educators Federal Credit Union for preliminary site plan approval pursuant to N.J.S.A. 40:55D-46, final site plan approval pursuant to N.J.S.A. 40:55D-50 and bulk variance approval pursuant to N.J.S.A. 40:55D-70c(1), *as amended by action of the Municipal Land Use Board taken on August 21, 2023 granting the amendments provided by Application No. 2023-005*, is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The development of the site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board with this application which are to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board's professionals.
3. The Applicant has stipulated and agreed to amend its site plan to limit egress movements at its Lincoln Avenue driveway to right turns only.
4. The Applicant shall use good faith efforts to preserve and relocate existing trees which require relocation due to proposed site construction activities.
5. The Applicant shall increase the capacity of on-site stormwater retention by a minimum of 10% above what is depicted on its site plans to provide a greater factor of safety.
6. Upon receipt of a lot number designation and street address for the consolidated lots from the municipal tax assessor, the Applicant shall prepare a lot consolidation deed for review and approval by the Board's professionals before recording the same, with proof of recording to be provided to the Board

7. The Applicant shall provide a certification that taxes are paid to date of approval.
8. 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 Secretary.
9. 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.
10. *Amendment - Applicant shall comply with all technical comments set forth in CME's July 11, 2023 letter report.*
11. *Amendment - Applicant shall comply with all technical comments set forth in Colliers' July 13, 2023 letter report.*
12. *Amendment - All prior approval conditions remain in effect.*
13. *Amendment - Applicant shall use best efforts to minimize noise at the residential property line in the event of noise complaints, inclusive of proposing additional mitigation measures beyond the currently proposed stockade fence.*

The undersigned Chairman certifies the original resolution was adopted by this Board on April 18, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 16, 2022. *The undersigned Chairman further certified that this amended approval resolution was adopted by this Board on August 21, 2023 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 18, 2023.*



 Jorge Casalins, Board Chairperson



 Paul Baiamonte, Board Secretary

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								✓
Alternate No.3	Christian Camilo							
Alternate No.4								

RPMLU016E County Educators FCU Resolution Granting Amended Preliminary and Final Site Plan (2857334.1) 9.18.2023 SRT