

BOROUGH OF ROSELLE PARK
DECEMBER 18, 2023 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

TO ORDER

The meeting was called to order at 7:02 pm on December 18, 2023, in Borough’s Councils Chambers.

OPEN PUBLIC MEETING ACT NOTICE

Chairman Casalins recited the Open Public Meetings Act compliance notice and indicated that adequate notice of the meeting has been provided as required by law. As required by the Fire Prevention Code, and indicated the fire exits and the procedure to be followed in case of fire.

ROLL CALL

<u>Member</u>	<u>Classification</u>	<u>Status</u>	<u>Arrived</u>
Joseph Signorello III - Mayor	Class I	A	N/A
Paul Baiamonte – Member	Class II	P	7:02 PM
Susan Grosso – Member	Class II	P	7:02 PM
Jay Robaina – Councilmember	Class III	P	7:02 PM
Loren Harms – Vice Chairperson	Class IV	P	7:02 PM
John Curia – Member	Class IV	P	7:02 PM
Kevin Kolbeck – Member	Class IV	P	7:02 PM
Michael Quiroga – Secretary	Class IV	A	N/A
Nicola Cristofaro – Alternate Member	Alt. Member 1	P	7:02 PM
Richard Templeton- Alternate Member	Alt. Member 2	P	7:02 PM
Christian Camilo – Alternate Member	Alt. Member 3	A	N/A
Darwin Romain- Alternate Member	Alt. Member 4	A	N/A
Jorge Casalins - Chairman	Class IV	P	7:02 PM

SALUTE TO THE FLAG

At 7:03 pm Chairman Casalins led those in attendance in reciting the Pledge of Allegiance.

MINUTES

Vice Chairman Harms moved to approve the following minutes, pending any corrections; seconded by Councilman Robaina:

1. Meeting minutes of November 20, 2023

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Voting</u>
Joseph Signorello III - Mayor				X	
Paul Baiamonte – Member	X				
Susan Grosso – Member	X				
Jay Robaina – Councilmember	X				
Loren Harms – Vice Chairperson	X				
John Curia – Member	X				

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Kevin Kolbeck – Member			X		
Michael Quiroga – Secretary				X	
Nicola Cristofaro – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Christian Camilo – Alternate Member				X	
Darwin Romain- Alternate Member				X	
Jorge Casalins- Chairman			X		

PUBLIC PORTION

Chairman Casalins opened the public comment portion of the meeting by unanimous consent of the Board at 7:04 p.m.

With no comments from the public, Chairman Casalins closed the public comment portion of the meeting by unanimous consent of the Board.

NEW BUSINESS

Chairman Casalins recommended making a change to the 2024/2025 Calendar Dates, where the January 2024 date would change from the 27th to the 20th. With no objections, the date for the January Municipal Land Use Board Meeting would be changed from January 27, 2024 to January 20, 2024.

- Condemnation Area In Need Of Redevelopment Study for Block 608 Lots 1.01, 17, 18, 19, 20, 21, 22, 23, 24.01

At 7:08 pm, Chairman Casalins turned the floor over to Fran McManimon, Esq., the Borough’s redevelopment attorney, where she introduced the redevelopment study for Block 608 Lots 1.01, 17, 18, 19, 20, 21, 22, 23, 24.01. She explained the hearing is for the Board to determine if the study meets the criteria for redevelopment under redevelopment law. Ms.McManimon walked the Board through the general redevelopment process, and handed the floor over to Board planner, Ronald Reinertsen, PP, AICP.

Mr. Reinertsen briefly explained each section of the redevelopment study and the lots affected. He included pictures of a man made ditch which was discovered when doing site inspections. The 5 photographs of the ditch were entered in as Exhibit A-1 titled, “ Color photo of drainage ditch taken 12/18/2023”, which shows the ditch after heavy rainfall.

Mr. Reinertsen discussed the various properties included in the study which included information on the physical state of the property, the redevelopment criterion the property falls under, and any volitions and /or crime in the area. He further discussed the findings of the study, explaining the difference to the Board between Condemnation and Non-Condemnation Redevelopment Study. Discussion on the difference between condemnation and non condemnation proceeded with commissioner Paul Baiamonte asking who decides on the classification of the redevelopment study. He also asked about the waterway/ ditch concern and why it seemed to penalize property owners. Mr. Reinertsen explained the Borough’s Governing Body decided on which to use and the study was not meant to penalize current property

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owners but fix the problem for future use , while Board Attorney, Steven R. Tombalakian, Esq., explained in more detail the difference between condemnation and non-condemnation and how the processes differ.

At 7:15 pm Chairman Casalins opened the floor to members of the public.

- Owners of Park Theatre Company, 23 W. Westfield Avenue, Roselle Park, NJ- Owner of the property spoke to testify on why the property has sat vacant for the past years, explaining that someone signed the lease in June 2019, and the only vacancy in the building is above the nail salon She proceeds to explain that there have been plans to reopen the theater, but was unable to happen, and that the lessee has plans to have someone buy out his 25 year lease by the end of January 2024. The property owner expressed she doesn't like the perception of the building being vacant and she doesn't want to see it destroyed due to the condemnation redevelopment study.
- Frank Speck of Union County Bowling, 512 Niles Street, Elizabeth, NJ- Mr. Speck explained that the ditch always has water in it and is supposed to be maintained by the Borough but it sounds like the property owners are being faulted for the lack of maintenance on the ditch. He explained that the redevelopment study, especially criteria A, sounds negative and that he doesn't want to see the building demolished which they have had for 30 years.
- Clare Morbido, Lavallette, NJ- Clare explained that she owns three buildings and a business that has been in her family for the past 65 years. She detailed all the money she has spent on maintenance for all her buildings and the extermination costs she's spent over the years.. Clare explains how she believes it isn't fair to demolish her building and that she will not sell if the redevelopment plan is approved, and that she has always complied with all zoning and has always been up to date with her inspections which costs her a significant amount of money. She explained the struggle in keeping her business open during Covid19, keeping reasonable rent prices for her long term tenants in her apartment buildings, and the volunteer work she and her family participates in. She explained that while she will comply with any aesthetic changes in the redevelopment plan, she will refuse to sell if the situation arises.

With no other comments from the public, Chairman Casalins closed the public portion with Vice Chairman Harms making a motion to close the public portion, seconded by Kevin Kollbeck.

Chairman Casalins addressed the public stating the meeting is just to determine if the study is consistent with the Master Plan, and there is no current plan to demolish anything, and if there is any future plans to demolish any buildings it would occur in the distant future and would have to go through multiple steps before the action of eminent domain is considered. Chairman Casalins opened the floor to the commissioners for any comments.

Councilman Robaina, explained the Board should change the redevelopment study from condemnation to non-condemnation and explore working with the downtown area.

Fran McManimon, Esq, explained that if the Board would rather the redevelopment study be classified as non-condemnation rather than condemnation, the redevelopment process would have to start from the beginning and explained that right now the Board needs to decide whether the area study meets one or more of the criteria pursuant to the Redevelopment Law.

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Mr. Tombalakian explained that the Mayor and Council ultimately decide on whether the redevelopment study should be classified as condemnation or non-condemnation, but if the Board disagrees with the qualifications they would have to prove their stance which would trigger a longer process.

Chairman Casalins explained he felt as though the study meets the criteria, and the report was done in a way which breaks down the properties and classifies the type of criteria each property meets with sufficient evidence. He explains that while most of the Board can agree that the report sufficiently meets the criteria for redevelopment, the issue many of the members are having is with the use of condemnation and the potential to demolish existing properties in the distant future.

Vice Chairman Harms expressed that if the Board declines the redevelopment study, maybe Council will think differently about the study as a whole, and believes that there is a larger development in the plans.

Paul Baiamonte asked what would happen if the Board votes no, in which Mr. Tombalakian explained that the resolution sent back to Council and Mayor is a non-binding recommendation. Mr. Tombalakian explained the Board can also vote on the study meeting the criteria and send recommendations on the classification of the redevelopment study.

At 8:30 pm, Chairman Casalins recommended sending back to the Governing Body that the redevelopment study is consistent with the criterion for a condemnation redevelopment area designation set forth in the Redevelopment Law. The Board also recommended that the Governing Body designate the Study Area as a non-condemnation area in need of redevelopment, allowing the Borough to use all the powers set forth under the Redevelopment Law, except the power of eminent domain.

Chairman Casalins motioned to recommend the redevelopment study to the governing body; seconded by Councilman Robaina

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Voting</u>
Joseph Signorello III - Mayor				X	
Paul Baiamonte – Member	X				
Susan Grosso – Member	X				
Jay Robaina – Councilmember	X				
Loren Harms – Vice Chairperson	X				
John Curia – Member	X				
Kevin Kolbeck – Member	X				
Michael Quiroga – Secretary				X	
Nicola Cristofaro – Alternate Member			X		
Richard Templeton- Alternate Member	X				
Christian Camilo – Alternate Member				X	
Darwin Romain- Alternate Member				X	
Jorge Casalins- Chairman	X				

At 8:40 pm, Chairman Casalins and the Board entered into a five minute recess.

At 8:45 pm, Chairman Casalins ended the recess.

- Applicant: Tony Conigliaro
 - Application #2023-007
 - 607 West Westfield Avenue, Block 204, Lot 7

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- *An application for an expansion of an existing front porch of a detached 2-family residence requiring d (2) and “c” variance relief which is located within the B-3 (Arterial Business) Zone District.*

Chairman Casalins invited applicant Tony Conigliaro, who was sworn in at 8:45 pm.

Mr. Conigliaro gave a brief testimony on his history with the property, and why he decided to make alterations on the property. He explained that he wished to expand the platform of the steps in order to add another door, which meant he would need to expand the steps, which would intrude on the amount the Brough owns.

Board planner, Ronald Reinertsen asked if he was expanding the dimensions, in which Mr. Conigliaro explained he was not. He then explained that the steps in place were crumbling and that people can still get by and will not create a negative impact. He further explained that the current steps in place were non-conforming, but was recently legal a couple of years ago.

Board engineer, Robert Beringer, explained to install two doors, the landing space would need to be expanded to meet the minimum requirement. He also explained the steps were already encroaching Borough property but were not impeding and there was no trip hazard, therefore no safety concern.

At 8:59 pm, Chairman Casalins opened the floor to the public for any comments on the application. Seeing none, Chairman Casalins closed the public portion of the application.

Vice Chairman Harms motioned to approve the application; seconded by Kevin Kolbeck

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Voting</u>
Joseph Signorello III - Mayor				X	
Paul Baiamonte – Member	X				
Susan Grosso – Member	X				
Jay Robaina – Councilmember			X		
Loren Harms – Vice Chairperson	X				
John Curia – Member	X				
Kevin Kolbeck – Member	X				
Michael Quiroga – Secretary				X	
Nicola Cristofaro – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Christian Camilo – Alternate Member				X	
Darwin Romain- Alternate Member				X	
Jorge Casalins- Chairman	X				

FOR THE BENEFIT OF THE BOARD:

Chairman Casalins noted the following for the benefit of the Board:

Next Meeting: Monday, January 22, 2024 at 7:00 p.m.

ADJOURNMENT

At 9:01 p.m. Vice Chairman Harms moved to adjourn the meeting; all members present voting Aye, said motion was adopted.

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Attest:

Talia Smith
Borough Clerk