

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

TO ORDER

The meeting was called to order at 7:00 pm on March 18, 2024, in Borough’s Councils Chambers.

OPEN PUBLIC MEETING ACT NOTICE

Vice Chairman Casais 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	P	7:00 PM
Andrew Casais- Vice Chairperson	Class II	P	7:00 PM
Jay Robaina – Councilmember	Class III	A	N/A
Jorge Casalins- Chairman	Class IV	A	N/A
Nicola Cristofaro – Member	Class IV	P	7:00 PM
John Curia – Member	Class IV	P	7:00 PM
Loren Harms – Member	Class IV	P	7:00 PM
Kevin Kolbeck – Secretary	Class IV	P	7:00 PM
Michael Quiroga – Member	Class IV	P	7:00 PM
Christian Camilo – Alternate Member	Alt. Member 1	P	7:00 PM
Richard Templeton- Alternate Member	Alt. Member 2	P	7:00 PM
Darwin Romain- Alternate Member	Alt. Member 3	P	7:00 PM
Vrutti Patel- Alternate Member	Alt. Member 4	P	7:00 PM

SALUTE TO THE FLAG

At 7:01 pm Vice Chairman Casais led those in attendance in reciting the Pledge of Allegiance.

MEMORIALIZING RESOLUTIONS

Kevin Kolbeck moved to approve the following resolution, pending any corrections; seconded by Michael Quiroga:

1. **R. 2024-007:** Applicant: Jagdishbhai D. Patel
 Application No. 2024-001
 Address: 315 West Webster Avenue, Block 128, Lot 1

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Voting</u>
Joseph Signorello III - Mayor	X				
Andrew Casais- Vice Chairperson	X				
Jay Robaina – Councilmember				X	

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

Jorge Casalins- Chairman				X	
Nicola Cristofaro – Member	X				
John Curia – Member	X				
Loren Harms – Member			X		
Kevin Kolbeck – Secretary	X				
Michael Quiroga – Member	X				
Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Darwin Romain- Alternate Member	X				
Vrutti Patel- Alternate Member			X		

Attorney James Vigliotti, Esq, representing residents opposing the application 441- 443 East Westfield Avenue, testified in front of the Board. He explained he didn’t believe the resolution for the following application should be memorialized due to discrepancies in those who voted. He explained the Board didn’t have jurisdiction to decide on the matter due to the Mayor and Council taking part in the interpretation of the ordinance. He explained that while the zoning officer believed the applicant needed a D-3 variance, the Board was able to interpret the ordinance which can only be done by the zoning board of adjustment. He goes on to state that if the Board wouldn’t have interpreted the ordinance stating they didn’t need a conditional use variance, then they would be able to apply for the bulk variance. He asked the Board to deny the resolution as they had no power to decide on the matter.

Steven Merman, Esq., the applicant’s attorney, gave a statement to the Board. He explained that the matter on whether a D-3 use variance was needed, was something that was discussed during the DRC meeting with the planner and zoning officer. He explained the instances when a Class I and Class III members would be disqualified, and explained that it is allowed for a full nine member Board to interpret an ordinance. He went on to reject the request of the objector as denying the resolution has no basis in law. He explained that objectors aren’t allowed to object to the adoption of the resolution that is done during the appeal process. He explained that he gave additional reasoning supporting his stance in the letter provided to the Board. With that, Mr. Merman concluded his statement and Vice Chairman Casais asked for a motion from the Board.

Mayor Signorello III moved to approve the following resolution, pending any corrections; seconded by Kevin Kolbeck:

2. **R. 2024-008:** Applicant: Cannabis MD, LLC (441 Westfield Ave LLC)
 Application No. 2024-002
 Address: 441-443 East Westfield Avenue, Block 1113, Lot 1

Member	Aye	Nay	Abstain	Absent	Not Voting
Joseph Signorello III - Mayor	X				
Andrew Casais- Vice Chairperson	X				
Jay Robaina – Councilmember				X	
Jorge Casalins- Chairman				X	
Nicola Cristofaro – Member	X				
John Curia – Member	X				
Loren Harms – Member			X		

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

Kevin Kolbeck – Secretary	X				
Michael Quiroga – Member	X				
Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member	X				
Darwin Romain- Alternate Member	X				
Vrutti Patel- Alternate Member			X		

PUBLIC PORTION

Vice Chairman Casais opened the public comment portion of the meeting by unanimous consent of the Board.

Hannah Antonsson, 216 Bender Avenue- She explained many of the arguments made in favor of the applicant at 441-443 East Westfield Avenue, were procedural, but didn't take into consideration all the other issues. She explained that a park is within 1000 ft and that according to federal law it is still a violation to have a park 1000 ft from a park, risking federal funding. She mentioned the impact on traffic, making it worse within the area and that there would be no added benefit to the town and any money being received would be wasted on additional cop presence.

Magiera Arnold, Sheridan Avenue- She explained that this information should have been more widely known by all the residents regarding the applicant at 441-443 East Westfield Avenue. She explained that she overheard there may be a potential 5 dispensaries in the borough, she mentioned the drug overdoses in youths and the cancellation of the DARE program. She expressed that the town wanted a Trader Joe's not a dispensary.

Frank Trezza, 479 Ragland Drive- He explained that this is all ridiculous and its "pay to play", and that no one was going to purchase the building for over 1 million dollars. He explained that the residents didn't get a say in the matter, and that a kid could get hurt on the street from someone who's driving under the influence, regarding the applicant at 441-443 East Westfield Avenue.

Betty Woodruff, 134 Bender Avenue- She explained that she was a lifelong resident of Roselle Park and asked which type of dispensary was being proposed, what is the financial benefit to the town, why does the town need 3, and why didn't other residents hear about the original meeting.

Mayor Singorello III responded that the agendas are always posted on the website and the applicant is legally required to give notice to residents 200 ft away from the property and also publish a notice in the newspaper. He explained that the Borough has approved the use of three recreational dispensaries, which was discussed and voted on by the council members and the governing body. He also explained the tax benefits and the revenue they would likely gain. He explained that last year, Roselle Park had the worst tax year and this would potentially help the Borough.

Jerry Veltre, Ragland Drive- He explained how he and a group of neighbors went out to pass out fliers to residents because he believes everyone in the Borough should be made aware of the proposed business at 441-443 East Westfield Avenue. He believed the Borough should've done more to inform the residents of a substantial change in business. He explained that no one in the area wants the business there and that there are a lot of other businesses that could help revive the town.

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

Rosanna Antonuccio Lyons, 419 Chestnut Street- She explained how she is the Council person for the first ward and that she voted no in regards to the cannabis ordinance. She told those in attendance that the agenda for council meetings and board meetings are made available online, and the residents need to pay more attention to the agenda and the matters being discussed and voted on. She explained that residents should be engaging and showing up to the meetings to have their voices heard. She explained how she heard there is a third dispensary being proposed in the Borough, and kids are getting their stomachs pumped because they're ingesting drugs.

Jose Pinto, 109 Sherman Avenue- He explained that he recently moved to the area four years ago, and before that he lived in the Bronx for 20 years. He explained that he has seen the monetary benefits of dispensaries, but he doesn't see the benefits of dispensaries in the streets. He asked if they were supposed to represent the people, and the people don't want it, how can they approve the matter.

Hannah Antonsson, 216 Bender Avenue- She explained that a 2 percent profit the borough would acquire, would require a lot of traffic. She asked how their property taxes would be affected if property values fall. She explained that the existing cannabis dispensaries in neighboring towns are located in high-commercial areas. She also explained that giving legal notice is the lowest requirement, and when something as big as a dispensary is being decided on the whole town should be notified so they can have the option to be heard.

Jose Miguelez, 411 East Lincoln Avenue- he explained that his family has been in Roselle Park since 1980, he explained that he's happy some things have changed but the borough still kept its soul. He explained the Borough as being a small town surrounded by larger towns. He explained that he doesn't care about the tax revenue that would be generated from the business, but he thinks it doesn't make sense to have 2 dispensaries in a close proximity to each other. He also expressed his concern on the mailing, explaining that an issue regarding something big such as a new dispensary should be circulated to the whole Borough.

Mayor Signorello III responded by explaining that marijuana is legal and a lot of the businesses in the downtown area from 30 years ago left or didn't survive. He explained that many of the storefronts remained vacant, and they need stores to help the downtown area thrive. He pointed out that it's a legal business and it is more regulated than a liquor store, and believes that this would be a net positive for the town.

Jose Pinto, 109 Sherman Avenue- He explains that while he understands the benefits of the proposed dispensary at 441-443 East Westfield Avenue. He further explained that while he doesn't have anything against the legalization of marijuana, he wants to be in a town where the people's voices are being heard and listened to.

Many Guelho, 466 Colonial Road- He explained that he lived in Roselle Park for 6 years, moving from downtown Elizabeth, and he wanted to get away from things such as the proposed business at 441-443 East Westfield Avenue. He explained that his street is a quiet street, and after 9 pm, he believes that people would be parked on his street smoking marijuana and blasting music, disrupting their quiet street. He explains that a town as small as Roselle Park doesn't need 3 or 4 dispensaries, he also mentions there is no parking and the proposed business would lead to an increase in traffic for the area, which is already an issue. He also asked how the taxes would benefit the town?

Mayor Signorello III responded by explaining the benefits the town would receive if the town was to get the 2 percent. Vice Chairman Casais explained that with a potential increase in tax revenue from the revenue, this means it would require less that needs to come out of the residents pocket. He further explained that the application 441-443 East Westfield Avenue did not come to the

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

Board to decide on whether the proposed business can operate at the site, as the governing body decided to zone for that type of business at this location.

Maria Miguelez, 607 Sheridan Avenue- Expressed her disapproval of the proposed business at 441-443 East Westfield Avenue, and believes that the audience's disapproval on the matter isn't being taken into consideration by the board. She asked if the only businesses they can attract to the borough are dispensaries, because they wanted a Trader Joes or Whole Foods . She expressed her concern over parking and how the business would exacerbate the problem.

Mayor Signorello III replied that when he first came into office he attempted to attract businesses like Starbucks and Whole Foods, but the borough didn't qualify. He also explained he believes based on the testimony heard the parking situation is adequate enough for the business, and there are insurances put into place if parking becomes a problem.

Betty Woodruff, 134 Bender Avenue- Asked if there was any way to change the verdict or outcome of the proposed business at 441-443 East Westfield Avenue.

Vice Chairman Casais explained that there was already counsel to represent a group of residents opposing the decision.

Arlene Broan, 475 East Westfield Avenue- She explained that she has been living in the Borough for the past 40 years and she doesn't want a dispensary at the proposed location of 441-443 East Westfield Avenue. She explained that there are children in the area and that having a dispensary nearby would negatively influence the kids in the area, and is toxic to animals. She expressed her beliefs that there are no recreational facilities in the area, and should use the building to benefit the kids of the area. She explained that she walks her dogs in the evening and is concerned for her safety if a dispensary would open nearby, and talked about the negative effects of drugs.

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

NEW BUSINESS

1. Applicant: Shawn Connolly
 - Application #2024-003
 - 450 Amsterdam Avenue, Block 28, Lot 207
 - *An application for a C-2 Variance for an existing deck in the rear yard.*

At 8:26 pm, Shawn Connolly was sworn in. Mr. Connolly explained the reasoning for making a deck, stating that during COVID-19 his mother died and so he decided to build a deck as it allowed for family to be over. He explained that he does use the deck regularly and that the problem with the deck is that it goes further out than allowed. He explained that he recognizes he didn't follow the correct procedure, and that if approved he will get the necessary permits required.

Board planner, Ronald Reinertsen, PP, AICP, went through his planner report briefly discussing his comments on the application. He asked the applicant when was the last time he used the deck, in which the applicant replied the day before the meeting. Mr. Reinertsen explained the deck is a little close to the neighbors, and the applicant Mr. Connolly explained that he spoke to the neighbors and they didn't seem to have a problem with the deck.

It was stated that any approval of the application wouldn't waive the applicant's responsibility to obtain any permits or schedule any inspections, in which Mr. Connolly agreed.

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

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

With no further questions or comments, Vice Chairman Casais opened the floor for a motion.

Loren Harms moved to approve the following 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				
Andrew Casais- Vice Chairperson	X				
Jay Robaina – Councilmember				X	
Jorge Casalins- Chairman				X	
Nicola Cristofaro – Member	X				
John Curia – Member	X				
Loren Harms – Member	X				
Kevin Kolbeck – Secretary	X				
Michael Quiroga – Member	X				
Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member					X
Darwin Romain- Alternate Member					X
Vrutti Patel- Alternate Member					X

2. Applicant: Rupen Shah

- Application #2024-004
- 128 Grove Street, Block 201, Lot 7
- *Proposed subdivision of lot and creation of a new single family home on the newly proposed vacant lot.*

At 8:39 pm, Bianca Pereiras, Esq., and architect Manny Peireras, R.A., were sworn in. Ms. Pereiras began by explaining the application to the Board and the relief they are requesting. She explained the applicant proposes to subdivide the property into two separate lots and construct a 4 bedroom single family detached home on the newly created proposed lot.

Mr. Peireras explained the floor plan of the proposed single family detached house. He explained that the proposed home will have a basement, first floor and second floor. The basement will have a recreational room, a small bathroom, and a mechanical room.

Mr. Reinertsen suggested that if approved, a condition of approval should be in place to insure the basement and attic wouldn't be used as a habitual area. He also explained that the lot is split with a small section of the lot being in Cranford, and asked if the municipality had any objections to the application. Ms. Pereiras responded by explaining that Cranford had no objections to the application and did not require the applicant to go in front of their board.

Vice Chairman Casais opened the public comment portion of the meeting by unanimous consent of the Board.

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

Riva, 127 Grove Street- She explained that she lives across the street and would like for the applicant to be considerate of the times they do construction as people in her family work at night. She also expressed concern on parking, as she explained the area gets congested.

Ms. Peireras explained the applicant will try to be considerate of the noise generated from construction of the home, and that there will be a driveway on the proposed lot which can help alleviate the parking concern.

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

Loren Harms moved to approve the following 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				
Andrew Casais- Vice Chairperson	X				
Jay Robaina – Councilmember				X	
Jorge Casalins- Chairman				X	
Nicola Cristofaro – Member	X				
John Curia – Member	X				
Loren Harms – Member	X				
Kevin Kolbeck – Secretary	X				
Michael Quiroga – Member	X				
Christian Camilo – Alternate Member	X				
Richard Templeton- Alternate Member					X
Darwin Romain- Alternate Member					X
Vrutti Patel- Alternate Member					X

3. Applicant: Team Express Roselle Park LLC

- Application #2024-005
- 134 West Westfield Avenue Block: 609 Lot: 8
- *A preliminary and final site plan with a D-2 variance and C variance to allow for the continuation and modification of a pre-existing car wash with nonconforming issues.*

At 9:03 pm, the Board entered into a five minute recess, and Mayor Signorello III recused himself from the upcoming application.

At 9:09 pm, the Board entered back into session and Stephen Hehl, Esq., was sworn in.

He explained that the car wash has been at their current location for years and is looking to update and modernize their facility.

Tom Fuller, owner of the car wash, was sworn in. He explained this is his 13th car washes and has revitalized a few of his car washes already. He explains that he wishes to shorten the building and add 2 pay stations to avoid backup and enhance efficiency. He explained that the car wash would operate as an exterior car wash with three employees and no towel drying, so there wouldn't be anyone in the front. He explained they are proposing 2 parking spots compared to the zero parking spots currently there. He explained the car wash will operate from the hours of 8 am to 7 pm. He also explained they added more green space in front and moved the vacuum station to the back, and the trash will be in the back and will

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

be privately picked up.

Engineer, Jeremy Battesh was sworn in. He explained the existing structure as well as the proposed structure. Mr. Battesh entered a rendering labeled Exhibit A-1, “Site Layout Exhibit”.

He went on to explain the site plan as well as the operation of the car wash. He explained the facade on the building and the signage. He explained that the dumpster wouldn’t leave the site as the trash pickup would back into the area and most of the employees use public transit so the 2 parking spots should be sufficient enough.

Borough engineer, Kevin Boyer, discussed how the employees got out and the water drainage system. He also discussed the dumpster and the parking stalls.

Architect, Andrew Trocchia, was sworn in. He explained that the premises wouldn’t have any retail area or other public area besides the bathroom for the customer and employees. Mr. Trocchia also provided an overview of the floor plan and exterior aesthetics, using Exhibits A-2 (a slightly revised version of his plan sheet A.201, revised March 14,2024) and A-3 (color rendering of building exterior).

Planner, Robert Hudak, PP, was sworn in. He explained the public benefit of the updated car wash as well as explained the limitation of the Borough Ordinance where a car wash is limited to 10 horsepower. He explained that the limitation of 10 horsepower car washes is very minimal, as you can find electric car washes on amazon with higher horsepower. He explained the car wash makes very little ambient noise and Westfield Avenue has heavy traffic. He explained they will have free vacuum stalls, cameras on the whole property and will be cashless.

Loren Harms asked about winter hours, in which it was answered they stay open until 6 pm.

Mr. Boyer went through the lightning plan and suggested they should have lighting in the back near the dumpster.

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

John Curia moved to approve the following application; seconded by Nicola Cristofaro:

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

BOROUGH OF ROSELLE PARK
MARCH 18, 2024 – REGULAR MEETING OF MUNICIPAL LAND USE BOARD

FOR THE BENEFIT OF THE BOARD:

Vice Chairman Casais noted the following for the benefit of the Board:

The next regular meeting of the Municipal Land Use Board will be:
Monday, April 15, 2024 at 7:00 p.m.

ADJOURNMENT

At 9:55 p.m. Michael Quiroga moved to adjourn the meeting; all members present voting Aye, said motion was adopted.

Attest:

Talia Smith
Borough Clerk