

ORDINANCE NUMBER 11-2022

FIRST READING/  
INTRODUCTION: November 10, 2022

SECOND READING/  
PUBLIC HEARING/  
ADOPTION: December 28, 2022

**ORDINANCE**

**BOROUGH OF EAST NEWARK  
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**AN ORDINANCE OF THE BOROUGH OF EAST NEWARK ADOPTING A  
FOURTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR  
AREAS IN NEED OF REDEVELOPMENT/REHABILITATION**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, the Mayor and Borough Council of the Borough of East Newark (“Governing Body”) did, by Resolution adopted on November 30, 2006, designate Block 12, Lot 1, Block 17, Lot 1 and Block 2, Lots 1 and 7 through 9 as an area in need of redevelopment (the “Redevelopment Properties”); and

**WHEREAS**, the Borough also adopted resolutions designating Block 8, Lots 22, 24, 25, 26, and 27, Block 4, Lots 9, 10, and 11, and Block 10, Lot 44 as areas in need of rehabilitation (the “Rehabilitation Properties”); and

**WHEREAS**, the Borough also adopted Resolution #38-22 designating the entire Borough of East Newark as an area in need of rehabilitation, which enables the “700 Frank E. Rodgers Blvd District” (Block 4, Lot 1), and the “250 Grant Avenue District” (Block 10, Lot 2) to be added to the Redevelopment Plan; and

**WHEREAS**, N.J.S.A. 40A:12A-7 provides for the redevelopment of areas in need of redevelopment and areas in need of rehabilitation to be undertaken in accordance with a redevelopment plan, and

**WHEREAS**, the Governing Body, pursuant to N.J.S.A. 40A:12A-4(a)(3), is empowered to adopt a redevelopment plan pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, on March 14, 2007, via Ordinance No. 03-07, the Borough adopted a redevelopment plan (the “Original Redevelopment Plan”) for the Redevelopment Properties and the Rehabilitation Properties (collectively referred to herein as the “Redevelopment Plan Area”); and

**WHEREAS**, the Borough adopted amendments to the Original Redevelopment Plan on March 12, 2014, via Ordinance No. 01-2014, (the “First Amendment”), on August 23, 2017, via

Ordinance No. 09-2017, (the “Second Amendment”) and on April 13, 2022, via Ordinance No. 02-2022 (the Third Amendment”) (the Original Redevelopment Plan, First Amendment, Second Amendment and Third Amendment collectively referred to herein as the “Redevelopment Plan”); and

**WHEREAS**, a fourth amended Redevelopment Plan has been prepared by Borough Planners, Heyer Gruel and Associates, dated October 2022 (the “Fourth Amended Redevelopment Plan”), that addresses the inclusion of the former DPW site on Grant Avenue and the former Valley Bank site on Frank E. Rogers Boulevard and provide development standards for these properties; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12A-7(e), on October 14, 2022, the Governing Body introduced an ordinance adopting the Fourth Amended Redevelopment Plan and referred the plan and ordinance to the Planning Board for review and recommendation prior to adoption of this Ordinance Adopting the Fourth Amended Redevelopment Plan; and

**WHEREAS**, the Planning Board reviewed the Fourth Amended Redevelopment Plan at its meeting held on November 3, 2022 and submitted its recommendation to the Governing Body with respect to the Fourth Amended Redevelopment Plan, on November 8, 2022; and

**WHEREAS**, the Planning Board determined that the Fourth Amended Redevelopment Plan was consistent with the goals and objectives of the 1984 Master Plan and 2021 Master Plan Reexamination Report but the Board two recommended amendments: (1) to remove one-and-two-family dwellings as a permitted use in the 700 Frank E. Rodgers Blvd District, along with removal of the accompanying bulk standards as well and (2) revising the first and second “Whereas” clause to clearly identify that the “700 Frank E. Rodgers Blvd District” (Block 4, Lot 1), and the “250 Grant Avenue District” (Block 10, Lot 2) were designated as areas in need of rehabilitation in order to clearly establish jurisdiction for their inclusion in the Redevelopment Plan (the “Board’s Recommendations”); and

**WHEREAS**, the Governing Body wishes to accept and adopt the Board’s recommendations into the Fourth Amended Redevelopment Plan, which recommendations have been incorporated into the revised Fourth Amended Redevelopment Plan, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, this Ordinance was re-introduced to reflect the Board’s Recommendations, which were provided pursuant to N.J.S.A. 40A:12A-7(e) and the Governing Body has reviewed and considered, and approves the Board’s Recommendations prior to adoption of this Ordinance, in compliance with N.J.S.A. 40A:12A-7(e).

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council that the Fourth Amended Redevelopment Plan, on file with the Borough Clerk and attached hereto and incorporated herein as Exhibit A, is hereby adopted as the redevelopment plan for the Redevelopment Plan Area.

The Fourth Amended Redevelopment Plan shall be and serve as the Redevelopment Plan for the Borough of East Newark.

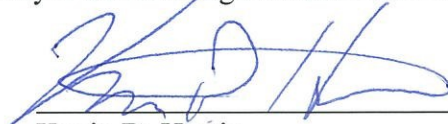
The Zoning Map shall be and hereby is amended to adopt and include the Redevelopment Plan Area and shall supersede the underlying zoning.

Introduction – First Reading

| Council Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|----------------|--------|--------|------|------|---------|--------|
| Diaz           |        |        |      |      |         | X      |
| Evaristo       | X      |        | X    |      |         |        |
| Graham         |        |        | X    |      |         |        |
| Lucas          |        |        | X    |      |         |        |
| Reis           |        |        | X    |      |         |        |
| Zincavage      |        | X      | X    |      |         |        |

CERTIFICATION

I, Kevin D. Harris, Borough Clerk of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Mayor and Borough Council at a public meeting of the Mayor and Borough Council held on November 10, 2022.

  
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 Kevin D. Harris  
 Borough Clerk

Adoption – Second Reading


| Council Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|----------------|--------|--------|------|------|---------|--------|
| Diaz           |        |        | X    |      |         |        |
| Evaristo       |        |        | X    |      |         |        |
| Graham         | X      |        | X    |      |         |        |
| Lucas          |        |        |      |      |         | X      |
| Reis           |        |        | X    |      |         |        |
| Zincavage      |        | X      | X    |      |         |        |

CERTIFICATION

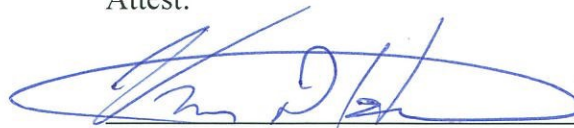
I, Kevin D. Harris, Borough Clerk of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading after a public hearing, by the Mayor and Borough Council at a public meeting of the Mayor and Borough Council held on December 28, 2022.

  
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 Kevin D. Harris  
 Borough Clerk

Adopted:

  
\_\_\_\_\_  
Dina M. Grilo, Mayor

Attest:

  
\_\_\_\_\_  
Kevin D. Harris, Borough Clerk

# **East Newark**

# **Redevelopment Plan**

**Adopted March 14, 2007**  
**Ordinance No. 03-07**  
**Amended March 12, 2014**  
**Ordinance No. 01-2014**  
**Amended August 23, 2017**  
**Ordinance No. 09-2017**  
**Amended April 13, 2022**  
**Ordinance No. 02-2022**  
**Amended XXXXX, 2022**  
**Ordinance No. XX-2022**

**Prepared by:**  
**Robert D. Cotter, PP, FAICP**  
**NJ License 2645**

**Amended by:**  
**Heyer Gruel and Associates**  
**Leigh Fleming, AICP, PP**  
**NJ License 6422**  
**March 7, 2022**  
**October 2022**

## **I. INTRODUCTION**

The Redevelopment Plan Area that is addressed in this Plan consists of three areas: two areas were declared “in need of redevelopment;” a third area was declared “an area in need of rehabilitation.” The properties within the Redevelopment Plan Area consist of the following Tax Lots and Blocks: Area I consists of Block 12, Lot 1 and Block 17, Lot 1; Area II consists of Block 2, Lots 1, 7, 8, and 9; and Area III consists of Block 8, Lots 22, 24, 25, 26, and 27; Block 4, Lots 1, 9, 10, and 11; and Block 10, Lots 2 and 44. (Collectively, Area I & II (“Areas in Need of Redevelopment” or “Redevelopment Area(s)”) and Area III (“Area in Need of Rehabilitation”) are referred to herein as “Redevelopment Plan Area” or “Plan Area”).

Area I contains the complex of buildings that once was the Clark Thread Mill (Block 12) and a paved parking lot across Passaic Avenue (Block 17) from the mill complex. Area II contains the East Newark Elementary School and adjacent parking lot. (Block 2). Area III contains the site of the former St. Anthony’s School and related school yards, and various Borough-owned land and buildings.

Clearly, it is now time for the Borough to take a pro-active role in guiding the re-use and redevelopment of these facilities. The purpose of this Plan is to provide a comprehensive redevelopment plan that will allow and encourage the adaptive re-use and redevelopment of the buildings and lots within the Redevelopment Areas in a manner that recognizes the scale of the existing buildings and their potential for adaptive re-use, as well as their context in the fabric of the surrounding neighborhood. The Plan also will help guide municipal action with regard to updating recreation and educational facilities in the Area in Need of Rehabilitation, as well as other municipal facilities.

The boundary of the Redevelopment Plan Area is depicted on Map 1 – Boundary Map.

## **II. REDEVELOPMENT OBJECTIVES AND REQUIREMENTS OF ANY DEVELOPMENT AND CONSTRUCTION WITHIN THE REDEVELOPMENT PLAN AREA**

- A. The planning and development of the Redevelopment Plan Area with appropriate residential and commercial uses.
- B. The adaptive re-use of the former industrial and institutional buildings recognizing the size and scale of these buildings, and the modification or alteration of the facades and interiors of these buildings, where appropriate, to better reflect the new uses to be housed within the buildings and the character of their surroundings.
- C. Encourage infill development on vacant portions of the Redevelopment Plan Area to create a more continuous streetscape.
- D. The improvement of the pedestrian environment and traffic circulation within the Redevelopment Plan Area and surrounding neighborhood with the provision of new side walks, street trees and other pedestrian amenities within the existing street rights-of-way.
- E. To promote the principles of Smart Growth and sustainable economic and social development, including a variety of housing choices, providing pedestrian friendly streets

and public rights-of-way, minimize automobile use by maximizing the appeal of mass transit, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.

- F. To promote additional green space through the provision of landscaping and other open space areas either at grade or on decks over parking facilities within development sites.
- G. To promote the development of a new elementary school, community facilities and related open space.

### **III. PROPOSED REDEVELOPMENT ACTIONS**

It is proposed to substantially improve and upgrade the Redevelopment Plan Areas through a combination of redevelopment actions that will attack blight within the Redevelopment Area by systematically removing blighting influences in an orderly manner and allowing for new construction. These will include but not be limited to:

- A. The rehabilitation and adaptive re-use of existing structures and the construction of new structures and complementary facilities that are consistent with the scale of the existing industrial complex and the elementary school.
- B. Demolition of structures determined to be impediments to sound and comprehensive redevelopment
- C. Provision for a full range of public and/or private infrastructure, including public open space, necessary to service and support new development in the Area and adjacent areas.

It is also proposed to improve and upgrade the Area in Need of Rehabilitation by proceeding with using the more limited statutory powers of a redevelopment entity as set forth in N.J.S.A. 40A:12A-15 and other statutes if appropriate, to the extent that those powers may facilitate the development of a school and/or related public facilities in that area.

### **IV. GENERAL ADMINISTRATIVE REQUIREMENTS**

The following provisions shall apply to all property located within the Redevelopment Plan Area.

- A. Prior to the commencement of any (a) construction, (b) rehabilitation, or (c) demolition within the Redevelopment Plan Area, a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. This does not include normal maintenance, interior demolition or reconstruction, or any other work considered of a minor nature by the Construction Official. No Building Permit shall be issued for any work associated with a through c above, without site plan review and approval of such work by the Planning Board. Site plan review shall be conducted by the Planning Board, pursuant to N.J.S.A. 40:55D-1 *et seq.*
- B. The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of fifty (50) years from the original date of approval of this Plan by the East Newark



Borough Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.

- C. As part of final site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. Such performance guarantees shall be in favor of the Borough of East Newark, and be in a form approved by the Borough Counsel. The amount of any such performance guarantees shall be determined by the Borough Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.
- D. No development or redevelopment of any parcel in the Redevelopment Plan Area that will result in an increase in wastewater from that parcel shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the Municipal Engineer. The wastewater piping and systems for the removal of effluent and storm water must be certified by the applicant's engineer to be of sufficient capacity and condition to accommodate the land uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Municipal Engineer.
- E. Water service for the redevelopment projects will be provided by the Borough. Service Connection Fees will be applicable as in the case of other new projects in the Borough. The planned project's water needs will be reviewed by the Municipal Engineer. The distribution system of the Borough must be certified by the applicant's engineer to be of sufficient capacity and condition to accommodate the land uses that will occupy such parcel. Such approval may be contingent upon requisite improvements to the water system in the street, as determined by the Municipal Engineer.
- F. Interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development during the interim use period. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional renewals of interim, not to exceed three (3) years, upon application, review, and approval.
- G. The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the

provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12. a. & b.

- H If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

## **V. GENERAL DESIGN REQUIREMENTS AND RESTRICTIONS**

The following standards and requirements shall apply to all applications, including but not limited to: developments, re-developments, rehabilitation, and or re-use applications within the Redevelopment Plan Area:

- A. All utility distribution lines; utility service connections from such lines to the Redevelopment Plan Area's individual uses; transformers, utility appliances, regulators and metering devices shall be located underground or within buildings. No utility boxes or structures shall be located on the public right-of-way, although such may be located under the public right-of-way. Developers are required to make all connections to public and private utilities consistent with these provisions.
- B. Chain link fencing shall be prohibited within the Redevelopment Plan Area, except during construction. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- C. No Billboard shall be permitted on any property contained within the Redevelopment Plan Area.
- D. No signage shall be permitted within the Redevelopment Plan Area, which includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- E. All trash dumpsters and/or compactors shall be located within the buildings or screened areas.
- F. All buildings within the Redevelopment Plan Area must display the street address of the building such that it is clearly visible from the adjoining street right of way.

## **VI. DESIGN REQUIREMENTS**

### **A. Building Design Requirements**

1. All structures within the Redevelopment Plan Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. Buildings shall be designed to be attractive from all vantage points, such that the same façade materials and detailing is used on all facades.
2. Any existing buildings of historic merit which are to be retained and rehabilitated shall reference the Department of the Interior Rehabilitations Standards for guidance in selecting materials and methods of rehabilitation.
3. Buildings shall be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment. Main-building entries shall be prominent, easily identifiable, and connect directly to the public street and sidewalk, and shall not occur simply as voids within or between buildings. Lower levels of buildings may contain uses that activate the street, such as ground floor commercial uses. Ground floor commercial uses may utilize large display windows and entryways opening directly from the sidewalk to maintain a connection with the streetscape. Buildings fronting on Central Avenue shall contain at least 65 % of their ground floor gross floor area as retail, restaurant or other commercial use.
4. The windows and glazing of a building are a major element of style that gives character to the building. All original window openings shall be restored to their original size and function of allowing maximum air and light to enter the buildings' interiors. If security gates are used on any part of the building or window, they shall be installed on the interior side of the window, hidden from view when closed, and be of the open grill style.
5. New window openings in residential portions of a building shall be arranged such that the vertical dimension, or height, is greater than the horizontal dimension, or width. No bay windows or bow windows or other modern window features may be incorporated into the residential portions of the area. Each façade shall present a unified, rational composition.
6. Balconies and terraces may extend from the building when facing into interior courts. No balconies facing onto streets shall be permitted.
7. EIFS (Exterior Insulating Finishing Systems), artificial stone, CMU size/type block and artificial brick veneer ("Permastone" & "Brickface"), and/or plastic type artificial siding materials may not be used as façade cladding within this Redevelopment Plan Area, except for the provisions for hotels. Façade material to be used shall be primarily of brick, Standard Modular size only. This section shall not apply to one or two-family detached dwellings.
8. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey.

9. All electronic communication equipment shall be totally screened from view. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment. Said equipment shall be located so as to minimize or eliminate the need for screening. Wireless communication antennas and facilities are permitted within the Redevelopment Plan Area, provided that the manner of screening or disguising the devices effectively mitigates any aesthetic impacts not in the public interest, subject to the above and site plan approval by the Planning Board.
10. All mechanical equipment, generators, HVAC equipment and similar equipment shall be totally screened from view, both from the street and existing or planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same or complimentary materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment. Interior locations must be utilized where mechanically possible.
11. Ventilation equipment required for commercial uses shall be vented through the roof of the building, as a first preference. All such equipment ventilated through the roof shall be screened in compliance with paragraph 10 above. Any ventilation which must be incorporated into the storefront façade shall be limited to no more than 15% of the possible glazing area. Such ventilation shall consist of louvers covered by grillwork which shall be architecturally incorporated within the storefront design so as to compliment and add to the overall aesthetic effect of the commercial façade. Exposed ventilation pipes and risers are prohibited.
12. One and Two-Family Detached Dwelling Design Requirements
  - a. Purpose: The purpose of these standards is to discourage tract-type housing while also supporting cohesive neighborhood design by preventing substantially similar designs on neighboring lots.
  - b. In determining whether a building has substantially the same exterior design as a neighboring property within 100 feet of the proposed building, or whether two or more proposed buildings are substantially similar multiple factors shall be considered. These factors include, but are not limited to façade materials and colors, roof design, including roof pitch and roof lines, chimneys, overhangs, porches, arrangement of doors and windows, and other similar architectural characteristics. Differentiation in house design shall be created by utilizing the following guidelines, or another method, as approved by the Board:
    - i. Significant change in architectural style;
    - ii. Change in material type and/or color of significant portions of the façade;
    - iii. An alternative arrangement of the garage and front door/front steps;
    - iv. Change in roof by a change in roof type (gable, flat, etc.), or the roof form through the addition of dormers, gables, or similar;
    - v. Addition, relocation, or removal of architectural features, such as bay windows, chimneys, cornices, fascia, or other similar features.

- c. Permitted Materials: Brick, natural stone, wood (pressure treated or naturally decay resistant), stucco, and hardiplank/cement fiberboard siding shall be preferred materials for one-and-two family dwellings. Vinyl siding shall only be permitted on side and rear facades, if those facades do not face a public right-of-way. EIFS (Exterior Insulating Finishing Systems), shall not be permitted.

B. Streetscape, Open Space and Landscape Requirements

- 1. A streetscape plan is required for all projects and shall include proposed sidewalk and curbing materials and treatments, street trees, tree pit grates and/or treatments, and any proposed street furniture, lighting or other features to be provided. The streetscape plan shall be submitted to the Planning Board for its review and approval as part of the project site plan application and implemented as part of the construction of the project. Streetscapes along Central Avenue shall replicate and continue the on-going improvements on Central Avenue. The Grant and Passaic Avenue streetscapes shall coordinate, but not necessarily replicate, lighting, trees and sidewalk details with the Central Avenue design. All other streetscapes shall compliment their adjacent neighborhoods, provided, however, that upgrades to the existing streetscape are encouraged, subject to Planning Board approval.
- 2. Sidewalk areas must be provided along all street rights-of-way and shall be properly sized for the safe and convenient movement of pedestrians through and around the Redevelopment Plan Area.
- 3. Sidewalk areas shall be attractively landscaped and durably paved and shall be provided with adequate lighting. Decorative paving materials may be incorporated into the design and pedestrian scale lighting is required. Additional decorative elements may be introduced at building entrances at street corners and along the curb line to accent and channel pedestrian flow.
- 4. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Landscaping material shall be maintained and renewed as needed by the property owner over the life of the project.
- 5. Street trees shall be planted along all curb lines of streets within the Redevelopment Plan Area at a maximum of 35 feet on center. Each tree pit shall contain a decorative metal grate and/or decorative paving treatment.
- 6. Lighting within the Redevelopment Plan Area shall sufficiently illuminate all areas to prevent "dark corners." All lighting sources must be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.

C. Off-street Parking Design and Loading Requirements

1. Parking Requirements

- a. All Multiple Dwelling, Apartment or Loft Residential Uses shall provide a minimum of 1.5 spaces per dwelling unit, which spaces shall be legally bound to each unit as follows. Where dwellings are to be sold, the rights to at least one parking space must be included in the deed of sale for each one-bedroom unit, and at least two parking spaces must be included in the deed of sale for each two-bedroom unit. Where dwellings are to be leased, each one-bedroom rental unit will include the right to one parking space for the term of the lease, and each two-bedroom unit will include the right to two parking spaces for the term of the lease. It is noted that under paragraph C.2., shared parking will be permitted if approved after review by the Planning Board. It is recognized that the amount of parking subject to the above requirements is less than the 1.5 ratio. The additional parking required at the 1.5 ratio will provide flexibility in meeting the parking needs anticipated in those cases where more than the required spaces are desired. Age restricted apartments shall provide a minimum of one space per unit.
- b. The management entity of any residential property within the Redevelopment Plan Area, may lease any parking space legally bound to a residential unit that the occupant of said unit does not wish to use. In no case may any such parking space be alienated from a deed of sale. Only month to month leases will be allowed for any such parking spaces put into a rental "pool."
- c. Restaurants shall provide a minimum of one (1) space for each three (3) seats. All Other Uses shall provide a minimum of 1.0 space per 250 square feet of development.
- d. Hotels shall provide 1.1 spaces per room and, if included, 1 space per 5 seats in a restaurant, and 1 space per 200 square feet of banquet/meeting room space. The Planning Board may permit a reduction of these parking requirements for these ancillary hotel uses if there is a valet parking program in place that provides the same amount of parking spaces on less paved land.
- e. One family dwellings shall have a minimum of two off-street parking spaces and two-family dwellings shall have a minimum of three off-street parking spaces.
  - i. All driveways shall be perpendicular to the roadway. The centerline of the driveway may not run parallel to the roadway.
  - ii. Paving for driveways shall not be located within five feet (5') of a side or rear property line.
  - iii. Paving for driveways shall be utilize different paving materials than the sidewalk in order to have visible differentiation between the private driveway and the public sidewalk.

- iv. The driveway width for one- and two-family dwellings shall be 10 feet. This standard is applicable to individual driveways, and does not apply to a shared driveway that is intended to provide rear access to multiple one-and two-family dwellings.
  - v. Attached garages associated with new construction for one-and-two family dwellings shall utilize a tandem parking configuration within the garage to fit a minimum of two (2) vehicles.
  - vi. It is encouraged that one mid-block shared driveway is utilized that services each of the one-and-two family dwellings through a common alleyway. This shared driveway would connect to individual driveways associated with each dwelling and provide access to the attached garages located in the rear of each dwelling. By providing a shared driveway behind each dwelling, On-street parking will be preserved to the maximum extent feasible. This type of configuration shall be considered before front-loaded garages. If it is determined by the Planning Board that rear shared driveway is not feasible, front-loaded garages shall be permitted.
- f. All projects shall provide electric vehicle charging stations in accordance with N.J.S.A. 40:55D-66.18 through N.J.S.A. 40:55D.21.
2. Required parking for any building or use may be provided in the same building or in any other building or surface lot anywhere within a specific redevelopment project in the Redevelopment Plan Area. All parking provided within the Redevelopment Plan Area shall be primarily for the use of the residents, tenants or visitors to the specific redevelopment project in the Redevelopment Plan Area. Parking spaces may be shared among residential and commercial uses. The Planning Board may allow a reduction in the required parking upon a showing that shared parking facilities will meet the maximum demand of the project's planned uses. Site Plan approval shall be conditioned on the requirement that there is sufficient parking provided on site to meet the requirements of any and all built and occupied phases of any project built or rehabilitated under this Redevelopment Plan. Any Planning Board approved reduction in required parking shall not be further reduced without the Planning Board's approval. Any applicant desiring to utilize the Shared Parking reduction provisions of this Plan shall gather empirical evidence of the actual parking demand of their project in a timely manner. An application for amended Site Plan approval regarding any requested reduction in required parking may be filed after construction has begun on any phase after the initial phase(s) is(are) occupied.
3. Where no occupied space is to be constructed above a parking structure, a landscaped plaza or recreation area is required on the top of all such parking structures so that the cars parked within are not visible from above. If a parking garage does not contain hard surface recreational uses on the rooftop, then at least 80% of the roof top area shall be landscaped with natural vegetative material with functioning irrigation systems.
4. All parking structures are to be designed to disguise the parking use within, such that:

- a. All ground floor parking and mechanical related areas shall be wrapped along the exterior by occupied active building uses, such as commercial storefronts and residential units, excepting the location of the vehicular entry and exit and stairways or elevator shafts that serve the parking structure. Utility rooms may occupy no more than fifteen (15%) percent of any single façade.
  - b. Parking levels located below grade or partially below grade (i.e. in basement levels) may occupy the entire floor area of any such level and may adjoin the street line. However, in any location where a garage use directly adjoins a street line, the façade shall be disguised or masked through architectural design treatments as further described below.
  - c. Parking levels located on upper floors shall be disguised or masked through architectural design treatments as further described below.
5. Where an occupied active building use is not utilized to mask the parking within the building, the façade of the parking structure shall be designed to disguise the parking use to the greatest degree possible. The exterior walls of the parking structure shall be architecturally designed to mimic and reflect the occupied portions of the building in terms of style and materials. Façade areas related to parking levels partially below grade may be treated and designed as would a traditional basement level. All openings in the parking structure facade shall be of the punched style. These openings shall be consistent with the rhythm of the window openings serving the principal uses within the building. They shall be covered by glass or metal in such a way that the exterior design is compatible with the design of the building and the actual windows of the building. The glass tint and/or reflectivity may be different so as to decrease the visibility of the garage use within. In lieu of glass, the openings may be covered by a hinged solid metal plate/shutter, or recessed decorative grill over a louvered opening as described below. Blind windows, where appropriate shall also be permitted. Where louvers are needed or proposed, decorative grills shall be installed over functional louvers. The intent of the above regulations is that no exposed garage exterior wall shall be detectable as a garage.
6. In order to preserve the maximum number of on-street parking spaces possible, driveway widths and curb cuts shall be limited to the minimum width and number necessary. Driveway / curb cut widths leading to parking areas containing less than twenty (20) cars shall be no more than twelve (12) feet in width. The width of driveways and curb cuts leading to parking areas for twenty (20) cars or more shall be limited to twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
7. All required parking spaces must be a minimum of 9 feet wide by 18 feet deep. The placement of a curb up to two (2) feet within the required 18 foot depth of the parking space is permitted, provided that there is adequate area for an automobile occupying the parking space to over-hang said curb a like distance without infringing on required landscaping or pedestrian areas. All aisles shall be a minimum of twenty-four (24) feet wide.
8. Off-street parking and loading areas shall be coordinated with the public street system serving the Redevelopment Plan Area in order to avoid conflicts with vehicular traffic



and/or obstruction to pedestrian walkways and thoroughfares.

9. Light sources within any parking structure level shall not be visible from the exterior of the building either from the street or from other surrounding buildings and properties. Identification of the internal light fixture and its location must be provided in order for any application to the Planning Board for site plan to be deemed complete.
10. Where buildings incorporate internal above grade parking garages, facade treatments shall be utilized which integrate their appearance with that of the building as a whole.
11. Developers shall demonstrate to the Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.
12. Valet parking may be allowed if it can be demonstrated that an efficient, safe means of operation will be provided.

D. Signs

1. Permitted Signs within the Redevelopment Plan Area:

- a. Each residential building shall display the street address of the building on the front facade or front door of the building such that it is visible from the adjoining street right-of-way.
- b. Each residential building may provide any necessary signage required for proper mail delivery indicating the name(s) of the resident(s) of the building on the mailbox or doorbell.
- c. Each major residential building, i.e. buildings on lots of 10,000 square feet or more, may have one (1) exterior sign flush mounted to the façade at the entrance to the building indicating the building's name, if any, not to exceed twenty (20) square feet.
- d. Commercial Uses - Each such use fronting on a public street may be allowed one (1) exterior wall mounted sign not to exceed five (5%) percent of the area of the storefront (ground floor) to which it is attached. In addition, each commercial tenant may be permitted one blade sign. Each blade sign shall not exceed a maximum of 10 square feet and shall be externally lit. Blade signs are required to be located on the building facade directly on the sidewalk frontage and shall be placed such that the lowest portion of the sign hangs at least 8 feet above the sidewalk.
- e. Tenant directories may be located within the lobby of a building.
- f. Hotels are permitted one roof level sign on each façade, such sign may be illuminated with rear halo lighting only and not exceed 40 square feet. Corporate logos shall be permitted and may be internally lit, and may be an additional 20 square feet. A monument style sign may also be located at the front entrance area. All signs shall be subject to site plan review by the Planning Board.

3. Additional Signage Regulations and Requirements:

- a. All signs shall be flush mounted and project no more than fifteen (15) inches, although blade signs may be attached to the first floor façade.

- b. Window signs (other than lettering as specifically permitted) shall be prohibited. Lettering shall be limited to decorative gold-leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / store front and shall cover no more than twenty (20%) of the window area.
  - c. All signs may be attached to the first floor level of the building only, except for hotels. Where there is a two-story lobby or mezzanine space incorporated into the design of the building, the sign may be permitted to be placed above the lobby at the equivalent of the second floor or level with Planning Board approval.
  - d. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.
  - e. Permitted lettering material includes: 1.) Lettering forms applied to the surface of the sign, 2.) Single colored lettering forms applied to the surface of the sign, 3.) Metallic solid body letters with or without returns, 4.) Painted acrylic or metal letter.
  - f. Sign Lighting: Signs may be lit from gooseneck fixtures, backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
  - g. During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. Such sign shall not exceed Fifty (50) square feet on one side.
  - h. Hotels may use logo signs that are made of other materials than listed herein, which may be internally illuminated.
4. Prohibited Signage – The following signs and devices shall not be permitted within the Redevelopment Plan Area: Internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent, neon, and/or glowing paint for any signage or building within the Redevelopment Plan Area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the Redevelopment Plan Area. Nothing in this paragraph shall be deemed to prohibit traditional residential holiday decorations.

## VII. SPECIFIC LAND USE REGULATIONS

The Redevelopment Plan Area has been broken down into seven (7) sub-districts as described below and as indicated on Map – 2, Sub-District Map. The Sub-Districts are as follows:

- **Riverside District** – This sub-district shall be comprised of Block 17, Lot 1.
- **Thread Mill District** – This sub-district shall be comprised of Block 12, Lot 1.
- **School House District** – This sub-district shall be comprised of Block 2, Lots 1, 7, 8 and 9.

- **Public Facilities District** – This sub-district shall be comprised of Block 4, Lots 9, 10, and 11; and Block 10, Lot 44.
- **Saint Anthony’s District** – This sub-district shall be comprised of Block 8, Lots 22, 24, 25, 26, and 27.
- **700 Frank E. Rodgers Blvd District** – This sub-district shall be comprised of Block 4, Lot 1.
- **250 Grant Avenue District**– This sub-district shall be comprised of Block 10, Lot 2.

1. **Riverside District** – While the Borough has been considering Block 17, Lot 1 as a site for a new elementary school, it was never the primary site under consideration, and the Plan has always recognized the property as a potential site for hotel development, as does the Borough’s Master Plan. The Redevelopment Plan is hereby amended to provide specific land use and building requirements for a hotel on Block 17, Lot 1, and to clarify that the Borough’s objective for the area is the development of a hotel. The Borough also continues to reserve its rights to consider other uses as well.

As part of the redevelopment of the waterfront property at Block 17, Lot 1, the Redevelopment Plan recognizes the need for any development project on this site to secure a Waterfront Development Permit from the New Jersey Department of Environmental Protections, which will require the development of a waterfront walkway along the Passaic River. The Borough welcomes this addition to its open space inventory. It is also recognized that redevelopment of Block 17, Lot 1 may require an additional traffic lane and greater sidewalk width at Passaic Avenue.

A. Principal Permitted Uses

1. Public Open Space, Schools and other public facilities
2. The current uses may continue as non-conforming uses.
3. Hotels, which may contain ancillary restaurants, banquet and/or meeting facilities

B. Uses incidental and accessory to the principal use and building, including:

1. Off-street parking

C. Intensity of Development

1. Maximum height shall be one story, four stories for schools, seven stories for hotels
2. Maximum building coverage shall be 25 %, 35% for hotels
3. Maximum lot coverage shall be 75%, 85% for hotels
4. Minimum open space 25 %, 15% for hotels

- D. Minimum Lot Size – The entire sub-district shall be redeveloped as a single development parcel, but which may be sub-divided for sale or financing of the components of the required single redevelopment project.
- E. Design Requirements- Any proposed building shall be clad primarily in brick, glass, and cast stone. Hotels may use modern materials such as metal and glass panels, and also may use EIFS, but EIFS shall not exceed 15% of the total façade area. The basic architecture should be complimentary to the Clark Thread Mill in the adjacent district and the industrial past of the Passaic River waterfront. Consideration of the nearby bridge over the Passaic River shall be given to the entryway of any development in this sub-district.
- F. Waterfront Walkway – An esplanade along the Passaic River shall be required, consistent with any regulations of the New Jersey Department of Environmental Protection. At a minimum, such walkway shall consist of a 30 foot wide easement for 24 hour public access along the river’s edge, and running the full length of the sub-district parcel. Within said easement, a minimum of 16 feet along the river’s edge shall be concrete brick pavers and the remainder shall be landscaped area. Lighting shall be provided, and be of a nautical theme.

**2. Thread Mill District** – This sub-district contains the mill complex. Development within this sub-district will consist primarily of rehabilitation of all (or most) of the existing buildings of the old Clark Thread Mill complex and limited new construction for ancillary facilities, such as parking structures, which shall be responsive and sensitive to the existing historic fabric of the mill complex. It is recognized that some demolition may be needed, but is discouraged. Any demolition must be approved by the Planning Board, and only after a comprehensive site plan clearly demonstrates the necessity of any such demolition for the sake of the remaining complex.

**A. Principal Permitted Uses**

- 1. Residential lofts in adaptively re-used buildings, provided, however, that at least two-thirds of the units shall be one-bedroom units and no more than one-third of the units may be two-bedroom units
- 2. Office uses in adaptively re-used buildings, which may include professional offices, such as offices for doctors, lawyers and engineers
- 3. Other commercial uses in adaptively re-used buildings, provided, however, that such uses must be approved by the Planning Board, which may impose reasonable conditions, such as limitations on the hours of operation and noise generation, and further provided that hotels and senior day care are expressly prohibited
- 4. Ground floor retail, restaurants, banks, and other service uses, provided, however, that these shall be the only permitted uses, other than ground floor lobby, service and utility areas for residential and/or office uses above, for all buildings with any frontage on Central Avenue. A minimum of 65% of the ground floor of Central Avenue fronting buildings will be dedicated to these retail and service type uses.
- 5. Self-storage facilities, provided that they are accessed from the interior of the complex, and are limited to vehicles with no more than two axles and

are open to the public a maximum of 8:00 AM to 7:00 PM, Monday through Saturday and a maximum of 12:00 Noon to 5:00 PM on Sunday.

- B. Uses incidental and accessory to the principal use and building, including:
  - 1. Home occupation, including work-live units, as regulated by the Fire Sub-Code Official of the Borough
  - 2. Off-street parking, primarily within structures or underground, provided, however, that surface parking is permitted
  - 3. Private recreation facilities and areas including pools, landscaped yards and decks, active recreation uses, gymnasiums, exercise rooms, etc., which may be located on the roof of any building
  - 4. Community room(s), which are to be included in locations to be determined by the redeveloper.
  - 5. Day Care facilities for children
  
- C. Intensity of Development – As this Sub-district is planned as an adaptive re-use of the old mill complex buildings, it is more appropriate to regulate intensity of development through minimum residential unit sizes. This will allow maximum flexibility in design, while allowing maximum utilization of the existing floor area. Accordingly, the minimum average dwelling unit size shall be 1,200 square feet, inclusive of all public areas such as hallways and stairwells, mechanical and utility rooms, recreation and meeting rooms, etc. Site plans submitted to the Planning Board for site plan approval shall clearly indicate the size of all dwelling units and provide a chart of all units to make compliance with this requirement clearly recognizable. One floor of penthouse, set back, on all sides, to the first column on the floor below, may be allowed, but limited to those buildings of four or more stories. New construction in the center courtyard may include parking and commercial uses only and be limited to three stories above grade.
  
- D. Minimum Lot Size –Lot 1 of Block 12 shall be considered one development parcel for the purposes of this Redevelopment Plan. The entire sub-district shall be redeveloped as a single development parcel, which may be sub-divided for sale or financing of the components of the required single redevelopment w.

3. **School House District** – This sub-district contains the East Newark Elementary School and vacant land currently used as a surface parking lot. Redevelopment within this sub-district will consist of adaptive re-use of the school for residential lofts and parking. Nothing herein shall prevent the continued use of the school for its current purpose for as long as the Borough so determines is in the public interest.

- A. Principal Permitted Uses
  - 1. Studio and one-bedroom residential lofts conversion of the school house
  - 2. Elementary School
  - 3. A parking deck serving both the redevelopment project and municipal needs

- B. Uses incidental and accessory to the principal use, including:
  - 1. Private recreation facilities and areas including pools, landscaped yards and decks, active recreation uses, gymnasiums, exercise rooms, etc.
  - 2. Off-street parking
  - 3. Home Occupations
  
- C. Intensity of Development – As this Sub-district is planned as an adaptive re-use of the East Newark Elementary School building, it is more appropriate to regulate intensity of development through minimum residential unit sizes. This will allow maximum flexibility in design, while allowing maximum utilization of the existing floor area. Accordingly, the minimum average dwelling unit size shall be 1,200 square feet, inclusive of all public areas such as hallways and stairwells, mechanical and utility rooms, recreation and meeting rooms, etc. Site plan submitted to the Planning Board for site plan approval shall clearly indicate the size of all dwelling units and provide a chart of all units to make compliance with this requirement clearly recognizable.
  
- D. Minimum Lot Size – Block 2, Lots 1, 7, 8 and 9 shall be considered one development parcel for the purposes of this Redevelopment Plan.
  
- E. Bulk Standards – No additional height may be added to the school house, nor may its foot print be expanded, except as needed for compliance with barrier free requirements.
  
- F. Design Standards – The school’s rehabilitation shall be guided by the Secretary of the Interior’s Standards. Any parking deck shall be compatible with the school building, and shall incorporate a brick façade and masonry in colors compatible therewith.
  
- 4. **Public Facilities District** – This sub-district consists of properties currently owned by the Borough. It is included in the Redevelopment Plan to provide scenarios wherein a new school and related open space may be provided as part of a redevelopment project, or as a separate redevelopment project on its own.
  - A. Principal Permitted Uses
    - 1. Public school
    - 2. Parks and Open Space
    - 3. Other Public Uses
    - 4. The current uses may continue as non-conforming uses.
  
  - B. Accessory Uses
    - 1. Parking

C. Intensity of Development

1. A public school will be subject to the requirements of the New Jersey Department of Education. Accordingly, this Plan will acknowledge that those requirements will guide the development of a public school in this sub-district and to the extent that any provision of this Plan is in conflict with the Department of Education requirements, the Plan will be deemed modified to permit development as required by the Department of Education requirements.
2. Maximum height shall be four (4) stories

D. Design Standards

1. A new school should attempt to relate to the historic Clark Thread Mill complex while still being a product of its time in the early 21<sup>st</sup> Century. Accordingly, materials such as red brick should be used in the primary facades of the building, with reference made to the character of the existing East Newark Elementary School.

5. **Saint Anthony's District** – This sub-district consists of properties associated with the former Saint Anthony's School identified as Block 8, Lots 22, 24, 25, 26, and 27. It is included in the Redevelopment Plan to provide scenarios where either residential uses consisting of one-and-two-family dwellings or an apartment building may be constructed. Additionally, the area may be used for public facilities such as a new school, open space, or other public uses may be constructed. Consideration of amendments to the Redevelopment Plan permitting private development and uses of the St. Anthony School was recommended in the last Master Plan Re-Examination, dated April 19, 2021 (See Section E).

A. Principal Permitted Uses

1. One-Family Detached Dwellings
2. Two-Family Detached Dwellings
3. Multi-family Residential Apartment Building
4. Public Open Space, Schools, and other public facilities

B. Uses incidental and accessory to the principal use, including:

1. Off-street parking to support a multi-family residential apartment building, public open space, a school, or other public facilities.
2. Amenity spaces to support an apartment building including but not limited to; exercise rooms, landscaped yards, community rooms, and similar uses typically located in an apartment building.

C. Bulk Standards for One and Two-Family Dwellings:

1. One and Two-Family Detached Dwellings. In the event the property is to be developed with single and two-family dwellings, the entire tract shall be subdivided and developed as part of one project:
  - a. Minimum Lot Area: 2,500 square feet
  - b. Minimum Lot Width: 25 feet - In such case in the R-2 Zoning District where the existing dwellings on the same side of the street and within 200 feet on either side of the subject lot create an established setback line, the minimum front yard setback shall conform to such established setback line, or 20 feet, whichever is greater, but in no case shall it be required for the front yard setback to exceed 35 feet.
  - c. Minimum Lot Depth: 100 feet
  - d. Maximum Principal Building Height: 3 stories / 35 feet.
  - e. Minimum Front Yard Setback: 20 feet
  - f. Minimum Side Yard Setback: 3 feet each side
  - g. Minimum Rear Yard Setback: 25 feet
  - h. Maximum Building Coverage: 50%
  - i. Maximum Impervious Lot Coverage: 65%
  - j. Maximum Accessory Building Height: 1 story / 15 feet
  - k. Minimum Side and Rear Yard Setback – Accessory Buildings: 3 feet
  - l. Location of Bathrooms: A full bathroom on the ground/first floor is prohibited. Only 1 half bathroom without a bathtub or shower shall be permitted on the ground/first floor.
  - m. Fences: all fencing for one-and-two-family dwellings shall comply with the residential requirements in §33-13B Fences and Walls of the Borough Ordinance.
2. Bulk Standards for Multi-family Residential Apartment Buildings
  - a. Minimum Lot Area: Block 8, Lots 22, 24, 25, 26, and 27 shall be considered one development parcel for the purposes of constructing a multi-family residential apartment building within the Saint Anthony's sub-district.
  - b. Maximum Principal Building Height: 3 stories / 40 feet.
  - c. Minimum Front Yard Setback: 0 feet



- d. Minimum Side Yard Setback: 0 feet each side
  - e. Minimum Rear Yard Setback: 0 feet
  - f. Maximum Building Coverage: 100%
  - g. Maximum Impervious Lot Coverage: 100%
3. Standards for Public Open Space, Schools, and other public facilities
- a. Public Open Space, Schools, and other public facilities shall comply with the standards enumerated in the Public Facilities District.

D. Design Standards

- 1. In addition to the requirements listed in VI. Design Requirements, a new school or apartment building developed in the Saint Anthony's District school should attempt to relate to the historic Clark Thread Mill complex while still being a product of its time in the early 21<sup>st</sup> Century. Accordingly, materials such as red brick should be used in the primary facades of the building, with reference made to the character of the existing East Newark Elementary School.
6. **700 Frank E. Rodgers Blvd District** – This district consists of a property previously occupied by Valley National Bank, identified as Block 4, Lot 1. It is provided in the Redevelopment Plan to provide scenarios where either commercial uses, public facilities, or an age-restricted senior project may be constructed. Consideration of amendments to the Redevelopment Plan permitting private development and uses of the old Valley National Bank was recommended in the last Master Plan Re-Examination, dated April 19, 2021 (See Section E).

A. Permitted Principal Uses

- 1. Age restricted apartment dwellings.
- 2. Personal service uses including barber or beauty salons, nail salons, tailors, shoe repair, drycleaners, and similar establishments. On-site dry cleaning shall be prohibited.
- 3. Stores and shops including but not limited to food stores, gift shops, florists, pharmacies, stationary stores, food stores, shoe and clothing stores, hardware stores.
- 4. Eating and drinking establishments including delicatessens, bakeries, dairy/ice cream stores, diners/luncheonettes, bagel shops, pizzerias, restaurants, and similar establishments, not including drive-thru. Bars/taverns are not permitted.
- 5. Banks and financial institutions.
- 6. Real estate, insurance or travel agency.
- 7. Business and professional offices.
- 8. Technical and vocational schools.
- 9. Public Facilities.

10. Class 5 cannabis retail establishments without on-site consumption, subject to compliance with the conditions listed in Section 33-12-A of the Borough Ordinance.

B. Permitted Accessory Uses

Uses incidental and accessory to the principal use and building, including:

1. Home occupation, including work-live units, as regulated by the Fire Sub-Code Official of the Borough
2. Off-street parking, primarily within structures or underground, provided, however, that surface parking is permitted
3. Day care facilities for children

C. Bulk Requirements

1. Non-Residential Uses
  - a. Maximum Principal Building Height: 3 stories / 35 feet
  - b. Minimum Front Yard Setback: Frank E Rodgers: 0 feet; Sherman Avenue: 10 feet
  - c. Minimum Side Yard Setback: 5 feet
  - d. Minimum Rear Yard Setback: 5 feet
  - e. Maximum Building Coverage: 90%
  - f. Maximum Impervious Lot Coverage: 100%
2. Age Restricted Apartment Building
  - a. Maximum Principal Building Height: 4 stories / 45 feet
  - b. Minimum Front Yard Setback: Frank E Rodgers: 0 feet; Sherman Avenue: 10 feet
  - c. Minimum Side Yard Setback: 5 feet
  - d. Minimum Rear Yard Setback: 5 feet
  - e. Maximum Building Coverage: 90%
  - f. Maximum Impervious Lot Coverage: 100%

7. **250 Grant Avenue District** - This district consists of a property previously used as the Department of Public Works Garage, identified as Block 10, Lot 2. It is provided in the Redevelopment Plan to provide scenarios where commercial uses appropriate for a residential neighborhood or one-and-two-family dwellings may be constructed. Additionally, the area may continue to be used for public facilities. Consideration of designating the entire Borough as an area in need of rehabilitation to encourage reconstruction in the area was recommended in the last Master Plan Re-Examination, dated April 19, 2021 (See Section E).

A. Permitted Principal Uses

1. One and two-family dwellings in accordance with Section 33-15.

2. Personal service uses including barber or beauty salons, nail salons, tailors, shoe repair, drycleaners, and similar establishments. On-site dry cleaning shall be prohibited.
3. Stores and shops including but not limited to food stores, gift shops, florists, pharmacies, stationary stores, food stores, shoe and clothing stores, hardware stores.
4. Eating and drinking establishments including delicatessens, bakeries, dairy/ice cream stores, diners/luncheonettes, bagel shops, pizzerias, restaurants, and similar establishments, not including drive-thru. Bars/taverns are not permitted.
5. Banks and financial institutions.
6. Real estate, insurance or travel agency.
7. Business and professional offices.
8. Technical and vocational schools.
9. Child care centers.

B. Permitted Accessory Uses

1. Home occupation, including work-live units, as regulated by the Fire Sub-Code Official of the Borough
2. Off-street parking, primarily within structures or underground, provided, however, that surface parking is permitted
3. Day Care facilities for children

C. Bulk Requirements

1. One and Two-Family Detached Dwellings. In the event the property is to be developed with single and two-family dwellings, the entire tract shall be subdivided and developed as part of one project:
  - a. Minimum Lot Area: 2,500 square feet
  - b. Minimum Lot Width: 25 feet
  - c. Minimum Lot Depth: 100 feet
  - d. Maximum Principal Building Height: 3 stories / 35 feet.
  - e. Minimum Front Yard Setback: 20 feet - In such case where the buildings on the same side of the street and within 200 feet on either side of the subject lot create an established setback line, the minimum front yard setback shall conform to such established setback line, or 20 feet, whichever is greater, but in no case shall it be required for the front yard setback to exceed 35 feet.
  - f. Minimum Side Yard Setback: 3 feet each side
  - g. Minimum Rear Yard Setback: 25 feet
  - h. Maximum Building Coverage: 50%
  - i. Maximum Impervious Lot Coverage: 65%
  - j. Maximum Accessory Building Height: 1 story / 15 feet
  - k. Minimum Side and Rear Yard Setback – Accessory Buildings: 3 feet

- l. Location of Bathrooms: A full bathroom on the ground/first floor is prohibited. Only 1 half bathroom without a bathtub or shower shall be permitted on the ground/first floor.
  - m. Fences: all fencing for one-and-two-family dwellings shall comply with the residential requirements in §33-13B Fences and Walls of the Borough Ordinance.
2. Non-Residential Uses
    - a. Maximum Principal Building Height: 3 stories / 35 feet
    - b. Minimum Front Yard Setback: 5 feet. In such case where the buildings on the same side of the street and within 200 feet on either side of the subject lot create an established setback line, the minimum front yard setback shall conform to such established setback line, or 20 feet, whichever is greater, but in no case shall it be required for the front yard setback to exceed 35 feet.
    - c. Minimum Side Yard Setback: 5 feet
    - d. Minimum Rear Yard Setback: 20 feet
    - e. Maximum Building Coverage: 60%
    - f. Maximum Impervious Lot Coverage: 85%

## VIII. CIRCULATION PLAN

There is no change to the Borough's pattern of traffic within or adjacent to the Redevelopment Plan Area. The Plan encourages the use of mass transit and will require a shuttle bus be implemented for transporting residents and visitors to the Thread Mill District between the Mill and the Harrison PATH Station. The owner of the property within the Thread Mill District shall establish, operate, and maintain a shuttle bus (aka jitney) service to provide the residents and workers of the Thread Mill project transportation to and from the Project Site, using dedicated "jitney" vehicles, having an occupancy capacity of approximately twelve to twenty (12-20) persons to the Harrison PATH station. The times of operation shall be established by the owners to provide reasonable service to each location which, during the rush hour period, shall be at least every fifteen (15) minutes and during non-rush hours periods, shall be as frequent as such owners shall reasonably determine to provide such transportation service to the residents of the Project. Jitney service shall commence prior to the morning rush hour period and end no less than three (3) hours after the conclusion of the evening rush hours. Provided, however, that the Planning Board shall have the authority to grant waivers from the requirements stated above in this paragraph, especially in the early occupancy stage of the project. Recognizing advances in transportation technology, the growth of ride-sharing and the coming of autonomous vehicles, the need for the jitney service may be revisited from time to time (in the form of an amended site plan application to the Planning Board), but not more than once every two (2) years. The charges, if any, for the use of this jitney services shall be the reasonable and actual costs incurred to operate and maintain such a service. The Borough shall not be responsible to establish, operate or maintain, nor contribute to or pay the cost of the "jitney" service described.

## **IX. ACQUISITION PLAN**

It is the Borough's objective to achieve the acquisition of property within the Redevelopment Area without the need to employ the eminent domain authority granted to the Borough. As noted below, in selecting a redeveloper, the Borough will consider, as one positive factor impacting the selection of a redeveloper, whether the proposed redeveloper owns the property on which its proposed redevelopment is to take place, or has it under control pursuant to a binding contract. However the Borough will employ the eminent domain power with respect to any property in the Redevelopment Area (including the following: Block 12, Lot 1 and Block 17, Lot 1) if the Borough determines that it is necessary to do so in order to accomplish the purposes of the Redevelopment Plan.

It is also noted that the Borough has no power of eminent domain under the Local Redevelopment and Housing Law with respect to the Area in Need of Rehabilitation. However, property in such an area can be acquired through eminent domain to the extent that the power of eminent domain is authorized under other laws of the State of New Jersey, such as laws relating to construction of schools. See N.J.S.A. 40A:12A-15 regarding areas in need of rehabilitation.

## **X. RELOCATION PLAN**

As noted above, there is not expected to be any acquisition of land by the municipality. Therefore, it is not anticipated that there will be any relocation of persons or businesses as a result of this Plan. Nonetheless, should relocation become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.

## **XI. REDEVELOPMENT PROCESS**

The Mayor and Council of the Borough of East Newark shall act as the Redevelopment entity, and all reference herein to the Redevelopment Entity refers to the Mayor and Council. The Redevelopment Entity intends to undertake a redeveloper selection process that will contract with a qualified redeveloper or redevelopers to implement the Redevelopment Plan.

- A. Potential redevelopers will be required to submit to the Redevelopment Entity for review prior to the designation of a Redeveloper(s) and execution of any redevelopment agreement or disposition instruments(s) for any Land Reuse Parcel(s):
1. Documentation evidencing financial responsibility and capability with respect to development proposed
  2. Estimated total development cost
  3. Estimated time schedule for start and completion of development
  4. Conceptual site plans, outline specifications and façade elevations sufficient in scope to demonstrate the architectural concepts, proposed

distribution and intensity of uses, including bedroom distribution and square footage of dwelling units in the case of residential uses, parking, loading, signage, landscaping and recreation space

- B. In selecting a redeveloper, the Mayor and Council will consider, as one positive factor impacting the selection of a redeveloper, whether the proposed redeveloper owns the property on which its proposed redevelopment is to take place, or has it under control pursuant to a binding contract
- C. The following restrictions and controls on redevelopment will be imposed in connection with the selection of a redeveloper or redevelopers for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning ordinance or other regulations now or hereafter in force.
  - 1. The redeveloper, its successors or assigns, shall redevelop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
  - 2. The Redeveloper(s) shall begin and complete the development of said land for the use(s) required in this Plan within a reasonable time as determined by the Redevelopment Entity.
  - 3. Until the required improvements are completed and a Certificate of Completion is issued, the redeveloper will not be permitted to sell, lease, or otherwise transfer or dispose of any interest in the property within the Redevelopment Plan Area without the express prior written consent of the Borough or, if a redevelopment agreement has been executed, pursuant to the terms of the redevelopment agreement. This condition shall not apply to transfers of mortgage interests in the property to any lender to the redeveloper in connection with the Redevelopment Plan.
  - 4. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions necessary to assure the successful completion of the project.
  - 5. The Mayor and Council of the Borough of East Newark, acting as the Redevelopment Entity, shall review all proposed redevelopment projects within the Redevelopment Plan Area to assure that such project(s) is (are) consistent with the Redevelopment Plan and the relevant redeveloper agreements. Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board. As part of its review, the Redevelopment Entity may require the redeveloper(s) to submit its proposed project to a technical review committee of the Redevelopment Entity. The technical review committee may include members of the Redevelopment Entity and any other members and/or professionals as determined necessary and appropriate by the Redevelopment Entity. The technical review committee shall make its recommendations to the

Redevelopment Entity. In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the Plan.

6. A redeveloper shall be required to pay all applicable escrow fees and other required charges for municipal professionals in a manner similar to the applicable provisions of the Borough's Land Development Ordinance and New Jersey Law as in the case for Planning Board review. In addition, a redeveloper shall be required to pay their proportional share of the costs of any studies, plans, reports, or analyses prepared by the Borough or its designated redevelopment entity as part of the implementation of the East Newark Redevelopment Plan. Any such payments required to reimburse the Borough shall be specified in the redeveloper agreement and an interim cost sharing agreement effective prior to the Redevelopment Agreement.
7. Redevelopers will be required to reimburse the Borough for costs of the preparation of this redevelopment plan in proportion to the intensity of development permitted on the parcel being developed by that Redeveloper.
9. The Borough may determine, in its sole discretion, to waive any requirement that a property owner enter a redevelopment agreement and waive the requirements under paragraphs C(6) and C(7) above for any project proposed by the owner of such property or properties located within the Redevelopment Plan Area that the Borough determines is not of sufficient intensity or scope as to warrant the imposition of such requirements.

## **XII. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS**

In accordance with N.J.S.A. 40A:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of this Plan.
- C. The Plan has provided proposed land uses and building requirements for the Redevelopment Plan Area.

- D. The Acquisition Plan (Section IX) indicates that the Borough would prefer that no property be acquired by eminent domain as a result of this Plan. However, it reserves the right to acquire Block 12, Lot 1 and Block 17, Lot 1 if the Borough determines that it is necessary to do so in order to accomplish the purposes of the Redevelopment Plan, and those properties are “to be acquired” under N.J.S.A. 40A:12A-7.
- E. The Redevelopment Area does not include housing units, therefore provisions for relocation are not required, and no affordable housing units are being removed that will require replacement. Should circumstances change, the Borough shall be required to enact a relocation plan for all residents and replace any affordable units that would be lost during the redevelopment process. The Relocation Plan (Section X) states “there is not expected to be any acquisition of land by the municipality. Therefore, it is not anticipated that there will be any relocation of persons or businesses as a result of this Plan. Nonetheless, should relocation become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.”
- F. The Plan is in compliance with the East Newark Master Plan and the Master Plan of the County of Hudson. It is not contrary to the goals and objectives of the Borough Master Plan. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop urban land where adequate infrastructure and transportation alternatives exist.
- G. This Redevelopment Plan shall supersede all provisions of Chapter 16 of the Code of East Newark, Zoning, except as noted herein with respect to continued operation of non-conforming uses. Any zoning related question that is not addressed herein shall refer to the Zoning Ordinance for guidance. The Planning Board alone shall have the authority to grant deviations from the requirements of this plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of the Borough of East Newark, the East Newark Zoning Map shall be amended to rezone the Redevelopment Plan Area covered by this Plan as a Redevelopment Plan Area, and all underlying zoning will be voided.
- H. The Plan is in compliance regarding the requirement to include proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network, by requiring compliance with N.J.S.A 40:55D-66.18 through N.J.S.A 40:55D-66.21.

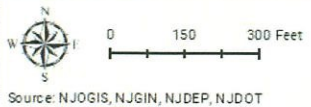
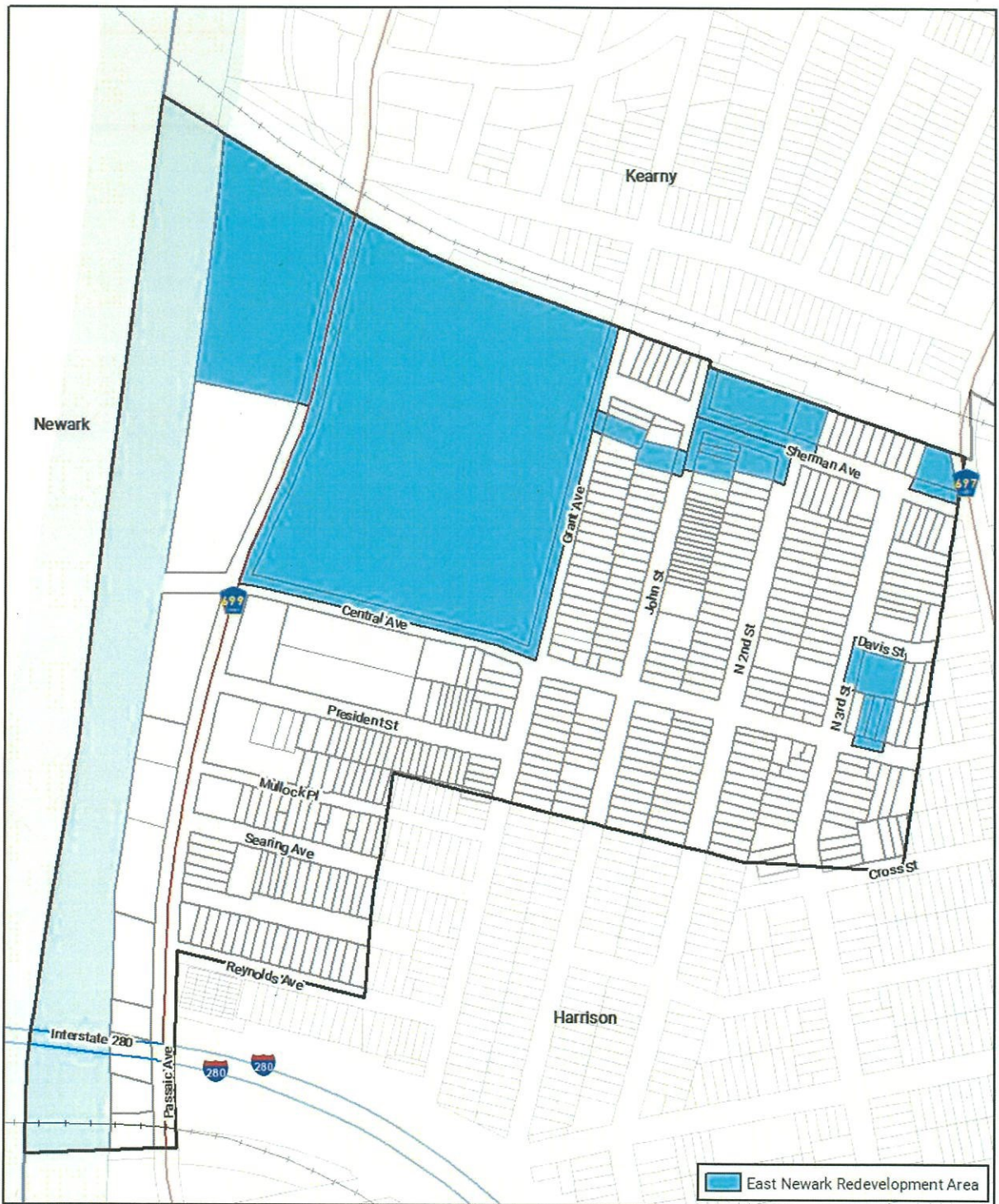
## **XII. PROCEDURE FOR AMENDING THE PLAN**

- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of five thousand dollars (\$5,000), plus all costs for copying and transcripts shall be payable to the Borough of East Newark for any



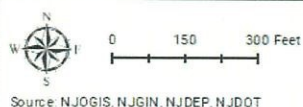
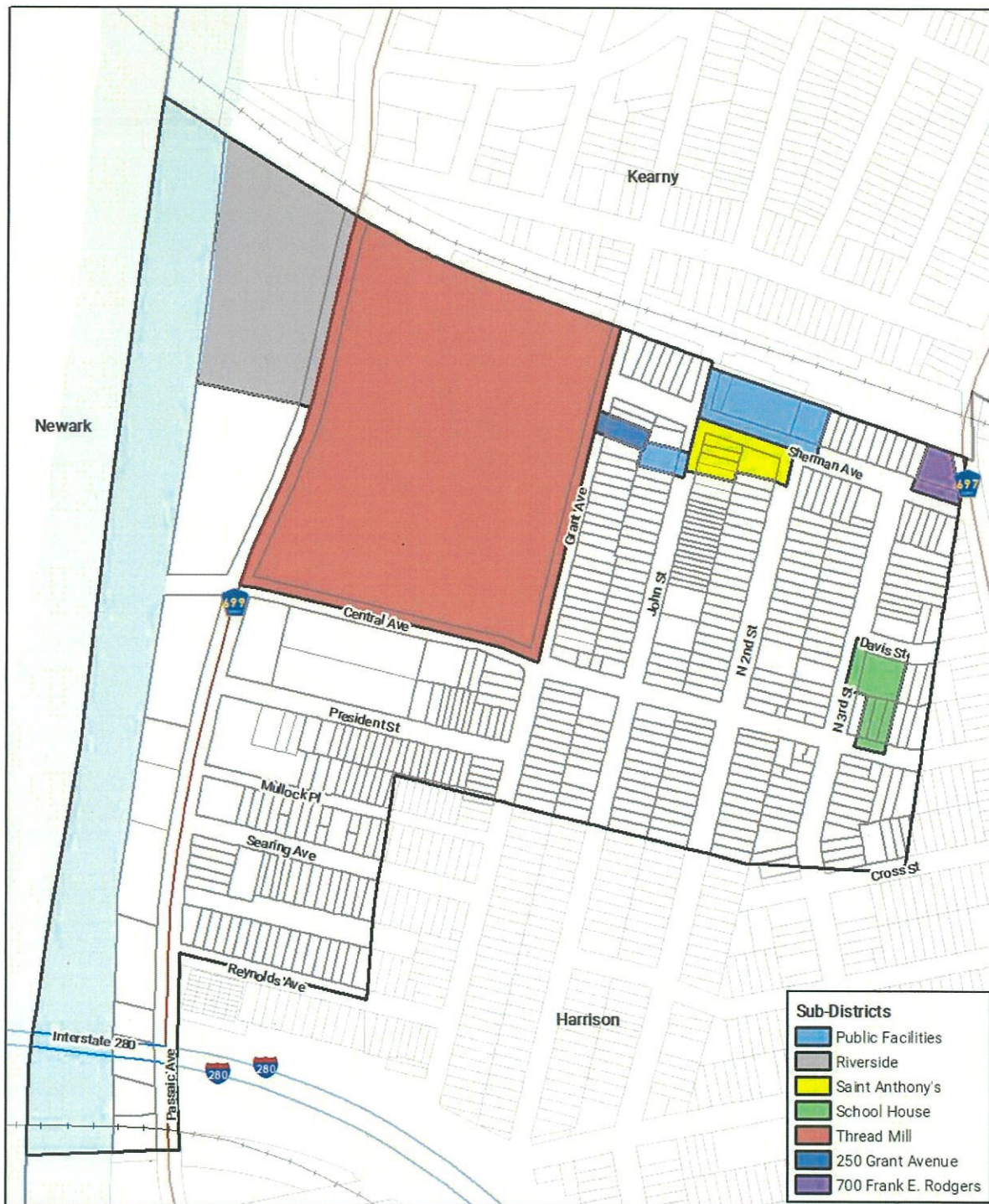
request to amend this Plan. If there is a designated developer, as provided for under N.J.S.A. 40A: 12A-1 et. seq., said developer shall pay these costs.

- B. No amendment to this Plan shall be approved without the review and recommendation of the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the Borough Clerk.



Map 1 East Newark Redevelopment Area  
 East Newark Redevelopment Plan





Map 2 Sub-Districts  
East Newark Redevelopment Plan

