

ORDINANCE # RO-08-23

AN ORDINANCES OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 60, LOT 14, COMMONLY KNOWN AS THE CLEAVELAND INDUSTRIAL SITE, PREVIOUSLY DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT BY THE TOWNSHIP COMMITTEE ON APRIL 18, 2022 IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment and sets forth the procedures for the Township as to same; and

WHEREAS, on April 18, 2022, the Washington Township Committee adopted Resolution No. R-146-20 designating Block 60, Lot 14, commonly known as the “Cleaveland Industrial Site” as an area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, following a referral to the Township Planning Board, completion of a study by the Township’s Professional Planner, and the Planning Board conducting a public hearing thereon with proper notice, and all members of the public having the opportunity to offer their comments regarding the study area, which comments were made part of the public record; and

WHEREAS, after discussion and consideration, the Planning Board, on a motion adopted a resolution concluding that the study area met the criteria under the LRHL as an area in need of redevelopment and forwarded such recommendations to the Township Committee along with a memorializing resolution as to same; and

WHEREAS, N.J.S.A. 40A:12A-7a provides that “[n]o redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation ...”; and sets forth statutory requirements for the contents of a “Redevelopment Plan”; and

WHEREAS, the Washington Township Committee is desirous of enacting a redevelopment plan to guide the future use, development and redevelopment of Block 60, Lot 14 heretofore designated an Area in Need of Redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-15 provides that “[i]n accordance with the provisions of a redevelopment plan adopted pursuant to section 7 of P.L. 1992, c.79 (C.40A:12A-7), a municipality or redevelopment entity may proceed with ... development, redevelopment and rehabilitation of an area in need of rehabilitation. ...”;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Morris, State of New Jersey, as follows:

SECTION 1. This Ordinance shall be known as the “20 Parker Road Redevelopment Plan”.

SECTION 2. Chapter 217 of the Code of the Township of Washington is hereby amended and supplemented, as follows:

1. Chapter 217, Zoning, Article II, Zoning Districts, subsection 217-5, Zoning Map, is hereby amended and supplemented by designating Washington Township Block 60, Lot 14 as the “Parker Road Redevelopment Zone” and adding the following designation to the legend on the Zoning Map:

“Parker Road Redevelopment Zone”

2. Chapter 217, Zoning, Article III, Use Regulations, is hereby amended and supplemented, by adding new § 217-18A “Parker Road Redevelopment Zone”, to read as follows:

§ 217-18A Parker Road Redevelopment Zone

A. Principal permitted uses.

- (1) Office for business management, executive, professional and administrative purposes.
- (2) R-1 and R-20 residential use and structures.
- (3) Computer centers, data processing centers and call centers.
- (4) Essential services
- (5) Any form of agriculture or horticulture, including the storage, processing or sale of farm products where produced.
- (6) Child-care centers.
- (7) Public uses and buildings, including but not limited to municipal buildings and offices and police, fire, and first aid stations.
- (8) The installation of wireless telecommunications antennas on existing structures subject to site plan approval pursuant to Chapter 159 and consistent with visual compatibility requirements of § 217-57 of this chapter.
- (9) Business and vocational schools, colleges, universities and similar institutions of higher education.
- (10) Houses of worship pursuant to Chapter 159, Site Plan Review, and § 217-59.1, Houses of worship.
- (11) Schools pursuant to Chapter 159, Site Plan Review, and § 217-59.2, Schools.
- (12) Commercial sports arena.

B. Permitted accessory uses.

- (1) Other uses and structures customarily incidental to a principal permitted use.
- (2) Public and private parking.
- (3) Signs. (See Chapter 159, Site Plan Review.)
- (4) Cafeteria and similar services for use solely by employees and their guests.
- (5) Warehouse facilities necessary to a principal permitted use, consisting of 40% or less of the total floor area.
- (6) The installation of wireless telecommunications antennas on existing structures subject to site plan approval pursuant to Chapter 159 and consistent with visual compatibility requirements of § 217-57 of this chapter.

C. Conditional uses.

- (1) Planned development.
- (2) Wireless telecommunications towers in compliance with §§ 217-76 and 217-57A(2), (3) and (4) of this chapter.

D. Community Facility Design requirement.

- (1) Any development of Block 60, Lot 14 shall include the subdivision of a strip of land fronting on Parker Road, not less than 120' in width and approximately 265' in length (approximately .73-acres in area), which shall be appended to Tax Block 60, Lot 13. Such subdivision shall be for the purpose of increasing Block 60, Lot 13 to accommodate the future expansion of the Parker Road Firehouse.

- a) The Township of Washington, the Fairmount Fire Company, the owner and/or designated redeveloper of Block 60, lot 14 may at any time undertake the subdivision to facilitate the expansion of the Fairmount Firehouse.

SECTION 3. This section of the 20 Parker Road Redevelopment Plan addresses the statutory requirements of N.J.S.A. 40A:12A-7. Responses to N.J.S.A. 40A:12A-7a thru -f are provided below in italicized text.

- A. No redevelopment project shall be undertaken or carried out except in accordance

with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79(C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

Appropriate Land Use – Washington has long recognized the severe environmental damage done at the Cleaveland Industrial Site. The 2009 Master Plan Reexamination Report acknowledged the environmental contamination and clean-up efforts to date and noted that “(T)he optimum redevelopment potential to address local priorities at this site will be nonresidential, employment generating uses, and potentially mixed use including residential use, depending on the condition of the site after clean-up and a local evaluation of the best reuse of the site.”

No population density change – It is not anticipated that redevelopment of limited mixed use spaces will result in any significant change or increase in density of population.

Limited traffic impacts and no impact to public transportation - The project will result in traffic impacts during and after construction, including:

- *temporary traffic impacts related to the site clearance phase of development during which time construction vehicles will travel to and from the site during construction*
- *temporary traffic impact related to the construction phase of development during which time construction vehicles and construction labor vehicles will travel to and from the site during construction.*
- *permanent traffic impact from the redeveloped facilities when occupied.*

The impacts of this traffic must be weighed against the value of eliminating the land and water contamination and returning the site to productive use.

There is no public transportation within the vicinity of the site and, as such, there will be no impact to public transportation.

Recreation, Community Facilities, Public Improvements - This Redevelopment Plan provides for the development of commercial recreation in the form of commercial sports arenas, which are permitted in the Parker Road Redevelopment Zone.

Public Utilities – There are no public utilities proposed at this time. As development proceeds, the utility needs of the redevelopment area will become clear.

Public facilities/recreation facilities – This redevelopment plan permits a new type of permitted recreation facility in the form of the commercial sports arena.

- (2) Proposed land uses and building requirements in the project area.

Section 2 of this ordinance amends the Township’s land use ordinances to permit a variety of non-residential uses and limited mixed uses and identifies development standards for structures, buildings and improvements appropriate to the Parker Road Redevelopment Zone. This zone permits all uses allowed in the former OR/L Zone and expands the range of permitted uses with commercial recreation, mixed

use buildings and a neighborhood shopping center.

- (3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

There is no residential use currently on this site, thus there is no potential displacement of residents or need for relocation.

- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

The Parker Road Redevelopment Plan does not involve the acquisition of any land to implement the provisions and objectives of this Redevelopment Plan. No property acquisition is needed or proposed.

- (5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).

Master Plans of Contiguous Municipalities

Washington Township adjoins Tewksbury to the south and 20 Parker Road (Block 60, Lot 14) is situated approximately ½ mile from the Township line. The site is over 2 miles from Chester Township and over 5 miles from Mt. Olive and Hackettstown. The site will have no impact on the master plan or community character of these neighbors due to the distance from these boundaries.

County Master Plan

The Morris County December 2020 Land Use Element included the following recommendations for municipal action:

RECOMMENDATIONS FOR LOCAL ACTION

- Continue investment in comprehensive planning to ensure timely consideration of changing land use conditions, commercial and housing needs and market trends.
- Consider utilization of the New Jersey Local Redevelopment and Housing Law to develop proactive plans for redevelopment.
- Consider existing traffic conditions on County roads in planning, zoning and land use decisions affecting development along these corridors. Significant increases to County roadway capacity are not anticipated and the potential negative impacts to current traffic conditions must be considered when making decisions on land use changes or intensification of use affecting these roadways.

State Development and Redevelopment Plan

The State Development and Redevelopment Plan defers to the Highlands Regional Master Plan (RMP) as the regional Plan operative for lands included within the NJ Highlands. The Parker Road Area in Need of Redevelopment is situated within the Highlands RMP Preservation Area. This redevelopment plan is consistent with the policies of the Highlands RMP for reclamation of contaminated sites and redevelopment.

B. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

If mixed use development occurs that includes residential units, the residential component shall pay a 1.5% development fee for all units constructed..

C. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the

redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L. 1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

This Redevelopment Plan amends the Washington Township Zoning Ordinance and Zoning Map by adding the "Parker Road Redevelopment Zone" designation and expanding the list of permitted uses for Block 60, Lot 14 in Washington Township, which has been designated an "Area in Need of Redevelopment" by Washington Township Committee Resolution No. R-73-22, adopted on April 18, 2022 in accordance with the procedures set forth at N.J.S.A. 40A:12A-14. Existing OR/I zoning is being superseded by this Redevelopment Plan which retains the permitted uses in the OR/I Zone and adds additional uses for the Parker Road Redevelopment Zone including Commercial Sports Arenas, Mixed use buildings with office or retail on the first floor and residential second floor use and a neighborhood shopping center.

D. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

Existing Washington Township Master Plan policies pertaining to the Parker Road Redevelopment Area include most of the uses permitted in the OR/I Zone. The additional uses are not out of character with the intended uses of the site. Therefore, the permitted use and development standards set forth in this Redevelopment Plan for the Parker Road Redevelopment Zone are not inconsistent with the Washington Township Master Plan.

E. Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a redevelopment plan or revision or amendment thereof, shall review the report of the planning board and may approve or disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following the recommendations. Failure of the planning board to transmit its report within the required 45 days shall relieve the governing body from the requirements of this subsection with regard to the pertinent proposed redevelopment plan or revision or amendment thereof. Nothing in this subsection shall diminish the applicability of the provisions of subsection d. of this section with respect to any redevelopment plan or revision or amendment thereof.

See Subsection "F." below.

F. The governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area. After completing the redevelopment plan, the planning board shall transmit the proposed plan to the governing body for its adoption. The governing body, when considering the proposed plan, may amend or revise any portion of the proposed redevelopment plan by an affirmative vote of the majority of its full authorized membership and shall record in its minutes the reasons for each amendment or revision. When a redevelopment plan or amendment to a redevelopment plan is referred to the governing body by the planning board under this subsection, the governing body shall be relieved of the referral requirements of subsection e. of this section.

The Washington Township Planning Board prepared this Redevelopment Plan for the Parker Road Redevelopment Zone at the direction of. Washington Township Committee Resolution No. R-73-22, adopted on April 18, 2022 directs the Washington Township Planning Board to prepare this Plan and refer it to the governing body to enact regulations for the appropriate use of closed landfill property.

SECTION 4. RENUMBERING. This ordinance may be renumbered for codification purposes.

SECTION 5. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION 6. REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

SECTION 7. EFFECTIVE DATE. This Ordinance shall not take effect until approved by the New Jersey Highlands Council.

Adopted: June 19, 2023

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of Washington Township, in the County of Morris, New Jersey, held on the 15th day of March, 2023, and the same came up for final passage at a meeting of said Township Committee on the 19th day of June, 2023 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Township according to law. By order of the Township Committee of the Township of Washington, County of Morris and State of New Jersey.

Denean Probasco, Township Clerk

Matthew T. Murello, Mayor

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on June 19, 2023.

Denean Probasco, Township Clerk