

Eastern Gateway Redevelopment Plan

Township of Montclair, Essex County, New Jersey



Prepared for:

**Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042**

Prepared by:

**Janice Talley, P.P., AICP
Director of Planning and Community Development
Township of Montclair**

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O-16-024

The original of this report has been signed and sealed in accordance with N.J.S.A. 13:41-1.2.

Janice E. Talley

Janice E. Talley, P.P., AICP
New Jersey Professional Planner License #5059

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Introduction and Planning Context

The Eastern Gateway Redevelopment Plan has been prepared the Area in Need of Rehabilitation for designated for Lots 1, 2.01 and 3 in Block 4202 in Montclair Township in Essex County, New Jersey. The three properties are located in the Urban Renewal zone at the corner of Bloomfield Avenue and Pine Street, as shown on Figure 1: Area Location Map.

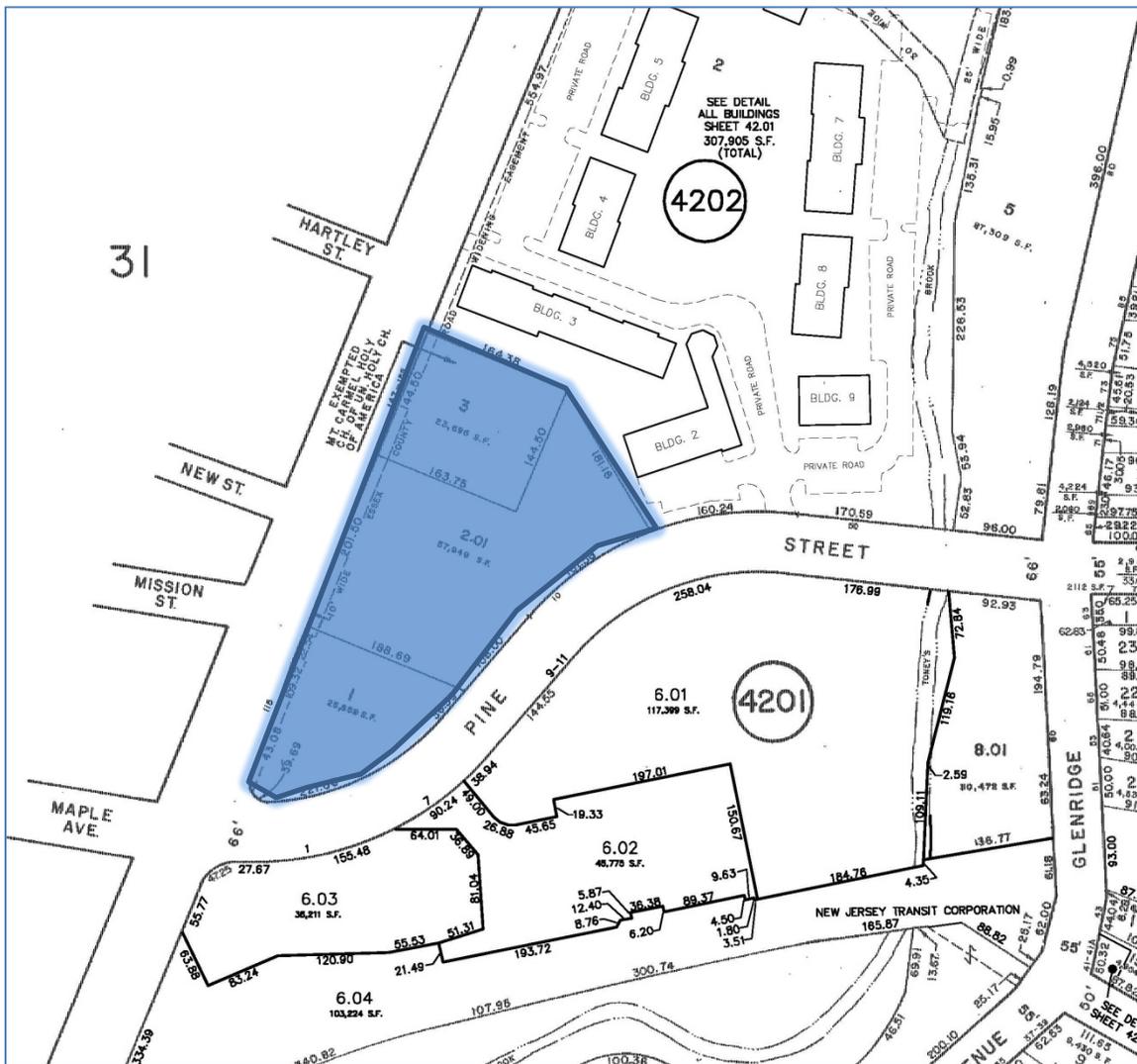


Figure 1: Area Location Map

The Montclair Township Council adopted a resolution on November 27, 2012 designating the subject properties as an area in need of rehabilitation based on a report from the Montclair Township Director of Utilities who indicated that the infrastructure serving the subject properties is more than 50 years old and in need of substantial

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improvements. The Planning Board reviewed the resolution and agreed with the determination on December 10, 2012.

The Eastern Gateway Redevelopment Plan provides a framework for the redevelopment of these three properties in the southeastern section of the Township that effectively form the eastern gateway entrance to the Montclair Center historic business district. The Redevelopment Plan sets forth standards and guidelines for land use and design; circulation and parking; and open space and recreation. Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.”

- “Shall” or “must” means that a developer is required to comply with the specific regulation, without deviation.
- “Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Planning Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

Area Description

The Eastern Gateway Redevelopment Plan seeks to combine the transit-oriented development initiatives associated with the Bay Street station area, a designated Transit Village, with design elements that will create an attractive eastern gateway entrance to Montclair Center. Montclair Center is a regional commercial district that attracts visitors and customers from a relatively large region. The eastern entrance to Montclair Center effectively starts at the intersection of Pine Street/Maple Avenue and Bloomfield Avenue, when travelers cross the bridge over the NJ Transit railroad and see the upward slope of Bloomfield Avenue. At the forefront of this vista is the subject area, which includes a gasoline station and parking lots fronting on Bloomfield Avenue, which is not an appealing or enticing entrance to the district.

The area consists of approximately 2.47 acres, as shown in Table 1. Lot 1 contains a gasoline service station with driveways on both Pine Street and Bloomfield Avenue. Lot 2.01 contains a 4-story, 56-unit apartment building fronting on Pine Street with surface parking between the building and Bloomfield Avenue. Lot 3 contains the Mt. Carmel Holy Church, which is situated along the rear property line with a parking lot in the front.

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Table 1: Eastern Gateway Redevelopment Properties		
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Location	Size (sq. ft.)	Use
Lot 1	26,223	Gas station
Lot 2.01	57,949	Multi-family
Lot 3	23,696	House of worship
	107,868	



Figure 2: Aerial view of subject properties.

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Figure 3: View of westbound approach to Plan Area, looking west.



Figure 4: View of lot 1 from across Bloomfield Avenue.

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Figure 5: View of lot 2.01 from across Bloomfield Avenue.



Figure 6: View of lot 3 from across Bloomfield Avenue.

Planning Context

Over the last thirty years, the character of the area surrounding the subject properties has changed dramatically. In the 1970's the Township designated the area between the Glen Ridge border to the east and Lackawanna Plaza to the west, and

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between Bloomfield Avenue to the south and Glenridge Avenue to the north, as an Urban Renewal area. The area contained the vacated Lackawanna train station and associated rail lines, as well as a large number of substandard buildings. An Urban Renewal Plan for the area was first adopted in 1976 and amended in 1984. During the 1980's the Lackawanna Plaza shopping center, Matthew Carter apartment buildings, the Montclair Mews residential development and the Montclarion apartment project was completed.

More recently, the Township implemented several major initiatives to revitalize the Town Center, including the creation of a business improvement district and the designation of several redevelopment areas and an historic district. Significant transportation improvements were made, including a new train station (Bay Street station) and the completion of the Montclair Connection, which provides direct rail access between Montclair and New York City. The Montclair Fire Headquarters was completed, along with Pineridge senior housing development and the Montclair Residences apartment project. The Urban Renewal Plan has been effectively accomplished and all of the properties included in the Urban Renewal plan have been rezoned, with the exception of the three properties included in this redevelopment plan.

Significant changes have occurred in the Township over the past twenty years, largely through the redevelopment of older, underutilized properties. Since 1990, over 840 new dwelling units have been built in the Township, while the population has stayed relatively stable at around 38,000 residents. Households are getting smaller, declining from an average household size of 2.52 in 1990 to 2.47 in 2010. There is a strong demand from empty nesters, young professionals and senior citizens for smaller dwelling units located in close proximity to public transportation.

Montclair's economy has remained relatively stable over the past ten years, fluctuating between 10,000 and 11,000 private sector jobs. As with the national economy, the Township's economic base is becoming more service-oriented. Manufacturing and wholesale trade, which comprised 5% of local jobs in 2000, has declined to 1.3%. Retail trade has remained relatively stable in terms of employment, at 15% of the employment base, while service sector jobs have increased. The strongest service sector industry is health and social services, which comprises 30% of the Township's employment base. Other strong service sector industries include accommodations and food, at 12% of the employment base, and professional/technical services at 8% of the employment base.

Although the Plan area is near the eastern municipal boundary, it is well integrated into the Township's street grid network. It adjoins Bloomfield Avenue, the Township's commercial corridor which is a regional business district. The Plan area is

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located in a designated Transit Village, with access to rail and bus service that provide easy access to other transit centers in the region. The Bay Street Train Station, which has direct access to NYC and is the only station in the Township with weekend train service, is the Township's busiest train station with 992 average weekday passenger boardings, up from 280 in 2000.



Figure 7: Transit Village Map

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Land Use Plan

Goals and Objectives

The goal of the Eastern Gateway Redevelopment Plan is to capitalize on the transportation assets in the area, establish a streetscape presence along Bloomfield Avenue and integrate the various uses and architectural styles in the neighborhood. This can be accomplished through mixed-used development with site design standards that integrate new development into the overall fabric of the neighborhood through architectural, streetscape, pedestrian and street connections. Mid-rise residential development at this location will increase the supply of housing available in close proximity to transit, which is suitable for a wide variety of household types, including senior citizens. The Plan also recognizes the Township's commitment to affordable housing by including an affordable housing component.

Development Regulations

The purpose of this section is to establish the development regulations for properties within the rehabilitation area on order to achieve the vision and development goals expressed in this Plan.

1. Permitted Uses

A. Uses Permitted above the First Floor Level

- 1) Multi-family residential units inclusive of a full range of dwelling unit sizes from studio to three-bedrooms.

B. Uses Permitted on the First and Second Floor Level

- 1) Retail and business services
- 2) Offices, including general, professional and medical office space.
- 3) Restaurants and cafes
- 4) Banking and financial institutions
- 5) Health clubs open to the public
- 6) Family day care
- 7) Child care centers
- 8) Clubs, community centers, and community meeting rooms

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- 9) Multi-family residential units for buildings that do not front on Bloomfield Avenue.

C. Parks and open space

2. Accessory Uses. The following uses are permitted as accessory uses:

A. Off-street parking

- 1) At-grade parking.
- 2) Structured parking, including underground parking.
- 3) Loading facilities.

B. "Back room" Facilities

- 1) Facilities associated with residential buildings, such as mechanical, loading, transformers, laundry, trash rooms, storage lockers, or other service type facilities.
- 2) Bicycle storage rooms or areas.

C. Other Accessory Uses

- 1) Any uses customarily incidental to principal or secondary permitted uses.
- 2) Landscaped rooftop.

3. Bulk Regulations

- A. Maximum Density. 75 dwelling units per acre. Notwithstanding the foregoing, if a developer elects to build all of its affordable housing on site (and not take advantage of the Off Site Option in Section 3G below), the developer shall receive a density bonus for its project equal to the total number of affordable units required for its project up to a maximum density of 86 units per acre. Such "density bonus units" shall not be included in the calculation of the 20% affordable units required by Section 3G below. (O-16-024)
- B. Maximum Building Height. 6 stories or 67 feet.
- C. More than one principal building is permitted on a lot.
- D. Minimum lot size: 20,000 square feet.
- E. Minimum street frontage: 100 feet.
- F. Mixed Use Buildings. All new buildings must be mixed-use, with a minimum of 50 percent of the building façade comprised of commercial use at a depth of not less than 20 feet.

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- G. Affordable Housing and Bedroom Distribution Requirements. At least 20 percent of all dwelling units shall be affordable to low- and moderate-income households. At least twenty-five (25) percent of the required affordable housing units must be provided onsite. The remainder of the units may be provided offsite or by extending the affordability controls on existing units for a term of not less than 30 years.
 - H. Rooftop appurtenances may cover no more than twenty (20) percent of the roof area, with height limited to 18 feet above the roof slab. Every effort shall be made to cluster the appurtenances and to screen them from view. The materials used for screening purposes shall not be counted toward roof coverage. Coverage created as a result of “green” technology installations (e.g., vegetation, solar panels, etc.) shall be exempt from the overall coverage calculation.
4. Building Setbacks
- A. Front yard setback: 0 feet
 - B. Side yard setback: 0 feet or 5 feet.
 - C. Rear yard setback: 20 feet
 - D. Rear building line to rear building line setback: 48 feet.
 - E. Setback areas shall be attractively landscaped with appropriate plantings.
5. Building Stepbacks. Stepbacks refer to upper level façades as measured with respect to lower façades. Façade areas above the fourth story shall have at least one stepback of a minimum of five (5) feet with respect to lower levels. These upper floor stepbacks shall be measured with respect to the lower stories, not to the street-facing property line.
6. Building and Design. The “first level” of building and parking areas is defined as the lowest level with a finished floor elevation between zero (0) and five (5) feet above grade, measured with respect to the grade at the closest public sidewalk.
7. Open Space.
- A. Onsite requirements. Between 25 to 50 percent of the total rooftop area of all roof areas, including courtyards over parking garages and upper-level rooftops, shall be designed as shared and/or private open space, with landscaping and seating areas.
 - B. An open space contribution of \$2,000 per dwelling unit and \$15 per square foot of commercial space shall be paid to the Township’s Open Space Trust Fund to provide for open space acquisitions and improvements within the Township.

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8. Parking and Loading

- A. No parking areas shall be permitted between the building line and the street line.
- B. All required parking areas shall be provided off-street. The number and design of off-street parking areas shall adhere to the standards:
 - 1) Residential dwelling units: 1 parking stall for each dwelling unit.
 - 2) Commercial uses and all other uses: 1 parking stall for each 250 square feet of gross floor area.
- C. Shared Parking. To the greatest extent possible, required parking stalls shall be shared between uses.
 - 1) Where shared parking is proposed to be utilized, it must be reasonably demonstrated that the total number of proposed parking stalls will be able to adequately service the various uses without conflict or encroachment.
 - 2) All shared parking stalls must be both accessible and available to each of the individual uses. Where necessary, way-finding signs shall be placed at appropriate intervals throughout the parking area and along pedestrian routes to and from the parking area to ensure that all users can easily and clearly find their way between the parking area and the intended use.
 - 3) There shall be no reduction in the number of required stalls reserved for persons with disabilities.
- D. Car Sharing. A car sharing program (e.g., Zipcar or Connect) may be implemented in order to reduce the number of privately owned vehicles and consequently, the overall number of required parking stalls. Total parking demand will be reduced by a ratio of 5 parking stalls for every 1 shared car provided. The car sharing program shall include a pre-determined number of designated parking stalls reserved for the car sharing fleet vehicles, with the potential to increase this number as justified by demand.
- E. Parking Stall Size: 9 feet by 18 feet.
- F. Parking Aisles. Aisles providing access to parking stalls shall have the following minimum widths. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall apply.

Angle of Parking Space

Aisle Width (feet)

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<u>(degrees)</u>	
90	24
60	18
45	13
30	12
parallel	12

- G. Loading. Loading spaces shall be provided onsite. No loading shall occur from the street. Loading and serviced docks should be located away from public street frontages and should have operable doors or gates so that they may be closed when not in use.

Site Planning and Design

This section sets forth standards for the Redevelopment Area that are designed to foster a walkable and pedestrian-scaled neighborhood with visually interesting and high-quality buildings that complement the network of streets and public spaces. The design standards seek to create a “*sense of place*” by shaping buildings to create an active relationship with streets and by screening parking or locating it within buildings or within the interior of blocks.

1. Screening of Above-Grade Parking

- A. All off-street parking areas that face streets shall be screened from view by buildings occupied by nonresidential uses.
- B. Parking areas not located behind buildings occupied by nonresidential uses may be architecturally screened according to the following requirements:
- 1) The façades of exposed parking areas shall be articulated and broken down in scale to create a more varied and textured appearance, with window-like openings and architectural detailing. Monotonous ribbon or banded-style parking façades, whether open or glazed, are prohibited.
 - 2) The portion of the façade that screens the parking area shall be broken into 20- to 50-foot structural bays, in the same manner as described in Building Massing below.
 - 3) The lower level(s) of above-grade parking shall be designed to “read” as a base to the building, using, for example, heavier-appearance materials, materials that contrast with those used at the middle and top, and more elaborate architectural detailing befitting a pedestrian scale base.
 - 4) The parking façade shall use a similar or complementary type and quality of materials as the residential portion above.

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- 5) Window openings are required. Window glazing should be translucent or transparent; clear-tinted or reflective glazing is prohibited. Decorative metal grilles may be used on garage openings. The size, spacing, and enframing of garage window openings should be similar to that of adjacent retail and/or residential windows. Furthermore, the pattern of garage window openings shall align vertically with the pattern and/or spacing of residential bays and windows above.
- 6) The pattern of windows and detailing in parking façades shall disguise any internal ramps or sloping levels of the parking garage so that they appear level.

2. Screening of Back Room Uses and Storage Facilities

- A. Any “back room” facilities (as defined in the earlier section on Accessory Uses) on any level shall be screened from view of public streets, using the same methods described above for Screening of Above-Grade Parking.
- B. Trash and recycling bins, sheds, and storage areas shall be enclosed at the sides and top and located either indoors or outdoors at a minimum of 10 feet from any street or property line.
- C. Any storage lockers and similar facilities provided for the use of building residents shall not be located adjacent to exterior façades because boxes and goods stored within could obstruct building windows. Instead, storage lockers and similar facilities may be located at the interior of the building.

3. Building Massing

A. Bays

- 1) All building façades shall be broken into 20 to 50 foot-wide vertical bays. Bays shall be defined through elements such as columns, pilasters, gutters or expansion joints, changes in façade plane, size and rhythm of window spacing, pattern of balconies, and/or variation in surface material and pattern.
- 2) Bay definition should extend through all levels of the building(s). Exceptions are permitted where horizontal massing changes in the façade plane or expression lines are provided to break up the building bulk.
- 3) The spacing and pattern of any retail storefront or other non-residential façade areas shall relate to the building’s vertical bay pattern.

B. Corner Treatments.

- 1) Architectural variety should be employed at corners. This could include fully-glazed corner windows or bays, stepback and height reductions at corners, and variation in materials.

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C. Balconies and Terraces

- 1) Shallow or “Juliet” balconies (or balustrades) are permitted. Juliet balconies shall be of open metalwork, connected to a fully-functional balcony door, and shall be detailed to match any other true, recessed balconies in the same façade.
- 2) Balconies over two (2) feet in depth (measured perpendicular to the façade plane) are discouraged facing public streets; if provided they shall be entirely recessed within the primary façade plane.
- 3) Terraces are permitted and encouraged within required stepbacks. Terrace railings and walls shall be an integral part of the building façade design.
- 4) Balconies are encouraged for interior-facing units of the building.

D. Vertical Differentiation. In order to minimize the impacts of building bulk and height, building façades adjacent to streets shall provide for a differentiated building mass consisting of a base, middle, and top, as follows:

- 1) **Base.** The base is the lowest one or two levels of the building. The base of the building shall be more richly-detailed and articulated than upper levels, in order to relate to pedestrians on the sidewalk. The base of the building should be highlighted with a variation in architectural treatment compared to the upper levels. For example, in more traditional designs, the base of the building should appear heavier than the upper levels, to visually ground the building. For more modern designs, variation in glazing pattern, materials, and floor heights may help define the base. Retail signage, building-mounted lighting and awnings or canopies should also be used to help highlight the base.
- 2) **Middle.** The middle of the building shall be distinguished from the base and top by horizontal belt courses or cornices; and/or changes in material, masonry or fenestration pattern.
- 3) **Top.** The top of a building shall be defined and differentiated at the topmost floor(s) and the roofline. The roofline shall be emphasized with a parapet wall and/or balustrade or deep cornice with a minimum 8-inch projection. The upper levels of the building—those higher than 60 feet—shall be designed to be visually lighter than the lower floors, such as through a lighter color material or a larger proportion of glazing.

4. Building Transparency

A. Non-Residential Entries

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- 1) Each of any non-residential uses (i.e., retail or other secondary uses) shall have its own individual entrance from the sidewalk. Mall-style interior entrances are prohibited.
 - 2) For a large retail tenant space, at least one entrance should be provided for every increment of 50 linear feet of street frontage. This will provide multiple connections to the sidewalk and allow for future flexibility in case the large space is retrofitted for several small businesses in the future.
- B. Windows. The minimum percent of the façade area of each level of buildings devoted to windows shall be as follows.
- 1) First Level Windows
 - a. For permitted uses on the first level, storefront-style plate glass windows shall be provided, occupying at least sixty (60) percent of the façade area.
 - b. For parking areas disguised with architectural detailing on the first level, windows shall be provided, occupying at least twenty-five (25) percent of the façade area.
 - 2) Upper-Level Windows
 - a. Above the first level, windows shall occupy at least twenty-five (25) percent of the façade area, regardless of the uses at that level.
5. Materials. The following material requirements apply to all façades.
- A. Stone, masonry, brick, wood, and glass, as well as cast iron, steel, aluminum and other types of metal are preferred primary materials for façades. However, no more than three different materials should be used as primary materials on the building façade. Within the primary materials, variations in colors, textures, and pattern may be employed to further break up the building bulk.
 - B. Security gates, access panels, and garage windows grilles should be enlivened with artwork, decorative tiling or ornamental metalwork where possible. Materials should be extended around corners and extensions in order to avoid a “pasted-on” appearance. All building facades adjacent to or easily visible from a street or sidewalk shall exhibit the same degree of architectural detailing as the building’s street-facing facades.
 - C. Reflective, mirrored, smoked, and dark tinted glass is prohibited. Lightly tinted glass is permitted for energy-efficiency reasons only if the lighter-color tint that is closest to clear is used. Translucent glass, which allows for shadows and silhouettes behind the glass, should be used rather than spandrel glass,

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which is virtually opaque, for areas where light is to be admitted while direct views are obscured (such as screened parking areas or mechanical rooms.)

6. Green Design

A. All buildings shall achieve silver certification under the Leadership in Energy and Environmental Design (LEED) rating system for green building design, sponsored by the US Green Building Council (USGBC).

- 1) If LEED for New Construction (LEED-NC) certification is pursued, a minimum 50 points shall be achieved to qualify the project for the silver level of certification. In addition, points within the following specific credit areas must be achieved:

Sustainable Sites

- Credit 4.1 Alternative Transportation – Public Transportation Access
- Credit 4.2 Alternative Transportation – Bicycle Storage and Changing Rooms
- Credit 4.3 Alternative Transportation – Low-Emitting and Fuel-Efficient Vehicles
- Credit 4.4 Alternative Transportation – Parking Capacity
- Credit 7.2 Heat Island Effect – Roof

Energy & Atmosphere

- Credit 2 On-site Renewable Energy
- Credit 6 Green Power

- 2) If LEED for Neighborhood Development (LEED-ND) certification is pursued, a minimum 50 points shall be achieved to qualify the project for the silver level of certification. In addition, points within the following specific credit areas must be achieved.

Neighborhood Pattern & Design

- Credit 3: Mixed-Use Neighborhood Centers
- Credit 4: Mixed-Income Diverse Communities
- Credit 5: Reduced Parking Footprint
- Credit 8: Transportation Demand Management
- Credit 9: Access to Civic and Public Space
- Credit 14: Tree-Lined and Shaded Streets

Green Infrastructure & Buildings

- Credit 9: Heat Island Reduction

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- Credit 11: On-Site Renewable Energy Sources

7. Streetscape

- A. All existing above-ground utility wires and facilities shall be relocated underground, and any new utility wires shall be located underground.
- B. Where existing trees do not exist, street trees shall be planted, at approximately 30 to 40 feet on center, along the curbside edge of the public sidewalk on the streets. Exceptions to the 30- to 40-foot spacing area are allowed for curb cuts to parking areas and lobby entrances.
- C. Bicycle racks shall be provided outdoors at each shared building entry, within 20 feet of building entrances. Bicycle racks may be located on public streets or within building setbacks.
- D. Sidewalks. Sidewalks shall be provided between the building and the curb. Sidewalk shall be designed to include both a walking area and a tree planting strip between the sidewalk and the curb, where trees and/or plantings are located. Required setback areas shall be paved so that they serve to increase the usable width of the sidewalk.
- E. Required setback areas, sidewalks, and tree planting strips shall be decoratively paved to match the prevalent sidewalk design of Montclair Center (i.e., brick edging and concrete walking areas).
- F. Decorative pedestrian street lights that match the lights installed in the Montclair Center historic district shall be installed to ensure a lighting level of at least 1.0 footcandles along the sidewalk.

Plan Consistency Review

Relationship to Intent and Purpose of the Master Plan

New Jersey's redevelopment statute requires that "all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan." The Eastern Gateway Redevelopment Plan is substantially consistent with and designed to effectuate the Township's Master Plan, the last reexamination of which was adopted in April 2006. The 2006 Master Plan Reexamination included the following recommendations which are addressed in the Eastern Gateway Redevelopment Plan:

- Encourage smart development. Use redevelopment statutes selectively to stimulate investment in appropriate locations where infrastructure, mass

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- transit and services are available. Take opportunities to include public open space and green space in commercial redevelopment sites.
- Revise zoning ordinances to reflect a more appropriate mix of uses and scale of buildings in all commercial zones, recognizing the distinctive character of each area.
 - Create a business development strategy and strengthen economic capacity for the Bay Street redevelopment area.
 - Consider increasing the maximum residential density requirement (units per acre) in the C1 Zone to encourage more downtown living space.

The 2006 Master Plan Reexamination Report includes the following recommendation, which is incorporated into the parking policies of the Eastern Gateway Redevelopment Plan: “Encourage shared off-street parking arrangements between uses with different peak demand times such as retail, restaurants, office, public buildings, houses of worship and apartment buildings. Identify underutilized parking areas that could provide parking spaces for uses with greater demand, and determine insurance issues to encourage better space utilization.”

Relationship to Intent and Purpose of the Zoning Code

The Redevelopment Area lies entirely within the UR Urban Renewal zoning district. The Urban Renewal Zone refers to the Lackawanna Plaza Urban Renewal Plan, which was adopted in 1976 and amended in 1984. The primary goal of the Lackawanna Plaza Urban Renewal Plan is the removal of structurally substandard buildings, the elimination of blighting influences, and the provision of low, moderate and middle-income housing. The Urban Renewal Plan designates lots 2.01 and 3 as residential and Lot 1 as Neighborhood Commercial. The residential district permits multi-family housing with commercial uses at or below street level and a maximum height of 3 stories or 42 feet.

The Urban Renewal Plan, however, is no longer appropriate for the area because the character of the area has changed significantly. The Montclair Redevelopment Agency has acquired parcels, cleared land and vacated streets to undertake an adaptive reuse of the historic Lackawanna train station for commercial use and to develop market rate and affordable housing. The adjacent Montclair Mews and the 4-story Montclarion residential development projects were completed in the 1990's. In 2001, the Montclair Connection opened, providing Midtown-direct train service to Montclair. This area is now served by multiple modes of transportation, including a new train station with a 225-space parking deck and a bus route along Bloomfield Avenue. In addition, the Bay Street Redevelopment Plan was adopted and implemented, with

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construction of PineRidge of Montclair, Montclair Residences at Bay Street Station and the new fire headquarters.

This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance and other regulations of the Township of Montclair regulating development in the area addressed by this Redevelopment Plan. In situations where zoning and site plan issues are not specifically addressed herein, the Montclair Zoning Ordinance and development regulations shall remain in effect. Final adoption of this Plan by the Township Council shall be considered an amendment of the Township of Montclair Zoning Map.

Relationship to Adjacent Municipalities

The Plan Area is not adjacent to any of the surrounding municipalities. Given its physical separation, the Redevelopment plan will not affect those nearby municipalities to any significant degree, other than have a generally positive impact via the creation of a new pedestrian-oriented, mixed-use development that serves the region.

Relationship to the Essex County Master Plan

Although the County of Essex does not have a current Master Plan, the revitalization of this area is consistent with the land use planning goals of the Essex County Planning Board.

Relationship to State Development and Redevelopment Plan

Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the Redevelopment Area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. A stated goal of the State Plan is to revitalize the State's cities and towns by protecting, preserving and developing the valuable human and economic assets in cities, towns and other urban areas.

The Redevelopment Plan, by virtue of its location within a part of New Jersey that has extensive existing infrastructure and a long history of development, is by all measures an appropriate location for growth and redevelopment. The Redevelopment Plan will facilitate growth in this area and contribute to the economic revitalization of the State.

The objectives of the Eastern Gateway Redevelopment Plan are consistent with the goals, strategies and policies of the State Plan. The Redevelopment Plan will redevelop an underutilized area within Montclair, placing currently unproductive lands into

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productive use in order to better serve the needs of residents and the Township as a whole.

Redevelopment Actions

New Construction

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. The redeveloper must adhere to the overall parameters for development presented in this Plan. Once a redeveloper is selected, the redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

Relocation

The Township does not anticipate the displacement or relocation of any residents or businesses within the Plan Area.

Other Actions

Several other actions may be taken by the governing body to further the goals of this Plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, (3) vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment.

General Provisions

Definitions

Except for those definitions specifically included within this Plan, words defined below in this section, words that appear in this Redevelopment Plan shall be defined in accordance with the definitions that appear in the Township's land use ordinances, or, where these ordinances do not provide a definition, in accordance with the definitions in the Municipal Land Use Law.

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Easements

No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Township of Montclair.

Site Plan and Subdivision Review

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq .), shall be submitted by the applicants for review and approval by the Montclair Planning Board. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Township of Montclair, except that where this redevelopment plan contains provisions that differ from those in the subdivision ordinance, this plan shall prevail.

Approvals by Other Agencies

The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Township.

Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Township Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition

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instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color or national origin.

Duration of the Plan

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 30 years from the date of approval of this plan by the Township Council.

Deviation Requests

The Montclair Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions 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 Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Montclair Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments.

No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12.a. and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the governing body, and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of this Plan.

Escrows

The redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Township to review the

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proposed redevelopment project and advise the Township on any and all aspects of the redevelopment process.

Infrastructure

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and Township enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Township and the redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

Severability

If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment 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. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.

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- The Redevelopment Plan does not envision a need to acquire privately owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Montclair. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Montclair regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Montclair Township Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Township Council shall be considered an amendment of the Montclair Township Zoning Map.
- The Plan Area includes existing low- and moderate-income housing units. It is the intent of this plan to preserve the affordability controls on these units.

Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. The Montclair Township Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.