

AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
April 1, 2013  
Municipal Building, Room 30  
7:30 PM

**ROLL CALL:**

Councilwoman Albanese _____	Councilman Mazarella _____
Councilman Barr _____	Councilman Smith _____
Councilman Kazanowski _____	Councilman Toal _____
	Council President O'Connor _____

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

**RESOLUTION:**

1. Accepting the Master Plan Reexamination Report for implementation of the recommendations of the Planning Board

**INTRODUCTION OF PROPOSED ORDINANCE:**

2. AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, "LAND USE AND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY TO PROVIDE FOR THE ESTABLISHMENT OF A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT IN ACCORDANCE WITH THE TOWNSHIP MASTER PLAN REEXAMINATION REPORT  
(Public Hearing: April 15, 2013)

**PUBLIC COMMENTS:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 1, 2013

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** N.J.S.A. 40:55D-89 provides that the Governing Body shall at least every six (6) years provide for a general reexamination of its Master Plan and development regulations by the Planning Board; and

**WHEREAS** upon notice duly provided pursuant to N.J.S.A. 40:55D-89 the Planning Board held a public hearing on March 19, 2013 at which time it considered the Master Plan Reexamination Report prepared by Kevin O'Brien, P.P., A.I.C.P. of Shamrock Enterprises, Ltd. and Richard O'Connor, P.E., P.P., C.M.E. of Grotto Engineering Associates, LLC dated March 7, 2013; and

**WHEREAS** the Board took action on the Reexamination Report at the meeting on March 19, 2013 and further adopted a Resolution memorializing that action in accordance with N.J.S.A. 40:55D-10(g); and

**WHEREAS** the Board secretary forwarded a copy of the Resolution and the Master Plan Reexamination Report to the Governing Body of the Township of Clark for implementation of the recommendations and amendments set forth.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that they hereby accept the Master Plan Reexamination Report for implementation.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/4-1AcceptMasterPlanReexam

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____



# TOWNSHIP OF CLARK

Union County, New Jersey

## Master Plan And Development Regulations Periodic Reexamination Report

Prepared for:

The Clark Township

Planning Board

19 March 2013 v7

Kevin O'Brien, P.P., A.I.C.P.

Shamrock Enterprises, Ltd.

NJ P.P. License #5348

Richard O'Connor, P.E., P.P., C.M.E

Grotto Engineering Associates, LLC

NJ P.E. License #33029, NJ P.P. License #4254

# CLARK TOWNSHIP PLANNING BOARD RESOLUTION

WHEREAS, the Municipal Land Use Law requires planning boards to reexamine their Master Plans and the municipal development regulations at least every ten years; and,

WHEREAS, the last Master Plan was adopted in 2003 and the last Master Plan Reexamination Report was adopted in 2010; and,

WHEREAS, the Clark Township Planning Board has prepared a new Master Plan and Development Regulations Periodic Reexamination Report with the assistance of Township Planner Kevin O'Brien, P.P., A.I.C.P. and Township Engineer Richard O'Connor, P.E., P.P., C.M.E., which has been the subject of discussion at three Planning Board meetings including a noticed public hearing:

NOW THEREFORE BE IT RESOLVED, that the Clark Township Planning Board hereby adopts the 19 March 2013 Master Plan and Development Regulations Periodic Reexamination Report, as referenced above; and,

BE IT FURTHER RESOLVED, that the Planning Board Secretary be directed to send a copy of the adopted report with this resolution to the Union County Planning Board and to the clerks of each adjoining municipality.

I, Lisa McCabe, Secretary to the Planning Board of the Township of Clark in the County of Union, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Board at a regular meeting held on the 19 day of March, 2013.

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Lisa McCabe  
Secretary

# ACKNOWLEDGEMENTS

The Planning Board thanks the many concerned citizens who gave their time, dedication and knowledge to the preparation of the Master Plan and Development Regulations Periodic Reexamination Report. We also give our thanks to the selfless volunteers and staff who make up the following bodies:

## MAYOR

Sal Bonaccorso

## COUNCIL

Angel Albanese

Alvin Barr

Richard Kazanowski

Frank Mazzarella

Patrick O'Connor, Council President

William Smith

Brian Toal, Vice President

## PLANNING BOARD

Sal Bonaccorso, Mayor

Chris Buccarelli, Fire Liaison

Neil Curcio

Kevin Koch

Michael Kurzawski

John Laezza, Business Administrator

Frank Mazzarella, Township Council

Lt. Michael Pollock, Police Liaison

Robert Tarentino

John Zamboni

## STAFF

John Laezza, Business Administrator

Edie Merkel, Township Clerk

Joseph Triarsi, Township Attorney

Lisa McCabe, Planning Board Secretary

Michael Cresitello, Esq., Planning Board Attorney

Kevin O'Brien, P.P., Township Planner

Richard O'Connor, P.E., Township Engineer

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## INTRODUCTION

The Township of Clark Planning Board adopted a "Master Plan Update" on May 27, 2003. On April 1, 2010, the Planning Board adopted a "Master Plan Reexamination Report and Master Plan Update".

The single purpose of the 2010 Reexamination Report was to evaluate the then existing land development and zoning within a defined "study area". The study area, which was approximately 173 acres in area, included the "IL" Limited Industrial zoning district along Terminal Avenue and Westfield Avenue in the northwest corner of the Township, as well as adjacent commercial and residential zoning districts along Central Avenue and Raritan Road.

The 2010 Reexamination Report concluded with a recommendation that four (4) new zoning districts be created within the study area, including the "CI" Commercial Industrial district, the "COR" Corporate Office Research Overlay district, the "R-SH" Age-Restricted/Senior Housing Overlay district, and the "R-TH" Residential-Townhouse district. The report also recommended an expansion of the "CN" Neighborhood Service Commercial district within the study area and a reduction of the "CG" General Commercial district.

The northeastern boundary of the study area evaluated in the 2010 Reexamination Report was the Bloodgood Branch of the Lehigh Valley Railroad. On the other side of the railroad right-of-way are three (3) principal land uses situated between the Garden State Parkway to the east and the main line of the Lehigh Valley Railroad to the west, including the Mack - Cali office building adjacent the Parkway, the former US Gypsum Corporation manufacturing plant, and the Hyatt Hills Golf Course.

Of the three (3) uses, both the Mack - Cali office building and the Hyatt Hills Golf Course need not be evaluated; they are both well maintained and fully functioning land uses with appropriate zoning, including the "COH" Commercial Office/Multistory district for the office building and the "GC" Golf Course district for the golf course.

However, the former US Gypsum Corporation manufacturing plant property is a major planning concern. The property is approximately 28 acres (27.788 acres) in area and the principal 3-story masonry building is approximately 190,000 square feet in size. In addition to the large building, the property contains a warehouse, a block and brick accessory building, an electrical sub-station, multiple metal tanks, a retention pond and various other ancillary uses.

The property was vacated by the US Gypsum Corporation approximately four years ago and the prospect for the re-use of the property as a manufacturing facility appears unlikely because the facility is aged and unsuited for modern manufacturing operations.

As a result of the zoning recommendations proposed in the 2010 Reexamination Report and the adoption of the recommended zoning provisions by the Mayor and Township Council on June 21, 2010, the only remaining "IL" Limited Industrial zoned property in the Township is the former US Gypsum manufacturing facility.

It is the purpose of this 2013 Reexamination Report to evaluate the continued appropriateness of the "IL" zoning of the US Gypsum Corporation property in the context of the land uses in the vicinity of property as well as the new zone plan adopted in 2010 for the lands southwest of the property across the Bloodgood Branch railroad spur. Further investigation of the adjacent CI and CG zones, the Downtown Village zone as well as the RTH Townhouse zone were also conducted. In addition, the adjacent COH office zone was investigated for the possibility of regularizing the western zone boundary along the railroad branch as part of this Reexamination Report.

An aerial photograph of the US Gypsum property is below (figure 1). The Google Earth aerial image was taken from a height 4,610 feet on 17 June 2010. The Gypsum property is outlined in red at the center of the image. The Garden State Parkway Interchange 135 is below the Gypsum property, with the Shop Rite Shopping Center between the two. Raritan Road runs to the left of the Gypsum property, Walnut Avenue to the right and Central Avenue is below. The Bloodgood branch railroad spur runs along the southern property line of the Gypsum lot, and the Mack - Cali office building is to the southeast of the subject property, adjacent to the Garden State Parkway, and the Hyatt Hills Golf Course is to the left, across Raritan Road.

Figure 1. Google Earth aerial photo from 4,610 feet on 17 June 2010. US Gypsum property outlined in red.



## MUNICIPAL LAND USE LAW REQUIREMENTS

The purpose of a Master Plan Reexamination Report is to review and evaluate the local master plan and development regulations on a periodic basis in order to determine the need for updates and revisions. The Township of Clark adopted a Master Plan Update in 2003, and has kept up to date with required planning initiatives, including the adoption of the Housing Element and Fair Share Plan in 2009. The Municipal Land Use Law (MLUL)<sup>1</sup> requires that municipalities conduct a general reexamination of their master plans at least every ten years and that the review be conducted by the Planning Board.

A Reexamination Report must include five key elements, which include:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Reexamination Report;
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revisited, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable material, and changes in state, county and municipal policies and objectives;
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared;
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Housing and Redevelopment Law," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This Reexamination Report has been prepared to meet the statutory requirement as specified under the MLUL (N.J.S.A. 40-55D-89).

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<sup>1</sup> N.J.S.A. 40:55D-89

## **MAJOR PROBLEMS AND OBJECTIVES FROM THE 2003 CLARK MASTER PLAN UPDATE**

As required by the Municipal Land Use Law, this Master Plan Reexamination Report includes an evaluation of the major problems and goals and objectives indicated in the 2003 Master Plan Update.

### **Goals And Objectives In The 2003 Master Plan**

Following are the major goals and objectives cited in the 2003 Master Plan Update.

1. To maintain the high-quality, single-family suburban character of Clark, a stable community with limited planned redevelopment.
2. To promote a balance of land uses, including residential, commercial, industrial, public, recreation and conservation uses.
3. To guide the appropriate development of a mix of housing, including senior housing and low and moderate-income housing consistent with the established style and character of Clark.
4. To safeguard the tax base, preserve the economic balance and provide for continued sources of employment and tax ratables through the appropriate use of non-residential land.
5. To continue to request County and State highway and road improvements, in view of increased traffic impact from the surrounding regional area.
6. To coordinate any future growth and redevelopment with the provision of public facilities and services.
7. To continue to acquire more community facilities for the enjoyment of the citizens of Clark.
8. To promote the conservation of ecological systems, environmental resources and natural amenities which characterize the Township.

## MAJOR PROBLEMS

The major problems identified with the Township's industrial and commercial properties as identified in the 2003 Master Plan Update include the following:

### Industrial Land Uses

The 2003 Master Plan reinforces the importance of the Township's industrial sector as a stable source of jobs and economic development. The Plan states:

*While the industrial uses continue to be an important source of economic stability, their significance is declining as the country turns to a service oriented economy. It will therefore be necessary in the future to redevelop some industrial properties...However, sometime in the future these uses will no longer be the most appropriate use of these parcels. The Township should undertake careful preparation for the redevelopment of these parcels once their current uses are no longer practical. The ideal redevelopment would serve the needs of the community without increasing traffic<sup>2</sup>.*

### Commercial Land Uses

The 2003 Master Plan included an in-depth evaluation of the Township's commercial districts. The Plan concluded that:

*The sprawling state of commercial enterprises in Clark is detrimental to the quality of life of its citizens. Because of both increased traffic and encroachment upon residences, these commercial enterprises require adjustments and amendments. Many of the districts currently zoned for commercial should be cut back to focus the available dollars in specific nodes<sup>3</sup>.*

Specifically, the plan recommended that the Neighborhood Commercial district be amended to exclude offices and indoor theaters. The Plan recommended that the General Commercial district should be expanded to include indoor theaters as a permitted use. It also recommended that parking standards be adopted to require specific parking on the site, smaller setbacks and proper landscaping for big-box retailers.<sup>4</sup> The Plan also recommended the creation of a new Downtown Village district along Westfield Avenue to create a new pedestrian-oriented, village-like neighborhood center.

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<sup>2</sup> 2003 Master Plan Update, p. 19.

<sup>3</sup> 2003 Master Plan Update, p. 17.

<sup>4</sup> 2003 Master Plan Update, p. 19.

## **Residential Land Uses**

The 2003 Master Plan Update indicated that the senior population of Clark is increasing, and housing opportunities - not just affordable senior housing opportunities - need to be provided<sup>5</sup>.

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<sup>5</sup> 2003 Master Plan Update, p. 16

## THE EXTENT TO WHICH OBJECTIVES AND PROBLEMS HAVE INCREASED OR DECREASED

Generally, the eight goals of the 2003 Clark Master Plan Update remain valid today. Clark generally has been able to maintain its high-quality, stable, single-family suburban character, and opportunities for redevelopment have been few.

Particularly relevant to this 2013 Reexamination Report is the goal and objective:

*to safeguard the tax base, preserve the economic balance and provide for continued sources of employment and tax ratable through the appropriate use of non-residential land.*

### Nonresidential Land Uses

After the 2003 Master Plan was adopted, the Township amended the zoning ordinance to create a new Downtown Village (DTV) zone district to implement the recommendations relative to commercial zoning districts. The Neighborhood Commercial and General Commercial districts were similarly revised to implement the Master Plan recommendations.

Since 2003, however, significant changes have occurred in the economy at the local, regional and national level. In late 2008 and continuing into 2009, the United States experienced significant economic changes due to the financial difficulties of major financial institutions. As these companies laid off workers and sought bankruptcy protection status, other sectors of the economy were affected including manufacturing, retailing and service industries. This change not only affected the national economy, but led to the closing of a large number of businesses at the local level.

The Township's long-term reliance on the strength of the manufacturing sector to support its tax base, however, is becoming an increasing problem. According to the 2002 Economic Census, the Township of Clark has 1,723 manufacturing jobs, representing 26% of the Township's job base<sup>6</sup>. The New Jersey Department of Labor and Workforce Development projects that the manufacturing employment base in Union County will decline by over 16% by 2016<sup>7</sup>. As a result, the Township is susceptible to significant employment and revenue losses should local manufacturing companies close, as was evident by the closing of the US Gypsum plant which at one time

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<sup>6</sup> Total third-quarter private sector employment covered by insurance in 2002 was 6,474 jobs for Clark Township.

<sup>7</sup> Union County Fact Book, New Jersey Department of Labor and Workforce Development, July 2009.

employed over 750 people.

Concurrent with this change in the economy, one of the major landowners in Clark Township (Villa Contracting) sold their properties to a new company, Feil Clark Terminal Associates, LLC. These properties comprised the majority of the land in the Township's IL zone district, and contain the Township's largest employer, L'Oreal. The new owner was interested in reinvesting in these properties to create uses and structures consistent with current market demands.

Opportunities to redevelop, and in some cases rehabilitate or renovate existing research and development uses and commercial uses in the Township's Light Industrial zone along Terminal Avenue and the U.S. Gypsum property will help the Township improve the balance of commercial and industrial uses with residential uses. Such redevelopment would also safeguard the tax base and continue to be a source of employment and tax ratables, which would otherwise be reduced if redevelopment was not permitted to occur.

While the amount of land zoned for industrial uses has remained almost the same in the 7 years between the 2003 Clark Master Plan Update and the 2010 Master Plan Reexam was prepared, the demand for and utility of some of the industrial land declined. Pressure for redevelopment of some of the parcels along Terminal Avenue, the largest area of industrial zoned land in Clark, as well as the US Gypsum site, mounted. Opportunities for the rehabilitation and expansion of research and development facilities, along with office and retail use, exist within this area. As indicated in the 2003 Update, certain parcels are contaminated and would require remediation before being reused. Such remediation and reuse would have a positive environmental and economic impact on Clark.

Since demand for research and development facilities and light industrial uses was shown as unlikely to be sufficient to sustain the employment and ratables generated by the Terminal Avenue industrial area, consideration was given in the 2010 Reexam to alternative uses which have the possibility for generating ratables and employment without burdening the municipal or school system in the Township. These included office and retail uses. We believe that the same conditions apply to the US Gypsum property.

### **Residential Land Uses**

The Township has been working closely with COAH, developers and objectors to

address the Township's housing issues. The Township adopted an amended housing element and fair share plan in August 2004, with additional amendments in 2006. An Affordable Housing Overlay zone was created for two properties, one of which was in the IL zone district. This property, Block 58, Lot 4, received site plan approval for development of 300 senior housing units, including 60 affordable units, in 2008. In March 2009, a new Housing Element and Fair Share Plan was adopted to address the Township's third round housing obligation. The Plan relies on group homes, existing inclusionary zoning, and a market to affordable program to address the Township's fair share obligation. Overall, the need for senior housing opportunities, including non-affordable senior housing, remains valid. Here, rezoning and permitting both age-restricted and unrestricted multi-family residential housing types (townhouses and apartments) in appropriate locations remains advisable.

## **SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES**

### **Implemented Zoning Changes**

Since the 2003 "Master Plan Update" report and the 2010 "Master Plan Reexamination Report and Master Plan Update" were adopted by the Township Planning Board, the Mayor and Township Council have implemented the recommendations of the master plan documents with the adoption of ordinance provisions accomplishing the following:

1. After the 2003 report was adopted, and as recommended in the report, the zoning ordinance provisions were amended to create a new Downtown Village (DTV) zoning district and the boundaries of the "CN" Neighborhood Service Commercial and the "CG" General Commercial zoning districts were revised.
2. After the 2010 report was adopted, and as recommended in the report, the zoning ordinance provisions were further amended to add four (4) new zoning districts within the "study area" of the report, including the "CI" Commercial Industrial district, the "COR" Corporate Office Research Overlay district, the "R-SH" Age-Restricted/Senior Housing Overlay district, and the "R-TH" Residential-Townhouse district. Also recommended in the 2010 report, the "CN" Neighborhood Service Commercial district was expanded in area and the area of the "CG" General Commercial district was reduced.

These zoning changes were collectively adopted to lessen the three (3) major problems first identified in the 2003 "Master Plan Update" report, including the decline in industrial uses as a source of the Township's economic stability, the sprawling pattern of commercial development in the Township, and the need for housing for the Township's elderly population.

## Changes In Assumptions

In recognition of the issue regarding the Township's remaining industrial base, this Master Plan Reexamination Report includes an evaluation of the Township's industrial district, as well as the abutting commercial districts. The existing zoning for this area is shown in Figure 2. The US Gypsum property, which measures approximately 28 acres, includes the IL zone district along Raritan Road and Walnut Avenue in the Township.

The area has excellent regional access, with direct entry to the Garden State Parkway from both Central Avenue and Walnut Avenue. Central Avenue, also known as County Route 613, runs to the south of the US Gypsum property in an east-west direction and, as a principal arterial for Union County, provides high visibility and good accessibility. Walnut Avenue (County Route 606) is a minor arterial providing east/west access to the northern end of the property, while Raritan Road (County Route 607) is a minor arterial that provides good north-south access to the property. Railroad lines owned by Conrail and used to transport freight abut the property to the west and across Raritan Road to the north. The Bloodgood branch has not been used for some time and is considered abandoned by the Township.

The Industrial Limited (IL) zoning district is 28 acres in size and borders the CI Commercial Industrial and CG General Commercial zones to the south, R-75 residential and CN neighborhood commercial zones to the north, COH Commercial Office Multi Story zone to the east and GC Golf Course to the west.

The Township's industrial properties currently have an average assessed value of \$298,649 per acre. This is significantly less than the average assessed value for commercial uses, which is \$666,951 per acre.

The declining demand for industrial land and facilities in Clark Township gives rise to the need to consider the types of land uses which could replace them, but which would still allow the Township to maintain a balance between its non-residential and residential land uses, while sustaining its ratable base and sources of employment. The shift from a manufacturing to a service sector will have significant positive impacts for Clark. Allowing additional flexibility in the types of uses presently permitted in the industrial areas such as the US Gypsum property that will encourage reinvestment, rehabilitation and redevelopment, is necessary. This flexibility could include a variety of retail uses, including regional retail uses.

Figure 2 - Existing Zoning districts -Central/Raritan/Walnut Avenues

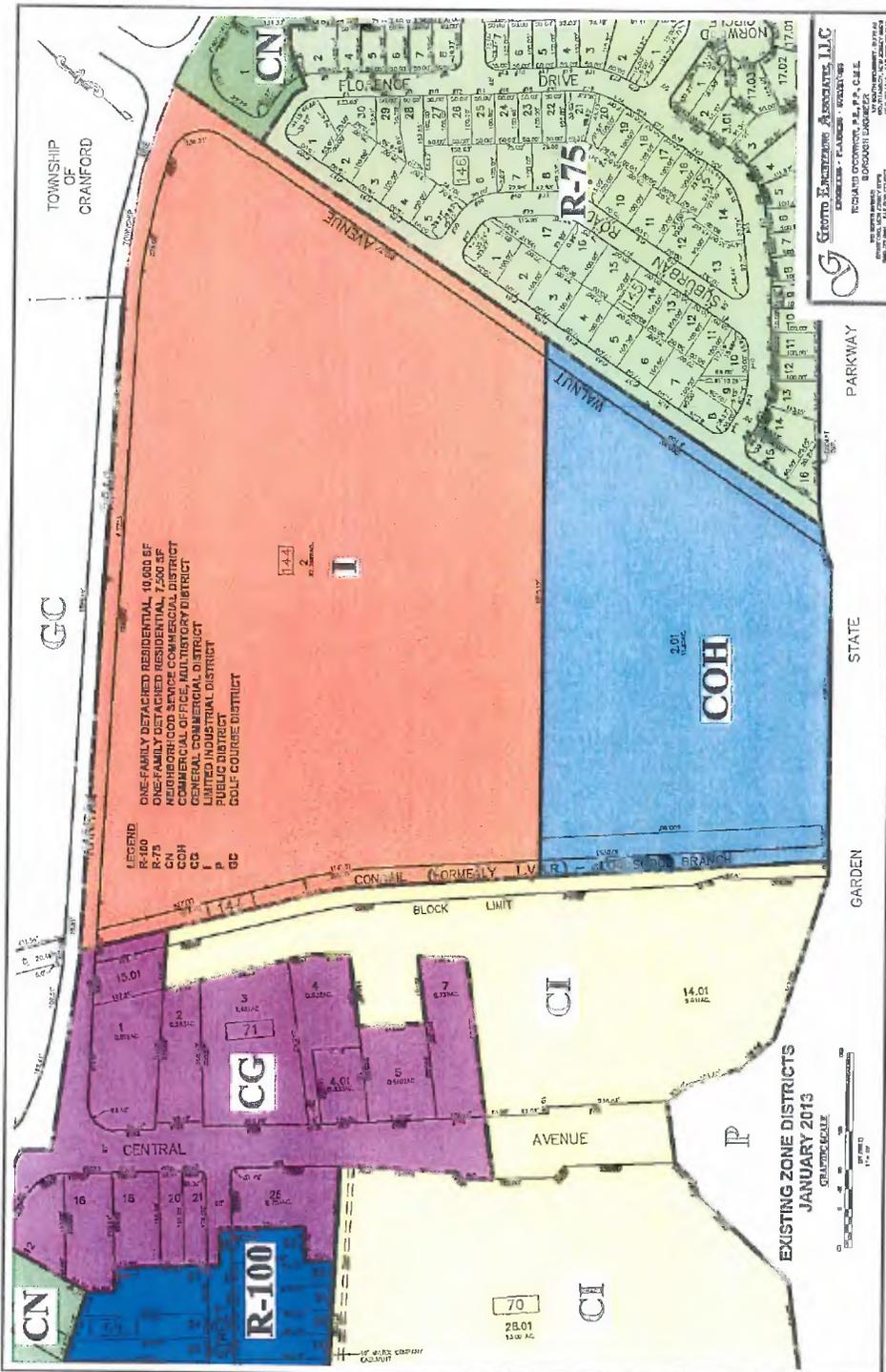
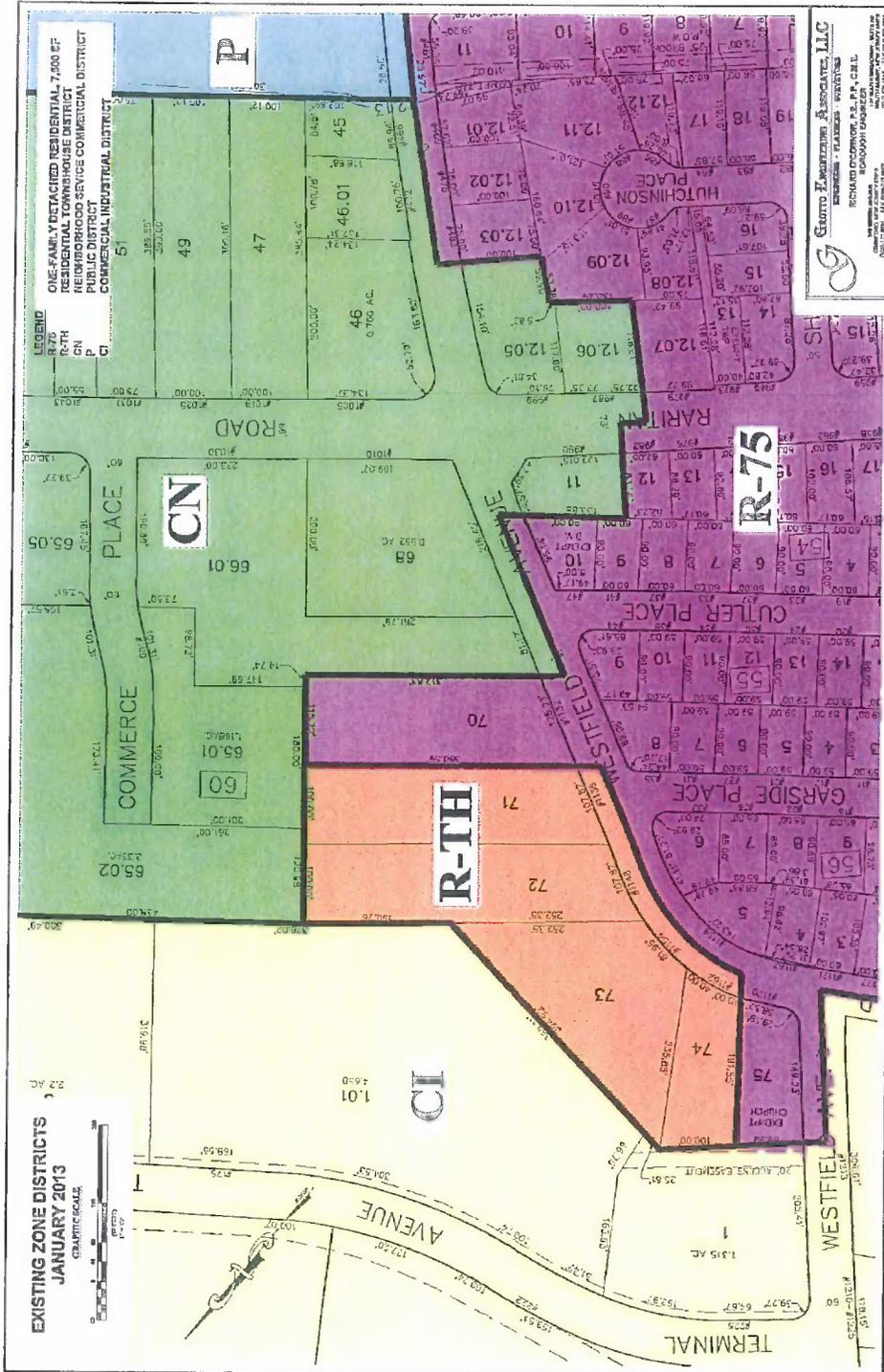


Figure 3 - Existing Zoning districts -Raritan/Westfield/Terminal Avenues



## Changes In Policies And Objectives

The 2010 "Master Plan Reexamination Report and Master Plan Update" addressed the three (3) identified problems with a detailed analysis of a limited amount of land within the defined "study area." This consisted of approximately 173 acres which included the "IL" Limited Industrial zoning district along Terminal Avenue and Westfield Avenue in the northwest corner of the Township, as well as adjacent commercial and residential zoning districts along Central Avenue and Raritan Road.

The 2010 report clearly reiterated the Township's ongoing concern with the decline in industrial uses as a source of the Township's economic stability by including the following updated information on page 3 of the report:

*Since 2003, however, significant changes have occurred in the economy at the local, regional and national level. In late 2008 and continuing into 2009, the United States experienced significant economic changes due to the financial difficulties of major financial institutions. As these companies laid off workers and sought bankruptcy protection status, other sectors of the economy were affected including manufacturing, retailing and service industries. This change not only affected the national economy, but led to the closing of a large number of businesses at the local level.*

*The Township's long-term reliance on the strength of the manufacturing sector to support its tax base, however, is becoming an increasing problem. According to the 2002 Economic Census, the Township of Clark has 1,723 manufacturing jobs, representing 26% of the Township's job base.<sup>8</sup> The New Jersey Department of Labor and Workforce Development projects that the manufacturing employment base in Union County will decline by over 16% by 2016.<sup>9</sup> As a result, the Township is susceptible to significant employment and revenue losses should local manufacturing companies close.*

At the time the 2010 "Master Plan Reexamination Report and Master Plan Update" was adopted by the Planning Board on April 1, 2010, the US Gypsum Corporation manufacturing operation had only recently closed. Now, approximately four (4) years since the manufacturing operation ceased, the property still remains vacant. Given the documented actual and projected decline in manufacturing employment in Union County, and because the existing 190,000 square foot building is aged and would need

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<sup>8</sup> Total third-quarter private sector employment covered by insurance in 2002 was 6,474 jobs for Clark Township.

<sup>9</sup> Union County Fact Book, New Jersey Department of Labor and Workforce Development, July 2009.

significant improvements for modern manufacturing operations, it is not expected that the property will be re-used for manufacturing or other types of industrial uses.

As previously noted, when the zoning ordinance provisions were adopted by the Mayor and Council to implement the recommendations of the Planning Board's 2010 Reexamination Report, the US Gypsum Corporation property became the last and only property in the Township still zoned "IL" Limited Industrial.

## Rezoning Of The US Gypsum Property

The current "IL" Limited Industrial zoning of the US Gypsum property permits a wide array of relatively intensive industrial type uses, including the following:

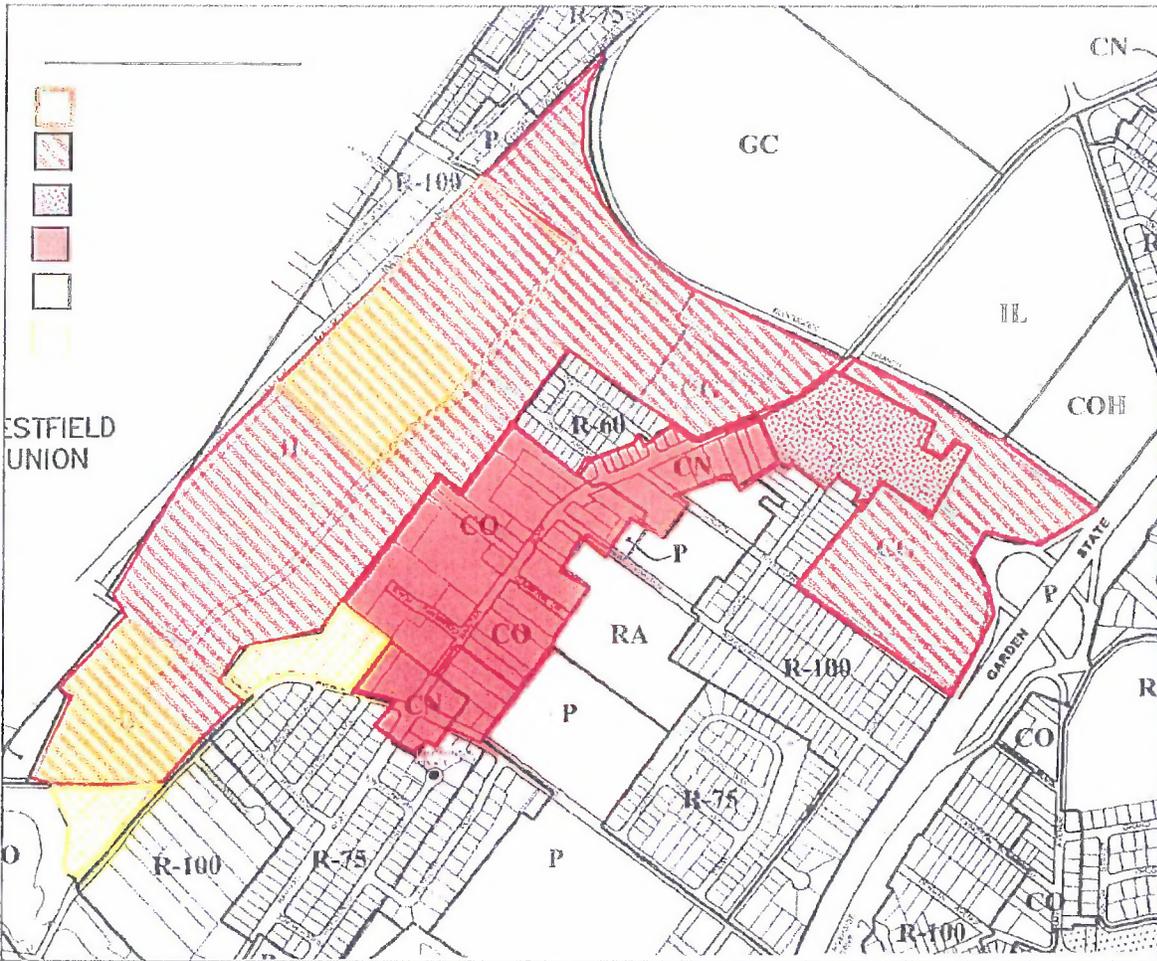
1. Light manufacturing uses;
2. Laboratories for scientific or industrial research and testing;
3. Packaging and bottling establishments, but not a cannery;
4. Wholesale business establishments;
5. Distribution plants or food lockers;
6. Indoor storage buildings or warehouses, but not including a truck terminal;
7. Printing or publishing establishments;
8. Public buildings and uses; and
9. Craftsman's or contractor's shops such as carpentry, plumbing, welding, electrician or machine shops.

Essentially, the "IL" zoning district only permits manufacturing, warehousing and industrial research uses, which are the type of uses previously documented in the 2010 Reexamination Report as no longer economically viable nor desired to be located in the Township.

The 2010 Reexamination Report included a map (Figure 17 on page A-1 in the report) which showed the existing zoning of the study area and its vicinity with the recommended new zoning superimposed thereon. That map is reproduced in this report below, with the subject US Gypsum property, zoned "LI", bordered in black as shown on figure 3.

As shown on the map, the US Gypsum property is contiguous to the newly created "CI" Commercial Industrial zoning district across the railroad spur to the southwest which makes the thought of expanding the "CI" zoning onto the subject property an appropriate consideration.

Figure 4. 2010 Master Plan Update recommended zoning.



Certainly, any use permitted in the newly created "LCI" zoning district would be no more intense than the US Gypsum manufacturing use of the property over the years, which employed approximately 250 people per three (3) daily shifts, 24 hours a day. Moreover, there would be no incompatibility of any of the permitted uses in the "LCI" zoning district with either the "Mack" office building or the Hyatt Hills Golf Course.

However, Walnut Avenue begins a concentration of residential development in the R-75 Residential One-Family zoning district which extends to the northeast boundary of the Township. While it is true that the "CI" zoned lands in the 2010 Reexamination Report study area abut existing residential developments in both the R-60 and the R-100 Residential One-Family zoning districts, the configuration of these residential areas are not as concentrated as the residential areas northeast of Walnut Avenue.

Therefore, any rezoning of the subject property must safeguard the residential development across Walnut Avenue from the property and beyond. The two principal issues include traffic impacts on Walnut Avenue and the buffering of the eight residences along Walnut Avenue across from the subject property. Traffic impacts of concern include Raritan Road north to Cranford and Linden.

Rezoning of this prominent and large parcel is of concern to the citizens of Clark, as are the projects' impact on traffic, taxes and quality of life. Recognizing the importance of public input in developing a tract of this size, Mayor Bonaccorso developed a survey and mailed it to all Clark residents in November 2012. Although surveys were due back in mid December, the Township accepted surveys through early January 2013 and by that time had received over 1,200 responses, of 4,823 households,<sup>10</sup> or, an astounding response rate of 25%. A background study summarizing the survey is available in the Township Clerk's Office.

The results of the survey showed a vast majority of responders against housing of any sort and in favor of retail, office or commercial uses. A very small number supported industrial, solar energy and recreation uses at the site. The Mayor welcomed the responses and indicated that they were the driving force behind the vision of this Master Plan Reexamination. He stated that "We have to look at this entire thing from a town wide view. This is the biggest piece of development in Clark in many, many years."

While the details of the site design, including the orientation of any development primarily to Raritan Road and the inclusion of appropriate landscaped buffers, are to be considered during the site plan review process for a development submitted under the new ordinance provisions, the uses to be permitted, and those to be prohibited in the new zoning district should be addressed at this time.

As previously noted, a rationale does exist to simply extend the "CI" Commercial Industrial zoning district, which abuts the subject property across the Bloodgood Branch railroad spur, to include the subject property.

However, some of uses permitted in the "CI" district may not be as appropriate on the subject property as they are on lands in the concentrated area of non-residential development analyzed in the "study area" of the 2010 Reexamination Report.

More specifically, hospitals, research laboratories and manufacturing uses should not be included as permitted uses in the new zoning district, even though the US Gypsum manufacturing facility was a large and intensive operation. The uses to be permitted in

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<sup>10</sup> Township of Clark Tax Office

the new zoning district should not generate an excessive amount of truck traffic, should not generate an excessive amount of noise, and should not be uses that must be operational 24 hours a day, although permitted. The new zoning district should permit a wide variety of community oriented uses to serve the needs of the residents of the Township of Clark.

The vision for a retail and commercial center in Clark depicts a vibrant hub of community activity. We envision a future in which this area is highly accessible to pedestrians, bikers, transit, and automotive modes of travel. The center is a place where people will come to stroll, walk, talk, work, buy food and drink, and conduct their daily business.

The center should be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis to reduce the number of resident trips outside of the Township.

Consistent with this vision, the center should be designed to allow this area to evolve into a community focal point and should evoke a sense of place that is consistent with the suburban nature of the remainder of the town.

Clark Township's dedication to a vision for our suburban community should be evidenced in our commercial center by our dedication to environmentally friendly and green building practices as well as a park like setting. A central architectural focus such as a fountain, plaza, clock tower or landscaped boulevards should encourage people to linger and enjoy the ambiance of the suburban setting.

Therefore, this 2013 Reexamination Report concludes with the recommendation that a new zoning district be established on the US Gypsum property and abutting lands on Central Avenue to be patterned after the "CI" Commercial Industrial zoning district created in 2010, but with more limited permitted land uses.

More specifically, it is recommended that specific "LCI" Limited Commercial Industrial zoning district provisions be created for the appropriate redevelopment of the US Gypsum Corporation property and along land on Central Avenue.

As previously noted in this report, the current development of the US Gypsum property is functionally obsolete and no longer can serve a modern purpose.

The site has excellent vehicular connectivity to county and local roadways, as well as to the Garden State Parkway. The property also is within walking distance of two bus stops of NJ Transit bus route #112 (Clark - New York) that passes in front of the

property, including one stop at the Raritan Road/Central Avenue intersection and another in front of the Friendly's Restaurant on Raritan Road.

A productive redevelopment of the subject property could potentially generate a significant amount of municipal tax revenue to the Township, as well as employment opportunities for local residents.

Without the recommended rezoning of the subject property, it is unlikely that the property will be redeveloped; instead, the property will continue to deteriorate and become a blight upon adjacent and nearby land uses. While a variance application may be made by a potential developer, it would be inappropriate to develop and rezone such a large piece of land by variance.

The redevelopment of the subject property may provide appropriate economies of scale to permit the land developer to work with Union County and the Township to make appropriate upgrades to the traffic circulation network in the vicinity of the property.

Summarily, in accordance with the often expressed goal of the Township's 2003 "Master Plan Update" and 2010 "Master Plan Reexamination Report and Master Plan Update", the recommended rezoning of the US Gypsum property will encourage the redevelopment of an aged and obsolete manufacturing property in the Township, and provide a modern economically viable development in its place.

## Specific Changes In Zoning

New design standards should be adopted to ensure that new structures are compatible with the scale, height, massing, details, and other important aspects of existing buildings. The impact of new development on existing neighborhoods can be reduced by requiring new buildings to include elements of existing quality buildings such as materials, building details, massing, and proportions. Other considerations are roof shapes, fenestration patterns, façade proportions (vertical or horizontal), and the positioning of entryways.

Transitions between more intensive commercial uses and lower density areas should be addressed through buffers, height planes, and density step-downs. Buffers may be existing natural areas but often require fencing or landscaping to screen one district to the next. Transitional height planes specify that structures at the edge of a multi-use district cannot be higher than a specified height.

The zoning and design standards should ensure that the new district has a functional relationship with adjoining districts. The LCI district should function as an extension of surrounding districts, with connecting local streets that allow good access. Different uses must be highly accessible from each other by multiple transportation modes, including walking. This means integrating uses as much as possible among one another. It also means considering the location and comfort of the sidewalk so that pedestrian pathways are convenient and direct. Good vehicular connectivity will result in a high degree of "internal capture" of automobile trips, and can thereby reduce the impact of trips on surrounding roads.

The purpose of placing the existing IL lot in the proposed Limited - Commercial Industrial district is to encourage well-planned, larger-scale commercial development in a comprehensive manner, integrating the needs of pedestrians, employees and vehicles. The US Gypsum parcel is "industrial" within the Land Use Plan of the 2003 Master Plan Update. The primary intent of this new district is to expand the scope of permitted uses to include a wide range of commercial and retail uses in the zone, as well as to enact bulk standards appropriate to accommodating this wide range of uses.

The purpose of placing the CG and CI zoned properties north of Central Avenue and east of Raritan Road in the new LCI zone is to allow for the development of a new vision for this entire area that will include an environment that encompasses the entire area, providing for traffic calming and pedestrian friendly circulation.

Clark Township has slipped into the same mode as many towns in the area, gradually

permitting the automobile to guide development. Under our current regulations, variance-free applications result in large setbacks from the roadway, large concrete parking lots for each establishment, and a general requirement that an automobile is necessary to travel from one store to another. The Planning Board envisions more modern concepts of Smart Growth that create areas with more aesthetic appeal and less environmental impact.

Among the benefits of developing this large area in one zoning district are:

- Storefronts that are closer to the street
- Shared parking facilities where practical
- Required trees and greenways within parking areas
- Pedestrian-friendly ways to get from one shop to another
- Traffic calming between properties.

The LCI zone shall encompass the area between the Garden State Parkway, Central Avenue, Raritan Road and Walnut Avenue, excepting the COH office zone adjacent to the Parkway and Walnut Avenue.

In addition, the LCI zone boundary with the adjacent COH zone to the east shall be moved from the center of the Bloodgood Branch, where it currently is - much like a zone line that straddles the middle of a street. Instead, the zone line should be moved northward to coincide with the property line to the south of the office complex in the COH zone.

As traffic volumes remain a concern within the Township it is recommended that any prospective developer of lots over 5 acres in area shall be required to study the development's traffic impact. It is envisioned that any such development shall require significant traffic improvements, the result of which shall clearly result in an overall lack of traffic impact as a result of the proposed project and to the overall flow of traffic in the area.

In terms of permitted uses, this district should allow commercial uses including retail establishments (such as stores selling retail goods, personal service establishments, supermarkets), restaurants, eating and drinking establishments, general professional and medical offices, movie theaters, art and music studios, health clubs and gymnasiums, and hotels. To accommodate any additional new uses permitted in this zoning district, new bulk, area and yard standards will be proposed. For example, the maximum floor area ratio should be .35, the permitted building coverage should be 25 percent, and the permitted impervious coverage should be 75 percent. We recommend a continuation of the current zone standards of impervious coverage of 85% and building coverage of 40% for preexisting properties of less than one acre.

More flexible parking requirements may need to be adopted, particularly for such uses as retail stores, general offices, movie theaters and hotels. Land banking of up to 25% of the parking requirement shall be permitted in an effort to maximize green space on the property. Street side parking shall not be permitted, with parking permitted only in the parking lots. Outdoor storage will be strictly prohibited. Height requirements will vary depending upon uses. For example while two floors of retail use should be permitted, office use should be permitted at three stories and hotels up to six stories in height.

Design standards should be adopted to ensure that new structures are compatible with the scale, height, massing, details, and other important aspects of adjoining buildings, especially since this district will contain a variety of different types of uses. These design standards will require any new development to include elements of existing quality buildings such as materials, building details, massing, and proportions. Buildings with stone fronts shall be encouraged while masonry block and vinyl siding will not. Other considerations are roof shapes, fenestration patterns, façade proportions (vertical or horizontal), and the positioning of entryways. In particular only appropriate lighting that will provide full cut off fixtures that eliminate glare and up lighting will be allowed. Fixtures that resemble village lighting shall be encouraged on walkways and shall not exceed twenty feet in height. Standards should also address the location and comfort of the sidewalk so that pedestrian pathways are convenient and direct.

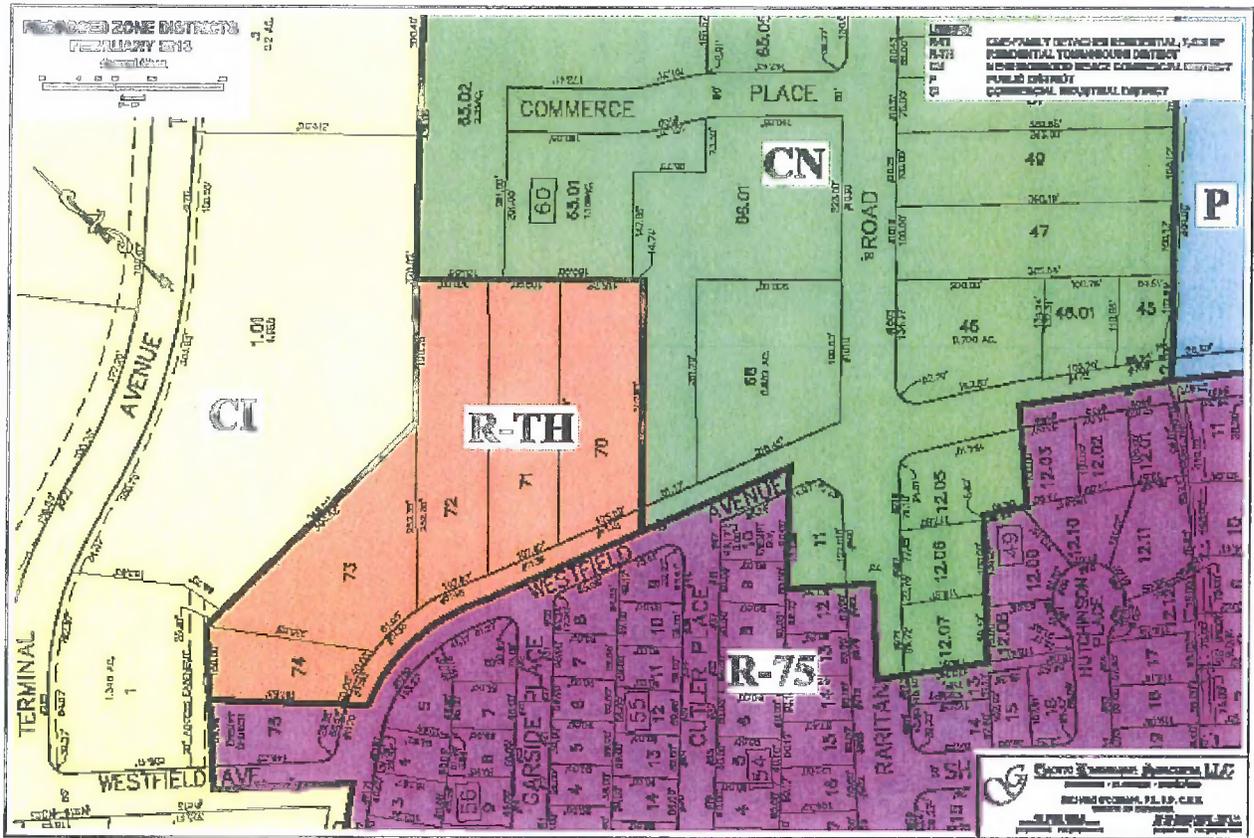
This Master Plan Reexamination recognizes that the 2010 Reexamination failed to correctly place Block 60 Lot 70 in the RTH Townhouse zone contrary to the specific proposal to do so by not correctly identifying the parcel in the zoning ordinance revision. It is the wish of the Planning Board to place Block 60 Lot 70 in the RTH zone and to correctly identify it on the Zoning Map of the Township of Clark.

It should also be noted that the CN zone along Raritan Road is within the drainage area for the Clark Wildlife Preserve and Habitat (formerly the Middlesex Water Company Reservoir). As such the uses within that zone should reflect a sensitivity to the environment. It is recommended that the conditional use of gasoline stations in this zone be eliminated.

This Master Plan Re-examination acknowledges that Block 49 Lot 12.07 currently located in the R75 zone on the southerly side of Raritan Road was previously approved by the Planning Board as a professional (dental) office use on January 22, 1980 and has functioned as a dental office even prior to that date. As a result, it is the recommendation of the Planning Board to place Block 49 Lot 12.07 in the adjacent CN zone.



Figure 6 - Proposed Zoning Map - Raritan/Westfield/Terminal Avenues



## **STATUTORY PROVISIONS REGARDING THE LOCAL REDEVELOPMENT AND HOUSING LAW**

A reexamination report is required to consider whether any areas of the municipality are suitable for incorporation as redevelopment areas under the Local Redevelopment and Housing Law (LRHL). Redevelopment in New Jersey has changed dramatically in recent years, largely in response to Kelo vs. City of New London (2005) in which the U.S. Supreme Court upheld the City of New London's ability to acquire private property through eminent domain for a private-sector redevelopment project. This case was perceived by many as a strict limitation on private property rights, and led to legislative and judicial efforts in New Jersey and elsewhere to establish limitations on eminent domain in the redevelopment process. Recent cases include Harrison Redevelopment v. DeRose (App. Div. 2008) which expands the ability of objectors to oppose a redevelopment designation. Also, ERETC v. City of Perth Amboy (App. Div. 2005) and Gallenthin Realty v. Boro of Paulsboro (2007) which put a higher burden of proof on municipalities to supply substantial evidence to support a redevelopment designation.

New Jersey's Local Redevelopment and Housing Law (LRHL) establishes two redevelopment procedures, one through an area in need of redevelopment and one through an area in need of rehabilitation. The area in need of redevelopment requires a municipality to clearly document how an area meets the specific redevelopment criteria, which is a higher standard and more difficult to achieve. The area in need of rehabilitation requires a municipality to document how an area meets a more relaxed standard, which can be met simply based on the age of the structures and/or infrastructure. While both redevelopment procedures require adoption of a redevelopment plan, only an area in need of redevelopment permits a municipality to acquire land through condemnation for private-sector redevelopment. As a result, the area in need of redevelopment designation is the focus of almost all of the redevelopment objections filed in New Jersey.

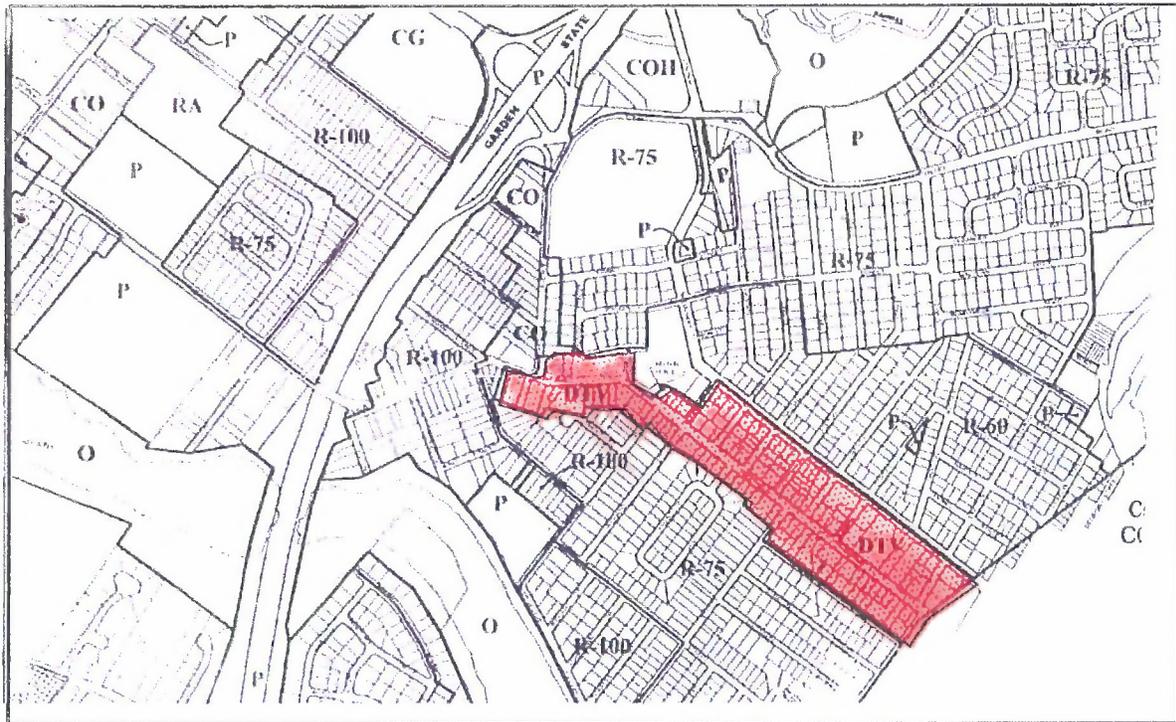
### **Westfield Avenue Downtown Village Improvement District**

The 2003 Master Plan Update recommended that the current Neighborhood Commercial zones and Commercial Office zones on Westfield Avenue between Washington Street and Broadway, from Denman Avenue and Benjamin Street to the Rahway border, be replaced with a new zone district - the Downtown Village Improvement District. This area has sidewalks, a mix of uses and some pedestrian qualities. Efforts have been made and money invested to create a more pleasant pedestrian environment, but with limited success. The low density of businesses in this area was considered insufficient for downtown viability, and the plan

recommended that the Township increase the density in this area through the restriction and downsizing of other commercial zones throughout the Township, focusing business development in this area. The purpose of the Downtown Village Improvement district was to create a place with many diverse retail shops and restaurants where the community can gather on nights and weekends.

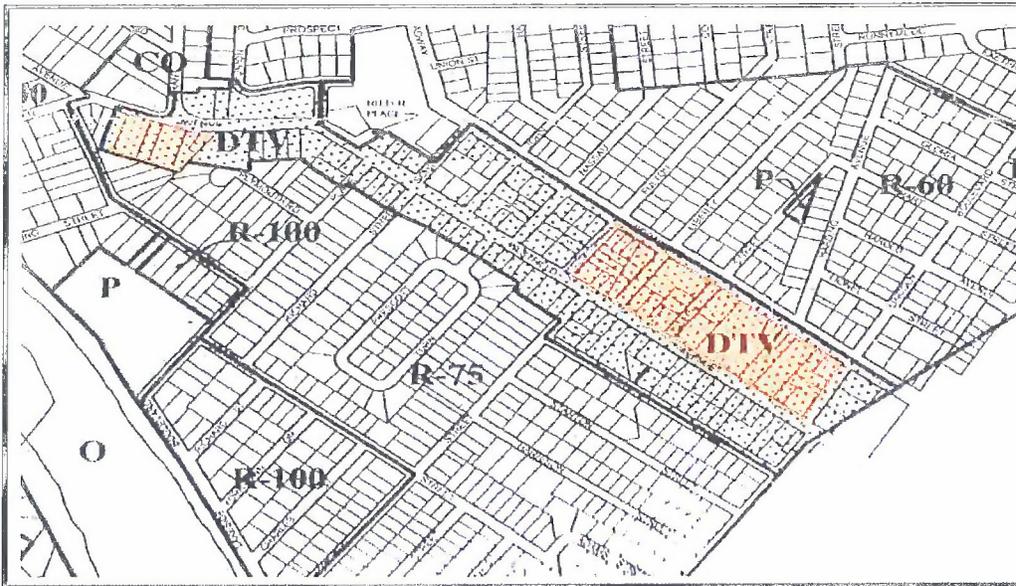
The new Downtown Village Improvement District zone was adopted by the Township in 2004. The new district permitted uses such as offices, restaurants, retail shops and private clubs, similar to the current zoning. No home occupations or home offices are permitted in this district. The anticipated effect of this zone was to limit the size of businesses, create a higher density, and only allow uses that encourage foot traffic. Residences are permitted only on the second and third floors over retail. Drive-thru banking is discouraged and gas stations are not permitted. Street improvements were also recommended for this zone district, but were never implemented.

Figure 7 - Downtown Village Improvement District zone



No new development or investment in this area has occurred since this area has been rezoned to the DTV. The Township should consider additional measures to spur new investment in this area. One of these techniques is the redevelopment process, which involves designating an area in need of redevelopment or rehabilitation. There are two areas in this area that may be appropriate for redevelopment consideration. These properties are shown in Figure 8 below.

Figure 8 - Potential redevelopment areas.



Potential redevelopment area 1 (to the right in figure 8 above) includes a series of smaller commercial properties surrounding a vacant building that formerly contained a grocery store located between Joseph Street and Lincoln Boulevard. This building has been vacant for approximately five years.

Potential redevelopment area 2 (to the left in figure 8 above) includes lots 11, 12, 13, 14 and 15 in block 77 at the intersection of Westfield Avenue and Brandt Avenue. These properties contain a variety of commercial structures that are vacant and/or appear to be underutilized.

These properties should be considered for designation as areas in need of redevelopment to allow provide the necessary mechanisms to jump start new development in this area. This process first requires the Township Council to adopt a

resolution requesting that the Planning Board conduct an investigation into whether these properties meet the criteria for designation as an area in need of redevelopment. The Planning Board then conducts the investigation and prepares an investigative report to determine if the area meets the redevelopment criteria. Both the Planning Board and the Council hold public hearings to determine if the area meets the redevelopment criteria. Once the designation is adopted by the Council, then a redevelopment plan is prepared.

This Master Plan Reexamination Report recommends that the above specified areas of Westfield Avenue in the Downtown Village zone be considered as areas in need of redevelopment.

Clark Master Plan Reexam V7 Draft March 2013 031913

**End of Document**

INTRO 2

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

Introduced: April 1, 2013 Public Hearing: April 15, 2013

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 195, "LAND USE AND DEVELOPMENT",  
OF THE CODE OF THE TOWNSHIP OF CLARK,  
COUNTY OF UNION, STATE OF NEW JERSEY  
TO PROVIDE FOR THE ESTABLISHMENT OF  
A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT  
IN ACCORDANCE WITH THE  
TOWNSHIP MASTER PLAN REEXAMINATION REPORT**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWNSHIP OF CLARK** that Chapter 195, "Land Use And Development", of the Code of the Township of Clark is hereby amended and supplemented as follows:

**SECTION 1.** Amend Section 195-112 of the Code of the Township of Clark by the addition of the following new zoning district, thereby increasing the number of classes of land use districts to 21 districts:

"LCI – Limited Commercial Industrial District"

**SECTION 2.** Amend Section 195-113 of the Code of the Township of Clark, entitled "Zoning Map", by the removal of the following properties, as identified on the Township Tax Maps, from the CG General Commercial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 7I, Lots I,2,3,4,4.01,5,7, and I5.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the CI Commercial Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 71, Lot 14.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the I Limited Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the COH Commercial Office, Multistory Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the R-TH Residential Townhouse Zone:

1. Block 60, Lot 70.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the CN Commercial Zone:

1. Block 49, Lot 12.07.

**SECTION 3.** Amend Section 195-133 of the Code of the Township of Clark entitled "CN Neighborhood Service Commercial District" to eliminate Gasoline filling stations as a Conditional Use in the CN District (195-133 B (2) ).

**SECTION 4.** Add a new Section 195-136.2 to the Code of the Township of Clark containing the zoning requirements for the new "LCI- Limited Commercial Industrial District" to read in its entirety as follows:

**"§195-136.2. LCI Limited Commercial Industrial District.**

**A. Purpose of district.**

- (1)** The Limited Commercial Industrial District (LCI) includes the properties on the block formed by the Garden State Parkway, Central Avenue, Raritan Road and Walnut Avenue, with the exception of the office development in the existing COH zone.
- (2)** It is the purpose of the LCI District to encourage the beneficial redevelopment of property currently occupied by obsolete industrial buildings and/or existing retail and commercial buildings with comprehensively designed developments integrating buildings, parking, landscaping, signage, lighting, pedestrian walkways, vehicular access, and attractive architectural elements.

The vision for a retail and commercial center in Clark depicts a vibrant hub of community activity. We envision a future in which this area is highly accessible to pedestrians, bikers, transit, and automotive modes of travel. This area should be a place where people will come to stroll, walk, talk, work, buy food and drink, and conduct their daily business.

This area should be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis to reduce the number of resident trips outside of the Township.

Consistent with this vision, any future development should be designed to allow this area to evolve into a community focal point and should evoke a sense of place on a human scale that is consistent with the suburban nature of the remainder of the town.

Clark Township's dedication to a vision for our suburban community should be evidenced in our commercial center by our dedication to environmentally friendly and green building practices. A central architectural focus such as a fountain, plaza, clock tower or landscaped boulevards should encourage people to linger and enjoy the ambiance of the suburban setting.

**B. Permitted uses.** In the LCI District, only the following uses shall be permitted, except as provided in Subsection C:

- (1)** Excluding a supermarket, no more than one additional retail establishment may occupy space measuring between 45,001 SF and 80,000 SF.
- (2)** Retail establishments of 45,000 SF or less.
- (3)** Supermarkets of 80,000 SF or less.
- (4)** Personal and consumer service uses.
- (5)** Hotels
- (6)** Restaurants and eating and drinking establishments.
- (7)** Banquet and catering facilities.
- (8)** Banks and financial institutions, including drive-through banks.
- (9)** Art, music and dance studios.
- (10)** Pharmacies, including drive-through windows.
- (11)** General, administrative, executive or professional offices.
- (12)** Public uses and buildings.
- (13)** Medical offices.
- (14)** Veterinary hospitals and animal clinics.
- (15)** Computer and data processing centers.
- (16)** Indoor commercial recreational facilities, including but not limited to health clubs, gyms and fitness centers.
- (17)** Shopping Centers comprised of some or all of the preceding principal uses.
- (18)** Day care or child care center
- (19)** The following accessory uses shall be permitted:
  - (a)** Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment.
  - (b)** Other accessory uses, structures and buildings which are customary and accessory to the principal use.
  - (c)** Day-care or child care center.
  - (d)** Off-street parking and loading. Structured parking is allowed provided it meets the requirements of Section 34-222.8.
  - (e)** Satellite and cellular antennas, excluding towers as defined in Article XXVI.

- (f) Signs, as permitted herein and in accordance with Section 195-160 C.
- (g) Storage buildings, limited to the storage of materials owned and used only by the permitted use(s). Outside storage is not allowed.
- (h) Fences and walls.

C. Conditional uses. In the LCI District, the following conditional uses shall be permitted, pursuant to the provisions of Article XXVIII:

- (1) Public utility installations.

D. Prohibited uses.

(1) Except for a supermarket and one additional retail use as permitted in Section B(1) above, no single retail uses of over 45,000 SF shall be permitted.

(2) Outdoor Storage, display or sale of merchandise.

E. Area, yard and building dimensions. In the LCI District, the following dimensional requirements shall apply:

(1) Minimum lot dimensions:

- (a) Area: 10,000 SF.
- (b) Frontage: 100 feet.

(2) Minimum yard setbacks:

- (a) Front: 40 feet.
- (b) Rear: 25 feet.
- (c) Side: 15 feet.

(3) Maximum building dimensions:

- (a) Building height: 40 feet and three stories, except as allowed in §195-117.
- (b) Lot coverage:
  - (1) Twenty five percent (25%) for buildings.
  - (2) Seventy-five percent (75%) for impervious cover.
  - (3) Twenty-five percent (25%) for open space, landscaping and buffer.

(A) A two for one preservation credit shall be granted for the preservation of existing wooded areas and environmentally

sensitive areas which shall be included when calculating open space, landscaping and buffer area percentages

- (4) Once final site plan approval has been given to a shopping center, the requirements in Sections E(1), E(2) and E(3) above shall not apply to any proposed subdivision of the property, whether the lots are in common ownership or not, provided that appropriate cross easements for access, parking, drainage, utilities, other shared facilities and the maintenance of common areas have been executed between the owners of the lots and have been provided to the Township of Clark for review and approval in order to ensure that the development will continue to function in accordance with the approved site plan.

**F. Parking & loading requirements.**

- (1) Notwithstanding Article XXIV, the minimum parking requirements shall adhere to the requirements as set forth below, which shall take precedence over Article XXIV in the case of any conflict:
  - (a) For all retail uses within shopping centers or mixed-use developments: one parking space per 200 square feet of gross floor area.
  - (b) For medical office uses: one parking space per 150 square feet of gross floor area.
  - (c) For a freestanding restaurant on a separate pad site: one parking space per three seats.
  - (d) There shall be no additional parking requirement for any square footage devoted solely to ancillary storage, office or employee lunch rooms on any mezzanine space within that portion of a building occupied by the individual use to which the storage, office and/or employee lunch room is ancillary.
  - (e) Notwithstanding the provisions of §195-141A.(2) and (3) of Article XXIV, each parking space within a shopping center or mixed-use development shall be a minimum of nine feet by 18 feet, and each aisle providing access to perpendicular parking spaces shall be a minimum of 22 feet for one-way aisles and 24 feet for two-way aisles.

- (f) Notwithstanding the provisions of 195:191F the development shall be required to provide safe and adequate pedestrian circulation throughout the complex and minimize to the greatest extent possible conflicts between pedestrians and vehicles.
- (g) Deferred or land-banked parking requirements for the LCI District.

  - (1) When an applicant can demonstrate that fewer than the total number of parking spaces than required will satisfactorily meet the parking requirements of the proposed use, the Planning Board may defer or land-bank that number of parking spaces that are not immediately needed, subject to the following:

    - [a] No more than 20% of the total number of required spaces shall be land-banked.
    - [b] The applicant shall provide a site plan that shows that the required number of spaces, if needed, can be provided on site without exceeding the maximum impervious coverage.
    - [c] All land-banked spaces are required to meet all of the applicable requirements of the Township zoning and design requirements, including drainage and lighting, and, to the extent necessary, variances and waivers shall be applied for and obtained.
    - [d] Those parking spaces which are not immediately required shall be maintained in the interim as lawn or landscaped open space, until and if such spaces are needed in the future.
    - [e] The land-banked parking area shall not count towards the minimum open space requirement for the site.
    - [f] Within one year of initial occupancy, a post-construction parking analysis shall be conducted by the applicant to demonstrate that sufficient parking is available on site without the provision of the land-banked spaces.
    - [g] The construction of the land-banked parking spaces may occur either when the Zoning Officer of the Township or the Planning Board, upon a vote of its members, determines that such spaces are required to fulfill the parking needs of the tenant or user of the site, or if and when the owner so chooses.
    - [h] No amendment to the site plan shall be required for such installations, but a building permit shall be required.
    - [i] Such spaces shall be constructed within six months of such action.

**[ ]** The property owner shall provide a performance bond sufficient to cover the costs of construction of the land-banked parking area. The Planning Board shall authorize the release of the performance bond upon submittal and acceptance of the post-construction analysis.

**(2) Parking design.**

- (a)** For properties with frontage on Walnut Avenue, none of the required parking facilities shall be located between the building line and Walnut Avenue, and screening with landscaping and/or fences or walls shall be provided between the street and any structure on the property.
- (b)** No parking shall be located nearer than 20 feet to any property line, paved access drive or street right-of-way line. This does not apply to interior lot lines in the case of multiple lots developed as a single comprehensive development.
- (c)** All parking and service areas shall be screened with landscaping and/or fencing.
- (d)** The parking area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low-level screening of the view of the parking lot. At least one shade tree for each 40 feet of frontage shall be provided unless adequate evergreen screening is provided. No shade tree shall obstruct the view of any use or sign in close proximity to the street.
- (e)** In addition to landscaping at the periphery of the parking lot along public streets as required in Subsection F(2)(d) above, the interior of all surface parking lots shall be landscaped with at least one tree for every 25 parking spaces, which shall be planted in suitably prepared and protected landscaped islands or medians.

**(3) Loading requirements.**

- (a)** No loading dock or service area may be directly located on or visible from any street frontage.
- (b)** Shared loading areas are encouraged. Individual uses on pad sites

are not required to provide a designated loading area, provided that the use can demonstrate that none is needed and loading/unloading activities occur at off peak hours for the business and/or the shopping center.

- (c) No loading or unloading shall occur between 11 pm and 7 am for any business/occupant located within a building abutting a residential zone
- (d) Motor vehicles shall not idle more than three minutes in accordance with NJ state statute.

**G. Additional requirements.**

(1) Notwithstanding the provisions of 195-146 C of this chapter, where a lot in the LCI zone has a minimum of 1,000 feet of frontage on a public street, more than one (1) driveway shall be permitted along that street, provided that the vehicular circulation to and from the street will be facilitated by a traffic signal at the main entrance to any shopping center or mixed use development measuring at least 100,000 gross square feet (GSF) and that the centerlines of separate driveways shall be spaced at least 350 feet apart.

(2) Signage.

(a) Notwithstanding the provisions of Article XXV, a shopping center or a mixed-use development shall be permitted one (1) freestanding sign, not exceeding 250 square feet in area on each side and 25 feet in height, along each abutting street frontage except those abutting a residential zone. In addition, monument style entrance and exit signs near access driveways shall be permitted, as well as monument and directional signs within the shopping center.

(1) A major driveway monument sign of 100 SF is allowed, and a minor driveway monument sign of 50 SF is allowed. Monument signs shall not exceed eight (8) feet in height nor shall they violate the required sight triangle. Directional signs shall not exceed four (4) SF in area.

a) Major driveway – a driveway on a street fronting the development which offers unrestricted turn movements or is signalized. Only one driveway per each street fronting the development may be designated as major.

b) Minor driveway – any driveway that is not a major driveway.

(b) An individual use under separate ownership not part of a shopping center or mixed-use development shall be permitted one (1) freestanding sign along each abutting street frontage, not exceeding 80 square feet in area and 20 feet in height.

(c) Each permitted use on its own lot or each permitted use within a shopping center or mixed-use development is allowed signage on the front and side of the building, or portion thereof occupied by the individual use that faces a street or a parking area serving the use, provided that (1) the total of all signs on the front of the building does not exceed one and one half (1.5) square feet for each linear foot of building façade occupied by the individual use and upon which the sign is to be located, or 200 square feet, whichever is less and (2) the total of all signs on the side of the building does not exceed fifty percent (50%) of the size of the sign(s) on the front of the building.

(d) No signage or advertising identifying an occupant of the premises shall be permitted on the rear portion of any building or on any roof.

(e) Any sign permitted in an R District, where applicable, shall be permitted.

(f) A signage plan shall be required with the submission of any site plan for approval. The signage plan shall identify the location and type of all proposed business signs and visually represent their lettering, illumination, color and height. The approving authority may apply such restrictions on color(s), size, location, sign types, letter height, illumination, or mounting height as it deems appropriate to the purpose of encouraging coordinated design to achieve a desirable visual environment.

(g) Any additional signs other than those permitted herein within a shopping centers or mixed use development comprising 100,000 SF or more shall require site plan approval.

(3) For applications in the LCI zone:

(a) A traffic impact study of the proposed development and surrounding areas shall be required.

(b) A Fiscal Impact Study shall be required and submitted as part of the site plan review process.

(c) A Conceptual Plan shall be submitted to the Planning Board for Approval prior to the submission of a Site Plan Application.

**SECTION 5.** In the event of any conflict between the terms and conditions enumerated herein and Chapter 195 of the Land Use and Development Ordinance of the Township of Clark, this document shall prevail.

**SECTION 6.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to this subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 7.** This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Union County Planning Board, all in accordance with the law.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**PATRICK O'CONNOR**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord13/4-1AmendandSupplCh195-MasterPlanReexamination

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____