



# BOROUGH OF CHATHAM POST OFFICE PLAZA REDEVELOPMENT PLAN

APRIL 9, 2019

PREPARED FOR:  
PREPARED BY:

**CHATHAM BOROUGH  
TOPOLOGY**



UNLOCKING POTENTIAL  
IN PLACES YOU LOVE  
60 Union Street, #1N  
Newark, NJ 07105

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## CHATHAM RESIDENTS + STAKEHOLDERS

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### BOROUGH ADMINISTRATOR

Stephen W. Williams

### BOROUGH COUNCIL

James J. Collander  
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Thaddeus J. Kobylarz  
Carolyn Dempsey  
Jocelyn Mathiasen

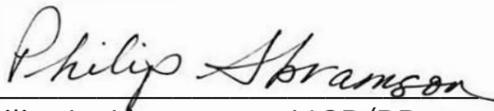
### BOROUGH ENGINEER + ZONING OFFICIAL

Vincent DeNave, P.E.

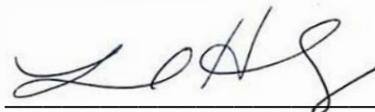
### BOROUGH REDEVELOPMENT COUNSEL

Greenbaum, Rowe, Smith + Davis LLP

### PREPARED BY:



Philip A. Abramson, AICP/PP  
NJ Planner License No. 609600



Leigh Anne Hindenlang  
NJ Planner License No. 628600

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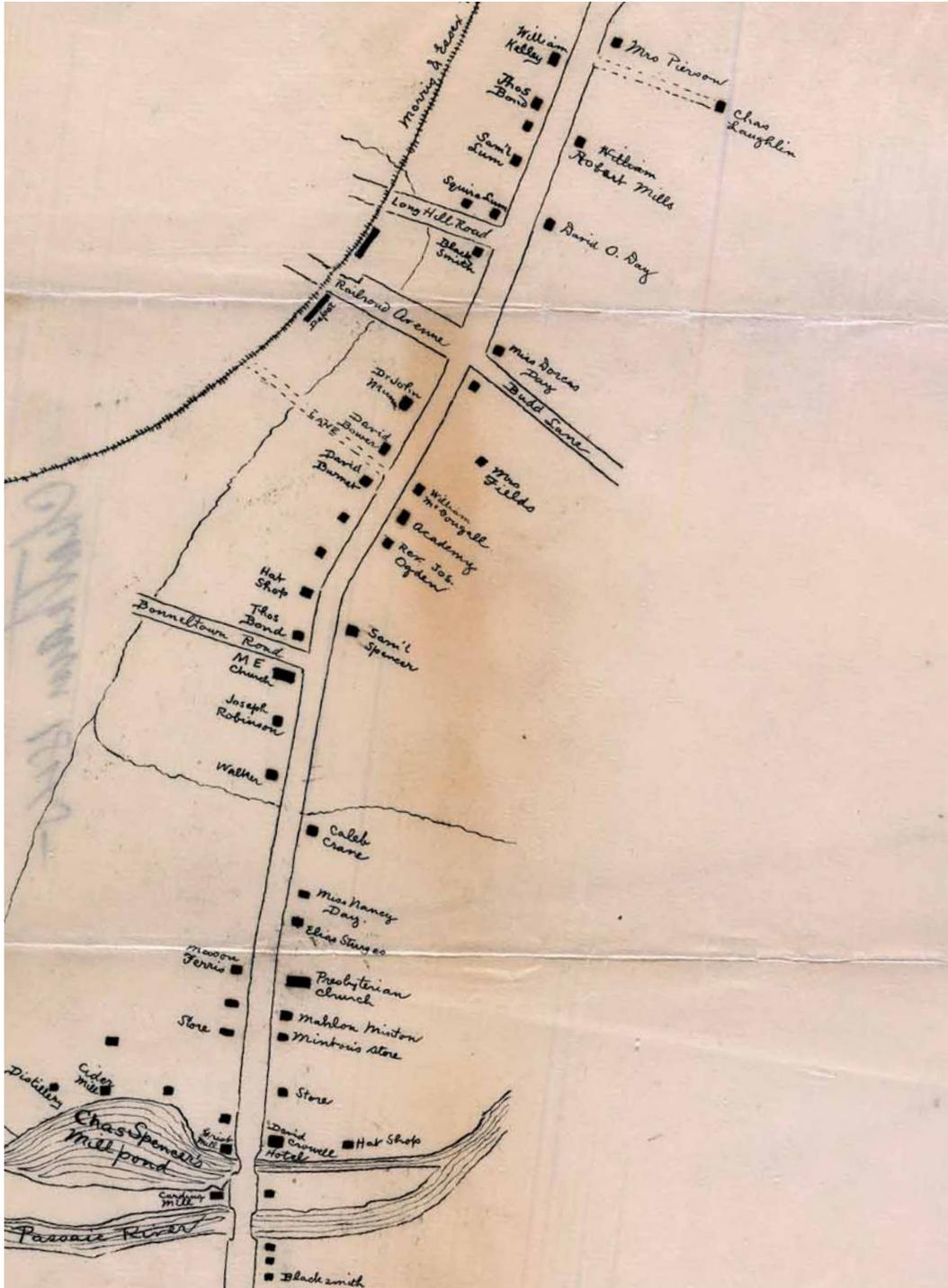
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# INTRODUCTION

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The Post Office Plaza Redevelopment Area (“the Redevelopment Area” or “the Site”) has been identified by the Borough of Chatham as a key catalytic location to initiate reinvestment and revitalization of the Borough’s historic downtown. The Redevelopment Area is centrally and strategically located between Chatham’s Main Street and the NJ Transit Morris & Essex Line (Figure 1). Given its proximity to the NJ Transit commuter station, this Site is a prime opportunity for the municipality to create infill development that provides diverse housing options, public amenities and new downtown patrons. Furthermore, the 5.4-acre Site lies only a half-mile west of New Jersey State Route 24 with entrance and exit ramps connecting Main Street to the larger region.



Figure 1: Context map of the Post Office Plaza Redevelopment Area

# INTRODUCTION

## 1

As the 2016 Master Plan Reexamination Report points out (see Appendix B: Relationship to Other Plans for additional details), Chatham is “essentially built-out,” with very little vacant land remaining. To alleviate the pressure of teardowns in its historic neighborhoods, redevelopment is necessary in underutilized areas to prevent the Borough from stagnating economically. Furthermore, downtown businesses need to see an increase in foot traffic and ease of parking to sustain their businesses. The redevelopment of this Area is an integral component of the Borough’s broader effort to create healthy, livable neighborhoods and districts that are connected by safe, user-friendly multi-modal streets and transportation networks for Chatham residents, businesses, and visitors (bike, car, pedestrian, and public transit riders). It is the Borough’s goal to link community assets to one another and to the key landmarks in the Borough, such as the Library of the Chathams and Reasoner Park.

In order to effectuate this vision, the Planning Board was directed to study the area by the Borough Council on March 13, 2017. On January 4, 2018 the Planning Board accepted the Preliminary Investigation report prepared by Topology (see Appendix E: Post Office Plaza Preliminary Investigation) and resolved to make a recommendation to the Borough Council designating the Area in Need of Redevelopment. The Borough Council accepted the Planning Board’s recommendation and designated the Site as a non-condemnation “Area in Need of Redevelopment” by the Borough Council pursuant to N.J.S.A. 40A:12A-6 et seq. (see Appendix A: Local Redevelopment and Housing Law Regulations and Policy) on February 12, 2018.

In accordance with the LRHL [N.J.S.A. 40A: 12A-7.A.2], this Redevelopment Plan establishes the following proposed requirements for the Post Office Plaza Redevelopment Area:

- A. Land Uses
- B. Bulk Standards
- C. Design Criteria
- D. Building Requirements

# INTRODUCTION

The provisions set forth in this Redevelopment Plan shall supersede, govern, and control the standards set forth in the Land Development Ordinance adopted by the Mayor and Council of the Borough of Chatham on January 29, 1979 by Ord. No. 1-79 as well as any applicable amendments.

It should be noted that this Redevelopment Plan is only an initial step in finalizing projects within the Redevelopment Area. This Plan is intended to be a framework to guide future development proposals (as opposed to regulating one specific development project), a flexible yet prescriptive approach to traffic mitigation is required. It is expected that this document will serve as a baseline that reflects the broadest and minimum parameters and expectations identified by the community. It is anticipated that any proposal will be further refined utilizing public outreach, input and codified with amendments, as necessary, and within any Borough agreement(s) or Redevelopment Agreement(s).

1





# SITE DESCRIPTION

The Redevelopment Area (Figure 2) includes 13 parcels totaling 5.4 acres—of which, 2.2 acres are Borough-owned. Surrounding properties to the north that front on Main Street are a mix of commercial and public uses including a bank, post office, library, hardware store and several restaurants. To the west, fronting along South Passaic Avenue, buildings contain a mix of commercial uses, mostly with ground floor retail. Bowers Lane—which bisects the Redevelopment Area, is a “dead end” road running north-south with several low-rise residential structures, and the privately-owned post office sorting facility. Bowers also provides access to public parking within the site as well as service access to the businesses fronting Main Street. The two properties within the Redevelopment Area that do front onto Main Street are located between Bowers Lane and Hillside Avenue, both of which contain retail uses. Hillside Avenue, which forms the far eastern boundary of the Redevelopment Area, consists of a corner service station at Main Street, but otherwise includes predominantly two-family homes directly south and east of the Redevelopment Area.

# 2



Figure 2: The Post Office Plaza Redevelopment Area, showing all parcels included in the designation.

# SITE DESCRIPTION

## 2

While detailed descriptions on a lot-by-lot basis are available in the Preliminary Investigation (see Appendix E), it is important to note the interconnectedness of the uses and lots within the Redevelopment Area that restrict current development opportunities. For example, the small lot sizes along the east-side of Bowers Lane, limit the number of parking spaces for the single-family homes that have been converted to multi-family buildings to meet market demands. The Borough's parking lot that snakes through almost the entire Redevelopment Area provides disorganized, limited and inadequate access to the uses surrounding its odd lot shape. Additionally, the piecemeal approach to development overtime has placed a significant variety of uses within a small area that are not necessarily compatible or appropriate for such a strategic downtown location. Because the Site developed without an overall vision for the area, amenities such as public access, public space and other amenities were not considered or developed.

Changes in demographic makeup of the Borough also support the need for redevelopment. The Borough experienced sizable population decline throughout the 1980s and 1990s, with only minimal positive growth in the 2000s and 2010s. This growth, however, has not been as great as similar communities seeing reinvestment during this time or the Greater Morris County area. While the population has become more diverse with slightly higher median incomes, development and growth has only occurred on the outer rings of the community, either utilizing previous green space or historic homes tear-downs. Additionally, while similar Transit-Oriented Development communities are seeing a rise in their millennial population during this period, Chatham has seen a loss in the millennial population as well as the population of individuals age 65 and older. These trends support the community's concerns over the lack of affordable housing, the limited number of places available to downsize and the needs for a downtown that attracts the aforementioned key age market groups. Despite these concerns, single-family homes continue to thrive and expand within the Borough as a result of many other assets like excellent schools and proximity to employment centers.

# SITE DESCRIPTION

## 2.1. PROPERTY BACKGROUND

### 2.1.1. History of Site

Based on review of historic Sanborn maps, the area was initially developed with a mixture of uses including a freight station house along the Morris & Essex Line, with residential dwellings and retail storefronts along South Passaic Avenue and Main Street. The 1909 Sanborn Fire Insurance Map of the area (Figure 3) shows a blacksmith located along the western side of Bowers Lane, with a tin smith, plumber, cobbler, baker, and tobacco stores fronting on to what is today

2



Figure 3: 1909 Sanborn Fire Insurance Map, showing the general Post Office Plaza area.

# SITE DESCRIPTION

## 2

South Passaic Avenue. It is interesting to note that where the current firehouse stands today, west of South Passaic Avenue, is the approximate location of a passenger depot for the then Lackawanna Rail Road line. The open green space that is today Reasoner Park, in the past extended to include much of the area now encompassed by the firehouse and Fire House Plaza. Across South Passaic Avenue from the old train depot and Reasoner Park, the Cottage Deli and Glenn's Automotive reached their current iterations in the 1960s, surrounded by many other buildings no longer remaining. This is similar in timing to the development of the current Liberty Drug property which was developed in the 1960s and has been under the same ownership since 1992. The neighboring service station (currently Exxon) was developed to its current use in the 1970s, with various updates since. The several properties behind Main Street on the east side of Bowers Lane were originally constructed in the first few decades of the 1900s as single-family homes. These residential buildings have since been converted to accommodate multiple residential units in addition to accessory dwelling units and small office space located in a few out-buildings.

# SITE DESCRIPTION

## 2.1.2. Existing Conditions

### A. Existing Zoning

Prior to the adoption of this Redevelopment Plan, the properties within the Redevelopment Area fell in three different zoning districts (see Figure 4):



Figure 4: Map of Underlying Zoning, showing zoning in the area of the Post Office Plaza Redevelopment Area

*Note: A detailed description of the prior zoning can be found in Appendix E.*

# SITE DESCRIPTION

## 2

- A.1. All parcels in Block 121 and Lot 1 in Block 122, were in the B-4 (Community Business) district. This district permits a range of retail and commercial uses and is intended to serve as a pedestrian-oriented shopping area.
- A.2. Lot 2 in Block 122 lies in the B-3 (General Business) district, which allows for office and restaurant uses along with limited retail to the east of the pedestrian-oriented center of Chatham's Main Street.
- A.3. Lots 13-18 in Block 122 lie in the Borough's AFD-4 (Affordable Housing) district, where higher intensity inclusionary residential development is permitted. This Affordable Housing district allows development to a height of three stories and a Floor Area Ratio of 85%.

### **2.1.3. Property Restrictions**

#### *A. Easements*

- A.1. Redeveloper(s) will be responsible for providing or maintaining service access to existing businesses adjacent to the Redevelopment Area which front onto Main Street or South Passaic Avenue. The Borough's parcel within Block 121 shares a parcel boundary with all properties fronting along Main Street within that block. Historically, access to rear yard parking and essential services has been achieved through use of the Borough's parcel. In order to support the continued success of the Main Street parcels, the Borough will prioritize that this access be maintained, regardless of

# SITE DESCRIPTION

any legal obligations to do so, or lack thereof.

- A.2. An access agreement executed in 2010 benefiting Lot 12 to allow access across the municipally owned Lot 10. If the Post Office Plaza Parking area is to be put toward another use, the Borough agreed to renegotiate access with the owner of Lot 12. This agreement was necessitated to effectuate the sale of Lot 12 that would have otherwise been frustrated by lack of vehicular access to rear of the property.

The Borough's parcel within Block 121 shares a parcel boundary with all properties fronting along Main Street within that block. Historically, access to rear yard parking and essential services has been achieved through the use of the Borough's parcel. In order to support the continued success of the Main Street parcels, the Borough will prioritize that this access be maintained, regardless of any legal obligations to do so, or lack thereof.

- A.3. A storm sewer easement traverses the Borough's parking lot (among other parcels). Based on the Borough's preliminary engineering assessment, relocation of the easement and underlying infrastructure would be feasible.

2

# SITE DESCRIPTION

## 2

A.4. Ownership of Lot 17 within Block 121 and Lot 18 within Block 122, both located along the rail right-of-way, is subject to confirmation. Available records are conflicting but both parcels are owned either by the Borough of Chatham or New Jersey Transit.

### *B. Contamination*

B.1. At this time, the Borough makes no representations as to the presence of environmental contamination on any parcel within the Redevelopment Area. The redeveloper(s) will be responsible for investigating and remediating any possible contaminations on parcels they seek to redevelop.

### *C. Slope*

C.1. While most of the Site is almost entirely flat with no grades steep enough to affect development the southern section of the site does abut the Morris + Essex rail line embankment which will have to be considered when appropriately siting buildings and development within the Redevelopment Area.

*Note: All projects adjacent to the NJ Transit right-of-way must comply with any and all guidelines from the State or Agency as it relates to guidelines for working within or in vicinity of NJ Transit's Right-of-Way.*

# SITE DESCRIPTION

## 2

### **2.1.4. Mobility + Circulation**

Circulation has come up as a major concern raised by residents and visitors to Chatham Borough's downtown for all users. While the downtown area does offer a pleasant variety of establishments within a walkable area, many people have identified simply getting to the downtown as a major deterrence. Additionally, the volume and slow flow of traffic through the downtown at peak times throughout the day and concerns over the limited availability of parking has resulted in many potential visitors avoiding the downtown area all together. While automotive traffic volume is a major issue needing to be addressed, the circulation of pedestrians and other types of users is an area with significant potential. Close proximity to the train station, and the walkable network of streets and pathways throughout the downtown should be leveraged to the maximum benefit of residents and visitors alike in the downtown area.

### **2.1.5. Streets in Vicinity of Redevelopment Area**

A. *Surrounding Street Network*  
(see Figure 5)

#### **A.1. Main Street/State Route 124**

Main Street is the primary thoroughfare in the Borough of Chatham, with an average daily traffic volume of about 20,000 vehicles per day. According to a previous analysis conducted by Topology, about half of the traffic volume is from "pass-through" trips. These types of trips are characterized by vehicles passing through the Borough via Main Street, with origins and destinations outside of Chatham. This uncaptured

# SITE DESCRIPTION

## 2



Figure 5: Map of the Local Street Network Around the Post Office Plaza Redevelopment Area

consumer audience can play a vital role in the Area's revitalization when new development occurs.

From a functionality standpoint, Main Street is absolutely vital to the Borough's mobility and transportation network. In addition to providing local mobility, the street contains an off-ramp from Route 24 at its easterly base, thus funneling vehicles exiting the highway directly into the main artery of the Borough. While its central location is an asset to local

# SITE DESCRIPTION

businesses and residents alike, its close proximity to major highways creates a streetscape that often experiences significant congestion and reduces comfort for pedestrians, bicyclists, and transit customers.

Main Street is a State-owned right-of-way measuring approximately sixty (60) feet wide. The street contains two twelve (12) foot travel lanes running in an east-west direction, with non-metered parallel parking on each side of the street. On the southerly side of the right-of-way, sidewalks measuring twelve (12) feet wide provide sufficient space for pedestrians to access the many commercial uses that front the corridor. Sidewalks on the northerly side of the right-of-way are narrower, measuring eight (8) feet wide near the Redevelopment Area.

2

## **A.2. South Passaic Avenue**

Immediately to the west of the Redevelopment Area is South Passaic Avenue. This two-way local street running in a north-south orientation provides access to surface parking lots, various commercial uses, and Reasoner Park via the Fire House Plaza. South Passaic Avenue, particularly its northern extent, provides short-term, non-metered parking and entrances to local businesses to create a lively and oft-used streetscape. Additionally, the street intercepts the Morris & Essex

# SITE DESCRIPTION

## 2

railroad right-of-way, with the elevated tracks and trestle on the southwestern border of the Redevelopment Area.

This right-of-way is measured at approximately sixty (60) feet in width, with two travel lanes that measure fourteen (14) feet wide and contains fourteen (14) parallel parking spaces. The sidewalks provide adequate space for pedestrians, with the westerly sidewalk approximately nine (9) feet wide, and the easterly sidewalk approximately seven (7) feet wide.

Though the sidewalks provide sufficient space for pedestrians, the sidewalks are primarily built on the northern area of the street and become inconsistent south of the Fire House Plaza intersection.

### A.3. Bowers Lane

Bowers Lane is a crucial right-of-way to the success of any new development project at the Post Office Plaza. This two-way local street, running north-south between the New Jersey Transit Morris & Essex and Main Street, occupies a central role in the Redevelopment Area. The right-of-way measures approximately 30 feet in width, with a cart path (curb to curb) width of about 25 feet in width. Unfortunately for pedestrians, the only sidewalk, a narrow five (5) feet in width, is located on the westerly side of the right-of-way close to Main Street. In addition to its narrow width, functionality of the sidewalk

# SITE DESCRIPTION

includes garbage and trash receptacles with utility poles, further reducing the usable space for pedestrians.

Despite its shortcomings as a pedestrian street, Bowers Lane provides ample access to surface parking lots for buildings fronting Main Street, the Post Office, and residences on the easterly side of the street. Although no street centerline is painted, Bowers Lane is used as a two-way, local access road. Lastly, drivers are unable to make a left turn onto Main Street from Bowers Lane, as right only pavement markings and signage occupy the right-of-way at its northerly terminus near Main Street.

2

#### A.4. Hillside Avenue

On the easterly border of the Redevelopment Area is Hillside Avenue, a two-way local corridor with a primarily residential character. However, the street's adjacent uses closer to Main Street are decidedly commercial, with a gas station and a bank occupying property parcels at this intersection. From a mobility standpoint, this road provides north-south mobility south of Main Street and continues outside of the Borough's jurisdiction into Chatham Township.

Hillside Avenue is a sixty-five (65) foot right-of-way that provides one travel lane and parallel parking in each direction. Closer to the Main Street intersection, the roadway provides a

# SITE DESCRIPTION

## 2

right turn only lane and standard traffic signalization. The street becomes less formal traveling in a southerly direction away from Main Street, with unmarked travel lanes and unmarked parallel parking spaces. Sidewalks along the corridor vary in width, from twelve (12) feet near Main Street before narrowing to approximately five (4) feet along the corridor's residential sections.

### **A.5. State Route 24**

While State Route 24 is not within the Redevelopment Area, the effect it has on the area should be recognized. The foot of Main Street/State Route 124 connects with Route 24 just outside of the Chatham Borough border, which is a major source of the traffic around and within the Redevelopment Area. While Route 24 does create an abundance of traffic issues for the Borough, it also allows for a relatively short automotive trip (30-50 minutes) to New York City via the connection with Interstate 78 three miles east of Chatham.

### *B. Rail Ridership*

The Chatham Train Station is active with riders from morning to night. With direct access to regional centers, including Newark and New York City, approximately 8,000 NJT riders board every week from the station. The Borough is seeking development that supports and encourages transit use and multi-modal forms of transportation. The Post Office Plaza Area is a priority reinvestment area for the Borough for transit-oriented development.

# SITE DESCRIPTION

The Chatham Train Station, which is served by NJ Transit's Morris & Essex Line, is less than 800 feet from the Post Office Plaza Redevelopment Area. The Morris & Essex Line provides access to Dover to the west and Newark's Broad Street Station, Hoboken Station, and New York's Pennsylvania Station to the east. Proximity to a train station, especially one with direct service to midtown Manhattan, is a major asset for any community and should be a major consideration when developing this Redevelopment Area. As of 2017, the Chatham station served an average of approximately 1,600 passengers every weekday, a number that is expected to increase as the preference to commute via public transit continues to rise and demand for housing near such locations is met.

2

## C. *Bus Access*

Downtown Chatham is served by a single bus line, the 873 line, also known as the Greystone-Morristown-Livingston line. The 873-bus line connects the Redevelopment Area, via an east-bound stop at the corner of Main Street and Hillside Avenue to the Short Hills Mall and the Livingston Mall. The westbound stop at Main Street and Bowers Lane also connects Chatham to downtown Madison and Morristown.



# PUBLIC PURPOSES

## 3.1. THE REDEVELOPMENT AREA

The Post Office Plaza Redevelopment Area includes the following block and lots (see Figure 6):

Block 121, Lot 10  
Block 121, Lot 11  
Block 121, Lot 12  
Block 121, Lot 13  
Block 121, Lot 17

Block 122, Lot 1  
Block 122, Lot 2  
Block 122, Lot 13  
Block 122, Lot 14  
Block 122, Lot 15  
Block 122, Lot 16  
Block 122, Lot 17  
Block 122, Lot 18

## 3.2. PROJECT AREA MAP



Figure 6: Map of the Post Office Plaza Redevelopment Area

3

# PUBLIC PURPOSES

## 3.3. GOALS + OBJECTIVES

In order to successfully achieve the community vision for redevelopment for this area and alleviate existing challenges, any proposed redeveloper(s) and project(s) must meet the following goals and objectives. These goals and objectives were established through significant outreach with the public-at-large and in-depth conversations with key stakeholder groups. These objectives build on and expand the priorities also identified in the most recent Master Plan Reexamination and best practices.

### 3.3.1. Active Civic Engagement

- A. Designated projects must first engage in an iterative planning and development process, with public feedback to achieve designs that seek community consensus.

### 3.3.2. Pedestrian Friendly Complete Streets

- A. Streets must have physical characteristics designed for multiple users and uses (outdoor eating, storefront benches, street fairs, farmers' markets, etc.).
- B. Sidewalks must be highly accessible and implement ADA universal design principles.
- C. Designs must promote walkability with pedestrian-scale interventions (properly scaled street lighting, decorative paving patterns, street art, woonerfs, bike racks, etc.) and create a positive pedestrian realm that encourages a healthy lifestyle, as an alternative mode of transportation through design and ease of access and circulation.
- D. Circulation shall provide safe, attractive, and intuitive routes to transit through the Redevelopment Area and beyond.

*Note: A woonerf or living street, meant to create a corridor balanced for both automobile and pedestrian use by blurring the boundaries and encouraging more awareness of all users.*

3

# PUBLIC PURPOSES

## **3.3.3. Reduced Impact of Circulation + Traffic Issues**

- A. Redeveloper(s) must coordinate with local, county, and state departments of transportation as appropriate to develop cost efficient and long-term solutions for reducing the negative impacts of car circulation surrounding the site as is and after redevelopment.
- B. Proposed circulation should address the local and regional traffic patterns of through traffic between Madison, Summit, Rt. 24, etc. and its impact on safety and quality of life.
- C. Projects shall develop on-and-off-site car circulation and parking solutions that create safe and friendly pedestrian and bike circulation within and surrounding the site.
- D. Proposed projects shall include additional cut through streets and pedestrian ways to create connections between South Passaic Avenue and Bowers Lane, and Hillside Avenue and Bowers Lane to reduce additional impact on Main Street.
- E. Plans must integrate with existing transit facilities to minimize vehicle miles traveled within the Redevelopment Area.
- F. It is anticipated that designated redeveloper(s) and the Borough will work in conjunction with other governmental entities and will cooperate and coordinate to effectuate reasonable and desirable improvements to circulation and traffic issues on an equitable and fair share basis. Redeveloper(s) may not be solely responsible for improvements and repairs to existing road conditions.

3

# PUBLIC PURPOSES

## **3.3.4. Chatham Appropriate Architecture**

- A. Buildings shall reflect the traditional and contemporary architectural detailing that refers to Chatham architecture and urban design.
- B. To encourage street activity and safety, mixed-use and residential buildings shall maximize windows and views onto the streets (eyes on the street).
- C. The scale of proposed projects should be appropriate given project requirements and surrounding/existing conditions.

## **3.3.5. Sustainable Green Infrastructure**

- A. Street trees must create a canopy for the sidewalk, reducing temperature during the summer.
- B. Planted areas, greenways, and swales to detain and reduce the water entering the storm management system shall be incorporated throughout the Redevelopment Area.

## **3.3.6. Quality, Usable Open Space**

- A. Projects must be designed and programmed for passive community recreation purposes (strolling, sitting, relaxation, people watching, public markets, special events, etc.) and include features such as public amenities, water features, and outdoor market structures.
- B. Spaces should reflect an environmental design that maximizes opportunities for green infrastructure, high-quality year-round landscaping, pedestrian circulation, and open space.

3

# PUBLIC PURPOSES

- C. Plan areas should include transitional areas, such as “Transit Plazas,” where pedestrian transit riders can safely cross between rail, vehicles and other modes of transit.

## **3.3.7. Smart Environmental + Energy Design**

- A. Development and design that meets certification standards of the U.S. Green Building Council: Leadership for Environmental and Energy Design (LEED) - Neighborhood Development is encouraged.
- B. Development and design that promotes Chatham as one of New Jersey’s most livable and sustainable municipalities and is in compliance with the Borough’s Sustainable Jersey designation is required.

## **3.3.8. Equitable Development**

- A. Redevelopment projects must promote mixed-income neighborhoods for a diversity of households in Chatham including workforce, market and affordable housing. See Section 4.7 of this document for additional details.

## **3.3.9. Promotes District Economic Development**

- A. Project shall include street level uses and frontages that enhance and build strong connections to the adjacent, existing commercial corridors along South Passaic Avenue and Main Street.
- B. Based on current and projected market demand, mixed-use buildings shall maximize street level retail and neighborhood-serving commercial uses.

3

# PUBLIC PURPOSES

- C. Designs shall have flexible infrastructure to anticipate changing market conditions and opportunities.
- D. Proposed uses and design shall improve access and circulation to existing businesses. They should complement the existing downtown and not cannibalize existing businesses.



3

# LAND USE

## 4.1. DEFINITIONS

(See Appendix C)

## 4.2. DISTRICTS MAP

The Redevelopment Area is divided into two separate districts for the purposes of regulating the land use through this Redevelopment Plan (see Figure 7). District 1 is located west of Bowers Lane and is made up of Lots 10, 11, 12, 13, and 17 on Block 121, and District 2 is located to the East of Bowers Lane and is made up of Lots 1, 2, 13, 14, 15, 16, 17, and 18 on Block 122. Separating the Redevelopment Area into two districts allows the Plan to address the unique character and site-specific challenges with more specificity and finer grain requirements.



Figure 7: Map of the East and West Districts of the Post Office Plaza Redevelopment Area

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# LAND USE

## 4.3. USES

### 4.3.1. Permitted Principal Uses

- A. Residential
  - A.1. Multifamily Residential
  - A.2. Townhouse
- B. Art Galleries
- C. Artisan Workshop
- D. Brewpub
- E. Brewery
- F. Child Care Centers
- G. Co-Working
- H. Community Center
- I. Convenience Store
- J. Indoor Commercial Recreation/Fitness Club
- K. Institutional Use
- L. Market
- M. Museum
- N. Personal Services
- O. Public Open Space
- P. Recreational Instruction
- Q. Restaurant
- R. Restaurant, Liquor Licensed
- S. Retail Services
- T. Retail Trade
- U. Theater
- V. Garage, Public

### 4.3.2. Accessory Uses

- A. Automotive Share
- B. Outdoor Eating and Drinking Establishments
- C. Roof Deck
- D. Any other use determined to be customary and incidental to permitted principal uses.

# LAND USE

### **4.3.3. Prohibited Uses**

- A. Nonresidential uses fronting along Bowers Lane.
- B. Adult Entertainment Use
- C. Automotive Rental
- D. Automotive Sales
- E. Drive Through
- F. Nightclubs
- G. Service Station

## **4.4. DEVELOPMENT PROGRAM**

### **4.4.1. Area + Bulk Requirements**

- A. Residential Dwelling Units (maximum): 40 units per acre (see Section 4.4.2. C. for incentive criteria)
- B. Residential uses shall not be located underneath any non-residential uses.
- C. All residential units located on the ground floor, within 30 feet of, and fronting a public right-of-way, must have direct access from the outside.
- D. Commercial Space:
  - D.1. District 1 - West of Bowers Lane: Minimum of 10,000 square feet
  - D.2. District 2 - East of Bowers Lane: Minimum of 5,000 square feet
  - D.3. No single commercial user may occupy more than 7,000 square feet.
- E. Lot Area (minimum):
  - E.1. District 1 - West of Bowers Lane: 1.25 acres
  - E.2. District 2 - East of Bowers Lane: 1.00 acres

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# LAND USE

- F. *Lot Width (minimum):*
  - F.1. District 1 - West of Bowers Lane: 175 feet
  - F.2. District 2 - East of Bowers Lane: 175 feet
- G. *Lot Depth (minimum):*
  - G.1. District 1 - West of Bowers Lane: 75 feet
  - G.2. District 2 - East of Bowers Lane: 75 feet
- H. *Publicly Accessible Open Space (minimum): 15,000 square feet within the overall Redevelopment Area.*
  - H.1. This space may be provided fully within either district or split between both districts.
- I. *Impervious Coverage (maximum): 85%*
- J. *Building Coverage (maximum): 75%*
- K. *Building Setback Requirements (feet)*
  - K.1. District 1 - West of Bowers Lane**
    - a. *Rear yard setbacks:*
      - 1. *Minimum: 20*
    - b. *Side yard setbacks:*
      - 1. *Minimum: 10*
    - c. *Setback from South Passaic Avenue*
      - 1. *Minimum: 15*
      - 2. *Maximum: 20*
    - d. *Setback from Proposed New Road(s) (see Figure 13)*
      - 1. *Minimum: 20*
      - 2. *Maximum: 30*
    - e. *Setback from Bowers Lane*
      - 1. *Minimum: 15*
      - 2. *Maximum: 20*

# LAND USE

- f. Setbacks shall be measured from the curb line not the property line. If no curb exists, the setback shall be measured from the edge of pavement.
  - 1. *Determination of curb line location shall not include curb extensions.*
- g. Canopies and cornices shall be excluded from the setback requirements.
- h. Redeveloper(s) shall be responsible for obtaining approval from applicable county, regional, and state agencies for any public improvements, public access or building projections above the right-of-way line

## **K.2. District 2 - East of Bowers Lane**

- a. Rear Yard Setback:
  - 1. *Minimum: 30*
- b. Side Yard Setback:
  - 1. *Minimum: 15*
  - 2. *Maximum: 20*
- c. Setback from Main Street
  - 1. *Minimum: 15*
  - 2. *Maximum: 20*
- d. Setback from Bowers Lane
  - 1. *Minimum: 15*
  - 2. *Maximum: 20*
- e. Setback from Hillside Avenue
  - 1. *Minimum: 15*
  - 2. *Maximum: 20*

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- f. Setback from New Road Extension (see Figure 13)
  - 1. *Minimum: 15*
  - 2. *Maximum: 20*
- g. Setbacks shall be measured from the curb line not the property line. If no curb exists, the setback shall be measured from the edge of pavement.
  - 1. *Determination of curb line location shall not include curb extensions.*
- h. Canopies and cornices shall be excluded from the setback requirements.
- i. Redeveloper(s) shall be responsible for obtaining approval from applicable county, regional, and state agencies for any public improvements, public access or building projections above the right-of-way line.

## **4.4.2. Building Height Standards**

### *A. Measurement*

Building height shall be defined as the average distance from the original ground elevations at each corner of the building, as determined from United States Geological Survey maps, to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip, or gambrel roof.

# LAND USE

- A.1. Rooftop Appurtenances including architectural features such as spires, cupolas, domes, and belfries, are permitted to exceed the listed maximum height, as long as they are uninhabited, their highest points are no more than 15 feet above the maximum overall height of the building, and as long as the total area enclosed by the outer edges of the appurtenances, measured at the maximum overall height of the building, does not exceed 15 percent of the total horizontal roof area of the building.
- A.2. Stairs and Elevator Penthouses that project above the maximum overall height of the building shall count toward the 15 percent allowance. Equipment screens which project above the maximum overall height of the building shall also count toward the above 15 percent allowance.
- A.3. Parapet Walls permitted up to five feet in height, as measured from the maximum height limit, or finished level of roof. A guardrail with a surface of at least 70 percent open or with opacity of not more than 30 percent (as viewed in elevation) shall be permitted above a parapet wall or within two feet of a parapet wall, provided that such guardrail is not more than four feet in height. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements.

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# LAND USE

- A.4. Mechanical Equipment shall be set back from all building facades by at least 10 feet and screened from new and existing sidewalk view as well as the views from the rail embankment to the greatest extent possible.
- A.5. Solar Energy: Solar panels are permitted on flat roofs anywhere below the parapet, regardless of building height. Portions of taller solar installations that are higher than 4 feet shall be subject to limits on roof coverage and height. On sloping roofs, panels may be flat-mounted but may not exceed 18" above the roofline.
- A.6. Green Roof: Vegetated roofs shall be permitted, provided they do not exceed 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to the roof surface.

*B. Maximum Permitted Building Height*

**B.1. District 1 - West of Bowers Lane:**

- a. 4 stories/54 feet
- b. Maximum height shall be consistent with floor-to-floor standards below.
- c. All buildings shall step back a minimum of ten (10) feet from the outermost façade plane of the building base along all street frontages above the third story.

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# LAND USE

## B.2. District 2 – East of Bowers Lane:

- a. Maximum: 3 stories/44 feet
- b. Maximum height shall be consistent with floor-to-floor standards below.
- c. All buildings shall step back a minimum of ten (10) feet from the outermost façade plane of the building base along all street frontages above the third story.

## B.3. Floor-to-Floor Height Requirements

Use	District 1: West of Bowers Lane		District 2: East of Bowers Lane	
	Minimum	Maximum	Minimum	Maximum
Commercial	10 ft	15 ft	10 ft	15 ft
Residential	10 ft	13 ft	10 ft	13 ft

- a. An additional six feet of height may be granted for the overall building height and ground floor commercial space height if the building includes two levels of parking wrapped behind commercial space below the second floor.
- b. Internal mezzanines are prohibited within commercial uses.

*Note: Finished residential first floor shall be at least 18 inches above the exterior grade.*

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# LAND USE

## C. *Bonus Incentives*

This Redevelopment Plan recognizes that certain public improvements, over and above the minimum infrastructure requirements defined in Section 4.6 may be desirable. Some of these improvements have been identified during public outreach sessions and are listed below, while other items may emerge during the engineering studies required by Section 5.13. At the time this Redevelopment Plan was prepared, neither the cost of these public improvements nor the nature of specific redevelopment projects, have been identified. To that end, this section of the Redevelopment Plan aims to provide the Borough flexibility in negotiating the terms of Redevelopment Agreement(s). Reasonable additional (or bonus) residential density is therefore incorporated herein as a means to ensure financial feasibility as part of a comprehensive agreement that considers the cost of public improvements, infrastructure, land acquisition, amenities and other costs.

As noted immediately above, the following public improvements are desired by the Borough and may be incorporated into a multi-faceted Redevelopment Agreement(s):

- Implementation of proposed improvements to South Passaic Avenue and Firehouse Plaza that result in the modernization of existing traffic patterns to lessen queuing and congestion AND the provision of an additional fifty (50) public parking spaces either on-site or through a payment-in-lieu of parking.

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# LAND USE

- Implementation of proposed improvements to Main Street from Hillside Avenue to Fairmount Avenue that result in the modernization of existing traffic patterns to lessen queuing and congestion AND the provision of an additional seventy-five (75) public parking spaces either on-site or through a payment-in-lieu of parking.

The Borough, acting through the governing body, may grant up to an additional story and/or ten (10) dwelling units/acre (from the permitted forty (40) units/acre to fifty (50) units an acre) to offset extraordinary development costs associated with infrastructure improvements. Any bonus units shall be subject to the affordability requirements contained in this Plan.

### 4.4.3. Parking

#### A. *Automotive Parking*

- A.1. All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
- A.2. Any public parking removed as a direct result of any project entitled through this Plan must be replaced within the project at a 1-to-1 ratio.
- A.3. Compact car spaces measuring a minimum of eight feet six inches (8'6") feet wide by sixteen (16) feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided.

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# LAND USE

- A.4. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
- A.5. Redeveloper(s) may utilize a shared parking scheme when calculating off-street parking obligations for mixed-use structures. Redeveloper(s) of single-use structures, with valid off-site parking agreements, may also utilize a shared parking scheme when calculating combined parking obligations. Shared parking calculations shall be based upon a widely-accepted methodology, such as those published by the Urban Land Institute (ULI), the Institute of Traffic Engineers or recognized Parking Consultant (Parking Demand, 4th Edition, or other widely accepted models. If utilized, proposals incorporated a shared parking component shall be substantiated by a study to be prepared by a licensed Professional Engineer or recognized parking consultant.

## **A.6. Electric Vehicle Requirements**

All private parking facilities shall provide adequate electrical infrastructure to service potential future electrical vehicle charging stations. These “charger ready” spaces shall have the capacity to be dedicated to specific tenants, who shall be permitted to install their own electric vehicle chargers.

- a. At least 20% of spaces in private facilities shall be improved as “charger ready” spaces.

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# LAND USE

- b. At least 10% of all publicly accessible spaces shall be equipped with electric vehicle charging stations at the time such facility is put into service.
  1. *It is recommended that an additional 5% of the total publicly accessible number of spaces be dedicated for electric vehicle parking, but only improved as “charger ready” spaces when facility is initially constructed.*
  2. *It is suggested that 75% of installed charging stations be of a make and model compatible with the most amount of electric vehicles in service at the time of installation. Up to 25% of charging stations may be suitable for specialized vehicles (i.e. those that are not compatible with the most amount of electric vehicles in service at the time of installation)*

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# LAND USE

## A.7. Minimum Parking Ratios

- a. Minimum off-street parking requirements shall be in compliance with the bulk standards outlined in this document.

Use/Type	Requirement
Residential	
<i>Multi-Family</i>	1.3 space per unit
<i>Townhome</i>	1.3 space per unit
Art Galleries	3.0 spaces per 1,000 sq ft
Artist Studios	1.5 spaces per 1,000 sq ft
Brewpub	3.0 spaces per 1,000 sq ft
Brewery	3.0 spaces per 1,000 sq ft
Child Care Center	1.0 space per staff member plus 1.0 space per 10 students at peak capacity
Co-Working	3.0 spaces per 1,000 sq ft
Museum	3.0 spaces per 1,000 sq ft
All Other Uses	4.0 spaces per 1,000 sq ft

## A.8. On-Street Parking

- a. On-street parking is only allowed along South Passaic Avenue and Main Street.
- b. Any parking spaces currently located on any public street removed as a direct result of any project entitled through this Plan must be replaced within the project at a 1-to-1 ratio.
- c. Existing parking spaces located on public streets will not count towards meeting minimum parking requirements laid out in this Plan.

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# LAND USE

## B. *Bicycle Parking*

### B.1. **Bicycle Parking Use Table**

### B.2. **Location + Design of Facilities**

- a. Where indoor bike parking is required, bike parking facilities shall be at least as protected and secure as any automobile parking

Use/ Type	Indoor	Outdoor
Multi-Family	0.25 per unit	0.10 per unit
Townhome		0.10 per unit
Retail/Restaurant		2 per 5,000 sq ft
Other		2 per 5,000 sq ft

provided.

- b. Indoor parking shall, at a minimum, consist of a room within a residential building or workplace, a secure enclosure within a parking garage, or a cluster of bike lockers at a transit center or other setup providing similar security and protection from the elements.
- c. Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided.

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# LAND USE

## **B.3. Indoor Bicycle Parking Requirements**

- a. Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than three (3) vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bike storage not located at the ground-floor level.

## **B.4. Outdoor Bicycle Parking Requirements**

- a. All required outdoor bicycle parking must be convenient and accessible to a main building entrance and street access.
- b. Bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant or other personnel to discourage theft and vandalism and promote awareness of existence and availability.
- c. Bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of six (6) feet of unobstructed passage is required on public sidewalks.
- d. Size and style of bike rack shall be approved by the Borough.

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# LAND USE

- e. Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.
- f. Bike racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.
- g. All bike racks shall be located at least 24 inches in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.

## **4.4.4. Loading**

- A. The specifics regarding loading zones and considerations will be addressed within Redevelopment Agreement(s).
- B. Generally, the number of loading zones or areas should be kept to a minimum by sharing both on-street and off-street loading areas among uses where appropriate.
- C. Appropriate accommodations near main residential entrances and significant commercial and/or public spaces, out of the flow of traffic, should be reserved for pick-up and drop-off of passengers.
- D. Appropriate siting of loading areas to accommodate commercial deliveries, including parcel drop off, residential moving, and other larger deliveries, should be off-street and away from the public realm.

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## 4.4.5. Access + Circulation

Critical to the success of this Redevelopment Plan is, at minimum, mitigation of vehicular traffic generated by new development. Ideally, the redevelopment of Post Office Plaza will go further than solving for new impacts and will create the impetus to address wider circulation and congestion issues that have challenged the Borough for many years. The following framework for addressing traffic has been crafted with this major goal in mind.

Throughout the planning process leading up to this Redevelopment Plan, Borough stakeholders continually voiced their frustration with traffic and congestion. The specific concerns were articulated and now serve as the minimum parameters to which future traffic studies must respond:

- Main Street Congestion
- Viable Service Access to Rear of Main Street Properties
- Convenient Parking for Main Street
- Public Parking Relocation

Given that this Redevelopment Plan is intended to be a framework to guide future development proposals (as opposed to regulating one specific development project), a flexible yet prescriptive approach to traffic mitigation is required. Prior to the execution of any Redevelopment Agreement(s) (a prerequisite to proceeding before the Planning Board), interested entities must submit, among other things, a Traffic Impact Statement and mitigation proposal.

Given that redeveloper(s) proposals may vary with regard to size, land use, timing and similar factors, the following multi-step process allows proposals to be carefully evaluated in a thoughtful, transparent way:

# LAND USE

- A. Methodology. The following study parameters are intended to produce new insights and intelligence regarding the way people and vehicles move to, from and through the area of Downtown Chatham proximate to the Study Area. Submitted studies shall focus on safety, design and efficiency of multi-modal operations rather than just traffic capacity and level of service. Traffic studies shall evaluate pedestrian and automotive traffic patterns, sufficiency of pedestrian crossings and sidewalk widths and development.
  
- B. Geographic Scope. Traffic studies shall be comprehensive and consider district-wide impacts and opportunities. The following list of intersections should be considered the minimum scope for assessment, but redeveloper(s) or their mobility professionals may broaden the scope if determined to be appropriate. Traffic counts and modeling shall be required at the following locations (see Figure 8):
  - B.1. Main Street + Hillside Avenue
  - B.2. Main Street + Bowers Lane
  - B.3. Main Street + N. Passaic / S. Passaic
  - B.4. Main Street + Fairmount Avenue
  - B.5. Main Street + Center Street
  - B.6. Main Street + Elmwood Avenue
  - B.7. Intersection of any new/proposed roads with existing roadways.

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# LAND USE

B.8. As indicated above, submissions may include a broader geographic scope. Expansion of scope specifically encouraged if it would reveal opportunities to reduce Main Street congestion by facilitating turning movements (or addressing other identified issues) throughout the corridor.



Figure 8: Diagram of existing streets and key intersections.

# LAND USE

- C. Modeling. Analysis scenarios shall be determined on a case-by-case basis depending on the unique characteristics of each project. As indicated above, each scenario will include an evaluation of multimodal intersection and roadway segment LOS, Vehicle Miles Traveled, Induced Traffic, & Safety analysis. If the project has the potential to impact acceptable thresholds or modal priorities as established by the NJDOT or others, the nature of those impacts shall also be studied. Regardless, the following scenarios shall be considered as part of any study:
- C.1. Existing Conditions - The most recent available traffic conditions and physical geometry.
  - C.2. Project Trip Distribution with Select Zone Analysis - Multi-modal Trip Generation, Distribution, and Assignment. Project VMT.
  - C.3. Existing+ Project Conditions - Existing Conditions & geometry plus project generated traffic and proposed geometric changes.
  - C.4. Cumulative Conditions - Future year traffic conditions reflecting build out of any remaining (unbuilt) components of the Redevelopment Plan as well as any other “pipeline” projects nearby.
  - C.5. Cumulative + Project Conditions - Cumulative Conditions plus project generated traffic and proposed geometric changes.

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# LAND USE

C.6. Scenario modeling shall identify and evaluate the impacts of alternative mitigative measures as may be identified by redeveloper(s). The methodology contained herein was informed by the Multi-Model Transportation Impact Study Guidelines published by San Luis Obispo County, California. Redeveloper(s) and their professionals are welcome to consult those guidelines for additional detail with regard to technical approach.

D. Specific Concepts for Consideration. Redeveloper(s) are welcome to identify and incorporate their own mitigating measures into the scenario modeling analysis described above. That said, the Borough has already identified a number of their own inquiries and concepts that shall be assessed as part of any submission:

D.1. Incorporation of dedicated turn lanes along Main Street that would eliminate queuing behind waiting vehicles, increasing overall throughput.

D.2. Removal or configuration of existing street parking, including peak hour regulations, that would provide more capacity and throughput for Main Street.

D.3. District-wide circulation impacts associated with the creation of a through block right-of-way connecting South Passaic Avenue to Bowers Lane.

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# LAND USE

- D.4. Restriction of turning movements to or from Main Street.
- D.5. Any additional improvements or considerations that would advance the objectives listed at the beginning of this section.
- E. As indicated in Section 5.4.3 below, any redeveloper(s) seeking to implement any portion of this Plan shall submit a traffic study consistent with the standards contained herein. The following process is provided to guide the efficient preparation of reports:
  - E.1. Pre-submission meeting with Borough officials, including engineer, administrator and other officials as may be appropriate. Redeveloper(s) shall present proposed scope and/or proposed modifications to the framework articulated above. Study should only commence after the appropriate Borough officials confirm approach and methodology.
  - E.2. Submission and Review of materials by Borough officials and technical professionals. Additional information to be requested on an as-needed basis. Review memorandum shall be generated by Borough officials or technical professionals that includes, among other things, a scope of required improvements to be incorporated as obligations within a Redevelopment Agreement(s) to be executed between Borough and Redeveloper(s).

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# LAND USE

- E.3. Redevelopment Agreement(s) to be executed and shall contain specific obligations for infrastructure improvements.
- E.4. Local site plan review, as specified in Section 5.5.3.
- E.5. Inter-agency review and permitting, as specified in Section 5.5.

## 4.5. DESIGN STANDARDS

### 4.5.1. Building Design

Architectural design as well as the overall site layout should reflect a context specific and locally influenced intention. Chatham has a history of eclectic and interesting buildings with architecturally unique details (see Appendix D). Projects within this Redevelopment Area should pay attention to details and enhancements in a similar creative, diverse approach.. Human scaled spaces and features should emphasize a pedestrian focused environment which encourages active use and establishes a unique sense of place for both residents, proprietors, and visitors. Design features should be considerate of existing buildings while contributing to and defining a strong and contemporary personality. The following precedents reflect architecture styles that the public indicated were attractive and appropriate for this Redevelopment Area (see Figures 9 + 10). They should not be read as absolutes for proposals, but as guiding document when thinking about the scale, detail, style and balance of architectural features.

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# LAND USE



Figure 9: Grandview, Jersey City, NJ, Marchetto Higgins Stieve. Human-scaled building which addresses all street frontages. Eclectic but traditional details.



Figure 10: Seymour Street Redevelopment, Montclair, NJ, Marchetto, Higgins Stieve. Traditional proportions, materials, and scale in a mixed-use, midrise, urban redevelopment project.

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# LAND USE

Detailed architectural and design standards based on designs presented to the public during the input period shall be contained within the Redevelopment Agreement(s). These architectural standards will be drafted in order to, but not limited to, regulate the following components:

- Type, make, and color of facade materials.
- Type and placement of exterior fixtures.
- Dimensions of building and windows.
- Dimension, make and quality of windows.
- Lighting and signage design.

## **4.5.2. Open Space + Plaza Design**

Within the Redevelopment Area, there shall be a minimum of 15,000 square feet of public open space provided at the ground level. This may be accomplished either fully within one district or split between the two districts. Public open space shall be visible and accessible from South Passaic Street and the Proposed New Street. The space must include a structure suitable for flexible, protected open space which can function for planned programming like a farmers' market, or informal, unplanned passive recreation (Figure 11).

Additionally, the landscaping shall be thoughtful with a distinct design narrative of high-quality plantings, ample seating, quality walking paths, and amenities as seen in Figure 12.

This public space should feel like a creative urban plaza to be used by retail users, residents and visitors. It should be designed to be attractive and well-lit for all hours of the day. Seating should be incorporated into the design through features like raised planters in addition to benches, or to accommodate movable tables and chairs to provide flexibility. Outdoor electrical outlets should be installed as well as other modern amenities people seek out. Buildings and

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# LAND USE



Figure 11: Findlay Market, Cincinnati, OH. A structure providing protection from the sun or light rain for various activities including a farmer's market or potentially unstructured recreation.

trees should be placed in a way that is considerate of natural lighting and aware of seasonal conditions so as to be inviting at all times of the year. Public space should be designed to look like a seamless extension of the surrounding neighborhood and new development, while encouraging public use. Bistro lighting is encouraged above and throughout plazas. Design should provide for possible small group programming including live music, book clubs or co-working.

Public open space should be designed to allow for access by all people regardless of age, ability, and mobility and therefore should strive to go beyond ADA compliance to create a truly accessible public space.

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Figure 12: Oakhurst Park, Kingwood, TX, Kudela & Weinheimer

### 4.5.3. Mobility Improvement Designs

This Redevelopment Plan governs an extremely important location in the heart of downtown Chatham. While adding new residential and retail uses will help the area become more vibrant and activated, the adequate and high-quality provision of infrastructure to support mobility throughout the area will need attention beyond traditional interventions. It is critical that the public realm is improved to accommodate the increase in use and attraction. In addition to thoughtful design and layout, the streets should have unique, fun identities that complement the existing architecture while creating environments that will exist as nodes of activity for residents and visitors alike.

# LAND USE

Interventions and enhancements should create safe and comfortable areas that attract pedestrian activity to give people a reason to linger and explore. Vehicular circulation should be balanced and calmed by the needs of pedestrians. The public realm should be landscaped to include native vegetation for year-round enjoyment to complement the urban fabric. Details including, but not limited to landscaping, street furniture, public amenities, shade trees and signage will be detailed and included as part of any Redevelopment Agreement(s) associated with this Redevelopment Plan. All power lines shall be buried within the Redevelopment Area and along all streets listed within this section.

Final designs will be subject to public outreach and approval by the Borough.

To guide any future project, it is envisioned that the following standards be met with any proposed redevelopment project for the following streets (see Figure 13) adjacent to any proposed project(s).

A. *Bowers Lane + Proposed New Street Extension*

- A.1. Bowers Lane and the Proposed New Street Extension shall function to assist circulation and access within the Redevelopment Area and to the surrounding area. The design should improve overall walkability within and around the Redevelopment Area so that it is attractive and safe for all users.
- A.2. Any proposed new street on Block 122 shall not be any less than 120 feet from the Main Street right of way.

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- A.3. Min ten (10) foot travel lane (each way)
- A.4. Min six (6) foot sidewalk (each side)
- A.5. Bowers Lane shall function to assist circulation and access for proposed projects. However, the design should improve overall walkability within and around area so that it is attractive and safe.



Figure 13: Diagram of existing streets and potential new connections.

# LAND USE

## *B. South Passaic Avenue*

- B.1. South Passaic Avenue shall serve as a main connection to the downtown corridor with a design that encourages ease of movement between Main Street and the Redevelopment Area. Improvements shall tie in Firehouse Plaza Road to proposed projects to improve visibility and pedestrianism to the train station. Larger sidewalks shall promote nodes of activity and programming opportunities that attract residents and visitors into the downtown. Figures 14 and 15 below represent examples of what the community would like to see along Passaic Avenue.
- B.2. Minimum 12-foot sidewalk width.
- B.3. Street trees to be placed at a maximum of 36-foot intervals.
- B.4. Pedestrian crossing improvements across Main Street from South Passaic Avenue to Bowers Lane; across South Passaic Avenue from Main Street to the railway right-of-way; and Bowers Lane from Main Street until the railway right-of-way.
- B.5. Improvements must include the installation of appropriate reflective striping and signage that assist in increasing motorists' awareness of pedestrians and bicyclists.
- B.6. Additional amenities should include, but should not be limited to, bicycle racks, seating, public art, landscaping and pedestrian-focused amenities.  
Wide pedestrian-friendly sidewalks along a downtown commercial retail strip which allows outdoor dining as well as various programmed activities.

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# LAND USE



Figure 14: Church Street, Montclair, NJ. A pedestrian oriented, retail and commercial street, with regular public programming.



Figure 15: Main Street, East Hampton, NY. Buildings set back from the curb to allow for large street trees, flower beds, and sidewalk furniture.

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# LAND USE

## C. *Proposed New Street(s)*

The proposed connection between South Passaic Avenue and Bowers lane shall be designed as a pedestrian-oriented, walkable plaza that caters to pedestrians, residents of the Redevelopment Area, and patrons of adjacent businesses.

The Proposed New Street right-of-way will play a central role to the success of the Redevelopment Plan as a people- and transit-oriented destination. This space needs to be designed to allow for adequate circulation for all users, while emphasizing the importance of the pedestrian experience. Plantings, landscaping, and hardscaping shall be implemented with the intention of calming traffic and creating a welcoming atmosphere. It is the intention of this Redevelopment Plan that the space should invoke the environment of an outdoor room that allows minimal, intentional traffic circulation with very little visual or physical impact on the pedestrian experience. This should become a community hub that can easily be closed down for events. Lighting should create a safe but comfortable environment that supports 24-hour use. Through the use of different textures, colors and materials, the space should clearly indicate where the predominantly pedestrian spaces and paths are located to create pockets of gathering spaces.

The space should utilize and resemble the precedents below in Figures 16, 17 and 18 to create a truly unique public experience similar to those found at Seattle's Bell Street and Denver's Fillmore Plaza.

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# LAND USE

The Proposed New Street shall be designed for a target speed of no more than 15 mph and contain textured pavement materials that are flush with the curb to emphasize pedestrian priority, street furniture to delineate pedestrian space, and staggered landscaping throughout the right-of-way. Additional pedestrian protection such as neckdowns and/or bulb-outs shall be provided at the end of each parking lane and at each pedestrian crossing.



Figure 16: Bell Street, Seattle, WA. A newly created woonerfs in Seattle's downtown.

# LAND USE



Figure 17: Fillmore Plaza, Denver, CO. Flexible, pedestrian oriented design which allows for use by automobiles at times, or a fully pedestrian only plaza as desired.



Figure 18 Woonerf with café tables and chairs providing an outdoor dining option at the side of a corridor which allows all modes of transport but encourages those compatible with pedestrians and human scale development.

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## *D. Pedestrian Connections*

### **D.1. Chatham Train Station**

The Chatham Train Station is only some 800 feet from the western edge of the Redevelopment Area, which means it is easily accessible by foot and a major asset for any proposed project (s). This connection will need to be enhanced and better defined as the current pathways lack the improvements users are likely to expect. Redeveloper(s) should consider how to provide pedestrian access either to the north or south of the Redevelopment Area utilizing existing or proposed right-of-way. Two alternatives were proposed by the public as seen in Figure 19.

### **D.2. Pedestrian crossings are required at the intersections of:**

- a. Any new streets + South Passaic Avenue
- b. Any new streets + Hillside Avenue
- c. Any new streets + Bowers Lane
- d. Bowers Lane + Main Street
- e. Fire House Plaza + South Passaic Avenue

D.3. Curbs shall be extended at corners to minimize the crossing distance for pedestrians.

D.4. Crosswalk treatment shall be designed to maximize visibility.

D.5. Crosswalks shall be a minimum of ten (10) feet wide.

# LAND USE



Figure 19: Pedestrian Connections with Chatham's Train Station, as proposed by public participants.

## 4.6. UTILITIES

### 4.6.1. General Requirements

- A. Distribution lines for all utility systems shall be placed underground.
- B. All easements shall comply with Borough requirements. Exact locations for utility lines and easements shall be established at time of preliminary site plan approval or subdivision.
- C. Existing above ground utilities shall be incorporated into the underground systems as improvements are undertaken. Any relocation and/or replacement of utility lines shall be the sole responsibility of the Redeveloper(s) and shall not be an expense to the Borough.

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# LAND USE

- D. Remote readers for all utilities, in lieu of external location of the actual metering devices, are preferred.

## **4.6.2. Water + Sewer**

Redeveloper(s) must comply with all applicable building codes and standards. For water and sewer, Redeveloper(s) must model and provide guidance to Borough on existing service and capacity to ensure proper service for any development proposed.

## **4.6.3. Stormwater**

The Redeveloper(s) is encouraged to employ a combination of best practices for stormwater management, especially the following:

- A. Incorporate street trees, green-roofs, planting beds, and other green infrastructure elements into planned building and landscaping designs to reduce runoff and improve local water quality.
- B. Maximize water capture and reduce pooling during heavy precipitation events with structural and passive non-structural stormwater management techniques.
- C. Integrate planted areas, greenways, green roofs, and bio-swales that filter runoff and maximize on-site infiltration.
- D. Reduce usage of impervious pavement or ground coverings to encourage groundwater recharge and slow the impact of water enter stormwater systems.

# LAND USE

- D.1. Projects that successfully incorporate pervious surfaces on 20% of their site can receive a 10% reduction in impervious coverage calculations.
- E. Deliberate use of native and naturalized plant species that thrive in the local climate, and complement water management strategies.
- F. Fully integrated structural and non-structural stormwater management interventions which allow systems to complement and compensate for shortcomings and soften failure events.

## 4.7. AFFORDABILITY

All development pursued under this Redevelopment Plan shall comply with Chapter 69 of the Borough of Chatham's Land Development Regulations.

Pursuant to N.J.S.A 40A:12A-7(b) and the New Jersey Fair Housing Act (N.J.S.A 52:27D-301 et. Seq.), this Redevelopment Plan incorporates the affordable housing requirements set forth in the Chatham Borough Land Development Regulations and further supported by the Borough's Housing Element and Fair Share Plan (2016).

The Borough of Chatham Planning Board has adopted a Housing Element and Fair Share Plan (the "Fair Share Plan") pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq.

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# ADMINISTRATION

## 5.1. VALIDITY OF PLAN

If any section, subsection, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be deemed by a court of competent jurisdiction to be invalid, such part(s) shall be severed and the invalidity thereby shall not affect, impair or invalidate the remainder of the Redevelopment Plan.

## 5.2. COMPUTATIONS

When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

## 5.3. OTHER ACTIONS BY THE BOROUGH IN FURTHERANCE OF THE PLAN

Other actions may be taken by the Borough in its sole discretion, to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. The costs for such actions shall be borne by the designated redeveloper(s); however, the Borough will consider incentives or offsets as appropriate in the Borough's sole judgment and discretion.

## 5.4. BOROUGH DESIGNATION-REDEVELOPMENT AGREEMENT

### 5.4.1. Usage of the word "developer"

Anytime the word "developer" is utilized in this Redevelopment Plan, the same shall mean the redeveloper or redeveloper(s) that are to be designated by the Borough in accordance with this Redevelopment Plan.

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## **5.4.2. Standing Before Planning Board**

Only redeveloper(s) designated by the Borough by resolution of the Chatham Borough Council may proceed to implement the redevelopment projects set forth in this Redevelopment Plan before the Planning Board. In order to assure that the vision of this Redevelopment Plan will be successfully implemented in an effective, comprehensive and timely way, and in order to promptly achieve the public purpose goals of the Plan, the Chatham Borough Council, acting as the Redevelopment Entity, will select the redeveloper(s) in all areas governed by this Redevelopment Plan. Any party not specifically designated as the “redeveloper” as set forth above shall not have the standing to proceed before the Planning Board for site plan approval.

## **5.4.3. Procedural Standards for Redeveloper Applications**

- A. Implementation of this Redevelopment Plan may only be conducted by designated redeveloper(s) subsequent to execution of a Redevelopment Agreement(s) satisfactory to and authorized by the Borough Council. The procedural standards contained herein provide both a minimum list of submission items that prospective redevelopers shall submit for review as well as a framework for the Borough’s evaluation of such proposals. The Chatham Borough Council, acting as the Redevelopment Entity may, at any time, entertain unsolicited proposal(s) from a prospective redeveloper(s) for redevelopment of one or more parcels. The project vetting process shall be based upon submission of following materials. The Borough Council

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may, in their sole discretion, either waive the requirement to submit specific items listed below and/or request additional submission materials that are considered necessary to adequately evaluate proposals for specific sites:

- A.1. Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of dwelling units, if any, retail and or commercial uses, parking, traffic circulation, flood mitigation, landscaping, open space, construction schedule, including estimated pre-construction time period to secure permits and approvals, and other elements are consistent with the objectives and standards of this Redevelopment Plan.
- A.2. Any proposals incorporating a shared parking scheme shall be accompanied by a study, prepared by a licensed Professional Engineer, or recognized parking consultant that details the analysis underlying any proposal to reduce parking requirements.
- A.3. Visualization tools that will be necessary and/or useful for local officials and/or redeveloper(s) to communicate development proposals to the public. At minimum, redeveloper(s) shall provide access to “augmented reality” simulations that Borough officials, professionals and the public can use to view specific development and

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design proposals in the context of outdoor, existing conditions. Additional specifications in this regard can be provided upon request.

- A.4. Documentation evidencing the financial responsibility and capability of the proposed redeveloper(s) with respect to carrying out the proposed redevelopment including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, financing plan, and financial profile of the redeveloper(s) entity and its parent, if applicable.
- A.5. Traffic studies consistent with the requirements contained in Section 4.4.5. of this Redevelopment Plan (Access + Circulation). Submission materials shall include written reports, raw data (i.e. traffic counts), editable “Synchro” files upon which conclusions were based, as well as animated depiction of traffic flow in all evaluated scenarios including no-build condition; build condition without mitigative measures; and build condition with proposed mitigative measures (as applicable). Prior to preparation of traffic studies, prospective redevelopers and/or their professionals shall consult with the Borough to ascertain the most up-to-date baseline condition (i.e. that includes all approved, un-built projects).

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- B. Prospective redeveloper(s) of publicly-owned parcels shall submit the following additional information intended to expedite finalization of terms and conditions ultimately to be included in a Redevelopment Agreement(s) and/or purchase and sale agreement(s):
  - B.1. Terms and conditions for the sale of land, including, but not limited to: transactional structure (sale/lease); financial terms; proposed covenants; etc.
  - B.2. Municipal-ownership of certain parcels in the Redevelopment Area may lend themselves to a transactional structure that would satisfy minimum requirements for issuance of a “Special Concessionaire Permit” by the New Jersey Division of Alcoholic Beverage Control (see N.J.S.A. 33:1-42; N.J.A.C. 13:2-5.2). In their applications, prospective redeveloper(s) of publicly-owned property shall include an indication of interest in pursuing a Special Concessionaire Permit in coordination with the Borough along with relevant business terms, including, among other things, structure of proposed licensure fees.

## 5.5. APPROVAL PROCESS

This Redevelopment Plan requires the redeveloper(s) to submit all plans to the Borough Council for review and authorization to proceed before the Planning Board prior to submitting a site plan or subdivision application to the Planning Board. Where specificity is not provided in this Plan, particularly but not exclusively regarding parking decks, roadways, open space and landscaping, such specificity

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shall be provided to the Borough Council for review and authorization prior to submission to the Planning Board and execution of a Redevelopment Agreement(s). The Borough, by and through the Borough Council, acting as the redevelopment agency, will be required to review and authorize same as a condition precedent to submission of an application before the Planning Board.

## **5.5.1. Borough Review**

The Chatham Borough Council, acting as the Redevelopment Entity, shall review and approve, in a manner consistent with the Redevelopment Plan and the Borough Master Plan all proposed redevelopment projects within the Redevelopment Area to ensure that such project(s) is consistent with this Redevelopment Plan and any relevant Redevelopment Agreement(s). Such review shall occur prior to the submission of an application for approval of the redevelopment project(s) to the Planning Board. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

### *A. Schedule*

Prior to any submission to the Planning Board, the redeveloper(s) shall submit a site plan package for review and approval by the Borough Council, in consultation with its consultants. This site plan package may, as the Borough Council may require, include, but is not limited to, the documents listed below. The Borough Council may request additional reasonable analyses and information as required to make a decision. All submissions shall meet design standards enumerated in this Redevelopment Plan and indicate any variances from this Redevelopment Plan.

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- A.1. Boundary survey of the property including easements, water bodies, parcel numbers, street names, route numbers, adjacent properties and other landmarks.
- A.2. The location, size, height, floors and use of all proposed and existing buildings.
- A.3. The location, size and type of all parking spaces, loading areas and sidewalks.
- A.4. A landscaping plan.
- A.5. The location of any outside storage of equipment, supplies, materials, or vehicles.
- A.6. The height, location, type, lighting and square footage of proposed signage.
- A.7. The location, type and size of all entrances to the site or rights-of-ways located on or adjacent to the site.
- A.8. The location, type and size of any primary drain fields or reserved drain fields.
- A.9. The location, size and type of any trash disposal facilities.
- A.10. Outside lights, streetlights or other lighting mechanisms.
- A.11. Existing and proposed finished contours at two (2) foot intervals.
- A.12. The location of any buffers, including berms, trees and fencing, used to minimize the visual, sound, lighting or any other negative impacts of the project.

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- A.13. The location of all utility lines.
- A.14. The location of any conservation easements dedicated open space, recreational facilities or similar areas.
- A.15. The location of any emergency service facilities, such as fire suppression lines, hydrants or other facilities.
- A.16. The location of any permanent stormwater management structures or devices.
- A.17. The location of any gas tanks, pumps or other facilities that may require additional federal, state or local permits.
- A.18. The location and type of soils, water features and wetlands.
- A.19. A schematic drawing, artist rendition or elevation drawing of the site and any buildings located on the site.
- A.20. The location and size of any monuments, statues or similar features.
- A.21. The location and type of any historic building, feature or any archaeological sites.
- A.22. The location of any rights-of-way, adjacent or nearby road improvements and uses of adjacent properties.
- A.23. An Erosion and Sediment Control Plan that meets the regulatory requirements.
- A.24. Any local, county, state or federal permits required for development of the site.
- A.25. A community impact statement and traffic impact statement.

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## **5.5.2. Planning Board Review Process**

After the Borough review process noted above is completed, all development applications shall be submitted to the Borough of Chatham's Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Chatham Borough Council as a redeveloper(s), a Redevelopment Agreement(s) has not been fully executed and the development application is not submitted with a letter of approval from the Chatham Borough Council.

## **5.5.3. Site Plan + Subdivision Review**

Prior to commencement of construction, site plans for the construction 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 Planning Board of the Borough of Chatham so that compliance with this Redevelopment Plan can be determined.

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 Borough of Chatham. No construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

In addition to the above-mentioned items, the following items shall be submitted as part of a site plan application:

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## A. *Mandatory Submissions*

- A.1. All leases, licenses or agreements securing off-site parking
- A.2. Technical loading and unloading study including but not limited to a list of expected deliveries, analysis of loading space required for each delivery, and the ability to specify the delivery time of each delivery.
- A.3. Copy of applications or conceptual designs that have been or will be submitted to NJDOT.
- A.4. Technical memorandum outlining energy efficiency strategies per Section 3.3.7.
- A.5. Streetscape/landscape design package including name of designer and design drawings.

## B. *Conditional Submissions*

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 Chatham Borough Council and Chatham Borough 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, the Redevelopment Agreement(s), and the subdivision ordinance of the Borough, except that where this Redevelopment Plan contains provisions that differ from those in the subdivision ordinance, this Plan shall prevail.

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- B.1. When proposing the use of ground mounted electrical transformers within the confines of the Redevelopment Area, a narrative explanation shall be provided that identifies other possible locations and feasibility considerations of each site and provides an explanation for the reasonable infeasibility of alternative sites.
- B.2. When proposing accessory roof decks, a report including design drawings and operations shall be provided.

## **5.5.4. Approvals by Other Agencies**

The redeveloper(s) shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redevelopment Agreement(s) to be executed between the redeveloper(s) and the Borough.

## **5.6. DEVIATIONS**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper of such property. The 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 Redevelopment Plan and

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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 this 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 NJSA 40:55D-12.a. and b.

Notwithstanding the above, any changes to the uses permitted in this 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 deviation be would be consistent with and the furtherance of the goals and objectives of this Redevelopment Plan.

## 5.7. SEVERABILITY

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

## 5.8. 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.

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## 5.9. NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be effected or executed by the Borough of Chatham or by a redeveloper(s) or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough of Chatham, or the redeveloper(s), upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender 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 instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status, gender, or disability.

## 5.10. REDEVELOPMENT ACTIONS

The Borough of Chatham shall have such powers and duties as set forth in the Local Redevelopment and Housing Law and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to acquire real property without eminent domain, to relocate residents and businesses, to designate redeveloper(s), to establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of Redevelopment Agreement(s), and to do such other things as permitted by law.

## 5.11. TAX EXEMPTIONS + PUBLIC FINANCING TOOLS

5.11.1. Projects undertaken within the Redevelopment Area pursuant to this Redevelopment Plan may be eligible for tax exemptions and/or abatements and payments in lieu of taxes (“PILOT”), pursuant to N.J.S.A. 40A:21-1, et seq. (a “Short Term PILOT”) and N.J.S.A. 40A:20-1, et seq. (a “Long Term PILOT”). Redevelopers will be required to submit an application for review by

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the Borough Mayor and Council and, if approved, the Borough will enter negotiations for a financial agreement for payments in lieu of taxes (a “PILOT Agreement”), subject to approval by ordinance. The decision to approve or reject an application for a Short Term PILOT or Long Term PILOT and to approve or reject the adoption of a PILOT Agreement will be in the sole and exclusive discretion of the Borough.

- 5.11.2. If the Borough determines based upon the scope of a project, the particular public value or benefits associated with a project, or difficulty in financing of a project that public assistance may be warranted, it may consider approval of a redevelopment area bond, pursuant to the Redevelopment Area Bond Law, N.J.S.A. 40A:12A-65, et seq. (the “RAB Law”). The decision to approve financial assistance through a redevelopment bond or bonds under the RAB Law will be in the sole and exclusive discretion of the Borough.

## 5.12. RELOCATION REQUIREMENTS

Implementation of this Redevelopment Plan may require the displacement and relocation of businesses located within the Redevelopment Area. At the time of property acquisition, the actual extent of displacement will be confirmed, and if it is necessary, a Workable Relocation Assistance Plan will be prepared and submitted to the New Jersey Department of Community Affairs for approval. The Borough will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable and will provide all benefits and assistance required under applicable law.

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## 5.13. ESCROWS

At a minimum, the Redevelopment Agreement(s) shall provide that the redeveloper(s) shall be responsible to post sufficient escrows to cover any and all costs of the Borough and the professional consultants retained by the Borough to remake the Redevelopment Agreement(s), any financial agreement, undertake any studies in connection with the project, review the proposed redevelopment project, and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement(s).

In addition, the Borough has incurred costs for professionals consultant in connection with the preparation and adoption of this Redevelopment Plan, as well as the redevelopment investigation and studies supporting the designation of the Redevelopment Area. Upon designation, and as a condition of any Redevelopment Agreement(s), redeveloper(s) to be designated will be required to pay a one-time pro-rata administrative fee of at least \$200,000, which shall serve as reimbursement toward such costs to the Borough to defray its costs in connection with the redevelopment.

## 5.14. INFRASTRUCTURE

The redeveloper(s), 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 capacity enhancements or upgrades required in connection with traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. The redeveloper(s) 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 due to the impacts of the project. The Borough will consider incentive offsets as appropriate in the Boroughs' sole judgment and discretion.

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## 5.15. SHARED INFRASTRUCTURE

- 5.15.1. Cost sharing methodology shall be defined in the Redevelopment Agreement(s) for each respective parcel. In addition to public improvements included in this Plan, the methodology shall account for any and all previous infrastructure contribution made by the redeveloper(s) related to the implementation of the Post Office Plaza Redevelopment Plan.
- 5.15.2. Electric Utility Improvements should make commercially reasonable best efforts to locate transformers in locations that do not negatively affect the pedestrian experience.

## 5.16. PROCEDURES FOR AMENDING THE PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A request for same may be submitted to the Chatham Borough Council. The Borough of Chatham reserves the right to amend this Plan. A non-refundable application fee of \$10,000 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Borough, 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 and other additional professionals as may be required by the Borough.

## 5.17. REDEVELOPMENT PLAN DURATION

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Chatham Borough Council.

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## **5.18. CERTIFICATES OF COMPLETION**

Upon completion of a project, the redeveloper(s) shall submit for a Certificate of Completion. Concurrently, a zoning ordinance amendment shall be submitted to the Chatham Borough Council requesting that the zoning for the subject parcel(s) be incorporated into the Borough Code to ensure that the standards remain applicable.

## **5.19. LAND USE MAP AMENDMENTS**

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Chatham Borough Land Use Map to ensure consistency between the two documents.

## **5.20. ADDITIONAL SUPERSEDING PROVISIONS**

The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Land Development Ordinance (LDO) of the Borough of Chatham or other applicable Borough of Chatham codes or ordinances.

### **5.20.1. Terms and Definitions**

- A. Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Borough of Chatham.

### **5.20.2. Other Applicable Design and Performance Standards**

- A. Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Ordinance of the Borough of Chatham.

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## 5.21. OTHER PROVISIONS

- 5.21.1. This Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved public utilities, recreation and community facilities and other public improvements. This Redevelopment Plan has laid out various programs and strategies requiring implementation in order to carry out the objectives set forth herein.
- 5.21.2. This Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- 5.21.3. The diagrams, images and other graphic representations provided in this Redevelopment Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the partial redevelopment of a block depicted in such diagrams, images or other graphic representations, provided that such subdivision or re-subdivision and partial redevelopment of a block is fully in conformance with the written standards and regulations contained herein.
- 5.21.4. Final adoption of this Plan by the Borough Council of the Borough of Chatham shall be considered an amendment of the Borough Zoning Map.
- 5.21.5. The NJ Department of Transportation (DOT) shall have final authority over street design and related specifications with respect to all State roadways.

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## 5.22. OTHER REDEVELOPMENT ACTIONS

In carrying out this Redevelopment Plan, the Borough of Chatham and any designated redeveloper(s) may be required to undertake a variety of redevelopment actions. These may include, but will not be limited to:

- 5.22.1. Consolidation and/or subdivision of tax lots.
- 5.22.2. Acquisition and assembly of suitable parcels of land for the construction of the uses set forth in this Redevelopment Plan.
- 5.22.3. Clearance of abandoned, deteriorated, obsolete structures or uses or structures, or remains of structures, on underutilized land areas, where necessary.
- 5.22.4. Construction of new structures or other improvements.
- 5.22.5. Provisions for public infrastructure necessary to service and support new development, including improved streetscapes and beautification of the area.
- 5.22.6. Vacation of public utility easements or rights-of-way as may be necessary for redevelopment.

## 5.23. PUBLIC IMPROVEMENT APPROVALS

In cases where third party governmental approvals are pending at the time of project completion, the Borough of Chatham may in its discretion allow a certificate of occupancy to be issued for site while public improvements are pending. It is anticipated that the conditions required to issue a certificate of occupancy will be specified in a Redevelopment Agreement(s) to be negotiated between designated redeveloper(s) and the Borough of Chatham. It is recommended that this aspect of potential Redevelopment Agreement(s) be structured to require redeveloper(s) to work collaboratively with the Borough's professionals to design the required improvements and, in cases where the municipality

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applies for permits directly, redeveloper(s) shall facilitate the Borough's efforts to obtain permits from requisite third-party agencies. The following steps are recommended in cases where certificates of occupancy may be issued prior to implementation of all public approvals:

## **5.23.1. Step 1**

Engineering Studies / Preliminary Analysis: Redeveloper(s) shall prepare required technical memoranda that may be required by a third-party governmental agency on a pre-application basis. The memorandum will be presented to the municipality for the municipality to use for coordination with third-party agencies. Redeveloper(s)' professionals shall attend all required coordination meetings prior to preparing application materials.

## **5.23.2. Step 2**

Engineered Plans: Once authorization to design is granted, the Redeveloper(s) shall prepare engineered design documents suitable for public bidding and in accordance with applicable requirements and standards for approval. The Redeveloper(s) shall coordinate with the Borough and the Borough's professionals on all final designs.

## **5.23.3. Step 3**

Permit Applications & Supporting Materials: At such a time when the Redeveloper(s) and the Borough agree on the final engineered design, the Redeveloper(s) shall provide all necessary materials to support the requisite application(s) to the applicable approval agency, which the Borough shall, in turn, submit for approval. The Redeveloper(s) shall support the Borough during the requisite application review process on an as needed basis. The Redeveloper(s)

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# ADMINISTRATION

shall maintain an escrow account to compensate the Borough's professionals for work required to facilitate receipt of necessary approvals.

## **5.23.4. Step 4**

Construction Bond: Once approvals are obtained, the Redeveloper(s) shall post a bond in an amount necessary to cover the construction cost, which shall be based upon the awarded contract amount.

## **5.23.5. Step 5**

Construction Bidding & Contract Administration: The Borough shall be responsible for projects requiring public bidding and construction contract administration.

## **5.23.6. Step 6**

Post-Design & Inspection Services: The Redeveloper(s)' consultants shall provide all post-design engineering services; inspection coordination and other services as may be required as part of any approval process. Redeveloper(s)' consultants shall be approved as may be necessary for construction inspection and other services as may be applicable.

## **5.23.7. Step 7**

As-Built Certification: Redeveloper(s)' consultant shall provide as-built certification documents and other close-out materials as may be required in accordance with any approval process and shall provide support at such a time when new improvements are accepted by third party agencies.

New Jersey’s Local Redevelopment and Housing Law (the “LRHL”) empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated “in need of redevelopment” in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the Redevelopment Area for financial subsidies or other incentive programs offered by the State of New Jersey.



## A.1. PROCESS

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A.1.1. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- A.1.2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).

## APPENDIX A: REDEVELOPMENT + HOUSING LAW

# A

- A.1.3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- A.1.4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- A.1.5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment.” The Governing Body must make the final determination as to the Non-Condensation redevelopment area boundaries.
- A.1.6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condensation redevelopment area, then the notice of the final determination shall indicate that:
- A. The determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the Redevelopment Area, and
  - B. legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

- A.1.7. A redevelopment plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
- A.1.8. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.



## A.2. REDEVELOPMENT PLAN CONTENT

The LRHL identifies required components to be included in a redevelopment plan. In accordance with N.J.S.A 40A:12A-7a, a redevelopment plan must include an outline for the planning, development, redevelopment or rehabilitation of a project area which is sufficient to indicate:

- A.2.1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- A.2.2. Proposed land uses and building requirements in the project area.
- A.2.3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- A.2.4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- A.2.5. Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous

## APPENDIX A: REDEVELOPMENT + HOUSING LAW

# A

municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act,” P.L. 1985, c.398 (C.52:18A-196 et al.).



## B.1. MASTER PLAN UPDATES

### B.1.1. 2016 Master Plan Re-examination and Update Report

This Redevelopment Plan is consistent with the Borough's 2016 Master Plan Re-examination and Update Report. While there were no conflicts, two of the six stated goals line up especially well with content in this Redevelopment Plan. First, the intention to maintain and promote a reasonable diversity of residential housing types within the Borough is something this Plan, and redevelopment of the Post Office Plaza Redevelopment Area, addresses. Adding residential units in the Borough's downtown will not only add a housing type that is already underrepresented in the community, but can also help allow the Borough to grow, without adding pressure on the single-family districts to alter the character or density already established. The second goal of the 2016 re-examination report that is especially relevant for this Redevelopment Plan is the intention to balance the transportation needs of all users. This Redevelopment Plan anticipates development on the site that takes full advantage of the proximity to the Chatham train station and all amenities the downtown has to offer within walking distance. In addition to taking advantage of downtown Chatham's transportation assets, this Plan proposes incentives for redeveloper(s) to address and improve the design of Main Street and South Passaic Avenue in an attempt to address existing transportation concerns.

### B.1.2. 2016 Housing Element and Fair Share Plan

This Redevelopment Plan is consistent with the content contained within the 2016 Housing Element + Fair Share Plan and the regulations laid out in section

# APPENDIX B: RELATION TO OTHER PLANS

6.5. of this Plan are consistent with, and implement, the requirements of the Housing Element + Fair Share Plan.

## **B.1.3. 2012 Complete Streets Policy Plan**

This Redevelopment Plan has been developed to incorporate and complement much of the ideas and proposals included in the 2012 Complete Streets Policy Plan. The first goal stated in the 2012 Plan is to “Build from the historic, mixed use downtown to sustainably plan pleasant and accessible places to walk, bicycle and use transit for people of all ages and abilities in Chatham Borough” which aligns very well with the overarching intent of this Redevelopment Plan. The location of any project within the Redevelopment Area is intended to take advantage of the walkable and bikeable proximity to everything the downtown has to offer, including access to the train station. The Complete Streets Plan intends to “[e]nhance current walking and bicycling opportunities through... improvements, including sidewalks and traffic calming”, which is an intention expressed in the RFQ released for this Redevelopment Area and is carried forward through this Redevelopment Plan. This Plan fully incorporates the idea that, as the 2012 Policy Plan expresses, there should be “consideration of specific ... needs of children, older adults, and people with disabilities” when implementing “projects at and near ...transportation hubs, and the downtown”. Any project resulting from this Redevelopment Plan should fit with the goal stated in the Complete Streets Plan that “projects reflect and consider the environmental, cultural and historic context of the Borough”. These three components have been addressed throughout the public outreach project and are incorporated throughout this Redevelopment Plan. In addition to the specific goals addressed above lining up well with

# B

# APPENDIX B: RELATION TO OTHER PLANS

elements throughout this Plan, the overall intent and aim of both plans are compatible and no conflicts are identified.

## **B.1.4. 2010 Chatham Borough Open Space & Recreation Plan**

This Redevelopment Plan is substantially consistent with, and does not conflict with, the 2010 Chatham Borough Open Space + Recreation Plan. It should be noted that while focusing new development to be within the downtown and including open space in new development projects is not explicitly identified within the 2010 Plan, both of these aims further the general intention of maintaining existing open space and seeking new opportunities to add open space.



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## **B.2. 2000 MASTER PLAN**

This Redevelopment Plan is largely consistent with the 2000 Chatham Master Plan. While there are no conflicts in relations to the Redevelopment Plan, there are goals that directly correlate especially well with that of the Redevelopment Plan.

- To promote the establishment of appropriate population densities and the concentrations that will contribute to the wellbeing of persons, neighborhoods, the community and regions, and preserve the environment.
- To encourage coordination of various public and private procedures and activities shaping land development with the view to lessening the public cost of such development and to the more efficient use of land.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which

# APPENDIX B: RELATION TO OTHER PLANS

result in congestion or blight or a danger to pedestrians.

- To encourage municipal action to guide appropriate use and development of all lands in this state in a manner which will promote the public health safety morale and general welfare.
- To provide sufficient space in appropriate locations for variety of residential and recreational uses and open space, both public and private according to their respective environmental requirements in order to meet the needs of all citizens.
- To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

In addition to the above goals. The following Implementation Strategies identified by the 2000 Master Plan align with the purpose of this Redevelopment Plan.

- To maintain Chatham's sense of identity, economy and self-sufficiency we should resist pressure to regionalize our community facilities where not appropriate.
- Apply design principles to create and preserve spatially defined visually appealing and functionally efficient places in ways that establish a recognizable identity, create a distinct character and maintain human scale.
- Develop plans in collaboration with appropriate communities' organizations and agencies not rationally involved in the comprehensive planning process.
- Residential neighborhood design should balance safety and security considerations with the need to maintain accessibility and openness.
- Promote market-based incentives to encourage transit carpooling park and ride telecommuting flexible hours minibuses bike and walking.
- Provide new and enhanced areas for passive and active recreational and cultural opportunities in conjunction with existing municipal and educational facilities.

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# APPENDIX B: RELATION TO OTHER PLANS

## B.3. MORRIS COUNTY MASTER PLAN

This Redevelopment Plan is largely consistent with the 1975 Morris County Master Plan, which aims to address sprawl and sustainability in the greater region. Pursuant to N.J.S.A. 40A:12A-7(a)(5), this Redevelopment Plan relates directly to the goals and objectives of the Morris County Master Plan, including:

- Make fuller use of existing transportation lines and facilities. The County Plan forecasted that transit would achieve a greater influence on the region's development as an imperative alternative to private automobile use and its peripheral impacts of congestion, pollution, and encouragement of sprawl.
- Promote a greater diversity of housing types. The County Plan encourages adequate housing provisions for the elderly, young persons, and those who need affordable housing. Consequently, goals for the County's future should include a variety of housing, capable of creating homes for all residents.
- Find a more feasible alternative to the present situation of "strip mall" commercial development found on major roads, and single-family homes on unnecessarily large lots.
- "Cluster" future growth around definable town centers and transportation facilities to include commercial and office employment as well as residential, with land use intensity decreasing as distance from the town center increases.

## B.4. 1998 UNION COUNTY MASTER PLAN: ADJACENT COUNTY MASTER PLAN

This Redevelopment Plan is substantially consistent with the 1998 Union County Master Plan, which aims to expand housing options, promote sustainable growth, and encourage diverse transit options. This Redevelopment Plan relates directly to the following goals and objectives identified in the Union



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# APPENDIX B: RELATION TO OTHER PLANS

County Master Plan:

- Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock and through the construction of new housing units.
- To facilitate the development of Union County by directing new growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities and to revitalize the urban centers and corridors within the County.
- To promote the development of an improved and balanced, multi-modal transportation system that integrates and links highway, bus, rail, air, waterborne transport systems and pedestrian and bicycle facilities.

## **B.5. NEW JERSEY STATE DEVELOPMENT + REDEVELOPMENT PLAN**

The Redevelopment Area is located within Planning Area 1 (PA-1). As documented in the State Development + Redevelopment Plan, the following intent was identified for PA-1:

- Provide for much of State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character is existing stable communities.

This Redevelopment Plan will upgrade the use of land near the train station to continue economic development; expand housing options to provide a balanced residential population; manage local traffic congestion and reduce pollution; and encourage transit opportunities for connections within

# APPENDIX B: RELATION TO OTHER PLANS

and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York metropolitan areas.

## B.6. NEW JERSEY SMART GROWTH PRINCIPLES

Smart Growth in New Jersey encourages a compact form of development and redevelopment in recognized Centers, as stipulated in the State Development and Redevelopment Plan, including existing infrastructure that serves and enhances the economy, the community, and the environment. This Redevelopment Plan reflects an innovative Smart Growth concept and conforms to New Jersey's Smart Growth Principles, including:

- It provides for a synergistic mix of land uses in a compact, clustered, community design and includes a range of housing choice and transportation opportunity.
- The planned public amenities and urban design contribute to a walkable neighborhood that offers upgrades to the current use for residents, commuters, and visitors, alike.
- This Redevelopment Plan continues to build on the Borough's efforts to spark development and redevelopment in its downtown and direct growth to an area with existing infrastructure.
- The Redevelopment Area programming and design recommendations include a wide range of transportation improvements and promote active transportation options, including walking, bicycling, scooters, and transit.
- This Redevelopment Plan provides a framework for equitable, predictable, and efficient development decision making.
- The Redevelopment Plan expands upon a collaborative and transparent redevelopment process.



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# APPENDIX B: RELATION TO OTHER PLANS

## B.7. 2011 NEW JERSEY STATE STRATEGIC PLAN

The New Jersey State Planning Commission released its final draft of the State Strategic Plan (SSP) on November 14, 2011. Compared to the State Development and Redevelopment Plan, the SSP emphasizes a more “proactive, aggressive, and strategic approach to planning for the State’s future. An approach that aligns clear goals with sound decision making and coordination among government entities which will better position New Jersey for growth opportunities and allow New Jersey to once again compete for and capitalize on growth opportunities.”

Central to the SSP is its contemplation of development in Smart Growth locations and regional centers. This Redevelopment Plan furthers the following objectives, goals, and findings of the SSP:

- Capitalizes on the “desirability of Transit Hubs” by expanding housing options near major transit assets and provides the necessary design and building conditions for concentration of jobs, retail, and public amenities.
- Creates a neighborhood orientation to transit that is intended to serve residents, visitors, and commuters. The SSP projects that housing and development with rich transit options are the preferred choices future home buyers will put at a premium.
- Effectuates the following “Garden State Values:” 1) Concentrate Development and Mix Uses; 2) Prioritize Redevelopment, Infill, and Existing Infrastructure; 3) Increase Job and Business Opportunities in Priority Growth Investment Areas; 4) Create High-Quality, Livable Places; 5) Provide Transportation Choice + Efficient Mobility of Goods; 6) Diversify Housing Opportunities; and 7) Make Decisions with Regional Framework.

B

# APPENDIX C: DEFINITIONS

The following definitions supersede those found in the Chatham Borough Land Development Ordinance. For anything not defined within this Redevelopment Plan, the definitions found in Chapter 165, Article II of the Chatham Borough Municipal Code shall continue to be applicable.

## **ARTISAN WORKSHOP**

An establishment for the preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, baked or prepared food and drink, and similar items by one or more artisans. Excluded from this definition is welding, powder coating, and the servicing or repair of motor vehicles. Display, and/or sale of artisan products is permitted only for products prepared on-site.

## **AUTOMOTIVE RENTAL**

Any establishment that makes motorized vehicles available for use by the general public on a limited time basis measured in increments of one day or more.

## **AUTOMOTIVE REPAIR AND SALE**

Any establishment that provides services related to the proper functioning and maintenance of automobiles.

## **AUTOMOBILE SALES**

The use of any building, land area or other premises for the display and sale of new or used automobiles generally, but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

## **AUTOMOTIVE SHARE**

Any establishment that makes motorized vehicles available for use by members of a service on a limited time basis, usually for durations of less than a day.

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# APPENDIX C: DEFINITIONS

## **BREW PUB**

An establishment, with license from the State under N.J.S.A. 33:1-10, where alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities.

## **BREWERY**

An establishment licensed, under N.J.S.A 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Such uses may manufacture, sell and serve alcoholic beverages to consumers on a licensed premise for consumption on site, but only in connection with a tour of the brewery, or for consumption off the premises. Breweries may include warehousing and off-site distribution of alcoholic beverages consistent with state law and applicable licensing from the Borough of Chatham.

## **CO-WORKING**

An office use in which common and unassigned office space is made available to individuals and companies on a short-term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to common use space and common facilities. Long term assigned (increments greater than 1 month) office space without access to common use space and common facilities shall not be considered to fall within the definition of Co-Working.

## **COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public and owned and operated by a public or nonprofit group or agency. The facilities shall not include any living-quarters.



# APPENDIX C: DEFINITIONS

## **CONVENIENCE STORE**

A retail store that sells general merchandise, limited grocery items with less than 4,000 square feet of gross floor area and open for business more than 15 hours a day. The sale of prepared foods, not made-to-order, for off-site consumption may be included in this definition so long as the sale of prepared foods is subordinate to the sale of general merchandise and grocery items.

## **DRIVE THROUGH**

A commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device while remaining in their vehicles.

## **GROUND FLOOR**

The level of the building directly accessible from the sidewalk with the plane of the floor being no more than two (2) feet higher or lower than the finished grade of the sidewalk directly adjacent to the main pedestrian entrance of that level. The +/- 2' requirement does not apply to garage, mechanical, or other such areas.

## **MARKET**

A retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish and poultry. A market shall be defined as less than 20,000 square feet in size.

## **NIGHTCLUB**

Any premises licensed to provide for the on-premises consumption of alcoholic beverages, and where the principal use or function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is the sale of food, and the principal use or function after regular meal hours is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq., and where any of the following elements exist: (a) more than thirty (30%) percent of the floor area of the establishment is devoted to an entertainment

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# APPENDIX C: DEFINITIONS

portion of the business; or (b) the occupancy rate is either more than 130% of the number of seats or less than 12 square feet per occupant. Entertainment shall not include background music, whether live or recorded, whose primary purpose is to create an atmosphere or ambiance.

## **PUBLIC OPEN SPACE**

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational uses or conservation purposes.

## **RESTAURANT, LIQUOR LICENSED**

Any premises licensed to provide for the on-premises consumption of alcoholic beverages, and which at all times meets all of the following elements: (a) the sale of alcoholic beverages is incidental to the sale of food and not the primary source of revenue for the premises; (b) no “cover” or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year’s Eve, or during special events approved by the Chatham Borough Council; and (c) the occupancy rate is either no more than 130% the number of seats or no fewer than 12 square feet per occupant.

## **ROOF DECK**

An open common space available to tenants and their guests located on the roof of the building.

## **THEATER**

A facility used for viewing of live performances and/or films excluding adult entertainment uses.



# APPENDIX D: CHATHAM ARCHITECTURAL DETAIL PRECEDENTS



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D

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# PRELIMINARY INVESTIGATION



**Post Office Plaza  
Chatham, NJ**

**April 5, 2017**



Topology | 60 Union St #1N Newark, NJ 07105

## Acknowledgements

### Mayor

Bruce A. Harris

### Council

James J. Collander  
Victoria Fife  
James Lonergan  
Gerald Helfrich  
Leonard Resto  
Peter Hoffman

### Planning Board

Bruce A. Harris  
Robert Falzarano  
Victoria Fife  
H.H. Montague  
Joseph Mikulewicz  
Matthew Wagner, Vice-Chair  
William Heap  
Susan W. Favate, Chair  
John Bitar, Alternate Member  
Liz Holler, Minutes Secretary  
Cathy Baldwin, Administrative Secretary

### Planning Board Planner

Susan Blickstein, AICP/PP, PhD

### Planning Board Attorney

Vincent Loughlin, Esq.

### Planning Board Engineer

Vincent DeNave, Board Engineer  
Robert C. Brightly, PE, Consulting Engineer

### Administrator

Robert Falzarano

Prepared by:



Philip A. Abramson, AICP/PP  
NJ Planner License No. 609600

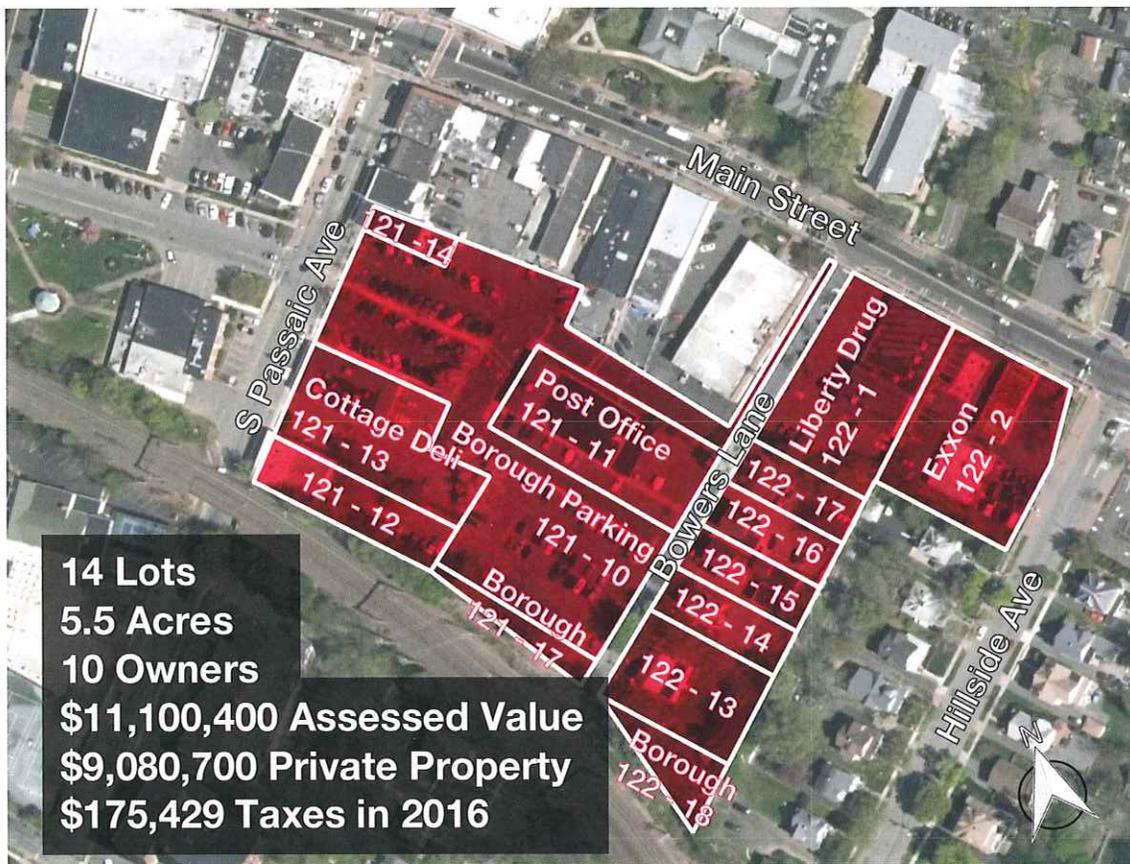


Leigh Anne Hindenlang  
NJ Planner License No. 628600

## Introduction

### Study Authorization

The following preliminary investigation has been prepared for the Borough of Chatham Planning Board to determine whether certain properties qualify as a non-condemnation “area in need of redevelopment” under N.J.S.A. 40A:12A-5. The Mayor and Borough Council of Chatham authorized the Planning Board, through resolution 17-140, annexed hereto as **Appendix A**, to conduct this preliminary investigation to determine whether designation of Block 121, Lots 10-14 and 17, and Block 122, Lots 1-2 and 13-18, as shown on the official tax map of the Borough of Chatham (collectively, the “Property”) as “in need of redevelopment” is appropriate and in conformance with the statutory criteria in N.J.S.A. 40A:12A-5.



### Summary of Findings

The analysis contained within this report will serve as the basis for the recommendation that Block 121, Lots 10, 11, 12, 13 and 17; and Block 122, Lots 1, 2 and 13-18 qualify as a non-condemnation Area in Need of Redevelopment.

## Background

### Legal Authority

New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of redevelopment" in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

### Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- B. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).
- C. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- D. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- E. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as

an “Area in Need of Redevelopment.” The Governing Body must make the final determination as to the Non-Condensation Redevelopment Area boundaries.

- F. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within forty five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- G. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
- H. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.
- I. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

## Progress

In satisfaction of Part A above, the Chatham Borough Council adopted Resolution 17-140 on March 15, 2017. A blight investigation map, also dated March 15, 2017, as attached to the amended resolution and are on file with the Municipal Clerk. The resolution and blight investigation map, which satisfy Part B above, are included as **Appendix A** and **Appendix B**, respectively.

## Purpose & Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the Property (hereinafter referred to as the “Study Area”) within the Borough of Chatham meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as an “area in need of redevelopment.” This study was prepared at the request of the Chatham Planning Board and was duly authorized by the Mayor and Council.

The scope of work for the investigation encompassed the following: land use review, assessment of property conditions, occupancy and ownership status within the study area; review of municipal tax maps and aerial photos; review of building, property management, fire and police records; review of development approvals and permits; review of tax assessment data; review of the existing zoning ordinance and zoning map for the Borough of Chatham; and review of the Master Plan for the Borough. In addition, property owners in the Study Area were interviewed regarding the use of their property, to communicate the nature of the redevelopment process and to address preliminary concerns.

## Existing Conditions

### Study Area Description and Context

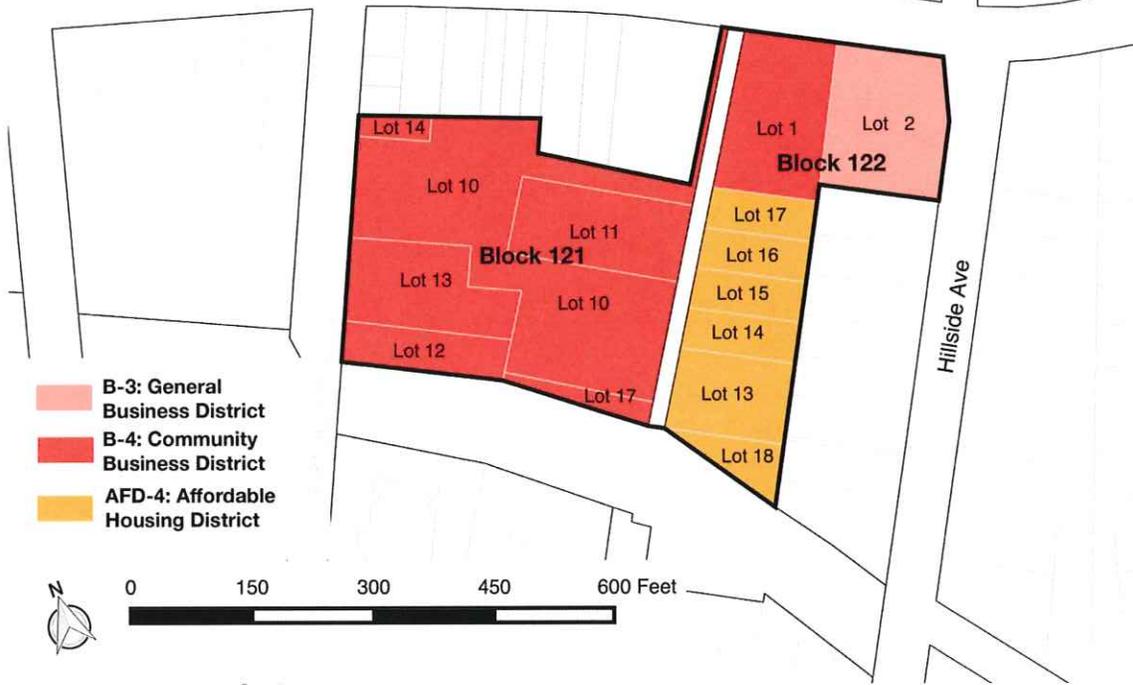
The Study Area is in the center of Chatham, situated along the NJ Transit Morris & Essex Line. Three of the fourteen lots in the Study Area, Lots 12 and 17 in Block 121 and Lot 18 in Block 122, abut the NJ Transit right-of-way directly. The Study Area is less than 700 feet from the New Jersey Transit's Chatham Station, well within the established half-mile catchment area for a commuter rail station.

Surrounding properties to the north that front on Main Street are a mix of commercial and public uses. To the west, fronting along S. Passaic Avenue, buildings contain a mix of commercial uses, mostly with ground floor retail. Bowers Lane, which is a "dead end" road running north-south bisects the Study Area and includes a mix of single-use commercial and residential structures. Hillside Avenue, which forms the far eastern boundary of the Study Area, consists of a corner service station, but otherwise includes none of the parcels to the south of the Study Area consists predominantly of single- and two-family homes. New Jersey Route 24 is just over one half-mile east of the Study Area with entrance and exit ramps connecting to Main Street.

### Existing Zoning

All parcels in Block 121 of the Study Area and Lot 1 in Block 122 lie in the B-4 (Community Business) district, which permits a range of retail and commercial uses and is intended to serve as a pedestrian-oriented shopping area. Lots 13-18 in Block 122 lie in the Borough's AFD-4 (Affordable Housing) district, where high intensity inclusionary residential development is permitted to a height of 3 stories and a Floor Area Ratio of 85%. Lot 2 in Block 122 lies in the B-3 (General Business) district, which allows for office and restaurant uses along with limited retail to the east of the pedestrian-oriented center of Chatham's Main Street.

**Study Area Zoning  
Post Office Plaza Planning Study  
Chatham, NJ**



<b>Study Area Zoning Districts</b>			
<b>B-3: General Business District</b>			
<b>Permitted Uses</b>			
<b>USE:</b> Professional Offices; Offices; Restaurants; Retail Trade and/or Services (under 2,500SF on 1.5 Acres); Child-Care Centers; Museums; Art galleries; Apartments (above 1 <sup>st</sup> Floor); Medical/Dental Offices; Educational Instruction.			
<b>Yard Requirements (Minimum)</b>		<b>Height &amp; Development (Maximum)</b>	
Lot Area	NONE	Lot Coverage	75%
Side Yard (One)	10 FT	Floor Area Ratio	NONE
Side Yard (Both)	24 FT	Building Coverage	15%
Front Yard	35 FT	Maximum SF	2,500SF
Yard Buffer	15 FT	Maximum Height	2.5 Stories / 35 FT
<b>B-4: Community Business District</b>			
<b>Permitted Uses</b>			
<b>USE:</b> Retail Trade; Personal Service; Retail Services; Restaurants; Eating and Drinking Establishments; Child Care Centers; Education Instruction (above 1 <sup>st</sup> Floor); Apartments (above 1 <sup>st</sup> Floor); Museums; Art Galleries			
<b>Yard Requirements (Minimum)</b>		<b>Height &amp; Development (Maximum)</b>	
Lot Area	NONE	Lot Coverage	90%

Side Yard (One)	NONE	Floor Area Ratio	NONE
Side Yard (Both)	NONE	Building Coverage	NONE
Front Yard	NONE	Maximum SF	NONE
Yard Buffer	15 FT	Maximum Height	3 Stories / 40 FT
<b>AFD-4: Affordable Housing District</b>			
<b>Permitted Uses</b>			
<b>USE:</b> Single-Family Dwellings; Apartment Houses			
<b>Maximum Yield</b>		<b>Maximum Coverage</b>	
Dwelling Units/Acre	36	Building Coverage	50%
Gross FAR	85%	Impervious Coverage	75%
<b>Spacing Requirements</b>			
Front Façade to Rear or Side Façade of other Buildings		40 FT	
Rear Façade to Side Façade of other Buildings		20 FT	
Side Façade to Side Façade of other Buildings		20 FT	
Building Façade to Common Parking		10 FT	
<b>Setbacks</b>			
Any Building Face to Property Line		25 FT	
Any Building Face to Curb Line		30 FT	
Any Building Face to Side Property Boundary		10 FT	
Any Building Face to Rear Property Boundary		25 FT	
Parking Area/Internal Roadway to Building Face/Side Boundary		10 FT	
<b>Height Restrictions</b>			
Maximum Height		3 Stories / 42 FT	

### Ownership and Tenancy

A review of the Borough's property tax records was conducted for properties in the Study Area to determine current ownership information. The table below shows the most current ownership records based on 2016 records from the New Jersey Division of Taxation.



Block	Lot	Zoning*	Property Class**	Area (Acres)	Address	Owner
121	10	B-4	15C	1.9841	17 S PASSAIC AVE	BOROUGH OF CHATHAM
121	11	B-4	4A	0.4738	22 BOWERS LN	CHATHAM ROBBINS PROPERTY LLC
121	12	B-4	4A	0.24	33 S PASSAIC AVE	SOUTH PASSAIC AVENUE ASSOCIATES LLC
121	13	B-4	4A	0.4098	23 S PASSAIC AVE	BAWEJA FAMILY LLC
121	14	B-4	4A	0.0558	11 S PASSAIC AVE	11 SOUTH PASSAIC AVE LLC % MAHER
121	17	B-4	15C	0.09	BOWERS LANE	BOROUGH OF CHATHAM
122	1	B-4	4A	0.5399	195 MAIN ST	ALAMAN ASSOCIATES, % LIBERTY DRUG
122	2	B-3	4A	0.59	185 MAIN ST	CAMPUS SERVICENTER INC
122	13	AFD-4	2	0.3329	37 BOWERS LN	SULLIVAN, NEIL M
122	14	AFD-4	2	0.1618	29 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	15	AFD-4	4A	0.1584	27 BOWERS LN	DRISCOLL PROPERTIES L.P.
122	16	AFD-4	2	0.155	23 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	17	AFD-4	4A	0.1504	17 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	18	AFD-4	15-C	0.13	BOWERS LANE	BOROUGH OF CHATHAM

- \*B-3 = General Business District
- \*B-4 = Community Business District
- \*AFD-4 = Affordable Housing District

- \*\*Class 2 = Residential
- \*\*Class 4A = Commercial
- \*\*Class 15C = Exempt Public Property

## Property Taxes

Property tax records from the State of New Jersey Division of Taxation's 2016 database were analyzed to determine the assessed value of each property in the Study Area and current property taxes. The value of the land, improvements thereon and the net taxable value for all sixteen parcels is displayed in the table below.



Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Prior Year Taxes (2016)
121	10	\$1,985,600	\$0	\$1,985,600	\$0
121	11	\$626,600	\$509,900	\$1,136,500	\$21,979.91
121	12	\$416,000	\$201,600	\$617,600	\$11,944.38
121	13	\$569,000	\$436,400	\$1,005,400	\$19,444.44
121	14	\$250,400	\$266,300	\$516,700	\$9,992.98
121	17	\$18,000	\$0	\$18,000	\$0
122	1	\$686,000	\$1,518,500	\$2,204,500	\$42,635.03
122	2	\$731,000	\$197,100	\$928,100	\$17,949.45
122	13	\$356,600	\$210,400	\$567,000	\$10,965.78

122	14	\$274,000	\$146,000	\$420,000	\$8,122.80
122	15	\$308,000	\$242,000	\$550,000	\$10,637.00
122	16	\$288,900	\$186,100	\$475,000	\$9,186.50
122	17	\$288,000	\$362,000	\$650,000	\$12,571.00
122	18	\$26,000	\$0	\$26,000	\$0.00
TOTAL		\$ 6,824,100	\$ 4,276,300	\$11,100,400	\$175,429.00

## Application of Statutory Criteria

### Introduction

The “Blighted Areas Clause” of the New Jersey Constitution empowers municipalities to undertake a wide range of activities to effectuate redevelopment of blighted areas:

“The clearance, replanning, development or redevelopment of blight areas shall be a public purpose and public use, for which private property may be taken or acquired. Municipal, public or private corporations may be authorized by law to undertake such clearance, replanning, development or redevelopment; and improvements made for these purposes and uses, or for any of them, may be exempted from taxation, in whole or in part, for a limited period of time... The conditions of use, ownership, management and control of such improvements shall be regulated by law.” NJ Const. Art. VIII, Section 3, Paragraph 1.

The New Jersey Local Redevelopment and Housing Law implements this provision of the New Jersey Constitution, by authorizing municipalities to, among other things, designate certain parcels as “in need of redevelopment,” adopt redevelopment plans to effectuate the revitalization of those areas and enter agreements with private parties seeking to redevelop blighted areas. Under the relevant sections of the LRHL (N.J.S.A. 40A:12A-1 et. seq.), a delineated area may be determined to be “in need of redevelopment” if the governing body concludes there is substantial evidence that the parcels exhibit any one of the following characteristics:

- a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b) The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c) Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

- d) Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e) A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).
- f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated.
- g) In any municipality in which an enterprise zone has been designated pursuant to the New Jersey Urban Enterprise Zones Act, P.L. 1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

It should be noted that, under the definition of “redevelopment area” and “area in need of redevelopment” in the LRHL, individual properties, blocks or lots that do not meet any of the statutory conditions may still be included within an area in need of redevelopment provided that within the area as a whole, one or more of the expressed conditions are prevalent. This provision is referred to as "Section 3" and is set forth under N.J.S.A. 40A:12A-3, which states that:

"a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part."

## Redevelopment Case Law Principles

The New Jersey Local Redevelopment and Housing Law has been interpreted extensively by the New Jersey State courts with regard to the specific application of the redevelopment criteria established under N.J.S.A. 40A:12A-5. The bulk of the case law relevant to this analysis has addressed: 1) the minimum evidentiary standard required to support a governing body's finding of blight; and 2) the definition of blight that would satisfy both the State Constitution and the LRHL.

**Standard of Proof:** According to the New Jersey Supreme Court's decision, Gallenthin Realty v. Borough of Paulsboro (2007), a "municipality must establish a record that contains more than a bland recitation of the application of the statutory criteria and declaration that those criteria are met." In Gallenthin, the Court emphasized that municipal redevelopment designations are only entitled to deference if they are supported by substantial evidence on the record. It is for this reason that the analysis herein is based on a specific and thoughtful application of the plain meaning of the statutory criteria to the condition of the parcels within the Study Area as they currently exist. The standard of proof established by the Court in Gallenthin was later upheld in Cottage Emporium v. Broadway Arts Ctr. LLC (N.J. App. Div. 2010).

**The Meaning of Blight:** The Supreme Court in Gallenthin emphasized that only parcels that are truly "blighted" should be designated as "in need of redevelopment" and clarified that parcels designated under criterion "e" should be underutilized due to the "condition of the title, diverse ownership of the real properties." Prior to this decision, municipalities had regularly interpreted criterion "e" to have a broader meaning that would encompass all properties that were not put to optimum use and may have been more financially beneficial if redeveloped. Gallenthin ultimately served to constrict the scope of properties that were once believed to qualify as an "area in need of redevelopment" under subsection (e). On the other hand, in 62-64 Main Street LLC v. Mayor & Council of the City of Hackensack (2015), the Court offered a clarification that resisted an overly narrow interpretation, "[this Court has] never stated that an area is not blighted unless it 'negatively affects surrounding properties' because, to do so, would undo all of the legislative classifications of blight established before and after the ratification of the Blighted Areas Clause." The Hackensack case is largely perceived as having restored a generally expansive view of the Housing and Redevelopment Law, except as restricted by the Gallenthin interpretation of subsection (e).

## Study Area Evaluation

The following is an evaluation of the study area properties is based on the statutory criteria described above for designation as an “area in need of redevelopment.” The evaluations were based on surveys of land use, property conditions, occupancy, ownership status, and a review of other relevant data.



Summary of Findings:

The table below summarizes this report’s findings with regard to the statutory criteria’s (described above on page 10) applicability to each parcel within the Study Area:

Block	Lot	Acreage	Criteria								Section 3
			A	B	C	D	E	F	G	H	
121	10	1.9841				X	X			X	
121	11	.4738				X				X	X
121	12	.24					X				
121	13	.4098				X				X	
121	14	.0558									
121	17	0.09				X	X			X	
122	1	.5399									X
122	2	.59				X					
122	13	.3329								X	X

122	14	.1618	X			X				X	
122	15	.1584	X			X				X	
122	16	.155	X			X				X	
122	17	.1504				X				X	
122	18	0.13			X					X	

### Study Area – All Lots

Criterion H applies to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under Section-3. Criterion H states: “the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.” The Smart Growth principles crafted by the Smart Growth Network and cited by the United States Environmental Protection Agency include:

- Mix land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve open space, farmland, natural beauty, and critical environmental areas.
- Strengthen and direct development towards existing communities.
- Provide a variety of transportation choices.
- Make development decisions predictable, fair, and cost effective.

### Block 121, Lots 10 & 17 (Post Office Plaza Parking Lot)



Lot 10 is an irregular lot with frontages on both Bowers Lane and S Passaic Avenue. Lot 17 is contiguous with Lot 10 and lies directly to the South along the rail right-of-way. Both parcels currently operate as public parking lots, with Lot 17 containing an additional landscaped buffer between the rail embankment and the Borough's Bowers Lane Parking Lot. A narrow leg of the property extends roughly from the center of Block 121 to Bowers Lane alongside the U.S. Postal Service facility on Lot 11. A second narrow segment follows the southwestern corner of Lot 11 and connects the two public parking areas on Bowers Lane and S Passaic Avenue. Based on historic Sanborn Fire Insurance maps of the Post Office Plaza Parking Lot from 1909, the property was developed initially with a mixture of uses including a freight station house along the Morris and Essex Line, residential dwellings and retail storefronts on S. Passaic Avenue.

In Concerned Citizens of Princeton v. Mayor and Council of Borough of Princeton (2004), the New Jersey Appellate Division determined that municipal governments were not limited to applying Criterion C in the consideration of a redevelopment designation of publicly owned parcels. The Court ruled that any of the criteria set forth in N.J.S.A. 40A:12A-5 may be considered by the governing body, provided that it is supported by substantial credible evidence. In Princeton, for example, the Borough of Princeton applied the same criteria as recommended directly below (subsections d and e), as municipal ownership in and of itself is insufficient to satisfy the requirements of subsection c.

As indicated in the list of criteria contained above (see page 10), public ownership is a key component of “Criterion C,” however municipalities are not limited to applying Criterion C in the consideration of a redevelopment designation of publicly owned parcels. In Concerned Citizens of Princeton v. Mayor and Council of Borough of Princeton (N.J. App. Div. 2004), it was held that any of the criteria set forth in N.J.S.A. 40A:12A-5 may be considered when designating municipal property, provided that it is supported by substantial credible evidence. In Concerned Citizens, for example, the Borough of Princeton applied the same criteria as recommended directly below (subsections d and e), as municipal ownership in and of itself is insufficient to satisfy the requirements of Criterion C.

Based upon an inspection of the property and examination of construction inspection and permit records, Lots 10 and 17 in Block 121 meets the following criteria under the LRHL:

**Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

Lots 10 and 17 are owned by the Borough of Chatham and operate as two separate public parking lots. The Post Office Plaza Parking Lot is accessible from S. Passaic Avenue and Bowers Lane while the Bowers Lane Parking Lot can only be accessed by Bowers Lane. Improvements on the parcels consist almost entirely of surface parking, with limited pedestrian and landscaped area. Impervious coverage, primarily blacktop, occupies nearly the entire parcel. In the Bowers Lane parking area, there are no pedestrian facilities other than an isolated strip of sidewalk paving along the northern edge of the lot, without any pedestrian crossings to connect it to the sidewalk network of the Central Business District. Access into and out of the S. Passaic Avenue Lot also serves the post office and Cottage Deli, for which almost all public access must come through Lot 10, due to the orientation of buildings, arrangement of parking stalls, and interconnected patterns of internal circulation between Lots 10, 11, 13 and 17. The configuration of the buildings, parking areas, and internal circulation exhibit a faulty arrangement and design, which in turn contributes to conflicts between motorists and pedestrians, which is detrimental to the health, safety and general welfare of the public at large.

Furthermore, the use of Lots 10 and 17 as surface parking lots in a thriving downtown district is, in itself, significant to this analysis. In Concerned Citizens, the New Jersey Appellate Division found the following with regard to a municipally owned surface parking lot:

“that the surface parking lot met the requirements set forth in subsection (d) was supported by substantial evidence of “obsolescence” detrimental to the safety, health, morals or welfare of the community. The Atlantic Group concluded that the present surface parking lot represented an “obsolete” land use that was exacerbated by a “faulty design,” essentially proving to be “detrimental . to the welfare of the community.” As Houston testified, a surface lot represents “yesterday's solution” in a town such as Princeton, where “structured parking is now the standard.”

Sufficient evidence exists to conclude that the current use and conditions upon Lots 10 & 17 support designation under “criterion d.” The lot is an irrational, unplanned, land use that evolved imperfectly over time, resulting in an inefficient, unsafe, and obsolete surface parking facility.

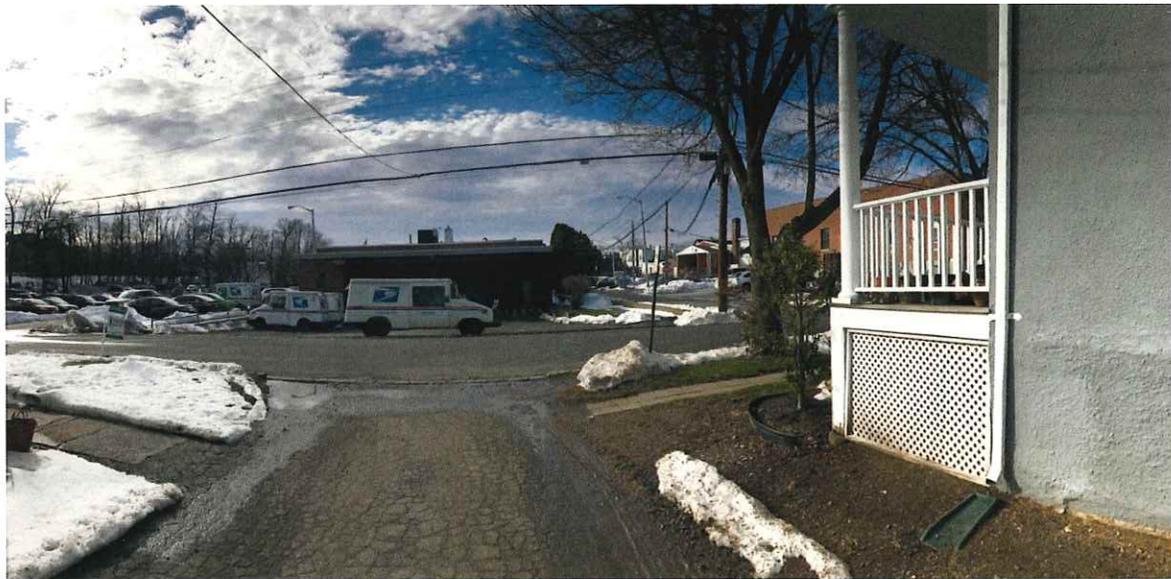
**Criterion E:** A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).

Lots 10 and 17 not only provide public parking for nearby retailers, but many adjacent parcels have come to rely upon these parcels for a variety of access needs. Cross-access was observed between the Borough parking lots and at least four adjacent parcels (Block 121, Lots 10, 11, 13, and 17). Over time, the use of these parcels evolved interdependently, on the basis of non-formalized access arrangements, as a relatively disorganized collection of retail shops, parking spaces and internal circulation lanes.

While the Borough owns and maintains the parking areas and access lanes that essentially connect the adjacent parcels, neither formal agreements nor easements exist for the vast majority of adjacent properties. Furthermore, two privately-owned properties (Lots 11 and 13) extend into Lot 10, leaving the public parking lot with an irregular shape. Varied ownership across these properties impedes the viable redevelopment of the Borough’s property, and discourages the further improvement of the site for productive uses apart from parking and circulation. This parcel subsumes the type of title issue contemplated in “criterion e”, with intermingled uses, parking and access across multiple parcels under several individual private owners.

Sufficient evidence exists to conclude that the current use and conditions upon Lots 10 & 17 support designation under “criterion e.”

## Block 121, Lot 11 (USPS Sorting Facility)



Located on the western side of Bowers Lane, Lot 11 (the USPS sorting facility) is bound by Lot 10 along its northern, southern and western parcel boundaries. The existing structure is oriented toward Bowers Lane, and is occupied by a U.S. Postal Service sorting facility. This privately owned postal facility has been leased by the U.S. Postal Service since its original construction in the 1960s. The primary post office facility used by the community is not included in this study, and is located to the north at 219 Main Street (Block 121, Lot 7). The 1909 Sanborn Fire Insurance map of the Borough shows the current location of this property as a portion of the adjacent Lot 10 containing a dwelling and blacksmith along the lot's Bowers Lane frontage.

The pedestrian entrance to the USPS sorting facility fronts along a bi-directional access way contained entirely within Lot 10, which is otherwise used for internal circulation between various public parking areas, adjacent private properties, and public roadways. As indicated, publicly accessible sections of the building dedicated to customer service are located along this "frontage" at the "rear" of the lot. The structure housing USPS operations such as mail sorting, distribution and loading occupies a majority of the lot, with loading docks and

parking occupying a majority the Lot's only public street frontage on Bowers Lane. Narrow sidewalks run along the north and south facades of the structure from the roadway on Bowers Lane, with a somewhat wider sidewalk along the building's primary frontage and a single-lane of parking (accessible only from the Borough's parking lot) along the southern edge of the parcel.

Based upon an inspection of the property and an examination of construction and inspection records from the Borough, Lot 11 in Block 121 meets the following criteria under the LRHL:

**Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

While the USPS building itself is in fair condition, the design of improvements on the property is obsolete, and the arrangement of structures, parking and pedestrian access is faulty. The primary entrance to the USPS sorting location that serves the public is twelve (12) feet from the boundary of Lot 10 along an internal roadway that accommodates circulation between the Borough's surface parking on Bowers Lane and S. Passaic Avenue. The building is oriented away from the public street, with the sole street frontage occupied by an industrial loading dock along Bowers Lane, serviced by a curb cut that runs the length of the lot. This loading area, located directly across from several residential properties, accommodates approximately 14 postal trucks with a variety of handcarts and similar implements observed.

There are no dedicated pedestrian facilities (i.e. sidewalks) along either side of Bowers Lane. Two narrow concrete sidewalks extend along the north and south facades of the USPS sorting facility, providing pedestrian access from Bowers Lane to the main entryway at the rear of Lot 11. A walkway between the angled parking stalls on S. Passaic Avenue serves as the primary pedestrian access from a public right-of-way to the USPS sorting facility. A pedestrian crossing at the end of this walkway runs to the entrance of the facility across the roadway at the edge of Lot 10, through which all vehicular traffic to and from the facility and surface parking areas on S. Passaic Avenue travels. All vehicles that enter the public lot on S. Passaic Avenue or access the USPS sorting facility must turn onto this roadway within twenty (20) feet of the crossing from the west and forty-five (45) feet of the crossing from the east. These existing conditions create an unsafe pedestrian environment, which places all vehicles and pedestrians that access either facility in conflict with one another. Taken together, the configuration of the existing improvements as well as its deleterious relationship to adjacent properties and rights-of-way provide sufficient evidence to designate Lot 11 under "Criterion d."

Further, Lot 11 in Block 121 should be designated as an area in need of development not only because it meets the criteria established in the LRHL (N.J.S.A. 40A:12A-5 et seq.), but also because it fits within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3). Due to the limitations on Lot 11, namely that the property is surrounded by parking facilities and internal roadways owned by the Borough, Lot 11 is necessary for the effective development

of the surface parking facilities on the larger Lot 10. The property would make redevelopment on the Borough lots more viable by creating a wider and regularly shaped assemblage of properties between Bowers Lane and S. Passaic Avenue.

### Block 121, Lot 12 (Glenn's Automotive)



The Garage property on Lot 12 in Block 121 lies immediately to the north of the Morris and Essex Line Trestle over S. Passaic Avenue and contains a two-story commercial garage constructed in the 1910s. The commercial structure is currently occupied by Glenn's Automotive, a towing, auto service and repair business. The commercial garage fronts on S Passaic Avenue, with a single vehicle entrance that may be accessed from the public right of way. Off-street parking and vehicle storage is located to the rear of the parcel along the eastern property boundary and can be accessed through the building itself or through the rear of the Borough parking facility on Bowers Lane, which comprises a portion of Lot 10. While the garage building is well maintained, a majority of the rear property is used to support towing and repair operations, which can only be accessed via the Borough property on Lot 10.

Based upon an inspection of the property and an examination of construction, inspection, permitting, police and fire records from the Borough, Lot 12 in Block 121 meets the following criteria under the LRHL:

**Criterion E:** A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).

The Glenn's Automotive property is surrounded by publicly and privately owned parcels, with the Post Office Plaza Parking area along its eastern boundary, Cottage Deli to the north

and the NJ Transit rail embankment to the south. The rear of the property supports towing and repair operations, and can only be accessed by car or on foot through the Borough's parking area on Lots 10 and 17. Resolution #10-215, adopted by the Borough in 2010, currently provides access to the rear lot through the Borough property for parking loading and waste collection. Per that resolution, access to the rear of the property must be preserved so long as the Borough continues to use Lot 10 as a parking area.

If the Post Office Plaza Parking area is to be put toward another use, the Borough agreed to renegotiate access with the owner of Lot 12. The 2010 resolution necessitated to effectuate the sale of Lot 12 that would have otherwise been frustrated by lack of vehicular access to rear of the property. This lack of access, in itself, constitutes an issue of title that reasonably impedes improvement of the property, resulting in a parcel essentially used for outdoor storage of incapacitated automobiles in a prime transit-oriented location. As such, sufficient evidence exists to designate Lot 12 based on "Criterion E."

### Block 121, Lot 13 (Cottage Deli)





Lot 13 in Block 121 contains a single story commercial structure that fronts on S. Passaic Avenue, occupied by Cottage Deli, with off-street customer parking located in the parcel's side and rear yards along its southern and eastern property boundaries. The property's parking areas are contiguous with Borough-owned surface parking on Lot 10, with only curbing and landscaping to separate customer parking on site from the larger public lot to the east. Initially the property was developed as a set of three storefronts with parking and loading areas.

Based upon an inspection of the property and an examination of construction, inspection, permitting, police and fire records from the Borough, Lot 13 in Block 121 meets the following criteria under the LRHL:

**Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

Built in the late 1960's, the structure has not undergone substantial alterations to the exterior, though the owner, Baweja Family, LLC, has undertaken interior renovations to the restrooms and electrical systems. The building is in need of repair, with water damage on the interior as a result of a leaking flat roof. Further the orientation of the building and configuration of internal circulation and parking on the site are obsolete. Initially designed as three discrete retail storefronts, but the structure was later modified for use as a single-tenant facility. Given that the structure has departed from its originally intended use in a way that is otherwise unsupported by the internal layout of the building and the external site design provides evidence of obsolescence pursuant to Criterion D.

The parking area and drive aisle are contiguous with the Post Office Plaza parking lot, and interconnected with the public lot, with no separation in parking facilities or internal roadways. The parking area is accessed through the Borough parking area although the property owner has no formal agreement with the Borough, with an exit only lane from the parking lot on S. Passaic Avenue.

Lot 13 both meets the criteria for an area in need of redevelopment according to the LRHL (N.J.S.A. 40A:12A-5 et seq.) and under Section 3 (N.J.S.A. 40A:12A-3). The irregular parcel

adjoins Lot 10 on four of its six sides, with an internal roadway on Lot 10 running between Lot 13 and Lot 11 around the corner of the USPS sorting facility. Furthermore, an access lane on Lot 13 provides a key means of vehicular access to Lot 10 and would likely be necessary as part of any redevelopment of the Borough's surface parking lot. Conversely, essentially all pedestrian access to the business at 23 S. Passaic Avenue are not oriented toward the access lane on the parcel, but rather toward the Borough's parking facility to the north.

### Block 121, Lot 14 (S. Passaic Storefront)



Lot 14 contains a two-story structure with a retail storefront on the ground floor and office space on the second story. The existing building appears on the historic 1921 Sanborn map of Chatham and was built in the 1910's. The S. Passaic storefront is an extension of the form and character of Chatham's historic main street and are occupied by stable retail, office and residential tenants. A small parking area to the rear of the building provides limited parking and space for loading and garbage storage. The building is well maintained and representative of the architectural character of Chatham's historic retail center.

Lot 14 does not meet the statutory criteria for redevelopment under the LRHL based on an inspection of the property as well as construction, inspection and permitting records from the Borough.

**Block 122, Lot 1 (Liberty Drug)**



The Liberty Drug property at Lot 1 in Block 122 lies at the southeast corner of Main Street and Bowers Lane. It contains a single-story retail structure with a second story set back from Main Street along the southern façade of the building. Initially constructed in the 1960s, the building is occupied by Liberty Drug, an owner-operated independent pharmacy, with an office space for the pharmacy located on the second story. This property has been under its current ownership since 1992 and the owner has made significant investments to expand pharmacy operations with the addition of the second story office space in 2004.

While the Liberty Drug property is in fair condition, it falls within the intent and purpose of Section 3, as it is “necessary for the effective development of the area,” which meet the statutory criteria for an area “in need of redevelopment.” This property is necessary to accommodate contemporary building dimensions on the neighboring Exxon property, and would also be necessary for a shared parking arrangement with the multi-family properties owned along Bowers Lane to the south.

In Berman v. Parker, U.S. Supreme Court upheld the taking of various properties for redevelopment under the District of Columbia’s 1945 Redevelopment Act. While the property itself is unoffending, “the area must be planned as a whole...under a balanced integrated plan,” in accordance with the Court’s ruling.

### Block 122, Lot 2 (Chatham Exxon)



The Chatham Exxon property at Lot 2 in Block 122 is located on the southeast corner of Hillside Avenue and Main Street immediately to the east of Liberty Drug. The property is occupied by an Exxon service station that was constructed in 1970. The use does not conform with the existing Borough’s Land Development Regulations §165-146 Service Stations, which regulates service stations as a conditional use zone B-3. According to the Borough’s use standards for service stations, such uses must be located at least 300 feet from nearby residences and 1,000 feet from public buildings.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lot 2 in Block 122 meets the following criteria under the LRHL:

**Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

A gas station in downtown Chatham, roughly four blocks or 1,200 feet from the train station, is analogous to the downtown parking lot in Concerned Citizens of Princeton, and is a less appropriate or desirable use in a downtown, particularly given the property's proximity to transit. Similar to the parking area designated by the Princeton Borough in Concerned Citizens of Princeton, which the Appellate Division upheld based on substantial evidence of obsolescence under subsection (d). In this case, the Exxon Station is immediately adjacent to private residences to the south and within 300 feet of the Library of the Chathams and 200 feet of St Paul's Episcopal Church. This obsolete layout and deleterious land use creates a real and/or perceived risk of environmental contamination on a property that would otherwise be an optimal site for transit-oriented development.

### Block 122, Lot 13 (37 Bowers Lane)



37 Bowers Lane is the southernmost occupied parcel on the east side of Bowers lane, immediately to the north of Lot 18 and the railroad embankment. A single two-family home built in 1900 sits on the property with a landscaped rear yard and an accessory shed to the rear of the home. The house is rented to two residential tenants and is in good condition, with a recent renovation to the building's porch in 2009.

While 37 Bowers Lane does not meet the statutory criteria for redevelopment under the LRHL, the property falls within the intent and purpose of Section 3. The property lies between two parcels that meet the statutory criteria for redevelopment under subsections a, d and c. The adjacent parcel to the south, Lot 18, has no street frontage or other public means of access, and 37 Bowers Lane sits between the lot and the only feasible street frontage on Bowers Lane. Lot 13 is necessary for the effective redevelopment of parcels on the east side of Bowers lane, with the only alternative access point running across a portion of the NJ Transit right-of-way (an unlikely long or short term solution).

### Block 122, Lots 14-17 (Driscoll Assemblage)



The Driscoll Assemblage at Lots 14, 15, 16 and 17 in Block 122 are contiguous parcels under common ownership that together comprise .625 acres in land area. This assemblage of parcels contains a set of four multi-family residential structures each built between 1900 and 1920. The property owner's real estate office is located in an accessory structure at the rear of Lot 15. The rear yards on all four properties are paved to accommodate tenant parking, with accessory storage sheds at the rear of Lots 16 and 17. Lots 16 and 17 each have their individual driveways that access the same shared lot at the rear of the two properties, and Lots 14 and 15 include a similar parking configuration with a small shared parking area near the rear property boundary accessed by individual driveways for each of the two properties.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lots 14, 15, 16, and 17 in Block 122 meet the following criteria under the LRHL:

**Criterion A:** The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

Lot 14



Erected in 1900, the two and half story multi-family home on Lot 14 is the oldest building on any of the four lots and was initially constructed as a single-family home. The home has been modified substantially to provide separate entryways for each residential unit in the structure, and accommodate emergency access and wall mounted air conditioning in each unit.

Landings and stairways used to access upper story units on Lot 14 from the rear parking area are built of wood that is mounted into the second story wall of the building for support. The external wooden stairway that runs from the second floor to the ground level is supported by wooden posts with no cross supports, only one of which is mounted into a concrete footing, other supports sit on the bare earth adjacent to the building's eastern façade. The Borough has no records of decking additions or replacements over the past ten years, and the wood appears to have weathered and become less secure at joints in the railing. The railing along the second story rooftop is not securely mounted along the edge of the building's southern façade and was observed leaning over the roofline.

The foundation of the multi-family building on Lot 14 is composed of stone and concrete, which has been painted white to match the siding on the house. There is water damage and significant cracking between the stones along the exterior of the foundation, which indicates water intrusion into the cellar and potential structural issues along the base of the home. The basement has been vented and can be accessed by a cellar door along the driveway on the southern edge of the property. The siding around the cellar shows some damage, and the wood framing at the top of the cellar entryway has become exposed to the elements. Wooden supports beneath the bay window of the ground floor unit, adjacent to the cellar show signs of water damage and wet rot.

Along Bowers Lane, several bags of garbage were observed collected on the building's front porch occupying much of the space adjacent to the main entryway at ground level. At the time of the site inspection, a rusted oven was being stored in the property's driveway, adjacent to the cellar door. The landing and supports at building's rear entrance show signs of severe decay and have begun to sink away from the façade, while the stairs to access the landing have remained in place.

*Lot 15*





Lot 15 contains a two story multi-family residential building, initially constructed in 1920 as a single-family home. At the rear of the lot is an original accessory structure that dates to 1920 and houses the Driscoll Real Estate office and a second accessory structure that houses an additional accessory dwelling unit that fronts onto the rear parking area of Lot 16. An addition to the ground floor of the principal structure was built to serve as direct entryway for an additional unit on the first floor. The stairs leading up to the primary entryway are composed of concrete that has begun to crack and crumble along the bottom two steps, revealing the metal frame that reinforces the concrete steps, and the stairway itself has sunken to the south and begun to pull away from the door frame.

Generally, the exterior of the building shows signs of weathering and some disrepair, with water damage and decay on lower portions of the door and frame of the front entryway and paint along the exterior that has begun to crack and pull away from the wooden-shingle. The roof has sustained damage on one segment of the main pitch, where the underlying structure and potentially the interior of the top story have suffered from prolonged exposure to moisture. On the foundation along the southern façade of the building, concrete is crumbling from between the stones that comprise the building's original foundation and there are clear signs of water infiltration through the exterior foundation.

*Lot 16*



The multi-family residential building on Lot 16 was originally constructed in 1907. The structure has been modified substantially in the past century with the extension of the building's two full stories into the rear of the parcel. On the rear of the building, residential windows have been replaced with shorter, ill-fitted two-pane windows roughly half the size of the older full-length frames. The excess length along these frames has been filled and sealed to fit the new windows. Further, the rear window in the crest of the building's pitched roof was similarly replaced with a somewhat smaller inoperable window. Four separate doors on the rear of the building open onto a shared resident parking area, though it is not clear whether each of them is operable.

Eaves and gutters along the building's rooflines show significant wear from the elements. Spaces for wall-mounted air conditioning units have been punched through the exterior façade of the structure, to accommodate modern residential amenities. A set of two short concrete steps up to the building's front porch on Bowers Lane have developed a seam along the concrete of the primary foundation and is beginning to separate from the structure of the house. The aluminum siding along the building's front porch is bowed, dented, and pulling away from the walls of the porch, particularly where corner segments holding the siding in place are no longer secure.

*Lot 17*



The principal structure on Lot 17 was built in 1914, and both the building and accessory parking have fallen into disrepair. The structure itself has suffered water damage in the basement and along the building's foundation, which may have compromised the building's structure. The driveway that runs along the property's northern edge is used for parking and storage for a small backhoe, which impedes access to the shared lot at the rear of Lots 16 and 17 from the northern access point. Behind the shed at the rear of Lot 17 is a fenced landscaped area roughly 10 feet in width that is currently being used to store construction material and other debris.



The generality of buildings on all Lots 14, 15, 16 and 17 are dilapidated and substandard and exhibit significant decay and disrepair. Although they remain habitable, these multi-family structures demonstrate ongoing deterioration and a prolonged lack of maintenance to the structure and exterior of each building.

**Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and

sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

The largest parking area on the assemblage is a shared lot that lies between Lots 16 and 17 that accommodate roughly 12 vehicles, with another 2 parking spaces located in the driveway of Lot 17. Together, these 14 parking spaces are the primary parking area for all 5 major structures on the 4 parcels, including the accessory office and dwelling to the rear of Lot 15, which fronts directly on the parking area and, as a result, the majority of the rear yard on lot 16 and 17 is paved in blacktop to accommodate parking, with a narrow planting strip along the eastern boundary of all four properties, a portion of which is used for storage on lot 17.

This arrangement of parking on a separate lot between Lots 16 and 17 consumes a great deal of land that could otherwise be used for green space or other residential development. The rear yards of these lots were initially designed to accommodate open space and incidental uses for one two-family dwelling on Lot 17 and a single-family dwelling on Lot 16. That same area now serves as parking for six units on Lot 17, as well as residential units on 15 and 16, with an accessory structure on Lot 15 that has its primary frontage on the southern edge of the lot. Parking stalls in the lot are not well defined with striping, paving or landscaping islands, with no pedestrian facilities for the residents in the 3 buildings it serves other than curbed landscaping and paved segment along the Southern edge of the parking area. The parking area on adjoining Lots 14 and 15 can accommodate roughly 5 vehicles for between an estimated six units and one office use, and the owner may allow for parking on the rear lot of 16 and 17 to serve these uses as well.

The configuration of uses in the rear of Lots 14 – 17, with an accessory dwelling that fronts directly onto a parking area that serves several single and multi-family structures is faulty. Interwoven access and uses with co-mingled parking across all four contiguous parcels frustrates alienation of the properties and creates an obstacle for future sale or conveyance.

### Block 122, Lot 18



Lot 18 in Block 122 is a triangular parcel located at the terminus of Bowers Lane on the eastern side of the street, and is bound to the south by the NJ Transit Morris and Essex

Line. The lot contains no structures and based on historic Sanborn maps of the study area from 1909 and 1921 was never developed as other uses on Bowers Lane were built up.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lot 18 Block 122 meet the following criteria under the LRHL:

**Criterion C:** Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

This borough-owned parcel along the NJ Transit rail embankment has remained undeveloped due to its location directly adjacent to the rail embankment, irregular shape and lack of street frontage along Bowers Lane. The triangular property meets the southern terminus of Bowers lane at a single point with no street frontage, and thus cannot be accessed directly from the roadway. As existing land development regulations for the Borough and infrastructure are not tailored to this unique set of conditions, development opportunities on the parcel are severely constrained, and the parcel is not likely to be developed by the private market.

### Consideration of Redevelopment Designation

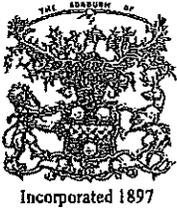
The results of the preliminary investigation indicate that the portions of the study area, encompassing Block 121, Lots 10, 11, 12 13 and 17; and Block 122 Lots 1, 2, 13, 15, 16, 17, and 18 can be appropriately designated as an "area in need of redevelopment" in accordance with N.J.S.A. 40:12A, subsections A, C, D and E and Section 3 as described above.

### Conclusion

The foregoing study was prepared on behalf of the Borough of Chatham Planning Board to determine whether properties identified as Block 121, Lots 10, 11, 12, 13, 14 and 17; and Block 122, Lots 1, 2, 13, 14, 15, 16, 17, and 18 qualify as a non-condemnation "an area in need of redevelopment" in accordance with N.J.S.A. 40A:12A-1 et seq. Based on the foregoing analysis and further investigation of the Study Area, we conclude that Block 121, Lots 10, 11, 12 13 and 17; and Block 122 Lots 1, 2, 13, 14, 15, 16, 17, and 18 meet the criteria for a redevelopment area designation, while Lot 14 in Block 121 does not.

# **Appendix A**

Resolution 17-140  
(directing the Planning Board to perform a preliminary investigation)



# Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

## RESOLUTION #17-140

### RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CHATHAM ARE AREAS IN NEED OF REDEVELOPMENT

[Replaces Resolution #17-093 adopted January 23, 2017]

WHEREAS, the Borough Council desires to direct the Planning Board to undertake preliminary investigation to determine if certain real property within the Borough of Chatham, specifically:

Bowers Lane

Block 121, Lot 11

Block 121, Lot 17

Block 122, Lots 13, 14, 15, 16, 17 18

South Passaic Avenue

Block 121, Lot 10

Block 121, Lot 12

Block 121, Lot 13

Block 121, Lot 14

Main Street

Block 122, Lot 1

Block 122, Lot 2

are areas in need of redevelopment pursuant to and in accordance with the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that they hereby authorize and direct the Planning Board to undertake a preliminary investigation to determine if certain real property within the Borough of Chatham as set forth herein are areas in need of redevelopment pursuant to and in accordance with the Local Redevelopment and Housing law; and

**BE IT RESOLVED**, that the redevelopment area determination shall authorize the Borough to use all powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain; and

**BE IT RESOLVED**, that the within resolution is in substitution for and replacement of Resolution #17-093 adopted January 23, 2017; and

**BE IT FURTHER RESOLVED**, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Adopted: March 13, 2017

Attest:

Robin R. Kline, Borough Clerk

BOROUGH OF CHATHAM

Bruce A. Harris, Mayor

#### CERTIFICATION

I, Robin R. Kline, Municipal Clerk of the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 13, 2017.

  
Robin R. Kline, MAS, RMC, CMR

## **Appendix B**

Map of the Study Area

# Post Office Plaza Planning Study Chatham, NJ

