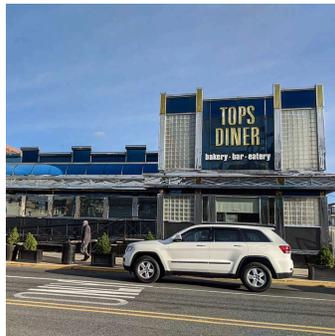




**Borough of East
Newark
County of Hudson**

**Master Plan
Reexamination
Report**



Adopted May 6, 2021

Borough of East Newark

Master Plan Reexamination Report

Borough of East Newark
Hudson County, New Jersey

April 19, 2021

Prepared by



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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12

A handwritten signature in black ink, appearing to read 'Susan S. Gruel', written over a horizontal line.

Susan S. Gruel, P.P. #1955

A handwritten signature in black ink, appearing to read 'L. Fleming', written over a horizontal line.

Leigh Fleming AICP, P.P. #6422

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INTRODUCTION

This report constitutes a Master Plan Reexamination Report for the Borough of East Newark as defined by the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89). The purpose of the Reexamination Report is to review and evaluate the local Master Plan and Development Regulations on a periodic basis in order to determine the need for updates and revisions. The Municipal Land Use Law requires municipalities to perform a reexamination of their Master Plan and development regulations at least every 10 years. A reexamination, however, can occur as often as a municipality determines one is warranted. A municipality may choose to go through a reexamination process when there is a need to document recent noteworthy changes, or to plan for anticipated significant future changes in the community.

The Borough of East Newark adopted its first Master Plan in 1984. This Plan was amended in 1992 and Reexamination Reports were prepared in 2006 and 2011.

The Planning Board prepared the most recent Reexamination Report in 2011. Since the 2011 Reexamination Report, there have been changes in situations and assumptions within East Newark that deem a reexamination process appropriate. It is the intent of this Report to consider and provide recommendations concerning land use and zoning issues in the Borough.



Borough Hall

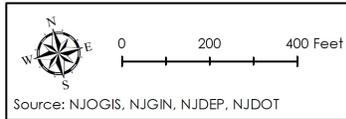
Periodic Reexamination of the Master Plan

Pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-89), the governing body of a municipality shall provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination. The Municipal Land Use Law requires the Reexamination Report to contain the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A: 12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

- F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.



2015 Aerial
East Newark, NJ



SECTION A: PROBLEMS AND OBJECTIVES IDENTIFIED IN THE PREVIOUS REPORTS

“The major problems and objective relating to land development in the municipality at the time of the adoption of the last reexamination report.”

Major Problems and Objectives

Goals and Objectives within a Master Plan are meant to provide a policy framework for the Plan as well as to guide other activities in the Borough that have an influence on land development. This framework is not presented in an order of hierarchy. Each are equally important to the future of the Borough of East Newark.

The 2011 Master Plan Reexamination Report carried forward all of the Goals and Recommendations from the various Elements, stating that each of those goals and objectives continue to be valid, with the exception of the first listed objective.

1984 Objectives

The objectives in the 1984 Master Plan are listed as follows:

1. The creation of a seven-member municipal Planning Board by the Borough Council pursuant to N.J.S.A. 40:55D-23.
2. The preparation of a land use plan element that will provide the basis for enactment of a zoning ordinance after the land use plan has been adopted by the Planning Board pursuant to N.J.S.A. 40:55D-28.
3. Maintain the present character of the Borough’s housing and land use pattern and upgrade obsolete uses, buildings and sites wherever practical and possible.
4. Provide for improvement and expansion of existing community facilities to better serve the residents of the Borough.
5. Endorse the recommendations of previous studies to eliminate certain traffic and water pressure problems and provide new improvements.

Master Plan Community Facilities Plan – 1984

The Borough adopted a Community Facilities Plan Element as part of its 1984 Master Plan. The Element lists the existing five community facilities at that time: 1) Borough Hall with police and fire services, 2) an elementary school, 3) a recreation center, 4) two playgrounds, and 5) a garage.

Recommendations

The Plan included seven recommendations aimed towards improving and building upon the existing system. The seven recommendations in the Community Facilities Plan are listed as follows:

1. The 190’ x 360’ parking lots between President Street and Central Avenue should be designated for future acquisition and development as a municipal park and recreation area. Presently, this site is being used as parking for firms in the First Republic Site. If and when the First Republic site is redeveloped, the parking overflow would no longer be required. As the proposed municipal park

site is adjacent to the Recreation Center, it would serve both younger and older age groups present in the Borough, as noted in the population study.

2. Some additional park and space should be set aside within the First Republic site if it is to be developed in the future for two and three-family houses on the basis of a townhouse or cluster development plan. This additional open space will help to balance the high residential densities which are noted in the “Existing Land Use” analysis on p. 27 of the 1984 Master Plan Report.
3. If the expansion and improvement of the Borough elementary school on its present site is not possible as was proposed in the 1980 Facilities Master Plan of the East Newark School District, then the Borough officials and Board of Education should examine the feasibility of acquiring a new school site on the First Republic property as part of their planning effort. The southeast corner of the First Republic site is quite centrally located in the Borough and should be considered.
4. Some improvement to the equipment and grounds of the John Street playground should be made.
5. The Borough should continue to use all available means to alleviate the water pressure problem that exists in the vicinity of Reynolds and Searing Avenues and Mulock Place as depicted on the 1984 Plan map, entitled “Water and Sewer.”
6. The Borough should continue to work toward the upgrading of its combined sewer system to eliminate infiltration and other problems in conjunction with the Passaic Valley Sewerage Commissioners and appropriate State and Federal Agencies. The 1984 recommendation agrees with the recommendations included in the survey prepared by Elson T. Killam Associates, Inc. relating to the internal inspection of about 42 percent of the sewers within the Borough.
7. The Borough should press the County to make the improvements to the Passaic Avenue and Central Avenue intersection as noted in the Harrison-Kearny-East Newark Topics Study prepared by Richard P. Browne Associates. A copy of the report recommendation is incorporated in the 1984 Plan because it was felt that this improvement would become even more necessary to serve the future users proposed in this vicinity by the Land Use Plan.



Existing Searing Avenue Playground

2011 Master Plan Reexamination Report Recommendations

It is unclear whether or not the 2011 Master Plan Reexamination Report was ever officially adopted. The recommendations of the 2011 Master Plan Reexamination have been included in this report because even if they were not formally adopted, the 2011 Plan is still relevant to the Borough at that time.

The Recommendations listed in the 2011 Master Plan Reexamination report are as follows:

1. The one and two-family development regulations need to be revisited. There are many good reasons to eliminate the two-family housing type, including the over-whelming trend to convert up to three units. This third unit can lead to absentee landlords and the problems associated with over-crowding. A one-family [dwelling] limit on the majority of the Borough would reduce to pressure to tear down the old homes and build the “monster” homes that are seen going up throughout the region. The reduction of density would ease over-crowding in the schools, parks and on the street.
2. The Passaic River waterfront needs to be planned for commercial re-use. While the concrete plant operators may want to stay in East Newark because of the benefits of its location, the success of the hotel down river in Harrison argues well for this type of use along the East Newark Riverfront. Newark is planning great things on its shoreline; so should the Borough of East Newark.
3. The Passaic Avenue corridor. The remediated site of the former coal gasification plant on Passaic Avenue at President Street is vacant and presents the opportunity for significant investment. Mixed-use residential use with commercial uses and parking on the ground floor are likely land uses for this site. Design parameters suggested should be predominant masonry exterior, with all parking interior to the construction.
4. The parking lot on Central Avenue behind Tops Diner is similarly situated and should be up zoned as in Paragraph 3 above.
5. The use of a car sharing program in nearby towns has reduced parking demand where increasing parking supply is next to impossible. Reduced parking requirements should be considered where car sharing programs can be implemented.

SECTION B: REVIEW OF MAJOR PROBLEMS AND OBJECTIVES

“The extent to which such problems and objectives have been reduced or have increased subsequent to such date.”

The following section represents the extent to which the problems and objectives in Section A have been reduced or increased. The section identifies which goals, objectives, and recommendations remain valid and are carried forward, and which ones either need updating or are no longer valid due to changing circumstances.

The following Master Plan Elements need updates to their goals, objectives, and/or recommendations. The remainder of Section B will go through the Land Use Plan Element and the Community Facilities Plan Element to provide updates on the status of each plan.

1984 Objectives

The objectives in the 1984 Master Plan are listed as follows:

1. The creation of a seven-member municipal Planning Board by the Borough Council pursuant to N.J.S.A. 40:55D-23.

This objective was realized with the creation of a nine-member Planning Board which also acts as the Zoning Board of Adjustment in 1984. As permitted by the Municipal Land Use Law, the Borough’s Planning Board acts in lieu of the Board of Adjustment, pursuant to N.J.S.A. 40:55D-25(c).

2. The preparation of a land use plan element that will provide the basis for enactment of a zoning ordinance after the land use plan has been adopted by the Planning Board pursuant to N.J.S.A. 40:55D-28.

This objective remains valid and is carried forward. The Borough has not amended the Master Plan Land Use Element since 1992. A new land use element should be prepared to address the existing land uses and any required future changes. Additionally, in order for a municipality to adopt a zoning ordinance, a Housing Element must also be adopted. At this time, the Borough does not have a Housing Element. This objective should be edited to include the creation of a Housing Element.

3. Maintain the present character of the Borough’s housing and land use pattern and upgrade obsolete uses, buildings and sites wherever practical and possible.

This objective remains valid and is carried forward.

4. Provide for improvement and expansion of existing community facilities to better serve the residents of the Borough.

This objective remains valid. Since the adoption of the 1984 Plan, the Borough created the Green Acres park next door to Borough Hall on Sherman Avenue that consists of a sports field and a playground, remodeled the Recreation Center on Central Avenue, constructed the Senior Center on President Street, and developed municipal parking lots on Searing Avenue and Central Avenue.



Playground Next to Borough Hall

5. Endorse the recommendations of previous studies to eliminate certain traffic and water pressure problems and provide new improvements.

Prior studies have already been endorsed in the 1984 Community Facilities Plan. However, the issue of traffic and water pressure problems are still relevant. This recommendation should be carried forward to endorse the Passaic Valley Sewerage Treatment District Regional Long Term Control Plan and the Rutgers Green Infrastructure Feasibility Study and to pursue new studies to address these issues.

Master Plan Community Facilities Plan – 1984

The Borough adopted a Community Facilities Plan Element as part of its 1984 Master Plan.

Recommendations

The Plan included seven recommendations aimed towards improving and building upon the existing system. The seven recommendations in the Community Facilities Plan are listed below:

1. The 190' x 360' parking lots between President Street and Central Avenue should be designated for future acquisition and development as a municipal park and recreation area. Presently, this site is being used as parking for firms in the First Republic Site. If and when the First Republic site is redeveloped, the parking overflow would no longer be required. As the proposed municipal park site is adjacent to the Recreation Center, it would serve both younger and older age groups present in the Borough, as noted in the population study.

This recommendation is no longer valid. The parking lots in question are part of the expansion of Tops Diner, which originally opened in 1942. Tops Diner received approval for expansion from the Planning Board in 2019. Construction is currently in progress.

2. Some additional park and play space should be set aside within the First Republic site if it is to be developed in the future for two and three-family houses on the basis of a townhouse or cluster development plan. This additional open space will help to balance the high residential densities which are noted in the “Existing Land Use” analysis on p. 27 of the 1984 Master Plan Report.

This recommendation is no longer valid. Redevelopment for the First Republic site has moved forward, but in the form of a 616 residential unit project with 91,022 square feet of retail space, 4,388 square feet of commercial space, and 105,769 square feet of vacant space for an undetermined future use. The project also includes 1,350 off-street parking spaces, inclusive of a four-story parking garage with a roof top terrace for recreational purposes. Additional improvements include utility and stormwater facilities, as well as improvements to the Borough’s combined sewer system.

3. The expansion and improvement of the Borough elementary school on its present site is not possible as was proposed in the 1980 Facilities Master Plan of the East Newark School District, then the Borough officials and Board of Education should examine the feasibility of acquiring a new school site on the First Republic property as part of their planning effort. The southeast corner of the First Republic site is quite centrally located in the Borough and should be considered.

This recommendation is no longer valid. Redevelopment for the First Republic site has moved forward, but in the form of a 616 residential unit project with 91,022 square feet of retail space, 4,388 square feet of commercial space, and 105,769 square feet of vacant space for an undetermined future use.

4. Some improvement to the equipment and grounds of the John Street playground should be made.

This recommendation is no longer valid as there is no longer a playground on John Street. The John Street playground has been replaced with a parking lot.

5. The Borough should continue to use all available means to alleviate the water pressure problem that exists in the vicinity of Reynolds and Searing Avenues and Mulock Place as depicted on the 1984 Plan map, entitled “Water and Sewer.”

This objective remains valid as water pressure issues remain to be an issue within the Borough.

6. The Borough should continue to work toward the upgrading of its combined sewer system to eliminate infiltration and other problems in conjunction with the Passaic Valley Sewerage Commissioners and appropriate State and Federal Agencies. The 1984 recommendation agrees with the recommendations included in the survey prepared by Elson T. Killam Associates, Inc. relating to the internal inspection of about 42 percent of the sewers within the Borough.

This recommendation remains valid. The Borough continues to work towards a separation of its combined sewer overflow (CSO) system. The 2020 Hudson County Hazard Mitigation Plan details indicates a total of 13 acres of partial separation at present, which has led to a reduction in flooding and environmental damage for a cost of \$3.9 million. This high priority task is anticipated to be completed by 2024, with funding through the FEMA Hazard Mitigation and Pre-Disaster Mitigation Grant Programs, New Jersey Department of Environmental Protection and the U.S. Environmental Protection Agency.

Pursuant to the 1994 U.S. Environmental Protection Agency’s CSO Control Policy, the NJPDES permit requires municipalities to implement CSO controls through the development of a Long-Term Control Plan (LTCP). As detailed in the September 2020 Selection and

Implementation of Alternatives Report (SIAR), the Borough of East Newark has selected the Presumptive Approach for their CSO LTCP program. The Report recommends that the Borough encourage the property owners of the BASF and Clark Thread Mill properties to make an effort to separate sewers on these sites.

7. The Borough should press the County to make the improvements to the Passaic Avenue and Central Avenue intersection as noted in the Harrison-Kearny-East Newark Topics Study prepared by Richard P. Browne Associates. A copy of the report recommendation is incorporated in the 1984 Plan because it felt that this improvement would become even more necessary to serve the future users proposed in this vicinity by the Land Use Plan.

The recommended actions of the Community Facilities Plan consisted of the following:

- Widen Passaic Avenue to provide four lane operation
- Taper Central Avenue southern curb to improve alignment
- Modernize traffic signal installation
- Improve turning radii on all corners
- Install pavement markings and appropriate regulatory signs

This objective continues to remain valid as only some of the proposed improvements to the intersection of Passaic Avenue and Central Avenue have been realized.

Passaic Avenue continues to operate with two lanes and a turning lane, while accommodating on-street parking on the westerly side. The southern curb of Central Avenue has been tapered to improve alignment. Traffic signalization and ADA-detectable warning pads have been installed, but the proposed westbound left-turn only lane of Central Avenue has not yet been implemented. Alternatively, left-only turning lanes are now provided on the northbound and southbound lanes of Passaic Avenue.

2011 Master Plan Reexamination Report Recommendations

It is unclear whether or not the 2006 Master Plan Reexamination Report was ever officially adopted. The recommendations of the 2011 Master Plan Reexamination have been included in this report because even if they were not formally adopted, the 2011 Plan is still relevant to the Borough at that time.

The Recommendations listed in the 2011 Master Plan Reexamination report are as follows:

1. The one and two-family development regulations need to be revisited. There are many good reasons to eliminate the two-family housing type, including the over-whelming trend to convert up to three units. This third unit can lead to absentee landlords and the problems associated with over-crowding. A one-family [dwelling] limit on the majority of the Borough would reduce to pressure to tear down the old homes and build the “monster” homes that are seen going up throughout the region. The reduction of density would ease over-crowding in the schools, parks and on the street.

This recommendation partially remains valid. Illegal conversions are still a problem within the Borough; however, the solution to that problem is not necessarily eliminating the two-family housing type as a permitted use. Via Ordinance 04-17 the Borough prohibited full bathrooms located on the ground floor/first floor in the R-2 Zone. Preventing the installation of full bathrooms on the ground floor hinders the creation of illegal conversions.

Additionally, Ordinance 04-17 added off-street parking requirements for one-and-two-family dwellings.

2. The Passaic River waterfront needs to be planned for commercial re-use. While the concrete plant operators may want to stay in East Newark because of the benefits of its location, the success of the hotel down river in Harrison argues well for this type of use along the East Newark Riverfront. Newark is planning great things on its shoreline; so should the Borough of East Newark.

This recommendation does not remain valid in its current form. A recommendation to replan the waterfront area remains valid. The potential uses and reuses need to be reevaluated which may include a mix of uses including the waterfront walkway, open space, residential, and commercial.

3. The Passaic Avenue corridor. The remediated site of the former coal gasification plant on Passaic Avenue at President Street is vacant and presents the opportunity for significant investment. Mixed-use residential use with commercial uses and parking on the ground floor are likely land uses for this site. Design parameters suggested should be predominant masonry exterior, with all parking interior to the construction.

This recommendation has been partially realized and is no longer valid. The site is developed with a four-story residential apartment building with a brick façade.



New Two-Family Development



St George Apartment Building

-
4. The parking lot on Central Avenue behind Tops Diner is similarly situated and should be up zoned as in Paragraph 3 above.

This recommendation is no longer valid. The parking lots in question are part of the expansion of Tops Diner, which originally opened in 1942. Tops Diner received approval for expansion from the Planning Board in 2019. Construction is currently in progress.

5. The use of a car sharing program in nearby towns has reduced parking demand where increasing parking supply is next to impossible. Reduced parking requirements should be considered where car sharing programs can be implemented.

This recommendation remains partially valid. Parking continues to be an issue in East Newark which has led to the adoption of several ordinances designating certain streets for residents only. At this time, ride sharing is not the predominant means of transportation in the Borough. If ridesharing becomes prevalent in East Newark, then reduced parking requirements can be considered.

SECTION C: SIGNIFICANT CHANGES IN ASSUMPTIONS IMPACTING THE MASTER PLAN

“The extent to which there have been significant changes in assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised with particular regard to the density and distribution of population and land uses. Housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”

Since the Borough adopted its 2011 Master Plan Reexamination Report there have been significant changes at the State, County, and local levels affecting the objectives, assumptions, and policies that form the basis of the Master Plan. The following Section C discusses first changes at the State level, followed by changes at the County level, and finally by changes at the local level (Borough of East Newark).

Changes at the State Level

Affordable Housing

The “Third Round” of affordable housing obligations within New Jersey has been a decades-long conflict over methodologies. The Coalition on Affordable Housing (COAH) made no progress for years in adopting a constitutional framework for affordable housing and so, in March 2015, the New Jersey Supreme Court disbanded COAH. In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Court held that because COAH was moribund, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations. The Mount Laurel IV decision also established a transitional process for municipalities to seek temporary immunity and ultimate a Judgment of Compliance and Repose (JOR) or the “judicial equivalent” of Substantive Certification from COAH.

On January 18, 2017 in In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), the Court decided that for the sixteen year period between 1999 and 2015 (known as the “gap period”) when COAH failed to implement rules creating fair share obligations for municipalities, the Mount Laurel constitutional obligation did not go away. Therefore, municipalities continue to be responsible for the need created during the gap period.

On July 1, 2020 the State Senate approved an amendment to the Fair Housing Act that became effective November 1, 2020 which created the Housing Resource Center, an online portal for income-restricted housing listings and searches. The amendment requires that the implementation of an affirmative marketing plan includes posting to this portal.

Rideshare Programs

In 2017, New Jersey adopted regulations establishing statewide standards for ridesharing companies like Uber and Lyft. The law includes procedures designed to protect the consumer, such as criminal background checks for drivers and standards for insurance coverage.

Local Redevelopment and Housing Law

2013 Amendments

In 2013, two changes were made to amend criterion ‘e’ based on the *Gallenthin v. Paulsboro* decision, and to modify the notice requirements based on the *Harrison v. DeRose* decision. These changes were made in response to concerns regarding the use of eminent domain. The language of Criterion ‘E’ was amended to require that a property be “unproductive” rather than “not fully productive.” Additional notice requirements were instituted to require a statement at the outset of the redevelopment process whether properties in a potential redevelopment area could be subject to condemnation.

The 2013 legislation also amended and clarified the conditions necessary to classify an area in need of rehabilitation when there is evidence of environmental contamination.

2019 Amendment

Effective November 6, 2019, the Local Redevelopment and Housing Law was amended to update the requirements of a Redevelopment Plan (N.J.S.A. 40A:12A-7). Paragraph a.8. was added to require a redevelopment plan to include “proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.”

Additionally, Criterion “b” of the LRHL was expanded to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as those buildings which have had significant vacancies for at least two (2) consecutive years.

Municipal Land Use Law Amendments

The recent MLUL amendments have implications for the Borough and its land use policies and ordinances. While some of these occurred prior to the 2011 Master Plan Reexamination Report, the Report did not discuss their implications. From an administrative perspective, the time of application change, the modifications to the performance guarantee, and the requirement to conduct a Reexamination Report every ten years are the most significant. The modifications to the Master Plan elements will be considered as the Borough undertakes future Master Plan amendments.

1991 Family Day Care

The Municipal Land Use Law was amended in 1991 in order to permit family day cares as a permitted use in residential zones. The amendment was enacted by the legislature to address that the majority of adult women in the state are in the workforce, and that many households require two incomes due to the high cost of living within New Jersey. The amendment defines a family day care as “the private residence of a family day care provided which is registered as a family day care home pursuant to the “Family Day Care Provider Registration Act.”

1999 Child Care Centers

The 1999 amendment exempts any child care program approved by a local board of education and operated by the board, or by an approved sponsor in a public school, before or after regular school hours from local zoning restrictions.

2009 Wind and Solar Facilities Permitted in Industrial Zones

The 2009 amendment made wind and solar facilities that are located on a parcel of land comprising 20 or more contiguous acres that are owned by the same person a permitted use within every industrial district of a municipality.

2010 Municipal Ordinances Relative to Small Wind Energy Systems

The 2010 amendment limits how municipalities can regulate small wind energy systems. The amendment states that “Ordinances adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations.” An application for development or appeal involving a small wind energy system is still subject to the Municipal Land Use Law notice requirements for applications and appeals.

2010 Time of Application

The previous Time of Decision law allowed municipalities to modify the zoning regulations after an application for development was submitted to a municipality’s planning/zoning board but before a formal decision was rendered. The 2010 Time of Application law (P.L. 2010 c.9) no longer permits changes to the zoning ordinance once an application is submitted. The development regulations that are in place at the time a development application is submitted to the planning/zoning board will govern the review of the application and any decision pertaining to it.

2011 Reexamination Report

The first change in the 2011 amendment changed the minimum time period for the required periodic reexamination of the municipal master plan from every six years to every ten years.

2011 GDP Approvals

The second change in the 2011 amendment provided for the submission of general development plans (GDP). GDP approval can be sought for tracts of land greater than 100 acres in size or for projects consisting of 150,000 square feet of nonresidential floor area or 100 residential units.

2013 Cluster Development

The first change in the 2013 amendment added a definition, purpose, and standards related to cluster development. Cluster development involves concentrating development within a portion of a site in order to protect and preserve environmentally sensitive features.

2013 Performance Guarantees

The second change in the 2013 amendment was related to transferring performance guarantees between a developer and its successor.

2015 Noticing

The 2015 amendment allowed for the transmittal of certain notice documents via email.

2016 Military Bases

The 2016 amendment added a new purpose of the Act and includes definitions and standards related to land use planning near military bases.

2017 Performance and Maintenance Guarantees

The first change in the 2017 amendment modified the scope of improvements that could be covered by performance and maintenance guarantees. A performance and maintenance guarantee can only be required for improvements within a public right-of-way and those affecting adjacent properties such as buffer areas and the like.

2017 Smart Growth

The second change in the 2017 amendment requires the Land Use element of a municipality's Master Plan to address "smart growth which in part, shall consider potential locations for the installation of electric vehicle charging stations, storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and environmental sustainability issues."

2019 Municipal Public Access Plan as Optional Master Plan Element

The first change in the 2019 amendment added the Municipal Public Access Plan as an optional Master Plan Element: "A public access plan element that provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine, and which shall include a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas; an assessment of the need for additional public access; a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with an implementation schedule and tools for implementation."

2019 Zoning Boards

The second change in 2019 allowed for the creation of supplemental zoning boards to address backlogs of applications under certain circumstances.

2019 Electric Vehicle Charging Infrastructure

The third change in 2019 became effective November 6, 2019. The MLUL was amended include provisions for electric vehicle charging stations:

- The first component of this amendment involves the preparation, modification, and required contents of a Master Plan (N.J.S.A. 40:55D-28). The components of the Land Use Element (a required Master Plan Element) have been updated to include a provision requiring the Element to show the "existing and proposed location of public electric vehicle charging infrastructure."
- The second component of this amendment involves the requirements of the Master Plan Reexamination Report (N.J.S.A. 40:55D-89). A new required section, Section F, has been added. This new section states the reexamination report shall state "the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle

infrastructure...and recommended changes, if any in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.”

Climate Change and Vulnerability Assessment

On February 4, 2021, the Governor signed into law an amendment to N.J.S.A. 40:55D-28, which states the preparation, contents, and modification requirements to Master Plans. The amendment requires that any Land Use Plan Element adopted after February 4, 2021 must include a “Climate Change-Related Hazard Vulnerability Assessment.” The Assessment is mandatory and includes:

- Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise;
- Include a build-out analysis of future development in the municipality, and an assessment of the threats and vulnerabilities related to that development;
- Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analyze the potential impact of natural hazards on relevant components and elements of the Master Plan;
- Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

Electronic Waste Management Act (2011)

In 2011, the New Jersey Department of Environmental Protection requires that televisions, computers, electronic tables, e-book readers, and monitors be recycled at designated recycling collection points. These electronic devices are no longer able to be discarded in the regular waste stream as most contain lead, mercury, cadmium, nickel, zinc, brominated flame retardants, and other potentially hazardous materials.

Flood Hazard Area Control Act, Update

The Flood Hazard Area (FHA) Control Act Rules, N.J.A.C. 7:13 were adopted on November 5, 2007 and amended on June 20, 2016. The FHA rules implement the New Jersey Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.). Because development within flood hazard areas can compound the frequency and intensity of flooding, the FHA rules incorporate strict standards for development within flood hazard areas to mitigate the adverse effects of development. The 2016 comprehensive amendment reduced

unnecessary burdens, added appropriate flexibility, and provided better consistency with Federal, local, and other State requirements. The amendment additionally addressed several implementation issues that had been identified since the implementation of the 2007 rules.

COVID Permit Extension Act of 2020

The year 2020 saw the emergence of the COVID-19 global pandemic, which caused a temporary shutdown of many government services. On July 1, 2020, Governor Murphy signed the Permit Extension Act of 2020, P.L. 2020, c.53 (“Chapter 53”) into law as a response to the COVID-19 pandemic. The purpose of this law is to provide a relaxation of the requirements for municipal action related to deadlines under the Municipal Land Use Law (MLUL). Chapter 53 effectively extends the terms of all governmental permits, approvals and deadlines, which were due to expire on March 9, 2020 until the at least six months after the end of the public health emergency (the “COVID-19 Extension Period”). The suspension applies to state and local permits and approvals including New Jersey Department of Environmental Protection (DEP) issued land use approvals, municipal land use approvals, flood hazard permits, water supply permits and certifications, water quality management plan approvals and other environmental approvals.

Airbnb Regulations

According to Airdna, Airbnb’s analytics and reporting department, on September 22, 2020, there were approximately 14,504 listings on the home rental site in New Jersey. While two active short-term rentals are located within the boundaries of East Newark, there are 16 additional active rentals each in the nearby towns of Harrison and Kearny, as well as 672 active rentals within the City of Newark to the south. Occupancy of active rentals in these areas range from 48 percent to 59 percent.

In June 2017, the New Jersey Legislature passed a bill to tax short-term rentals (AB 4587). The bill proposed to extend the state sales and use tax and hotel and motel occupancy fee to “transient accommodations.” The bill defines “transient accommodations” as a “room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences.” Renters would be responsible for paying the taxes and fees. The bill, however, was vetoed by Governor Christie.

In July of 2018, P.L. 2018, Chapter 49 was approved, which allows municipalities to impose the following taxes and fees on transient accommodations where applicable: the municipal occupancy tax, the sports and entertainment facility tax - Millville, the Atlantic City luxury tax, the Atlantic City promotion fee, the Cape May County tourism tax and assessment, and the hotel occupancy tax. This new law mandates that transient space marketplaces, like Airbnb, collect and pay the tax on behalf of the property owner.

In response to rising concerns about P.L. 2018, C. 49, Governor Murphy signed Assembly Bill 4814/4520, which applies to “rentals of professionally managed units and rentals obtained through a transient space marketplace or travel agency, as long as the transient space marketplace or travel agency does not exclusively offer transient accommodations owned by the marketplace or travel agency”, effectively excluding transactions made directly between property owners and renters.

Cannabis Regulations

Assembly Bill 21 / Senate Bill 21 was introduced on November 5, 2020 and adopted by both houses on December 17, 2020 and was signed by the Governor on February 22, 2021. The bill legalizes personal use

cannabis for certain adults, subject to state regulation, decriminalizes small amounts of marijuana and hashish possession, and removes marijuana as a Schedule I drug. The bill defines 6 classes of license based on different operational aspects. For municipalities, Section 31 provides an option to adopt Municipal Regulations or Ordinances that permit or prohibit one or more classes of license within the municipality along with regulating time, manner, place, and quantity. Section 40 permits municipalities to levy an optional Cannabis “Transfer Tax and User Tax” that is capped at 1% of wholesale activities and 2% of cultivation, processing, and retail activities.

Ordinances that prohibit or otherwise regulate cannabis that predate the Act are not valid, a new Ordinance would need to be adopted within 180 days of passage of the Act. If an Ordinance regulating / prohibiting one or more classes of license is not adopted within 180 days, then any class not prohibited will be deemed permitted in the following locations:

- Classes 1, 2, 3, 4, and 6 will be permitted in all Industrial Zones;
- Class 5 will be permitted in all Retail / Commercial Zones.

After 180 days, if a municipality does not prohibit one or more classes, it must wait 5 years to adopt an ordinance that prohibits cannabis uses. At that time, the Ordinance would be prospective and would not apply to any lawfully existing businesses that open during the 5 year period.

Changes at the County and Regional Level

2015 and 2020 Updates to Hudson County Hazard Mitigation Plan

In accordance with the Disaster Mitigation Act of 2000 (DMA 2000), Hudson County and its municipalities developed the 2008 Hazard Mitigation Plan (HMP) followed by the 2015 and 2020 updates. For communities to remain eligible for hazard mitigation assistance from the federal government, they must maintain an updated HMP. The purpose of the Hudson County HMP is to identify potential natural disaster risks that threaten the County’s communities and residents. The Plan evaluates the risks and identifies planned projects designed to prevent and mitigate the effects of future natural disasters.

The Hudson County HMP includes individual plans for each municipality within the County, including the Borough of East Newark. In the 2020 County HMP, the Borough identified the following vulnerabilities with regard to hazard problems:

- The Borough’s CSO System needs to be modified to reduce risk of overflow.
- Numerous riverfront properties are flood prone.
- Several critical facilities lack backup power: Recreation Center, Senior Center, New Borough Hall, School.
- The Borough website is in need of upgrade for outreach and continuity of operations.
- Community facilities need to be upgraded to allow for increased sheltering and emergency response.

The following are completed mitigation initiatives as identified in the 2020 Hudson County HMP:

- Purchase and install gas powered generators as back-up power supply for critical facilities and emergency response capabilities. The Borough has two (2) portable generators and installed one gas powered generator that is capable of providing power to the municipal building.
- Implemented a reverse 9-1-1 System.

The following are proposed Hazard Mitigation Initiatives:

- Increase capacity of Combined Sewer Overflow line to prevent overflow.
- Install tank for stormwater to prevent flooding and stormwater overflow.
- Upgrade Borough facilities to allow for emergency response and sheltering/medical capabilities.
- Restore natural floodplain function along Passaic Avenue.
- Backup generator for critical facilities.
- Increase outreach capabilities of the Borough.
- Participation in the Community Rating System and scheduling the Community Assistance Visit.

Hudson County Master Plan

Hudson County adopted a Master Plan Reexamination Report in 2017, covering land use, circulation, housing, infrastructure, community facilities, conservation, historic preservation, and economic development. The plan discusses parts of Hudson County, including the Borough of East Newark, in terms of municipal trends and municipal employment projections. Hudson County's population has recently reversed a six-decade-long decline, showing a 10 percent increase from 1990 to 2010. The County anticipates that population and employment will continue to grow due in large part to significant increases in new development and redevelopment. The Hudson County Master Plan Reexamination Report estimates an increase in population growth of 87.14% within the Borough of East Newark, with approximately 2,100 new residents between 2010 and 2040. These increased pressures will highlight the need to facilitate greater regional connectivity in terms of roadway and mass transit improvements. The 2017 Master Plan Examination Report notes that Passaic Avenue was listed as a general upgrade; however, the status is indicated as 'Traffic Signal Upgrade' (see p. 86).

One of the recommendations within the Hudson County Master Plan was to partner with Harrison, East Newark, and Kearny to develop a Passaic River Waterfront Walkway Plan.

Changes at the Local Level, Borough of East Newark

East Newark's Demographic Characteristics

Population

The 2010 Decennial Census showed an increase in population from the 2000 Census (5.6%). From 1930 to 1960, the Borough's population had been in decline. Since the completion of the 1960, the Borough has demonstrated population increases. The current 2019 American Community Survey 5-year estimates

indicate the Borough is continuing to grow and will see its most significant growth since the 1980 to 1990 decade.

Population Trends									
Year	East Newark			Hudson County			New Jersey		
	Pop.	Change		Pop.	Change		Pop.	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	2,686	-	-	690,730	-	-	4,041,334	-	-
1940	2,273	-413	-15.4%	652,040	-38,690	-5.6%	4,160,165	118,831	2.9%
1950	2,173	-100	-4.4%	647,437	-4,603	-0.7%	4,835,329	675,164	16.2%
1960	1,872	-301	-13.9%	610,734	-36,703	-5.7%	6,066,782	1,231,453	25.5%
1970	1,922	50	2.7%	607,839	-2,895	-0.5%	7,171,112	1,104,330	18.2%
1980	1,923	1	0.1%	556,972	-50,867	-8.4%	7,365,011	193,899	2.7%
1990	2,157	234	12.2%	553,099	-3,873	-0.7%	7,730,188	365,177	5.0%
2000	2,279	122	5.7%	608,975	55,876	10.1%	8,414,350	684,162	8.9%
2010	2,406	127	5.6%	634,277	25,302	4.2%	8,791,894	377,544	4.5%
<i>2019 Estimate</i>	2,664	259	10.8%	670,046	35,769	5.6%	8,878,503	86,609	1.0%

Age

The median age of the residents in East Newark in 2010 was 31.9 years. The composition of East Newark has shifted somewhat since 2000. The largest increases were within the 45-to-54-year cohort, which increased by 36.1 percent, followed by the 15-24 year cohort, which increased by 21.8 percent. The most significant decrease was experienced in the 35 to 44 age cohort, which decreased by 22.8 percent, followed by the 5-14 cohort, which declined by 17.7 percent.

Population by Age 2000 and 2010						
Population	2000		2010		Change, 2000 to 2010	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	2,377	100%	2,406	100%	29	1.2%
Under 5 years	161	6.8%	158	6.6%	-3	-1.9%
5 to 14	350	14.7%	281	11.7%	-69	-19.7%
15 to 24	362	15.4%	441	18.3%	79	21.8%
25 to 34	430	18.1%	432	18.0%	2	0.5%
35 to 44	443	18.6%	342	14.2%	-101	-22.8%
45 to 54	269	11.3%	366	15.2%	97	36.1%
55 to 64	178	7.5%	211	8.8%	33	18.5%
65 and over	181	7.6%	175	7.3%	-6	-3.3%

Source: U.S. Census Bureau

Income

According to the 2015-2019 ACS, the Borough of East Newark had a lower median household income than that of Hudson County as a whole. In 2019, the median income in East Newark was \$63,750, roughly \$7,439 less than the County. In 2019, over 60 percent of all households in the Borough earned \$50,000 or more with the largest percentage of households in the \$50,000 to \$74,999 range (18.4%).

Household Income East Newark and Hudson County, 2015-2019 Estimates				
	East Newark		Hudson County	
	Number	Percentage	Number	Percentage
Total Households	779	100%	258,591	100%
Less than \$10,000	26	3.3%	18,360	7.1%
\$10,000 to \$14,999	19	2.4%	11,637	4.5%
\$15,000 to \$24,999	76	9.8%	20,429	7.9%
\$25,000 to \$34,999	78	10.0%	19,136	7.4%
\$35,000 to \$49,999	101	13.0%	26,376	10.2%
\$50,000 to \$74,999	143	18.4%	38,789	15.0%
\$75,000 to \$99,999	128	16.4%	29,221	11.3%
\$100,000 to \$149,999	108	13.9%	39,823	15.4%
\$150,000 to \$199,999	72	9.2%	22,756	8.8%
\$200,000 or more	28	3.6%	32,065	12.4%
Median Household Income	63,750		71,189	

Source: 2015-2019 ACS 5-Year Estimates

Employment

The 2015-2019 ACS estimates that approximately 68 percent of East Newark’s 16 years and over population is in the labor force. The County’s employment status is similar to that of East Newark’s and closely reflects the Borough’s trends. About one third of both the Borough’s and the County’s over 16 population is not in the labor force (32.1% and 30.8% respectively).

Employment				
	East Newark		Hudson County	
	Number	Percentage	Number	Percentage
Population 16 years and over	2,145	100.0%	545,299	100.0%
In labor force	1,457	67.9%	377,168	69.2%
Civilian Labor Force	1,457	67.9%	376,862	69.1%
Employed	1,409	65.7%	357,147	65.5%
Unemployed	48	2.2%	19,715	3.6%
Armed Forces	0	0.0%	306	0.1%
Not in labor force	688	32.1%	168,131	30.8%

Source: 2015-2019 ACS 5-Year Estimates

Employment by Industry

Employment for East Newark’s residents is dispersed fairly evenly by industry. The most common industry by a small margin is the educational services, and health care and assistance sector, employing 19.5 percent of East Newark residents. The second most common industry employing 15.8 percent is Construction.

Employment by Industry		
Industry	Number	Percentage
Civilian employed population 16 years and over	1,409	100.0%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	223	15.8%
Manufacturing	135	9.6%
Wholesale Trade	60	4.3%
Retail Trade	90	6.4%
Transportation and Warehousing, and Utilities	71	5.0%
Information	37	2.6%
Finance and insurance, and real estate and rental and leasing	57	4.0%
Professional, scientific, and management, and administrative and waste management services	148	10.5%
Educational services, and health care and social assistance	275	19.5%
Arts, entertainment, and recreation, and accommodation & food services	125	8.9%
Other Services, except public administration	131	9.3%
Public administration	57	4.0%

Source: 2015-2019 ACS 5-Year Estimates

Housing Stock

The 2015-2019 ACS estimates that in 2019, 826 housing units existed in East Newark. The 2015-2019 ACS further estimates that the Borough of East Newark had a 94.3% occupancy rate, or 779 of the housing units were occupied. A majority of these units (64.7%) were renter-occupied. The most common housing type found in the Borough is the two-family dwelling which accounts for 45.3% of the Borough's housing. The Borough's housing stock consists primarily of older structures, with 58.9 percent of the Borough's total housing units in 2019 constructed prior to 1960.

Housing Type East Newark, 2019 Estimates		
Units in Structure	Total	Percentage
Total	826	100.0%
1, detached	100	12.1%
1, attached	35	4.2%
2	374	45.3%
3 or 4	241	29.2%
5 to 9	39	4.7%
10 to 19	0	0.0%
20 to 49	37	4.5%
50 or more	0	0.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	826	12.1%

Source: 2015-2019 ACS 5-Year Estimates

According to the 2015-2019 ACS, a majority of the owner-occupied housing units in East Newark (49.8%) were valued at over \$300,000. The County's trends mirror that of the Borough with 68.8 percent of homes valued at over \$300,000.

Value for Owner-Occupied Housing Units East Newark and Hudson County, 2019 Estimates				
	East Newark		Hudson County	
	Number	Percentage	Number	Percentage
Total	275	100.0%	81,934	100.0%
Less than \$50,000	11	4.0%	1,724	2.1%
\$50,000 to \$99,999	5	1.8%	938	1.1%
\$100,000 to \$149,999	5	1.8%	2,212	2.7%
\$150,000 to \$199,999	16	5.8%	4,080	5.0%
\$200,000 to \$299,999	101	36.7%	16,638	20.3%
\$300,000 to \$499,999	127	46.2%	31,607	38.6%
\$500,000 to \$999,999	10	3.6%	20,057	24.5%
\$1,000,000 and greater	0	0.0%	4,678	5.7%
Median Value	\$299,700		\$378,000	

Source: 2015-2019 ACS 5-Year Estimates

For rental units, the median contract rent in East Newark was \$1,312. The highest percentage of renters (50.5%) paid between \$1,000 and \$1,499 for rent, followed by 24.2 percent who paid between \$500 and \$999 for rent. The County’s median contract rent was similar to the Borough’s at \$1,391.

Contract Rent				
East Newark and Hudson County, 2013 Estimates				
	East Newark		Hudson County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	499	100.0%	174,031	100.0%
Less than \$500	0	0.0%	13,867	8.0%
\$500 to \$999	121	24.2%	28,353	16.3%
\$1,000 to \$1,499	252	50.5%	57,285	32.9%
\$1,500 to \$1,999	78	15.6%	33,595	19.3%
\$2,000 to \$2,499	31	6.2%	14,488	8.3%
\$2,500 to \$2,999	12	2.4%	11,903	6.8%
\$3,000 or more	5	1.0%	14,540	8.4%
No cash rent	5	1.0%	2,626	.01%
Median Contract Rent	\$1,312		\$1,391	

Source: 2015-2019 American Community Survey 5-Year Estimates

Borough of East Newark Public Schools



East Newark Public School

The Borough of East Newark public school system consists of one school, East Newark Public School. The school, which is located at 501-11 North Third Street, serves Pre-K through 8th grade. Graduates of East Newark Public School go on to attend Harrison High School as part of a sending/receiving relationship with the Harrison Public School District for approximately \$13,000 per student.

Since the 2011 Reexamination Report, there have been upgrades and planned upgrades to the facilities as well as changes in enrollment. The following chart provided by the New Jersey Department of Education show the enrollment history over a 10-year period as well as the recent trends. Enrollment in recent years has remained relatively stable between 223 and 275 students. Based on current enrollment, it appears that school enrollment has been declining since the 2016-2017 school year.

School Year	Enrollment	Percent Change
2010-2011	223	-
2011-2012	229	2.7%
2012-2013	239	4.4%
2013-2014	254	6.3%
2014-2015	265	4.3%
2015-2016	268	1.1%
2016-2017	275	2.6%
2017-2018	257	-6.5%
2018-2019	239	-7.0%
2019-2020	227	-5.0%

The following chart, also provided by the New Jersey Department of Education is found in the Long Range Facilities Plan, and compares the existing enrollment (including special education) for the 2018-2019 school year with proposed enrollment for the 2023-2024 school year. The proposed enrollment for the 2023-2024 school year indicates that the school district expects school enrollment to continue to decline:

Grades	Existing Enrollments 2018-2019	Proposed Enrollments 2023-2024
Pre-K (excl. private providers)	22	21
K thru 5	145	121
6 thru 8	86	65
9 thru 12	0	0
TOTALS	231	207

The Department of Education preliminarily determined that the District’s proposed enrollments will be acceptable for approval of an amendment to the Long Range Facilities Plan, but that more current enrollment projections would be required in order to verify the appropriateness of the planned capacity. Based on current enrollment figures and a district capacity analysis, the Department finds that there are currently 6.84 unhoused students in the Pre-K through Grade 5 group, and 28.77 unhoused students within the Grade 6 through 8 groups. Unhoused students refer to students that exceed the capacity of the school facilities.

The Department of Education concludes that the existing school currently has adequate capacity for all grade groups. No new construction is proposed at this time; however, proposed renovations to system actions – also known as capital maintenance – will ultimately result in fewer square feet being provided per student than that which is recommended by the current Facilities Efficiency Standards (FES). The Department of Education finds that the District has provided adequate justification and waived the FES requirements for the pending renovations.

Green Infrastructure Feasibility Study Completed by Rutgers University

The Passaic Valley Sewerage Commission (PVSC) has been working with municipalities to minimize flooding and eliminate combined sewer overflows (CSO) within their jurisdiction. Through a partnership with the Rutgers Cooperative Extension (RCE) Water Resources Program, PVSC provides guidance to municipalities in their efforts to reduce the stress of stormwater runoff on local infrastructure and protect the health of local waterways.

The Green Infrastructure Feasibility Study evaluates and outlines the ways in which East Newark can employ cost-effective green infrastructure techniques to increase the Borough's resilience to CSO events. At the site level, strategies include green roofs, rainwater harvesting, planter boxes, downspout disconnection, permeable pavements, vegetated swales, natural retention basins and rain gardens. Neighborhood-level strategies consist of green parking, pocket wetlands, brownfield redevelopment, trees and urban forestry, green streets and highways, as well as infill and redevelopment. Lastly, the use of riparian buffers and habitat preservation and restoration are effective watershed-level green infrastructure strategies. The Feasibility Study identifies potential sites where these strategies may be implemented:

- Pervious pavement systems and stormwater planters at the East Newark Recreation Center and Preschool, the St. Anthony Roman Catholic Church Pastoral Center, and the John Street one-way corridor;
- Pervious pavement at East Newark Public School, the playground and soccer field, as well as municipal parking lots throughout the Borough;
- Pervious pavement, rain barrels and stormwater planters at the East Newark Police Department;
- Stormwater planters in no parking zones on Sherman and Grant Avenues;
- Pervious pavement, tree pits and stormwater planters along the Passaic Avenue / CR-599 streetscape; and
- Tree pits and stormwater planters on municipal streets throughout the Borough.

In addition to identifying cost-effective green infrastructure strategies, the Feasibility Study provides guidance on community engagement and education efforts, recommending rain barrel workshops and the *Stormwater Management in Your Schoolyard Program*.

Passaic Valley Sewerage Commission Treatment District Regional Long-Term Control Plan

The Borough of East Newark is permitted for CSO discharge under the New Jersey Pollutant Discharge Elimination System (NJDPES). Pursuant to the 1994 US EPA's CSO control policy, CSO municipalities are required to develop a Long-Term Control Plan (LTCP) which synthesizes all necessary information for the portion of the hydraulically connected system which they own.

The LTCP identifies the 7-acre BASF property and the redevelopment of the site of the former 13-acre Clark Thread Mill for sewer separation. The BASF site has been remediated and redeveloped with no residential units, and the Clark Thread Mill site is scheduled for redevelopment with residential units that

will be separately sewered. The LTCP contemplates the use of technologies such as sewer separation, CSO storage tanks, satellite treatment, and green infrastructure. These efforts will effectively reduce the existing CSO drainage area from 62 acres to 42 acres and increase CSO capture from 76.6 percent to 85 percent, thus meeting water quality standards. It is estimated that the described improvements on these properties will cost a total of roughly \$6 million.

Municipal Ordinances

Ordinance 02-11 MURD Mixed Use Residential

Chapter 33 “Zoning” was amended to add 33--1.1 MURD Mixed Use Residential Zone District consisting of Lots 1, 2, 3, 45.03, 46.01, 47, and 48 in Block 14.

Ordinance 06-13A Parking Prohibited

Chapter 7, Section 8 “Parking” was amended to remove the north side of Central Avenue and the west side of Grant Avenue from “Parking Prohibited at All Times on Certain Streets.”

Ordinances 08-2013, 16-2016, 03-2019 Residential Permit Parking

Ordinance 08-2013 amends Section 8.10 of Chapter 7 to outline the rules and regulations applicable to residential permit parking applications, requiring proof of residence, valid drivers’ license and registration, as well as insurance. The ordinance also includes provisions for non-residential and visitor parking.

Ordinance 16-2016 established “Residential Parking Zone A” consisting of the north side of Central Avenue from Passaic Avenue to Grant Street and the west side of Grant Avenue from Central Avenue to the Borough Limit. No person is permitted to park on the streets that comprise “Residential Parking Zone A” without an appropriate and current parking permit issued by the Borough. Ordinance 16-2016 also amended Chapter 7, Section 8.10 to include both sides of the entire length of President’s Street and to limit parking to two hours between 8:00 a.m. and 6:00 p.m. Monday through Friday.

Ordinance 03-2019 was adopted to create additional provisions for the placement and use of resident permit parking areas. The ordinance designates the north side of Central Avenue between Grant Street and Passaic Avenue and the north side of the entire length of President Street as residential permit parking areas in operation 24 hours a day, 7 days a week.

Ordinance 09-13 Government Employee Parking

Chapter 7, Section 8.10 “Residential Permit Parking” was supplemented to permit non-resident government employees and employees of the East Newark School district to obtain a Government Employee permit that is limited to the non-resident employee’s work hours.

Ordinance 02-19 Municipal Parking Lots

Borough Ordinance 02-2019 amends and supplements Sections 2 and 3 of Chapter 7 to create requirements for the use of municipal parking lots. The ordinance also creates a fee schedule for using certain municipal parking lots.

Ordinance 06-14 One-Way Streets

Chapter 7, Section 23 of the Borough code entitled “One-Way Streets” was modified to add the entirety of Davis Street as an easterly traveled one-way street.

Ordinance 13-2016 added the entire length of President Street to “One-Way Streets” to limit travel to the westerly direction.

Ordinance 07-14 Abandoned Property and Rehabilitation Act and 10-2020

The Borough adopted Ordinance 07-2014 in compliance with the Abandoned Property and Rehabilitation Act (N.J.S.A. 55:19-78 et seq.). The ordinance establishes a new section entitled “Abandoned Property,” which sets criteria for identifying abandoned and nuisance property as well as creating a framework for enforcement of regulations.

Ordinance 10-20 Registration of Foreclosing Mortgage Property and Vacant Property

Ordinance 10-2020 amends Chapter 14 to create Section 14-10 “Registration of Foreclosing Mortgaged Property and Vacant Property”. The ordinance establishes a registry and sets requirements for the registration and maintenance of real property by mortgages and vacant property by owners. Additionally, requirements for the maintenance, limitations, penalties and enforcement are outlined.

Ordinance 06-15 Permitted Height

Through Ordinance 06-15 the Borough amended the bulk requirements for height in the R-2 Zone, increasing the permitted number of stories from 2 ½ to 3 stories. The maximum permitted height remained 35 feet.

Ordinance 04-17 Bulk Requirements

Ordinance 04-2017 revises Chapter 33 to amend certain bulk requirements such as adding “maximum” to building height, and “minimum” to lot area/density, setbacks, lot width and depth, as well as parking.

The ordinance added a minimum off-street parking requirement of two (2) spaces for a single-family dwelling and three (3) spaces for a two-family dwelling.

Additionally, the Ordinance added “Note 1” as a footnote the maximum permitted height in the R-2 Zone. The note states “A full bathroom on the ground/first floor is prohibited. Only one (1) half bathroom without a bathtub or shower shall be permitted on the ground/first floor”

Ordinance 03-2018 R-2 Front Yard Setback

Via Ordinance 03-2018 the Borough amended the required front yard setback in the R-2 Residential Zone, increasing it from five feet (5’) to 20 feet. The ordinance additionally included “Note 4,” which includes a provision for prevailing setback standards for the front yard setback in the R-2 Zone.

Ordinance 11-2020 Sidewalk Cafes and Outdoor Dining

Section 20-5 entitled “Sidewalk Cafes and Outdoor Dining” was added to Chapter 20, entitled “Streets and Sidewalks,” to permit restaurants, eateries, and cafes to conduct outdoor and sidewalk dining under certain conditions and regulations.

Ordinances 03-07, 01-2014, and 09-2017 East Newark Redevelopment Plan

The Borough Council adopted the East Newark Redevelopment Plan on March 14, 2007 and adopted Plan amendments on March 12, 2014 and August 23, 2017. The Redevelopment Area consists of four (4) subdistricts: Public Facilities, Riverside, School House, and the Thread Mill.

Property Acquisition Ordinances

Ordinance 04-15 authorized the Borough to acquire Block 10, Lot 3, also known as 246 Grant Avenue.

The Borough has not acquired Lot 3 in Block 10. The property has remained in private ownership since 2015, most recently having been sold on July 2, 2019 to another private owner.

Ordinance 01-16 authorized studies and proceeding to evaluate the advisability of acquiring properties Saint Anthony's Roman Catholic Church is interested in selling: Block 8, Lots 22, 24, 25, and 26. The Borough adopted Ordinance 10-2017 which added Lot 27 in Block 8 to the authorization.

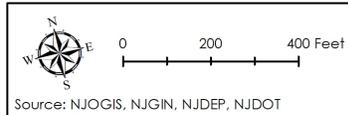
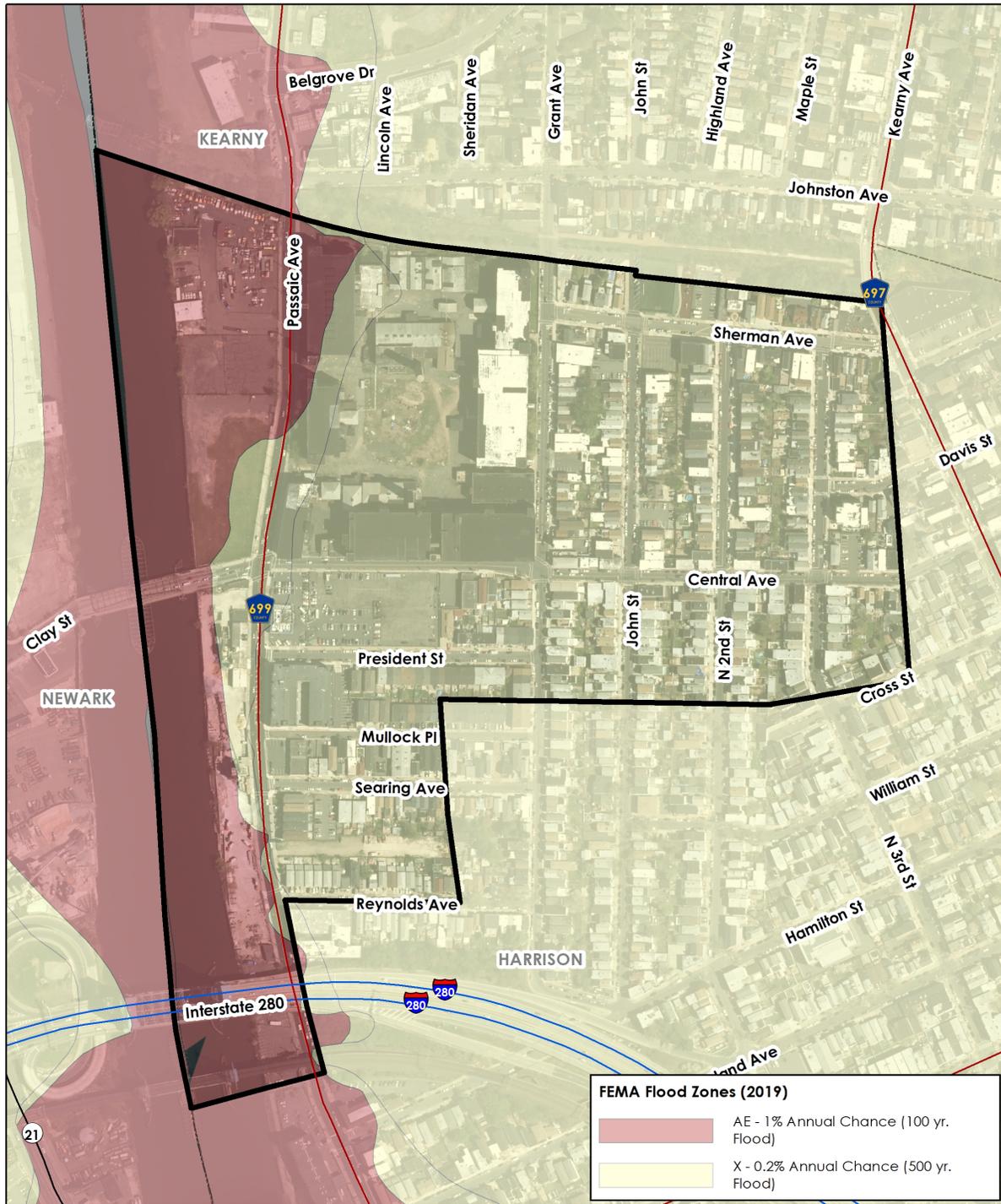
The Borough has not acquired Lots 22-28 in Block 8. The properties were transferred to their current owner, Harrison Property, LLC, on July 10, 2017. Lot 28 in Block 8 is under different private ownership, having most recently been transferred on November 30, 2018.

Tops Diner

Tops Diner, which originally opened in 1942, has been listed as the best diner by various publications including Time Out magazine. In 2019, the Borough Planning Board approved the site plan for a new Tops Diner restaurant building. The existing building and parking areas will be demolished and replaced with a new 15,975 square foot diner and 159 parking spaces. The new space will increase seating capacity from 180 seats to 296 seats and feature a bakery to permit all baked goods to be made on premises.



Tops Diner



2019 FEMA Flood Hazard Areas
East Newark, NJ



SECTION D: RECOMMENDED CHANGES FOR THE BOROUGH'S MASTER PLAN AND LAND DEVELOPMENT ORDINANCE

“The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.”

Borough of East Newark Planning Objectives

As indicated in Section B, the goals and objectives that were identified as remaining valid and are carried forward.

Master Plan Amendments

The Master Plan Objectives, Goals, Policies, Assumptions and Standards Element should be updated to include the following:

1. The preparation of a land use plan element and housing element that will provide the basis for the enactment of a zoning ordinance after the land use plan and housing element have been adopted by the Planning Board pursuant to N.J.S.A. 40:55D-28.
2. Maintain the present character of the Borough's housing and land use pattern and upgrade obsolete uses, buildings, and sites wherever practical and possible.
3. Provide for improvement and expansion of existing community facilities to better serve the existing and future residents of the Borough.
4. Pursue and endorse the recommendations of studies to eliminate certain traffic and water pressure problems in the Borough and provide new improvements.
5. Ensure that future development is aesthetically pleasing and is compatible with and/or enhances the character of the area.
6. Review and revisit the existing uses along the waterfront. Consider incorporating a walkway that connects Harrison and Kearny within the future redevelopment of the waterfront.
7. Pursue opportunities for additional open space to meet the passive and active needs of the community.
8. Evaluate the boundaries of the Central Avenue commercial district and consider ways to have a viable mixed-use downtown.
9. Evaluate ordinance standards to maintain the neighborhood character in the different residential districts while also acknowledging what the existing uses are in each of the residential districts.
10. Evaluate strategies to address parking needs for the residential neighborhoods within the Borough.



Existing Active Recreation

Land Use Element

The Land Use Element should be updated to:

- Include current conditions as discussed in Section B. The Land Use Element was completed in 1984 and last updated in 1992. The Land Use Element should be updated to reflect the existing land uses within the Borough, particularly the existing residential uses. Once the existing land uses are determined, an in depth look at the Borough’s land use ordinance and zone map can be conducted to determine if the existing zoning is consistent with the existing land uses and the desired character of the Borough.



Existing Residential Development

A new Land Use Element will serve as a review and update to the planning and zoning policies of the Borough.

- Reflect the 2017 amendment to the MLUL regarding Smart Growth.
- Reflect the 2019 amendment to the MLUL regarding Electric Vehicle Charging Infrastructure.
- Reflect the 2021 amendment to the MLUL regarding a Climate Change-Related Hazard Vulnerability Assessment.

Housing Element

At this time the Borough does not have a Housing Element component of its Master Plan. The Borough should complete a Housing Element and Fair Share Plan to address its affordable housing obligation as it relates to Mount Laurel. Additionally, in order to adopt a zoning ordinance, a municipality is required to have a Land Use Element and a Housing Element.

Relationship to Other Plans

This section was last updated in 1984 and does not reflect current planning initiatives and concerns. A new Element should be written to reflect current conditions.

Stormwater Management Plan

It is recommended the Borough conduct a review of the 2004 Stormwater Management Plan to determine whether any updates are needed.

Community Facilities Plan/Open Space and Recreation Plan

The Community Facilities Plan has not been updated since its inception in 1984, and no longer reflects the current inventory of community facilities in the Borough. Additionally, several of the recommendations have become outdated due to the approved redevelopment of the First Republic site. The development of the First Republic site will result in significant population growth within the Borough.



Veterans Park

The Community Facility Plan should be combined with an Open Space and Recreation Plan. The Plan should include an up-to-date inventory of properties on the Borough's Recreation and Open Space Inventory (ROSI), and community facilities including the creation of the Green Acres park next door to Borough Hall on Sherman Avenue, the remodeling of the Recreation Center on Central Avenue, the creation of the Senior Center on President Street, and the development of a municipal parking lots on Searing Avenue and Central Avenue.

In addition to providing an inventory of all community facilities, open space, and recreation areas, the Plan should address the adequacy of these existing resources within the Borough. Depending on the findings of the Plan, it may also include recommendations for expansions or future sites, including the implementation of a waterfront walkway to connect Harrison and Kearny and the creation of additional community facilities and recreation areas.

Land Use and Development Regulation Amendments

1. Prepare and adopt a comprehensive revision to the Borough's Zoning Ordinance

The last comprehensive Zoning Ordinance was adopted in 1994 and has had several subsequent amendments since that time. It is recommended the Borough complete a comprehensive revision of the Zoning Ordinance, including the evaluation of existing zones, ordinance definitions, design standards, permitted uses, and conditional uses based on the findings of the recommended Land Use Element.

- a. The ordinance should be amended to ensure that any use listed as permitted, conditional, or accessory in the use regulations for each zone is also properly defined within the Zoning Ordinance.
- b. Additionally, the definitions section supplies a definition for "building coverage," "impervious coverage," and "density", however, the ordinance does not include building coverage, impervious coverage, or density regulations.
- c. All uses listed within the zoning ordinance should be reviewed and amended/supplemented as needed. Since the inception of the current 1994 ordinance, new land uses have become popular and there is a desire for such uses. Additionally, other uses have become less

popular. The Borough should consider what types of additional uses would benefit the community and include provisions for these uses within the zoning ordinance. For example, medical offices are not permitted anywhere in the Borough and there are currently only three (3) uses permitted in the GB/C General Business/Commercial Zone: 1. Stores, shops and business offices, 2. Storage yard for contractor vehicles, and 3. Restaurants and bars.

- d. Currently the only zone which includes conditional uses is the R-2 Residential zone, where private schools and churches are the only two conditionally permitted uses. The Borough should evaluate if these uses should remain as conditional uses, or if they should become principal permitted uses and have their own bulk requirements for the R-2 Zone.

2. Prepare and adopt an updated Zoning Map

The Borough's current Zoning Map was created in 1984 and has not been amended since. Since the Map's creation, zones such as the Mixed Use Residential District and Redevelopment Areas have been created. It is recommended that the Borough update the Zoning Map to reflect the current zoning of the Borough based on the findings of the recommended Land Use Element.

3. Design Standards

Some of the new construction in the Borough has resulted in the simultaneous construction of two (2) one-to-two-family dwellings which look almost identical. It is recommended that the Borough consider adopting design standards geared toward encouraging a variety of designs. The Borough should examine design standards that examine the block as a whole. Requirements can include different roof lines, building materials, and other aesthetic characteristics which would prevent the appearance of two identical dwellings. The Borough should consider exceptions for attached single-family townhouse style housing projects.

4. Impervious Coverage Bulk Requirement

The Borough's Bulk Requirements Schedule does not include maximum requirements for building or impervious coverage. The Borough has a combined sewer system, and stormwater runoff places a burden on the system. Most of the properties in the Borough are too small to require compliance with New Jersey's stormwater management rules. While individually each property may not create a burden on the Borough's combined sewer system, the collective impact of properties collective stormwater runoff creates a burden on the combined sewer system, particularly in heavy rainfall events.

Additionally, placing a cap on the maximum permitted impervious coverage may lead to landscaping in front yards which would enhance the appearance of the Borough's streetscapes. It is recommended that Borough add impervious coverage requirements to each of the Zones Districts within the Borough, and evaluate the existing Borough definition of "impervious coverage" to determine if the definition should be revised.

5. Maximum Height of One-and Two-Family Dwellings

The Borough amended the maximum permitted height in the R-2 Zone via Ordinance 06-15. The Ordinance the permitted number of stories from 2 ½ to 3 stories. The maximum permitted height remained 35 feet. Illegal conversions continue to be an issue within the Borough and in Hudson County as a whole. The Borough should consider returning the maximum permitted height to 2 ½ stories, as 3 stories can facilitate illegal conversions.

6. Accessory Structures and Residential Mechanical Equipment

The Borough does not currently have bulk requirement standards for accessory structures, therefore, all accessory structures are subject to principal structure setback requirements. It is recommended that the Borough establish bulk requirements for accessory structures, specifically sheds, residential mechanical equipment and generators. By creating standards for accessory structures, residents will not have to abide by the principal building requirements which may trigger variances requiring relief from the Borough’s combined Land Use Board.

7. Fences and Walls

The Borough does not currently have any existing regulations related to fences on residential or non-residential properties. It is recommended the Borough adopt an ordinance regulating height, materials, and transparency requirements in residential and non-residential zones.

8. Driveways and Curb Cuts

Parking remains to be an issue within the Borough. It is recommended that the Borough adopt an ordinance regulating the maximum permitted driveway widths and curb cuts. Currently, there are no regulations limiting the width of driveways. Excessive driveway widths negatively impact the quantity of existing on street parking spaces.

9. Tandem Parking in Ground Floor Garages

There continue to be concerns regarding illegal conversions where additional units are added to one-and-two-family dwellings, where three-family units are not permitted in the Borough. It is recommended that this trend be addressed in some form, since it not only creates a direct impact on the “density” of a neighborhood, but also on available parking. It is recommended the Borough consider amendments to the parking requirements to address this trend. One option may be to require tandem parking in the “garage” portion of the dwelling for one-and-two-family homes, which will address the parking needs and limit the “habitable” space on the ground floor.

10. Outdoor Dining

The Borough adopted Ordinance 11-2020 which amended the “Streets and Sidewalks” section of the ordinance to allow, under certain conditions and regulations, the privilege of allowing restaurants, eateries, cafes and the like to conduct outdoor and sidewalk dining. The Ordinance applies to any street, sidewalk, or public easement. It is recommended that the Borough evaluate the success of Ordinance 11-2020, and if the Ordinance has been successful, consider adding outdoor dining as a permitted accessory use to eating and drinking establishments on private property.

When examining whether outdoor dining should be permitted, items such as restricting hours of outdoor music, operation, location, areas of the property, and proximity to neighboring residential uses should be taken into consideration.

11. Boundaries of NB/C Zone

It is recommended the Borough reevaluate the boundaries of the NB/C Neighborhood Business Zone to create a distinct downtown neighborhood feel along Central Avenue.



Central Avenue Corridor

12. Apartments Over Retail (NB/C Zone)

It is recommended that the NB/C – Neighborhood Business/Commercial Zone District’s apartment standards be amended. Currently, residential apartments are permitted above a first-floor business, but are capped at three apartment units. It is recommended that the standards be amended to remove the three-unit cap.

13. Rezoning of the West Side of Passaic Avenue

The west side of Passaic Avenue is located along the Passaic River. This area is located to the north of Harrison’s waterfront and to the South of Kearny’s. The Borough should explore either rezoning, creating an overlay zone, or whether the area would qualify as an area in need of redevelopment, to encourage the reuse of the waterfront for commercial, residential, or mixed-use development that would include a walkway along the river and open space.

14. Shade Tree Requirement

The Borough has an interest in improving the streetscapes within the Borough, particularly to encourage tree lined streets. It is recommended that the Borough add a street tree requirement to the Ordinance to aid facilitating this endeavor. Additionally, the Borough should create a list of preferred tree species and prohibited tree species.

When creating the requirement, the Borough should consider permitting deviations administratively in instances where it would be impossible for a property owner to provide a tree. For example, the Borough may permit exceptions where the Borough Engineer can determine that it would be impossible for the property owner to provide a tree because of locations of utility poles, fire hydrants etc. The Borough may also consider setting up a “Shade Tree Fund,” where property owners who cannot provide a tree themselves, can contribute to an overall fund to plant shade trees in the Borough.

15. Signs

The Borough has not updated or amended its sign requirements since 1994. The Borough should evaluate the existing sign regulations to determine if any amendments are necessary, such as adding regulations for awnings, reevaluating the types of permitted and prohibited signs, permitted illumination and sign dimensions, etc.

16. Pools

The Borough does not currently have any regulations pertaining to pools. The Borough should explore the creation of an Ordinance regulating pools on residential properties. Consideration should be given to whether pools should contribute towards impervious coverage calculations.

17. Short Term Rentals

Short term rentals such as AirBnB have become more prevalent in the country and the state. The Borough should explore the creation of a short-term rental ordinance to regulate these uses.

18. Sustainability and Green Infrastructure

Sustainable building guidelines should be incorporated into the Land Use and Development Chapter that promote environmentally sustainable building, development, and infrastructure. Specifically, guidelines that implement the findings and recommendations of the Rutgers Green Infrastructure Feasibility Study and the PVSC Treatment District Regional Long Term Control Plan.

19. Electric Vehicle Charging Stations

It is recommended electric vehicle charging stations be permitted accessory uses in the BG/C, NB/C, MURD, zoning districts as well as the Redevelopment Plan Area.

20. Stormwater Management

The state adopted new stormwater management rules. Municipalities are required to adopt new ordinances consistent with the new regulations by March 3, 2021. It is recommended the Borough adopt a stormwater management ordinance consistent with the new regulations to remain in compliance.

21. Road Openings

It is recommended that the Borough evaluate creating an Ordinance that sets standards for road openings. Standards can dictate the location and extent required to repave Borough roads after

utility modifications. It is further recommended that the Borough coordinate road openings with multiple utility operators to limit unnecessary disruptions to the Boroughs circulation system.

22. Streetscape Design Standards

It is recommended the Borough create a set of streetscape design standards that focus on sidewalks, lighting, shade trees, utility locations, and street furniture, particularly along Central Avenue and in future Redevelopment Plan areas, if any. Particular attention and consideration should be given to excessive wires, many of which are no longer in use throughout the Borough.

23. Cannabis Ordinance

As stated in Section C of this report, the state legislature adopted Assembly Bill 21 / Senate Bill 21 on December 17, 2020 which was signed by the Governor on February 22, 2021. The Bill invalidates all ordinances which prohibit or otherwise regulate cannabis that predate the Act. Municipalities have 180 days from the enactment of the Act to adopt regulations to permit or prohibit cannabis uses.

Shared Services

It is recommended that the Borough Council evaluate whether or not the Borough and its residents would benefit from a shared services agreement with neighboring municipalities for all or a portion of the Borough's services such as police and schools. It is recommended that each service is evaluated individually to determine whether it would be more cost effective to combine services with another municipality and whether such an agreement would lead to improved services and resources for Borough residents.

SECTION E: RECOMMENDED REDEVELOPMENT PLANS

“The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A: 12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.”

The Borough of East Newark has one designated 15.3-acre Redevelopment Area which consists of four (4) Subdistricts: Public Facilities, Riverside, School House, and the Thread Mill. The Redevelopment Plan was adopted on March 14, 2007, then subsequently amended on March 12, 2014 and August 23, 2017.

The Riverside Subdistrict is located on the west side of Passaic Avenue and is approximately 1.3 acres. The subdistrict currently is permitted to be developed as public open space, schools and other public facilities, maintain its current use, or be developed as a hotel with other ancillary uses such as restaurants, meeting and banquet halls.

The School House Subdistrict is approximately 0.4 acres and the permitted uses within the Redevelopment Plan include studio and one-bedroom residential lofts utilizing the existing school building, an elementary school, and a parking deck serving both redevelopment project and municipal needs.

The Public Facilities Subdistrict has a combined area of 1.1 acres, although this district does not consist of contiguous lots. Permitted uses consist of a public school, parks and open space, other public uses, and existing uses on the sites.

The Thread Mill Subdistrict consists of approximately 12.5 acres. The Borough entered into a Redevelopment Agreement for the site that was effectuated on November 17, 2017. The agreement designated East Newark Towne Center, LLC as the developer of the site. The project was recently approved by the Planning Board for a Redevelopment project consisting of a 616 residential unit project with 91,022 square feet of retail space, 4,388 square feet of commercial space, and 105,769 square feet of vacant space for an undetermined use future use. The project also includes 1,350 off-street parking spaces, inclusive of a four-story parking garage with a roof top terrace for recreational purposes. Additional improvements include utility and stormwater facilities, as well as improvements to the Borough’s combined sewer system.



Thread Mill District

The Borough should evaluate the existing Subdistricts to determine if the limits of those districts or the designated permitted uses should be amended. For example, the former Saint Anthony’s School which is located across the street from the Municipal Building is in the Public Facilities Subdistrict. The Borough at

one time was looking into acquiring these properties but did not follow through with the acquisition. The Borough should consider revising the permitted uses in Block 8 of the Public Facilities Subdistrict to permit residential uses, and potentially make a new subdistrict.

The Borough should explore expanding the Redevelopment area to include additional properties in the Redevelopment Plan, if they meet the statutory requirements to be designated as an area in need of redevelopment. The properties on the west side of Passaic Avenue should be examined to determine whether they meet the statutory criteria to be designated as an area in need of redevelopment. Should the properties qualify, the Borough should consider amending the existing Redevelopment Plan, or creating a new Redevelopment Plan to effectuate the redevelopment of the waterfront. Any redevelopment of the west side of Passaic Avenue should coordinate and complement the existing Riverside Subdistrict and the ecological restoration project underway at the former BASF site (Block 17, Lot 2).

At this time there are no recommendations for amendments to the permitted uses located within the Thread Mill Subdistrict. The Planning Board has approved a project located in the Thread Mill Subdistrict, and it is unlikely that any major changes would be required.

The Borough recently acquired a property identified as Block 4, Lot 1 which was previously occupied by Valley National Bank. The Borough should explore the potential redevelopment of the site.

Additionally, it is recommended that the Borough explore designating the entirety of the Borough as an “area in need of rehabilitation.” Designating the Borough as an “area in need of rehabilitation” can be a mechanism to encourage renovation and reconstruction of existing structures. The Local Redevelopment and Housing Law permits the use of tax abatements on improvements for a period of 5 years which can be an incentive to property owners to make improvements.

SECTION F: RECOMMENDATIONS REGARDING ELECTRIC VEHICLE INFRASTRUCTURE

“The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.”

It is recommended the Borough encourage the installation of public electric vehicle infrastructure on commercial and municipal properties within East Newark as well as in new larger multi-family residential and mixed-use developments. The recommendations in Section D include the provisions for electric vehicle charging stations as permitted accessory uses in the BG/C, NB/C, MURD, zoning districts as well as the Redevelopment Plan Area.