

Reexamination Report East Newark Master Plan and Regulations July 5, 2006

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The Borough of East Newark adopted its first Master Plan in 1984. There was an update done in 1992. There has been no re-examination report nor update since 1992.

The Municipal Land Use Law (40:55D-1 *et seq.*) (MLUL) requires a re-examination report to be conducted at least every six years, so it is clear that the Borough is long overdue in this re-examination process. The MLUL spells out the steps needed to be undertaken to complete this process.

The reexamination report shall state:

- a. The major problems and objectives relating to land development in East Newark at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last 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 al.*) 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.

These requirements are addressed as follows.

The major problems and objectives relating to land development in East Newark at the time of the adoption of the last reexamination report.

The 1984 Master Plan was the first such plan ever produced for the Borough. This is likely because the MLUL was adopted in 1976 and it conveyed legal status to the municipal master plan. Essentially, the power to zone was related to the master plan and its “land use element.” The new state law required every municipality that wanted to have a zoning ordinance and regulate land uses within its borders to first have a master plan with at least a land use element. There are other elements, such as circulation and community facilities, but they are optional. Since 1986, there is another mandatory element called the “housing element” or “fair share plan.” This element deals with the municipality’s obligations to provide its fair share of the housing needs for families of low and moderate income.

The 1984 Master Plan stated that the objectives of the master plan were:

- The creation of a seven member planning board
- The preparation of a land use element to form the basis of a zoning ordinance
- Maintain the present character of the borough and land use pattern and upgrade obsolete uses, buildings and sites wherever practical and possible
- Provide for expansion of existing community facilities to better serve the residents of the borough
- Endorse the recommendations of previous studies to eliminate traffic and water pressure problems and provide new improvements

The 1992 “Land Use Plan Update” detailed the changes in the Borough’s land use patterns. It noted that the largest land use group was “residential” and of that group the largest group was two-family homes. After that, it was three family homes and then single family homes.

One of the aspects of the borough’s residential land use category was the instances of two or more principal uses on the same lot. This is not considered sound planning as it can lead to overcrowding and difficulty in zoning enforcement.

The 1992 Update next spoke of Business Uses, which were found to be scattered around the Borough. The Update speaks of the concentration of mercantile uses found there. The other locations for business uses are along Central Avenue between Grant Avenue and Third Street.

The Update talks about the industrial uses along Passaic Avenue and some on the narrow block between Searing and Mullock Place.

In 1992, there were only 5 vacant parcels of land in the Borough, meaning new development would have to occur on redeveloped properties.

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

The first objective was realized with the creation of the new nine member planning board in 1984. Since then, changes in the MLUL have allowed small towns, such as East Newark, to eliminate the separate zoning board of adjustment by creating a single, combined board that can function as either a planning board or a zoning board, as the case before it may require.

The second objective was realized in the 1984 Master Plan which contained the first such land use plan in the borough's history. The plan noted that East Newark has a very limited supply of vacant land. This is a function of the borough's age, size and location. This remained the case in the 1992 Update.

One of the key statements is the plan's desire to "promote a proper balance between residential and non-residential uses in the borough."

Three categories of residential land use were proposed: R-1 for the eastern two-thirds of the First Republic site; R-2 for the predominant type of residential uses existing in the borough; and R-3 for apartments.

Two categories of business/commercial use were recommended: Neighborhood Business (NB) and General Business and Commercial (GBC). The NB district would serve local residents with convenience shopping and services and the second district, GBC, would be less restrictive and serve a wider community.

Industrial uses would be restricted to the area west of Passaic Avenue from the "new" Engelhard Industries building south to the borough line.

The third objective was to maintain the present character of the borough and land use pattern and upgrade obsolete uses, buildings and sites wherever practical and possible. Fully developed at the beginning of the 20th Century, the borough has a rich history of industry and commerce as well as residential development within its borders. Its location on the Passaic River and along a branch of the Erie Lackawanna Railroad made it an early location for industrial land uses. The proximity to the City of Newark, the economic engine of this region in the late 19th and early 20th Century, just across the river, also gave the borough an economic boost and no doubt contributed to its development patterns.

Little change occurred up until the time of the 1984 master plan, other than the inevitable decline of the industrial uses and the aging of the residential and commercial developments. The decline in industrial and commercial development is due to market and global forces and cannot be effectively addressed at the local level. The residential market in Hudson County remains strong, and the pressure to redevelop former industrial and commercial sites for residential uses is strong.

The fourth objective of the 1984 Plan was to provide for expansion of existing community facilities to better serve the residents of the borough. This objective has been accomplished with 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 lot on Searing Avenue. Bids are currently being taken to build a parking lot on two lots on Central Avenue.

Finally, the Plan called for the endorsement of past the recommendations of previous studies to eliminate traffic and water pressure problems and provide new improvements. This objective has been partially met by the public works projects that have paved all the streets in the Borough and created a streetscape program on Central Avenue, but the water pressure issue remains. The cost of cleaning and relining the all of the Borough's water mains remains prohibitive.

The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last 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.

There have been significant changes in the assumptions, policies and objectives of the Borough of East Newark since the adoption of the 1984 Master Plan. Among these is the change in attitude toward the development of housing types as it relates to density and distribution of populations and demographics. There have been significant problems with the conversion of two-family homes into illegal three-family homes over the years intervening. These conversions are a problem on many fronts, including: over-crowding within the residence, fire code violations, non payment of taxes, over loading of the Borough's ability to park residents' cars and additional school-aged children. Conversions of new two-family homes into three-family homes is a particular concern as there is a great deal of pressure coming from this sector of the market. The pattern of building a two and converting them to threes within months of closing exists throughout the county and region.

The demographic dilemma comes at the school-age children end of the spectrum. Young families are attracted to East Newark as it is family-friendly and has a good elementary school. The growth of this segment of the population places the over-crowded school system into crisis mode. While a new school is contemplated, until it is a reality, this problem remains at the top of the list.

This population concern is also a housing concern. The market pressure is there to encourage the “tear down” development patterns going on in nearby towns. Old one and two-family homes are torn down to be replaced with new, two-family homes, which tend to be converted into illegal three-families shortly thereafter. The condition of the existing housing stock will play into this scenario to the extent it becomes deteriorated or improved.

The distribution of land uses was to be “balanced.” This objective has changed as industrial land uses have further declined as more of these type jobs move out of the region, if not the nation. Taking their place are service sector jobs such as retail sales of goods and services. The ability of large industrial facilities such as First Republic to remain viable in that land use will test that objective.

There have been no significant changes in circulation, as there have been no new roads or other facilities built in this area since 1984.

There have been no other significant changes in terms of conservation of natural resources, energy conservation, and recycling. One item that may be of concern here is the recent spikes in the price of gasoline. As gas prices rise, the attractiveness of living close to Manhattan and the Hudson River waterfront and Newark office jobs grows. This may impact future land use patterns.

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.

It is recommended that the master plan and development regulations be amended to include the following.

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 overwhelming 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 limit on the majority of the Borough would reduce to pressure to tear down the old homes and build the “monster” homes we see going up throughout the region. The reduction of density would ease over-crowding in the schools, parks and on the street.
2. The Land Use Plan for the First Republic site for eventual demolition and replacement with two and three-family homes needs to be eliminated. This facility should be planned for adaptive re-use as a residential and commercial complex similar to many other industrial properties that have been converted to luxury housing throughout Hudson County.
3. The Passaic River waterfront needs to be planned for commercial re-use. While the concrete plant may want to stay 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.

4. The creation of a new elementary school on the Sherman Avenue green acres park site should be explored. The ability to vacate the northern dead-end of John Street to enlarge the site is appealing. Green Acres rules require a replacement site, which is available across the street.
5. The eventual development of a new school begs the question of what to do with the old one. It should be planned for condominium conversion with adequate off street parking.

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 al.) 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 First Republic industrial facility has a long history in East Newark and is indeed, probably responsible for the very existence of the Borough. It should be retained and re-used for loft-style housing, with ancillary commercial and retail uses. A redevelopment plan should be implemented, if the area meets the statutory criteria to be declared in need of redevelopment. Such a plan would cover all of the areas needed to assure success of the project as this is an area equal to a quarter of the Borough, and will have an extreme impact on the fiscal soundness of the Borough in the coming decades. Appropriately zoning regulations in such a redevelopment plan will help assure that success.