

# 2022 Master Plan Reexamination Report

**Township of Nutley**  
Essex County, New Jersey

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## **Table of Contents**

1.0 — Introduction .....	1
1.1 — Statutory Requirements.....	1
2.0 — Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report.....	3
2.1 — Goals .....	3
2.2 — Objectives.....	4
2.2.1 — Economic and Non-Residential.....	4
2.2.2 — Residential.....	6
2.2.3 — Conservation .....	6
2.2.4 — Circulation.....	8
2.2.5 — Community Facilities/Utilities .....	8
2.2.6 — Recreation and Open Space .....	9
2.2.7 — Community Identity .....	9
2.3 — Land Use Plan Recommendations .....	10
2.3.1 — Downtown Recommendations .....	10
2.3.2 — Commercial District Recommendations .....	12
2.3.3 — Industry and Manufacturing District Recommendations .....	12
2.3.4 — Residential District Recommendations .....	13
2.3.5 — Recommendations for Zoning Ordinance Amendments.....	15
2.4 — Circulation Plan Recommendations .....	16
3.0 — Extent to Which Such Problems and Objectives Have Been Reduced or Increased .....	20
3.1 — Goals .....	20

3.2 — Objectives .....	22
3.2.1 — Economic and Non-Residential .....	22
3.2.2 — Residential.....	24
3.2.3 — Conservation .....	25
3.2.4 — Circulation .....	27
3.2.5 — Community Facilities/Utilities .....	28
3.2.6 — Recreation and Open Space .....	29
3.2.7 — Community Identity .....	30
3.3 — Land Use Plan Recommendations .....	31
3.3.1 — Downtown Recommendations.....	31
3.3.2 — Commercial District Recommendations .....	34
3.3.3 — Industry and Manufacturing District Recommendations.....	35
3.3.4 — Residential District Recommendations .....	35
3.3.5 — Recommendations for Zoning Ordinance Amendments.....	38
3.4 — Circulation Plan Recommendations .....	40
4.0 — Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives .....	45
4.1 — Changes at the Local Level.....	45
4.1.1 — Demographic Changes .....	45
4.1.2 — Cannabis Uses .....	46
4.1.3 — Redevelopment.....	46
4.1.4 — Stormwater Management.....	48
4.1.5 — Integrity of Residential Neighborhoods/Historic Preservation .....	50
4.1.6 — Climate Change Hazards .....	52

4.2 — Changes at the County Level.....	53
4.2.1 — All Hazard Mitigation Plan .....	53
4.2.2 — Comprehensive Transportation Plan .....	55
4.2.3 — Avondale and De Jessa Memorial Bridge Replacement.....	56
4.3 — Changes at the State Level .....	57
4.3.1 — Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency and Environmental Sustainability .....	57
4.3.2 — Climate Change-Related Hazard Vulnerability Assessment.....	57
4.3.3 — Local Redevelopment and Housing Law .....	58
4.3.4 — New Jersey Council on Affordable Housing .....	59
4.3.5 — Cannabis Legalization .....	60
4.3.6 — State Strategic Plan.....	60
4.3.7 — Complete Streets .....	61
4.3.8 — Reexamination Report Requirements.....	62
4.3.9 — Electric Vehicle Supply and Make-Ready Parking Spaces .....	63
4.3.10 — Stormwater Rules.....	64
4.4 — Change at the Federal Level .....	65
5.0 — Specific Amendments Recommended to the Master Plan and Development Regulations .....	66
5.1 — Recommended Master Plan Amendments.....	66
5.2 — Recommended Development Regulation Amendments .....	67
6.0 — Recommendations Concerning the Incorporation of Redevelopment Plans ..	70
7.0 — Recommendations Concerning Locations Appropriate for the Development of Public Electric Vehicle Infrastructure .....	71

## **1.0 — Introduction**

New Jersey’s Municipal Land Use Law (M.L.U.L.; N.J.S.A. 40:55D-1 et seq.) requires that each municipality undertake a reexamination of its master plan at least once every ten years. The purpose of the reexamination is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions. The reexamination is also intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes to the master plan and municipal development regulations to ensure that they meet the needs of the municipality. Additionally, the preparation of a statutorily compliant reexamination provides a legal presumption of validity of the municipal zoning ordinance. The municipal planning board is responsible for completing the reexamination and preparing and adopting by resolution a report on its findings.

The Nutley Township Planning Board adopted its original master plan in 1974. Thereafter, it adopted master plan reexaminations in 1982, 1986, 1991, 2003 and 2009. The 2009 Reexamination Report identified a need to comprehensively reevaluate the Township’s land use, circulation, open space, recreation, and historic preservation needs. As a result, the Planning Board subsequently adopted a new, updated master plan in 2012. The 2012 Master Plan superseded and replaced the Township’s prior master plan.

The current report, which shall hereinafter be referred to as the “2022 Master Plan Reexamination Report,” is the first reexamination of the 2012 Master Plan.

### **1.1 — Statutory Requirements**

The 2022 Master Plan Reexamination Report has been prepared in accordance with the requirements of the M.L.U.L. at N.J.S.A. 40:55D-89. These requirements specify that reexamination reports describe 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 regulation 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.*

The 2022 Master Plan Reexamination Report addresses each of these statutory requirements.

## **2.0 — Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report**

Major problems and objectives relating to land development are reflected in the 2012 Master Plan's listings of goals and objectives, as well as specific recommendations of the land use and circulation elements of the 2012 Master Plan. The following subsections outline the 2012 Master Plan's goals and objectives.

### **2.1 — Goals**

1. Preserve and maintain sound residential neighborhoods through preservation, rehabilitation and, where necessary, redevelopment of housing, traffic improvements and measures designed to reduce and eventually eliminate areas of incompatible mixed uses.
2. Provide adequate community facilities to serve Nutley's residents in terms of schools, parks and playgrounds, a library, a senior citizens center, fire stations and other municipal buildings.
3. Provide suitable senior citizen housing for all income levels.
4. Provide affordable housing.
5. Continue to provide housing for various income levels and family compositions.
6. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.
7. Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.
8. Encourage the revitalization of Nutley's central business area through street improvements and the provision of municipal off-street parking, with the cooperation of merchants and property owners to enhance the appearance of the area.
9. Provide adequate community services for Nutley's residents, businesses and industry in terms of police and fire protection, street cleaning, snow removal,



garbage disposal, health services, recreation program, senior citizens services, sewerage, water supply and recycling pickup.

10. Provide for the safe and efficient movement of people and goods throughout the community and encourage use of public transportation wherever possible.
11. Preserve and enhance the quality of the environment.
12. Encourage good design, amenity and proper landscaping in new and rehabilitated buildings.
13. Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.
14. Encourage stormwater management controls for all new developments.
15. Promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
16. Encourage citizen and business participation in the planning process.
17. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs (Municipal Land Use Law, Chapter 291, Laws of New Jersey 1975).

## **2.2 — Objectives**

Objectives of the 2012 Master Plan are grouped thematically as reflected in the following subsections.

### **2.2.1 — Economic and Non-Residential**

1. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.
2. Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.

3. Encourage the revitalization of Nutley's central business area through street improvements and the provision of municipal off-street parking, with the cooperation of merchants and property owners to enhance the appearance of the area.
4. Encourage citizen and business participation in the planning process.
5. Provide a parking strategy to accommodate all of the downtown's constituents: commuters, office workers, shoppers and downtown residents.
6. Undertake a review of zoning districts to ensure that they are responsive to market conditions and allow for the attainment of the Township's overall goals and objectives. Consider new uses compatible with the existing community which allow for economic growth.
7. Encourage the development of a diversified economic base that generates employment growth, increases property values and income levels, and promotes the reuse of under-utilized properties.
8. Concentrate economic and commercial activities in existing centers of commerce.
9. Recognize the unique character of each area, and promote development that takes advantage of market opportunities unique to Nutley.
10. Capitalize on Nutley's competitive advantages for economic development including its metropolitan location, extensive transportation and utility infrastructure, land available for redevelopment, a stable and highly skilled labor force, and an excellent quality of life.
11. Encourage redevelopment in areas that need rehabilitation or improvement.
12. Create attractive gateways at the principal entrances to the Township through upgraded land uses, streetscape improvements and signage.
13. Explore and promote greater linkages between the downtown, the park system and community facilities west of Franklin Avenue and the linear park system.
14. Actively incorporate the arts and cultural activities into the downtown or other suitable areas to enhance its appeal as a destination for the arts.

**2.2.2 — Residential**

1. Preserve and maintain sound residential neighborhoods through preservation, rehabilitation and, where necessary, redevelopment of housing, traffic improvements and measures designed to reduce and eventually eliminate areas of incompatible mixed uses.
2. Provide suitable senior citizen housing for all income levels.
3. Provide affordable housing.
4. Continue to provide housing for various income levels and family compositions.
5. Encourage neighborhood preservation through a public and private partnership fostered by the municipality.
6. Require all in-fill development to be undertaken in a manner that is consistent and compatible with the surrounding neighborhood and environment.
7. In existing residential zones, provide appropriate density controls for new development.
8. Ensure that the use of public and quasi-public land remains compatible with the character of adjacent neighborhoods and meets the needs of the public.
9. Set limits on developments that would generate a high volume of traffic on local and collector streets.
10. Encourage the preservation, maintenance, and restoration of all residential properties.

**2.2.3 — Conservation**

1. Preserve and enhance the quality of the environment.
2. Encourage stormwater management controls for all new developments.
3. Promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
4. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement

municipal recycling programs (Municipal Land Use Law, Chapter 291, Laws of New Jersey 1975).

5. Encourage sustainable development practices.
6. Establish the Township as a leader of sustainable practices through the adoption and implementation of environmentally responsible policies.
7. Seek opportunities to add open space to the Township's inventory where other government or private funding is available.
8. Maintain Nutley as a Tree Township, U.S.A. community.
9. Conserve and protect as many environmentally sensitive areas in the Township as possible, including but not limited to waterways, wetlands and woodlands. Require new development to conform to rigorous performance standards so as to minimize potential adverse impacts on the environment.
10. Support the goals and objectives of Nutley's Stormwater Management Plan and implement best management practices so as to improve local stormwater drainage patterns and enhance environmental protection.
11. Maintain and upgrade the storm and sanitary systems.
12. Reduce the extent of removal of existing trees so as to improve the Township's air quality, reduce erosion, and to preserve community character.
13. Minimize the potential environmental impacts that could result from development and redevelopment.
14. Protect groundwater resources and promote the recharge of groundwater.
15. Incorporate the utilization of energy-efficient technologies in new development.
16. Encourage the remediation of brownfield sites and their reuse in a sustainable manner.
17. Promote and encourage the use of LEED (Leadership in Energy and Environmental Design) standards in all development.
18. Promote development and redevelopment in existing nonresidential areas of the community that accommodate alternative modes of transportation and shared parking where possible.

19. Encourage opportunities for increase mass-transit ridership where practicable and appropriate.

#### **2.2.4 — Circulation**

1. Provide for the safe and efficient movement of people and goods throughout the community and encourage use of public transportation wherever possible.
2. Support State and County efforts to adopt a regional approach in road and traffic management.
3. Encourage NJ Transit or NJDOT to undertake a study evaluating the feasibility of installing a light-rail transit line directly to Manhattan or along the former Erie-Lackawanna line.
4. Support the creation of a fully intermodal transportation system that enhances local circulation, increases regional access, and provides links to regional destinations.
5. Coordinate land development with transportation investments which would provide for intermodal connections and encourage alternatives to driving such as mass transit, bicycle, and pedestrian pathways.
6. Evaluate the need for traffic calming measures in residential areas and provide bike lanes, where appropriate that connect activity centers to residential areas throughout the Township.
7. Provide coordinated and consolidated management of all public and private parking facilities in Nutley.
8. Develop a comprehensive long-term parking strategy.

#### **2.2.5 — Community Facilities/Utilities**

1. Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.
2. Provide adequate community facilities to serve Nutley's residents in terms of schools, parks and playgrounds, a library, a senior citizens center, fire stations and other municipal buildings.

3. Provide adequate community services for Nutley's residents, businesses and industry in terms of police and fire protection, street cleaning, snow removal, garbage disposal, health services, recreation program, senior citizens services, sewerage, water supply and recycling pickup.
4. Encourage the preservation of historic buildings and landmarks that are significant to Nutley's past by pursuing and adopting a historic preservation ordinance.
5. Investigate the possibilities of consolidating or sharing of municipal services with other municipalities as a way to cut municipal expenditures.
6. Dedicate sufficient resources to regularly scheduled infrastructure maintenance as part of an ongoing long-term maintenance strategy.
7. Regularly review the adequacy of all municipal systems and services and assess future needs and demands.
8. Cooperate with surrounding communities, County, and State organizations to make the best use of available public facilities.

#### **2.2.6 — Recreation and Open Space**

1. Continue to provide improved and increased park, open space, recreational and cultural facilities for all Township residents.
2. Cooperate with public and quasi-public institutions to utilize and maintain their undeveloped and underdeveloped land for open space or recreation.
3. Review and, if necessary, amend current regulations to assure that quality open space is provided and maintained as redevelopment occurs.
4. Encourage the use of high-quality landscaping design and encourage the development of civic space and public art.
5. Develop an increasingly diversified array of quality recreational and cultural facilities, services and offerings.

#### **2.2.7 — Community Identity**

1. Encourage good design, amenity and landscaping in new and rehabilitated buildings.

2. Develop and effectively communicate a strong and appealing identity for the Township.
3. Create attractive "gateways" into the Township and improve the appearance of intermediate and major thoroughfares.
4. Develop and implement streetscape improvements for major public thoroughfares.
5. Preserve and protect historic resources and natural amenities.
6. Preserve, restore, maintain and enhance the appearance of all Township properties.
7. Encourage quality architectural and landscape design through the use of design standards.
8. Retain the quality of aesthetically appealing neighborhoods.
9. Promote the adoption of design standards to enhance the aesthetic appearance of all new development and redevelopment projects.
10. Use available technology to improve the Township's communication with residents and other interested constituents.

## **2.3 — Land Use Plan Recommendations**

### **2.3.1 — Downtown Recommendations**

1. The Downtown is long and meandering. Focus should be placed upon creating a true center in the downtown and enhancing the different uses of each distinct area.
2. As part of any rehabilitation plan, a parking solution for the area around Ciccolini's appliance store is needed. If a rehabilitation plan is not prepared, solutions for off-street parking in this area would still be necessary to benefit businesses in the area.
3. Create a maximum building setback from the right-of-way, e.g. build to line. Allow exceptions for public plazas and similar uses.
4. In accordance with the Economic Plan Element, through special area plans, create opportunities for:

- a. Additional redeveloped retail space, which includes spaces for larger users; and
  - b. A more diverse mix of retail businesses, including but not limited to a wider assortment of apparel, pet supply, hardware, produce, home accessory, houseware, gift, sporting good and specialty food stores, including a farmers market.
5. Require off-street parking for all residential and office uses or at a minimum require a fee in- lieu of providing parking.
6. Seek funding to create a revolving loan program or work with New Jersey Housing Mortgage and Finance Agency (HMFA) to provide low interest loans to locally-owned businesses for the purpose of making interior improvements (handicapped accessibility, plumbing, electrical). Such a program would complement the existing façade improvement program.
7. Continue to permit residential uses as principal permitted uses on upper floors in the Downtown.
8. Revise sign requirements in accordance with previous sections of this Plan.
9. Beautify the downtown area with pedestrian and public space improvements.
10. Create parking lot design standards for surface and structured parking lots.
11. Create a master sign program for all nonresidential districts.
12. Redevelopment projects must set aside areas for public parking.
13. Incorporate open space, green space and environmentally sensitive design practices in development plans.
14. There is a need to create a long-term parking strategy. While the Township has numerous lots, equity issues arise associated with existing municipal parking for users.
15. While a parking study is being undertaken based upon existing demand, there is a need to understand the total floor area of space in the downtown compared to the number of off- street parking spaces (municipal). This is necessary to comprehensively evaluate whether a shortfall of off-street parking may exist. As part of the Township's parking strategy, a shared parking approach should be



utilized on private lots that have off-peak capacity. The spaces in these lots could be used jointly by other users, having a different peak parking demand. For example, a bank could lease space to a restaurant during evening hours.

However, a public or quasi-public entity is needed to manage the arrangements between such users.

16. Continue the streetscape beautification efforts the downtown area with pedestrian and public space improvements.
17. Conduct a mail or telephone survey of Nutley residents to determine where they shop for different items and what they would like to see on Franklin Avenue.
18. Conduct an on-the-street (intercept) survey of persons currently patronizing Franklin Avenue and Chestnut Street businesses.

#### **2.3.2 — Commercial District Recommendations**

1. Create a Corporate Campus district as depicted on the Land Use Plan with a minimum lot size of twenty acres.
2. Expand the B-1 district as depicted on the Land Use Plan.
3. Recognize the Rehabilitation designation of the Roche properties and create a plan to implement the rehabilitation designation.
4. Create a land use/redevelopment plan for the Washington Avenue/East Centre Street area as discussed in the general commercial section of this Plan.
5. Consider an evaluation of the appropriate zone for the area on Chestnut Street currently zoned R-1 that contains commercial and public buildings.

#### **2.3.3 — Industry and Manufacturing District Recommendations**

1. Rezone the existing M-1 district on Park Avenue to B-4.
2. Rezone the portion of the M-1 district near Park Avenue and River Road to B-4.
3. Properties on River Road south of Park Avenue should remain M-1. Those River Road properties north of Park Avenue should be rezoned B-4. The Planning Board should analyze the existing M-1 districts and their uses.
4. The existing property directly behind the B-4 zoned properties on East Centre Street should be rezoned to B-4.

5. Policies which would retain relatively large lot sizes in the M-1 district should be continued. Minimum lot sizes should be increased from 10,000 sq. ft. (Industry) to two and a half (2.5) acres.
6. An area in need study and possibly a redevelopment plan for the Washington Avenue/East Centre Street area as discussed in the general commercial section of this Plan should be considered.
7. Regulations in Nutley should be amended to require all utility lines to be installed underground where wholesale redevelopment occurs.

#### **2.3.4 — Residential District Recommendations**

1. Recommendations for all residential districts:
  - a. Adjust the standard that limits the total amount of imperious coverage.
  - b. Create infill development standards to prevent the construction of oversized homes.
  - c. Regulations in Nutley should be amended to require all utility lines to be installed underground where wholesale redevelopment occurs.
2. Recommendations for single-family residential districts:
  - a. The existing character of Single-Family residential areas should continue to be protected by retaining the R-1, R-1A and R-1AA single-family residential zones. The R-1 zone will permit a maximum density of 8.7 dwelling units per acre, the R-1A zone a maximum density of 6.7 dwelling units per acre, and the R-1AA zone a maximum density of 6.2 dwellings per acre.
  - b. Consider adding the following intent statement in each of the R-1, R-1A and R-1AA districts: *The Township of Nutley is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Township and to encourage a compatible relationship between renovated, expanded or altered homes with the current homes in the community of which they are part in terms of scale, siting, design features, and orientation on the site.*
  - c. Craft infill development standards that reduce development potential proportionally as lot size increases.

- d. Consider regulating side yard setbacks as a percentage of lot width rather than a single static standard. However, a minimum setback—possibly 8 feet—would be required to address undersized lots.
  - e. The Township has numerous deep lots with relatively narrow frontages (50-60 ft). Consideration should be given to measuring lot coverage (commonly referred to as building coverage) within the first 120 feet of the tract lot line.
  - f. Require a usable open space area on single-family and two-family residential lots.
  - g. Consider creating a sliding scale approach to building height, i.e., larger lots would be permitted a slightly taller building than smaller lots. To implement this provision, it is recommended that topographic measurements be provided to the satisfaction of the Construction Official when a new home is proposed or when an addition is proposed with a taller roofline than the existing roofline.
  - h. For religious institutions, this Plan specifically recommends creating standards to better regulate their intensity, scale, building setbacks, parking requirements, appropriate buffers and other standards in the context of surrounding development within all residential districts in a manner that does not impose a substantial burden on the exercise of religion.
  - i. Create design requirements for religious uses to ensure that appropriate parking and buffers are in place.
3. Recommendations for one- and two-family residential districts:
- a. The Township should update the inventory of all two-family dwellings identified on the Existing Land Use Map (Figure 3-1 of the 2012 Master Plan). The Township should also prohibit the intrusion of non-residential uses that conflict with, or which detract from the quality of the residential environment.
  - b. Create an inventory of all two-family residences in the Township.
  - c. Given the recent trend of constructing larger homes on lots, this Plan recommends increasing the minimum lot size for duplexes ranging from

7,000 to 8,000 square feet and increasing the minimum lot width from 70 to 80 feet.

4. Recommendations for multi-family residential districts:
  - a. Monitor the impact of legislation that allows the conversion of age-restricted units to non-age-restricted housing with minimal restrictions.

### **2.3.5 — Recommendations for Zoning Ordinance Amendments**

1. Separate the zoning ordinance from the design, administrative and other requirements. Currently all requirements are located within the Zoning ordinance. All deviations from the zoning ordinance require variance relief, whereas a deviation from a design section, for example, would require a design waiver, whose standards of relief are less stringent.
2. Permit Township uses in all zone districts, with appropriate design standards.
3. Rezone districts in accordance with the recommendations herein.
4. Revise the front yard averaging ordinance for residential properties; allow setback averaging on the same side of the street.
5. Consider the adoption of standards which allow for duplex homes in accordance with this Plan.
6. Better define retail trade, retail service and restaurant uses.
7. Change the definition of building height to allow homes within 100-year floodplain areas to be raised without requiring variance relief.
8. Evaluate the need to update the existing tree ordinance.
9. Review and revise parking standards for nonresidential uses.
10. Provide standards appropriate for changes of use.
11. Set forth more explicit standards for determining when site plan and subdivision approval is required.
12. Create a parking standard for restaurants based on floor area, not seating.
13. Revise and update landscape ordinances within the Township.
14. Revise and update development and escrow fees as appropriate.
15. Evaluate the impact, development and pro-rata contributions for infrastructure improvements to ensure that appropriate monies are being collected to make

the necessary capital improvements, including the reconstruction of sewer, roads and other infrastructure.

16. While this Plan discourages the creation of new flag lots, revise the code to provide appropriate standards for existing flag lots, i.e., how to determine front, side, and rear yard setback, etc.
17. Apply required yard setback requirements to elevated decks.
18. Analyze and review existing development density and intensity standards and amend as necessary.

#### **2.4 — Circulation Plan Recommendations**

1. Coordinate specific traffic improvements recommended by the Department of Public Works and Township Police with the County and State for funding and implementation.
2. Light rail is no longer an option along the former Newark Branch rail line that runs through Nutley, and therefore efforts to promote it should be diverted to more practical improvements. The rail line has been transformed into a linear park in Harrison and Kearny. Limited freight trains will continue to utilize the line.
3. This Plan supports the proposal to create a transit hub in the vicinity of the Route 21/Route 3 interchange in Clifton, to include a new train station which should include Nutley's name as an identifier servicing the NJ Transit Main Line and bus service that will increase access to New York. This proposal eliminates the need for Nutley to address parking and station problems associated with the creation of light rail through Nutley.
4. This Plan recognizes Nutley as an automobile dependent community, similar to most New Jersey communities. In accordance with recommendations located within the Township's Sustainability Plan Element, additional measures to encourage the use of a wider range of transportation choices is needed to encourage a reduction in energy use, shorten travel time to work, create local jobs, reduce environmental impacts, support local commerce, in addition to numerous other benefits.

5. Continue to plan for and install safety improvements at existing at-grade railroad crossings adjacent to the former Newark Branch freight rail line.
6. Conduct a downtown area parking study to include evaluating the number of residential units and the actual amount of non-residential space by use, in the downtown, in order to evaluate the current ratio at which on and off-street municipal parking is provided. Such a study will serve as baseline data for assessing future downtown parking needs.
7. Investigate utilizing the Abundant Life School property for municipal civic services. This facility is currently being leased by ITT and is a possible location for the parking of Township school buses.
8. Evaluate options to maximize and enhance off-street parking in the downtown to accommodate additional off-street parking. For example, the Township has previously constructed Parking Lot 8 to serve as overflow to Parking Lot #1; Parking Lot 1 was reconstructed to increase revenues for the Township and to support the core businesses.
9. Seek NJDOT Safe Routes to School grants to construct sidewalks in the PRD district.
10. Educate the community regarding recent standards created by the DPW for pavement, sidewalks and curbing.
11. Work with the County to determine designated bike routes within Nutley. Bike routes should connect many of the public areas, such as parks and schools, which already provide bicycle racks, benches, and other amenities for cyclists. Roadway designations should be based on shoulder width (both existing and proposed), speed limits for motorists, and level of traffic. Seek NJDOT Safe Streets grants to construct bike routes. Particular consideration should be given to: (a) creating bicycle lanes on Washington Avenue, which has a 100-foot right-of-way (ROW), and the freight rail line (a 100-foot ROW); (b) demarcating bike routes through the existing central park system and along Centre Street, which has a 60-foot ROW, and (c) along the Passaic River adjacent to the Route 21 ROW.

12. In addition to the local road program, seek NJDOT local aid grants to provide funding for bike and pedestrian improvements.
13. Consider improving pedestrian safety at key intersections and implementing traffic calming measures such as rumble strips, different pavement colors and textures and signs at pedestrian crossings. Particular consideration should be given to the following intersections: Franklin Avenue and Centre Street; Franklin Avenue and Chestnut Street; Bloomfield Avenue and High Street; and Bloomfield Avenue and Chestnut Street.
14. Investigate the creation of a park-n-ride area adjacent to Hoffman-La Roche to provide better access to New York City bus service.
15. In accordance with recommendations within the Land Use Element of this Master Plan, a system of wayfinding signs should be designed and installed directing visitors to the Downtown. Once in the Downtown, the wayfinding signs should direct individuals to community facilities, off-street parking and other destination locations.
16. Investigating no left turns and other turning movements at various locations to improve traffic circulation.
17. Improve emergency access in and out of Township parks in accordance with recommendations from Township emergency response personnel.
18. In conjunction with the Shade Tree Committee, supplement existing perimeter plantings (trees and shrubs) along existing roads to maintain the established character of the Township.
19. Expand the existing shuttle system to Delawanna Station in Clifton by serving the down- town and other activity centers, and provide an alternative to driving.
20. Research alternative funding sources to undertake a sidewalk inventory in the Township. The inventory should include the condition, location, width, and handicap accessibility of all sidewalks. Recommendations should include making improvements in areas where sidewalks need to be reconstructed, or installed for the first time, or built to serve as a connection between existing sidewalks.

21. Adopt an “official map,” per the Municipal Land Use Law, or incorporate a local roadway inventory into the Master Plan.
22. Survey areas along the Township’s borders where parking from adjoining communities overflows onto Township streets, and take steps to prevent the overnight parking of vehicles on Township roads from adjoining communities.
23. Monitor existing and proposed flight paths from Newark Liberty International Airport and Teterboro Airport to evaluate the negative impacts on residential areas of the community.



### **3.0 — Extent to Which Such Problems and Objectives Have Been Reduced or Increased**

Most of the master plan goals, objectives, and recommendations that have been detailed in Chapter 2.0 remain valid. There are, however, several goals, objectives, and recommendations that need revision, or for which supplemental information is available.

Supplemental information and necessary revisions to the objectives and recommendations are described in the following subsections (n.b., the master plan objectives and recommendations are duplicated, and commentary is provided in *italicized, bold font*).

#### **3.1 — Goals**

1. Preserve and maintain sound residential neighborhoods through preservation, rehabilitation and, where necessary, redevelopment of housing, traffic improvements and measures designed to reduce and eventually eliminate areas of incompatible mixed uses.  
— ***This goal remains valid.***
2. Provide adequate community facilities to serve Nutley's residents in terms of schools, parks and playgrounds, a library, a senior citizens center, fire stations and other municipal buildings.  
— ***This goal remains valid.***
3. Provide suitable senior citizen housing for all income levels.  
— ***This goal remains valid.***
4. Provide affordable housing.  
— ***This goal remains valid.***
5. Continue to provide housing for various income levels and family compositions.  
— ***This goal remains valid.***
6. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.

- ***This goal remains valid.***
- 7. Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.
  - ***This goal remains valid.***
- 8. Encourage the revitalization of Nutley's central business area through street improvements and the provision of municipal off-street parking, with the cooperation of merchants and property owners to enhance the appearance of the area.
  - ***This goal remains valid.***
- 9. Provide adequate community services for Nutley's residents, businesses and industry in terms of police and fire protection, street cleaning, snow removal, garbage disposal, health services, recreation program, senior citizens services, sewerage, water supply and recycling pickup.
  - ***This goal remains valid.***
- 10. Provide for the safe and efficient movement of people and goods throughout the community and encourage use of public transportation wherever possible.
  - ***This goal remains valid.***
- 11. Preserve and enhance the quality of the environment.
  - ***This goal remains valid.***
- 12. Encourage good design, amenity and proper landscaping in new and rehabilitated buildings.
  - ***This goal remains valid.***
- 13. Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.
  - ***This goal remains valid.***
- 14. Encourage stormwater management controls for all new developments.
  - ***This goal remains valid. Recommendations to improve stormwater management are discussed in Section 4.1.4 of this reexamination report.***

15. Promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
  - ***This goal remains valid.***
16. Encourage citizen and business participation in the planning process.
  - ***This goal remains valid.***
17. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs (Municipal Land Use Law, Chapter 291, Laws of New Jersey 1975).
  - ***This goal remains valid. It is noted that, in 2016, the Township amended Chapter 614, Article 1, entitled “Recycling” to achieve conformance with applicable regulations of the State of New Jersey.***

### **3.2 — Objectives**

#### **3.2.1 — Economic and Non-Residential**

1. Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.
  - ***This objective remains valid.***
2. Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.
  - ***This objective remains valid.***
3. Encourage the revitalization of Nutley's central business area through street improvements and the provision of municipal off-street parking, with the cooperation of merchants and property owners to enhance the appearance of the area.
  - ***This objective remains valid.***
4. Encourage citizen and business participation in the planning process.

- ***This objective remains valid.***
- 5. Provide a parking strategy to accommodate all of the downtown’s constituents: commuters, office workers, shoppers and downtown residents.
  - ***This objective remains valid.***
- 6. Undertake a review of zoning districts to ensure that they are responsive to market conditions and allow for the attainment of the Township’s overall goals and objectives. Consider new uses compatible with the existing community which allow for economic growth.
  - ***This objective remains valid.***
- 7. Encourage the development of a diversified economic base that generates employment growth, increases property values and income levels, and promotes the reuse of under-utilized properties.
  - ***This objective remains valid.***
- 8. Concentrate economic and commercial activities in existing centers of commerce.
  - ***This objective remains valid.***
- 9. Recognize the unique character of each area, and promote development that takes advantage of market opportunities unique to Nutley.
  - ***This objective remains valid.***
- 10. Capitalize on Nutley’s competitive advantages for economic development including its metropolitan location, extensive transportation and utility infrastructure, land available for redevelopment, a stable and highly skilled labor force, and an excellent quality of life.
  - ***This objective remains valid. In recent years, the development of the former Hoffman-LaRoche Campus with a medical school as well as corporate headquarters for Ralph Lauren and Eisai, Inc. have implemented this recommendation.***
- 11. Encourage redevelopment in areas that need rehabilitation or improvement.
  - ***This objective remains valid. In this regard, Township redevelopment efforts are discussed in Chapter 6 of this reexamination report.***

12. Create attractive gateways at the principal entrances to the Township through upgraded land uses, streetscape improvements and signage.
  - ***This objective remains valid and has been partially implemented through “Welcome to Nutley” signs at gateway locations throughout the Township.***
13. Explore and promote greater linkages between the downtown, the park system and community facilities west of Franklin Avenue and the linear park system.
  - ***This objective remains valid.***
14. Actively incorporate the arts and cultural activities into the downtown or other suitable areas to enhance its appeal as a destination for the arts.
  - ***This objective remains valid.***

### **3.2.2 — Residential**

1. Preserve and maintain sound residential neighborhoods through preservation, rehabilitation and, where necessary, redevelopment of housing, traffic improvements and measures designed to reduce and eventually eliminate areas of incompatible mixed uses.
  - ***This objective remains valid.***
2. Provide suitable senior citizen housing for all income levels.
  - ***This objective remains valid.***
3. Provide affordable housing.
  - ***This objective remains valid.***
4. Continue to provide housing for various income levels and family compositions.
  - ***This objective remains valid.***
5. Encourage neighborhood preservation through a public and private partnership fostered by the municipality.
  - ***This objective remains valid.***
6. Require all in-fill development to be undertaken in a manner that is consistent and compatible with the surrounding neighborhood and environment.
  - ***This objective remains valid.***

7. In existing residential zones, provide appropriate density controls for new development.
  - ***This objective remains valid.***
8. Ensure that the use of public and quasi-public land remains compatible with the character of adjacent neighborhoods and meets the needs of the public.
  - ***This objective remains valid.***
9. Set limits on developments that would generate a high volume of traffic on local and collector streets.
  - ***This objective remains valid.***
10. Encourage the preservation, maintenance, and restoration of all residential properties.
  - ***This objective remains valid.***

### **3.2.3 — Conservation**

1. Preserve and enhance the quality of the environment.
  - ***This objective remains valid.***
2. Encourage stormwater management controls for all new developments.
  - ***This objective remains valid. This reexamination report specifically recommends additional courses of action in Section 4.1.4.***
3. Promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
  - ***This objective remains valid.***
4. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs (Municipal Land Use Law, Chapter 291, Laws of New Jersey 1975).
  - ***This objective remains valid.***
5. Encourage sustainable development practices.
  - ***This objective remains valid.***

6. Establish the Township as a leader of sustainable practices through the adoption and implementation of environmentally responsible policies.
  - ***This objective remains valid.***
7. Seek opportunities to add open space to the Township’s inventory where other government or private funding is available.
  - ***This objective remains valid.***
8. Maintain Nutley as a Tree Township, U.S.A. community.
  - ***This objective remains valid.***
9. Conserve and protect as many environmentally sensitive areas in the Township as possible, including but not limited to waterways, wetlands and woodlands. Require new development to conform to rigorous performance standards so as to minimize potential adverse impacts on the environment.
  - ***This objective remains valid.***
10. Support the goals and objectives of Nutley’s Stormwater Management Plan and implement best management practices so as to improve local stormwater drainage patterns and enhance environmental protection.
  - ***This objective remains valid.***
11. Maintain and upgrade the storm and sanitary systems.
  - ***This objective remains valid.***
12. Reduce the extent of removal of existing trees so as to improve the Township’s air quality, reduce erosion, and to preserve community character.
  - ***This objective remains valid.***
13. Minimize the potential environmental impacts that could result from development and redevelopment.
  - ***This objective remains valid.***
14. Protect groundwater resources and promote the recharge of groundwater.
  - ***This objective remains valid.***
15. Incorporate the utilization of energy-efficient technologies in new development.
  - ***This objective remains valid.***

16. Encourage the remediation of brownfield sites and their reuse in a sustainable manner.

– ***This objective remains valid.***

17. Promote and encourage the use of LEED (Leadership in Energy and Environmental Design) standards in all development.

– ***This objective remains valid.***

18. Promote development and redevelopment in existing nonresidential areas of the community that accommodate alternative modes of transportation and shared parking where possible.

– ***This objective remains valid.***

19. Encourage opportunities for increase mass-transit ridership where practicable and appropriate.

– ***This objective remains valid.***

#### **3.2.4 — Circulation**

1. Provide for the safe and efficient movement of people and goods throughout the community and encourage use of public transportation wherever possible.

– ***This objective remains valid.***

2. Support State and County efforts to adopt a regional approach in road and traffic management.

– ***This objective remains partially valid. Concerns have arisen from cut-through traffic associated with new development in adjoining communities.***

3. Encourage NJ Transit or NJDOT to undertake a study evaluating the feasibility of installing a light-rail transit line directly to Manhattan or along the former Erie-Lackawanna line.

– ***This objective is no longer valid as the former Newark Branch Rail Line that runs through Nutley has been transformed into a linear park in Harrison and Kearny and, therefore, efforts to promote it should be diverted to more practical improvements.***



4. Support the creation of a fully intermodal transportation system that enhances local circulation, increases regional access, and provides links to regional destinations.  
– ***This objective remains valid.***
5. Coordinate land development with transportation investments which would provide for intermodal connections and encourage alternatives to driving such as mass transit, bicycle, and pedestrian pathways.  
– ***This objective remains valid.***
6. Evaluate the need for traffic calming measures in residential areas and provide bike lanes, where appropriate that connect activity centers to residential areas throughout the Township.  
– ***This objective remains valid. The Township is in the process of incorporating complete street designs into new projects.***
7. Provide coordinated and consolidated management of all public and private parking facilities in Nutley.  
– ***This objective remains valid.***
8. Develop a comprehensive long-term parking strategy.  
– ***This objective remains valid.***

#### **3.2.5 — Community Facilities/Utilities**

1. Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.  
– ***This objective remains valid.***
2. Provide adequate community facilities to serve Nutley's residents in terms of schools, parks and playgrounds, a library, a senior citizens center, fire stations and other municipal buildings.  
– ***This objective remains valid.***
3. Provide adequate community services for Nutley's residents, businesses and industry in terms of police and fire protection, street cleaning, snow removal,

garbage disposal, health services, recreation program, senior citizens services, sewerage, water supply and recycling pickup.

— ***This objective remains valid.***

4. Encourage the preservation of historic buildings and landmarks that are significant to Nutley's past by pursuing and adopting a historic preservation ordinance.

— ***This objective remains valid. Moreover, the Township adopted a preservation ordinance in 2012 and amended the same in 2017. See Chapter 410 of the Code of the Township of Nutley for additional information.***

5. Investigate the possibilities of consolidating or sharing of municipal services with other municipalities as a way to cut municipal expenditures.

— ***This objective remains valid.***

6. Dedicate sufficient resources to regularly scheduled infrastructure maintenance as part of an ongoing long-term maintenance strategy.

— ***This objective remains valid.***

7. Regularly review the adequacy of all municipal systems and services and assess future needs and demands.

— ***This objective remains valid.***

8. Cooperate with surrounding communities, County, and State organizations to make the best use of available public facilities.

— ***This objective remains valid.***

### **3.2.6 — Recreation and Open Space**

1. Continue to provide improved and increased park, open space, recreational and cultural facilities for all Township residents.

— ***This objective remains valid.***

2. Cooperate with public and quasi-public institutions to utilize and maintain their undeveloped and underdeveloped land for open space or recreation.

— ***This objective remains valid.***

3. Review and, if necessary, amend current regulations to assure that quality open space is provided and maintained as redevelopment occurs.
  - ***This objective remains valid.***
4. Encourage the use of high-quality landscaping design and encourage the development of civic space and public art.
  - ***This objective remains valid.***
5. Develop an increasingly diversified array of quality recreational and cultural facilities, services and offerings.
  - ***This objective remains valid.***

#### **3.2.7 — Community Identity**

1. Encourage good design, amenity and landscaping in new and rehabilitated buildings.
  - ***This objective remains valid.***
2. Develop and effectively communicate a strong and appealing identity for the Township.
  - ***This objective remains valid.***
3. Create attractive "gateways" into the Township and improve the appearance of intermediate and major thoroughfares.
  - ***While this objective continues to remain valid, "Welcome to Nutley" signs were added at gateway locations throughout the Township.***
4. Develop and implement streetscape improvements for major public thoroughfares.
  - ***This objective remains valid.***
5. Preserve and protect historic resources and natural amenities.
  - ***This objective remains valid.***
6. Preserve, restore, maintain and enhance the appearance of all Township properties.
  - ***This objective remains valid.***
7. Encourage quality architectural and landscape design through the use of design standards.

- ***This objective remains valid.***
- 8. Retain the quality of aesthetically appealing neighborhoods.
  - ***This objective remains valid.***
- 9. Promote the adoption of design standards to enhance the aesthetic appearance of all new development and redevelopment projects.
  - ***This objective remains valid.***
- 10. Use available technology to improve the Township’s communication with residents and other interested constituents.
  - ***This objective remains valid.***

### **3.3 — Land Use Plan Recommendations**

#### **3.3.1 — Downtown Recommendations**

1. The Downtown is long and meandering. Focus should be placed upon creating a true center in the downtown and enhancing the different uses of each distinct area.
  - ***This recommendation remains valid.***
2. As part of any rehabilitation plan, a parking solution for the area around Ciccolini’s appliance store is needed. If a rehabilitation plan is not prepared, solutions for off-street parking in this area would still be necessary to benefit businesses in the area.
  - ***This objective is no longer valid. Since 2012 the area around and including the former Ciccolini’s appliance store has been designated as an area in need of redevelopment and a redevelopment plan was prepared in October 2022 to encourage redevelopment of the area.***
3. Create a maximum building setback from the right-of-way, e.g. build to line. Allow exceptions for public plazas and similar uses.
  - ***This recommendation remains valid. To further clarify, this recommendation is designed to create maximum building setbacks (with exceptions) in the downtown and where “Main Street” style development is encouraged.***

4. In accordance with the Economic Plan Element, through special area plans, create opportunities for:
  - a. Additional redeveloped retail space, which includes spaces for larger users; and
    - ***This recommendation is no longer valid. Since 2012, the demand for larger retail spaces has decreased significantly.***
  - b. A more diverse mix of retail businesses, including but not limited to a wider assortment of apparel, pet supply, hardware, produce, home accessory, houseware, gift, sporting good and specialty food stores, including a farmers market.
    - ***This recommendation remains partially valid. The Township continues to operate a farmer's market in the downtown. The Township should continue to adapt to changing market needs to encourage appropriate uses in the downtown.***
5. Require off-street parking for all residential and office uses or at a minimum require a fee in- lieu of providing parking.
  - ***This recommendation remains valid.***
6. Seek funding to create a revolving loan program or work with New Jersey Housing Mortgage and Finance Agency (HMFA) to provide low interest loans to locally-owned businesses for the purpose of making interior improvements (handicapped accessibility, plumbing, electrical). Such a program would complement the existing façade improvement program.
  - ***While this recommendation remains valid, this reexamination report recognizes that the former façade improvement program in town no longer has funding to implement new projects.***
7. Continue to permit residential uses as principal permitted uses on upper floors in the Downtown.
  - ***This recommendation remains valid.***
8. Revise sign requirements in accordance with previous sections of this Plan.
  - ***This recommendation remains valid.***

9. Beautify the downtown area with pedestrian and public space improvements.
  - ***This recommendation remains valid. In this regard, Nutley has improved many public spaces including but not limited to areas along High Street and Franklin Avenue.***
10. Create parking lot design standards for surface and structured parking lots.
  - ***This recommendation remains valid.***
11. Create a master sign program for all nonresidential districts.
  - ***This recommendation remains valid.***
12. Redevelopment projects must set aside areas for public parking.
  - ***This recommendation remains valid.***
13. Incorporate open space, green space and environmentally sensitive design practices in development plans.
  - ***This recommendation remains valid.***
14. There is a need to create a long-term parking strategy. While the Township has numerous lots, equity issues arise associated with existing municipal parking for users.
  - ***This recommendation remains valid.***
15. While a parking study is being undertaken based upon existing demand, there is a need to understand the total floor area of space in the downtown compared to the number of off- street parking spaces (municipal). This is necessary to comprehensively evaluate whether a shortfall of off-street parking may exist. As part of the Township’s parking strategy, a shared parking approach should be utilized on private lots that have off-peak capacity. The spaces in these lots could be used jointly by other users, having a different peak parking demand. For example, a bank could lease space to a restaurant during evening hours. However, a public or quasi-public entity is needed to manage the arrangements between such users.
  - ***This recommendation remains valid.***
16. Continue the streetscape beautification efforts the downtown area with pedestrian and public space improvements.

– ***This recommendation remains valid.***

17. Conduct a mail or telephone survey of Nutley residents to determine where they shop for different items and what they would like to see on Franklin Avenue.

– ***This recommendation remains valid.***

18. Conduct an on-the-street (intercept) survey of persons currently patronizing Franklin Avenue and Chestnut Street businesses.

– ***This recommendation remains valid.***

### **3.3.2 — Commercial District Recommendations**

1. Create a Corporate Campus district as depicted on the Land Use Plan with a minimum lot size of twenty acres.

– ***This recommendation remains partially valid. Since 2012, the former Hoffman–LaRoche Campus was designated as an area in need of redevelopment. Three redevelopment plans have been adopted to regulate land use. All redevelopment efforts to date encourage a campus-like environment.***

2. Expand the B-1 district as depicted on the Land Use Plan.

– ***This reexamination report recommends that this recommendation be further evaluated.***

3. Recognize the Rehabilitation designation of the Roche properties and create a plan to implement the rehabilitation designation.

– ***As discussed in Chapter 4 of this reexamination report, three redevelopment plans were adopted to regulate redevelopment on the former Hoffman–LaRoche Campus. It is anticipated that at least one additional redevelopment plan will be created to regulate remaining areas of the campus.***

4. Create a land use/redevelopment plan for the Washington Avenue/East Centre Street area as discussed in the general commercial section of this Plan.

– ***The Board of Commissioners worked to create a plan and new vision for this area since 2012. The current planning for the area should be evaluated and updated as needed.***

5. Consider an evaluation of the appropriate zone for the area on Chestnut Street currently zoned R-1 that contains commercial and public buildings.

– ***This recommendation remains valid.***

### **3.3.3 — Industry and Manufacturing District Recommendations**

1. Rezone the existing M-1 district on Park Avenue to B-4.

– ***This recommendation should be further evaluated.***

2. Rezone the portion of the M-1 district near Park Avenue and River Road to B-4.

– ***This recommendation remains valid to encourage zone districts that are consistent with the existing land uses in this area of the Township.***

3. Properties on River Road south of Park Avenue should remain M-1. Those River Road properties north of Park Avenue should be rezoned B-4. The Planning Board should analyze the existing M-1 districts and their uses.

– ***This recommendation should be further evaluated.***

4. The existing property directly behind the B-4 zoned properties on East Centre Street should be rezoned to B-4.

– ***This recommendation should be further evaluated.***

5. Policies which would retain relatively large lot sizes in the M-1 district should be continued. Minimum lot sizes should be increased from 10,000 sq. ft. (Industry) to two and a half (2.5) acres.

– ***This recommendation remains valid.***

6. An area in need study and possibly a redevelopment plan for the Washington Avenue/East Centre Street area as discussed in the general commercial section of this Plan should be considered.

– ***This recommendation remains valid.***

7. Regulations in Nutley should be amended to require all utility lines to be installed underground where wholesale redevelopment occurs.

– ***This recommendation remains valid.***

### **3.3.4 — Residential District Recommendations**

1. Recommendations for all residential districts:



- a. Adjust the standard that limits the total amount of imperious coverage.
    - ***This recommendation remains valid.***
  - b. Create infill development standards to prevent the construction of oversized homes.
    - ***This recommendation remains valid and is further discussed in Section 4.1.5.***
  - c. Regulations in Nutley should be amended to require all utility lines to be installed underground where wholesale redevelopment occurs.
    - ***This recommendation remains valid.***
2. Recommendations for single-family residential districts:
- a. The existing character of Single-Family residential areas should continue to be protected by retaining the R-1, R-1A and R-1AA single-family residential zones. The R-1 zone will permit a maximum density of 8.7 dwelling units per acre, the R-1A zone a maximum density of 6.7 dwelling units per acre, and the R-1AA zone a maximum density of 6.2 dwellings per acre.
    - ***This recommendation remains partially valid. This reexamination report specifically recommends in Section 4.1.5 to reevaluate single- and two-family districts in the Township for the purpose of preserving residential character.***
  - b. Consider adding the following intent statement in each of the R-1, R-1A and R-1AA districts: *The Township of Nutley is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Township and to encourage a compatible relationship between renovated, expanded or altered homes with the current homes in the community of which they are part in terms of scale, siting, design features, and orientation on the site.*
    - ***This recommendation remains valid.***
  - c. Craft infill development standards that reduce development potential proportionally as lot size increases.

- ***This recommendation remains valid. This reexamination report specifically recommends in Section 4.1.5 to reevaluate single- and two-family districts in the Township for the purpose of preserving residential character.***
- d. Consider regulating side yard setbacks as a percentage of lot width rather than a single static standard. However, a minimum setback—possibly 8 feet—would be required to address undersized lots.
  - ***This recommendation remains valid. This reexamination report specifically recommends in Section 4.1.5 to reevaluate single- and two-family districts in the Township for the purpose of preserving residential character.***
- e. The Township has numerous deep lots with relatively narrow frontages (50-60 ft). Consideration should be given to measuring lot coverage (commonly referred to as building coverage) within the first 120 feet of the tract lot line.
  - ***This recommendation remains valid.***
- f. Require a usable open space area on single-family and two-family residential lots.
  - ***This recommendation remains valid.***
- g. Consider creating a sliding scale approach to building height, i.e., larger lots would be permitted a slightly taller building than smaller lots. To implement this provision, it is recommended that topographic measurements be provided to the satisfaction of the Construction Official when a new home is proposed or when an addition is proposed with a taller roofline than the existing roofline.
  - ***This recommendation remains valid.***
- h. For religious institutions, this Plan specifically recommends creating standards to better regulate their intensity, scale, building setbacks, parking requirements, appropriate buffers and other standards in the context of surrounding development within all residential districts in a manner that does not impose a substantial burden on the exercise of religion.

- ***This recommendation remains valid.***
- i. Create design requirements for religious uses to ensure that appropriate parking and buffers are in place.
- ***This recommendation remains valid.***
- 3. Recommendations for one- and two-family residential districts:
  - a. The Township should update the inventory of all two-family dwellings identified on the Existing Land Use Map (Figure 3-1 of the 2012 Master Plan). The Township should also prohibit the intrusion of non-residential uses that conflict with, or which detract from the quality of the residential environment.
  - ***This recommendation remains valid.***
  - b. Create an inventory of all two-family residences in the Township.
  - ***This recommendation remains valid.***
  - c. Given the recent trend of constructing larger homes on lots, this Plan recommends increasing the minimum lot size for duplexes ranging from 7,000 to 8,000 square feet and increasing the minimum lot width from 70 to 80 feet.
  - ***This recommendation remains partially valid. This reexamination report specifically recommends in Section 4.1.5 to reevaluate single- and two-family districts in the Township for the purpose of preserving residential character.***
- 4. Recommendations for multi-family residential districts:
  - a. Monitor the impact of legislation that allows the conversion of age-restricted units to non-age-restricted housing with minimal restrictions.
  - ***This recommendation is no longer valid.***

#### **3.3.5 — Recommendations for Zoning Ordinance Amendments**

1. Separate the zoning ordinance from the design, administrative and other requirements. Currently all requirements are located within the Zoning ordinance. All deviations from the zoning ordinance require variance relief,

whereas a deviation from a design section, for example, would require a design waiver, whose standards of relief are less stringent.

– ***This recommendation remains valid.***

2. Permit Township uses in all zone districts, with appropriate design standards.

– ***This recommendation remains valid.***

3. Rezone districts in accordance with the recommendations herein.

– ***This recommendation remains valid.***

4. Revise the front yard averaging ordinance for residential properties; allow setback averaging on the same side of the street.

– ***This recommendation remains valid.***

5. Consider the adoption of standards which allow for duplex homes in accordance with this Plan.

– ***This recommendation no longer remains valid.***

6. Better define retail trade, retail service and restaurant uses.

– ***This recommendation remains valid.***

7. Change the definition of building height to allow homes within 100-year floodplain areas to be raised without requiring variance relief.

– ***This recommendation remains valid.***

8. Evaluate the need to update the existing tree ordinance.

– ***This recommendation remains valid.***

9. Review and revise parking standards for nonresidential uses.

– ***This recommendation remains valid.***

10. Provide standards appropriate for changes of use.

– ***This recommendation remains valid.***

11. Set forth more explicit standards for determining when site plan and subdivision approval is required.

– ***This recommendation remains valid.***

12. Create a parking standard for restaurants based on floor area, not seating.

– ***This recommendation remains partially valid. The Township reduced its parking requirements for downtown restaurants given the limited***

***opportunity to encourage additional parking in a built-out area.***

***However, any new redevelopment projects should incorporate off-street parking into new development.***

13. Revise and update landscape ordinances within the Township.

– ***This recommendation remains valid.***

14. Revise and update development and escrow fees as appropriate.

– ***This recommendation remains valid.***

15. Evaluate the impact, development and pro-rata contributions for infrastructure improvements to ensure that appropriate monies are being collected to make the necessary capital improvements, including the reconstruction of sewer, roads and other infrastructure.

– ***This recommendation remains valid.***

16. While this Plan discourages the creation of new flag lots, revise the code to provide appropriate standards for existing flag lots, i.e., how to determine front, side, and rear yard setback, etc.

– ***This recommendation remains valid.***

17. Apply required yard setback requirements to elevated decks.

– ***This recommendation remains valid.***

18. Analyze and review existing development density and intensity standards and amend as necessary.

– ***This recommendation remains valid.***

### **3.4 — Circulation Plan Recommendations**

1. Coordinate specific traffic improvements recommended by the Department of Public Works and Township Police with the County and State for funding and implementation.

– ***This recommendation remains valid.***

2. Light rail is no longer an option along the former Newark Branch rail line that runs through Nutley, and therefore efforts to promote it should be diverted to more practical improvements. The rail line has been transformed into a linear

park in Harrison and Kearny. Limited freight trains will continue to utilize the line.

— ***This recommendation remains valid.***

3. This Plan supports the proposal to create a transit hub in the vicinity of the Route 21/Route 3 interchange in Clifton, to include a new train station which should include Nutley's name as an identifier servicing the NJ Transit Main Line and bus service that will increase access to New York. This proposal eliminates the need for Nutley to address parking and station problems associated with the creation of light rail through Nutley.

— ***This recommendation requires further consideration.***

4. This Plan recognizes Nutley as an automobile dependent community, similar to most New Jersey communities. In accordance with recommendations located within the Township's Sustainability Plan Element, additional measures to encourage the use of a wider range of transportation choices is needed to encourage a reduction in energy use, shorten travel time to work, create local jobs, reduce environmental impacts, support local commerce, in addition to numerous other benefits.

— ***This recommendation remains valid.***

5. Continue to plan for and install safety improvements at existing at-grade railroad crossings adjacent to the former Newark Branch freight rail line.

— ***This recommendation requires further consideration.***

6. Conduct a downtown area parking study to include evaluating the number of residential units and the actual amount of non-residential space by use, in the downtown, in order to evaluate the current ratio at which on and off-street municipal parking is provided. Such a study will serve as baseline data for assessing future downtown parking needs.

— ***This recommendation requires further consideration.***

7. Investigate utilizing the Abundant Life School property for municipal civic services. This facility is currently being leased by ITT and is a possible location for the parking of Township school buses.

- ***Since 2012, a development application to park school buses was heard and denied by the Board of Jurisdiction. This objective no longer remains valid.***
- 8. Evaluate options to maximize and enhance off-street parking in the downtown to accommodate additional off-street parking. For example, the Township has previously constructed Parking Lot 8 to serve as overflow to Parking Lot #1; Parking Lot 1 was reconstructed to increase revenues for the Township and to support the core businesses.
  - ***This recommendation remains valid.***
- 9. Seek NJDOT Safe Routes to School grants to construct sidewalks in the PRD district.
  - ***This recommendation remains valid.***
- 10. Educate the community regarding recent standards created by the DPW for pavement, sidewalks and curbing.
  - ***This recommendation remains valid.***
- 11. Work with the County to determine designated bike routes within Nutley. Bike routes should connect many of the public areas, such as parks and schools, which already provide bicycle racks, benches, and other amenities for cyclists. Roadway designations should be based on shoulder width (both existing and proposed), speed limits for motorists, and level of traffic. Seek NJDOT Safe Streets grants to construct bike routes. Particular consideration should be given to: (a) creating bicycle lanes on Washington Avenue, which has a 100-foot right-of-way (ROW), and the freight rail line (a 100-foot ROW); (b) demarcating bike routes through the existing central park system and along Centre Street, which has a 60-foot ROW, and (c) along the Passaic River adjacent to the Route 21 ROW.
  - ***This recommendation requires further consideration.***
- 12. In addition to the local road program, seek NJDOT local aid grants to provide funding for bike and pedestrian improvements.
  - ***This recommendation remains valid.***

13. Consider improving pedestrian safety at key intersections and implementing traffic calming measures such as rumble strips, different pavement colors and textures and signs at pedestrian crossings. Particular consideration should be given to the following intersections: Franklin Avenue and Centre Street; Franklin Avenue and Chestnut Street; Bloomfield Avenue and High Street; and Bloomfield Avenue and Chestnut Street.
  - ***While this recommendation remains valid, the Township has received NJDOT Safe Routes to School funding to improve pedestrian connections to Township Schools.***
14. Investigate the creation of a park-n-ride area adjacent to Hoffman-La Roche to provide better access to New York City bus service.
  - ***This recommendation requires further consideration.***
15. In accordance with recommendations within the Land Use Element of this Master Plan, a system of wayfinding signs should be designed and installed directing visitors to the Downtown. Once in the Downtown, the wayfinding signs should direct individuals to community facilities, off-street parking and other destination locations.
  - ***This recommendation remains valid.***
16. Investigating no left turns and other turning movements at various locations to improve traffic circulation.
  - ***This recommendation remains valid.***
17. Improve emergency access in and out of Township parks in accordance with recommendations from Township emergency response personnel.
  - ***This recommendation remains valid.***
18. In conjunction with the Shade Tree Committee, supplement existing perimeter plantings (trees and shrubs) along existing roads to maintain the established character of the Township.
  - ***This recommendation remains valid.***
19. Expand the existing shuttle system to Delawanna Station in Clifton by serving the downtown and other activity centers, and provide an alternative to driving.



– ***This recommendation remains valid.***

20. Research alternative funding sources to undertake a sidewalk inventory in the Township. The inventory should include the condition, location, width, and handicap accessibility of all sidewalks. Recommendations should include making improvements in areas where sidewalks need to be reconstructed, or installed for the first time, or built to serve as a connection between existing sidewalks.

– ***This recommendation remains valid.***

21. Adopt an “official map,” per the Municipal Land Use Law, or incorporate a local roadway inventory into the Master Plan.

– ***This recommendation remains valid.***

22. Survey areas along the Township’s borders where parking from adjoining communities overflows onto Township streets, and take steps to prevent the overnight parking of vehicles on Township roads from adjoining communities.

– ***This recommendation is no longer valid as no overnight parking is permitted on Township roads.***

23. Monitor existing and proposed flight paths from Newark Liberty International Airport and Teterboro Airport to evaluate the negative impacts on residential areas of the community.

– ***This recommendation remains valid.***

## **4.0 — Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives**

To properly assess the extent to which there have been significant changes in the assumptions, policies and objectives that inform the Township’s master plan and development regulations, this reexamination report studies changes at the local, county, and state levels. Each level is discussed in the following sections.

### **4.1 — Changes at the Local Level**

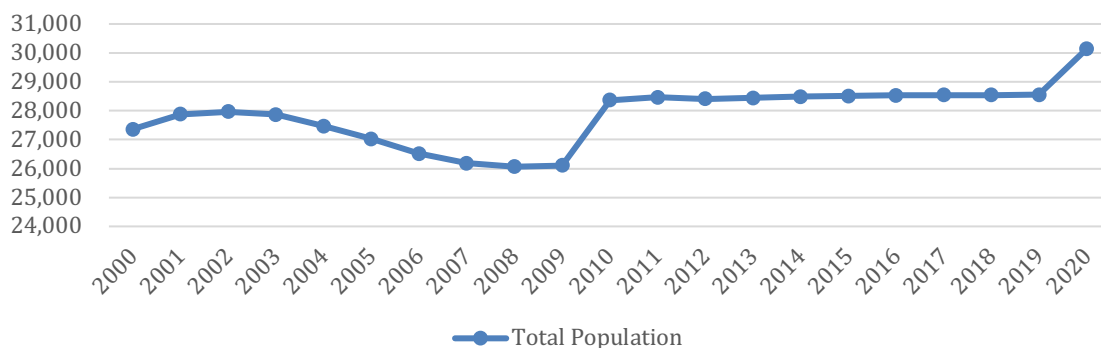
#### **4.1.1 — Demographic Changes**

Since the adoption of the 2012 Master Plan, the US Census Bureau has released updated information on Nutley’s population and housing characteristics. Because changes to population and housing characteristics can impact the outcome of planning efforts, the following overviews are provided.

##### **4.1.1.1 — Population**

In the 2000 US Census, the Township of Nutley was recorded as having a population of 27,362 residents. In the period since, the Township’s population has increased, having reached 28,370 residents by the time of the 2010 US Census and 30,143 residents by the time of the 2020 US Census. These figures represent increases of 3.7 percent between the 2000 and 2010 US censuses, and 6.2 percent between the 2010 and 2020 US censuses. Chart 1 shows population trends.

**Chart 1: Recent Population Trends**



With regard to the age of the population, it is noted that the Township's median age has increased slightly from 39.3 years at the time of the 2000 US Census to 40.8 years in 2020 (n.b., 2020 value is a 2016-2020 5-Year Estimate of the American Community Survey). This represents an increase of 1.5 years or approximately 3.8 percent.

#### *4.1.1.2 — Housing*

At the time of the 2000 US Census, there were 11,118 housing units in Nutley. Of these, 10,884 units (97.9 percent) were occupied, and 234 units were vacant (2.1 percent). While reliable data from more recent years is currently unavailable, the 2010 US Census reports that the number of housing units in Nutley had increased by approximately 6.0 percent to 11,789 units, which includes 11,314 occupied units (96.0 percent) and 475 vacant units (4.0 percent).

Occupied housing units constitute households, the size of which is measured in terms of the number of members. As reported in the 2000 US Census, the average household size in Nutley was 2.51 members. By the time of the 2010 US Census, the average household size in Nutley had decreased slightly by approximately 0.4 percent to 2.50 members. While this decrease is minimal and may not be statistically relevant, it may be a sign of aging in the Township's population (n.b., ageing populations contribute to a decrease in average household size).

#### *4.1.2 — Cannabis Uses*

In response to recent changes at the state level, Nutley has revised its zoning ordinance to prohibit all types of cannabis businesses from operating within the Township. In the future, the Township may reevaluate whether to permit one or more of the six classes of cannabis businesses for licensure in New Jersey.

#### *4.1.3 — Redevelopment*

Since the adoption of the 2012 Master Plan, Nutley has designated several areas of the Township in need of redevelopment and adopted associated redevelopment plans. These areas include:

- Hoffman–LaRoche Campus (Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1; and Block 2304, Lot 17): The Hoffman-LaRoche Campus was designated in need of redevelopment via Resolution No. 74-15, which permits the use of condemnation.
  - A redevelopment plan was adopted for “Phase One” (i.e., a 10.9-acre portion within Block 201, Lot 1 and Block 300, Lot 1) on July 19, 2016. The objective of the “Phase One Redevelopment Plan” was to: allow for the rehabilitation of existing buildings as a new private medical school that would also accommodate existing programs in health science and nursing for Seton Hall University; and facilitate the development of office, research and other compatible commercial uses, along with structured and surface parking facilities, in remaining portions of the redevelopment plan area.
  - A redevelopment plan was prepared for “Phase IIA” (i.e., a 11.88-acre portion of the former Hoffmann–LaRoche Campus, which regulates 100 Metro and 200 Metro Boulevard as well as and Building 102) on July 17, 2018. The intent of the Redevelopment Plan is to incorporate the remaining structures on the Hoffman–LaRoche Campus to be reused as office, medical, research and a development hub that complements the Franklin Avenue corridor and properly integrates with the surrounding community through: marketing; strategic partnerships; and open, attractive physical improvements to the public realm. These objectives have been partially met via the reoccupation of the remaining buildings with Ralph Lauren and Eisai, Inc.
  - A redevelopment plan was prepared for “Phase 3” to regulate roadways and circulation within the Redevelopment Area on August 18, 2020.
- Franklin Avenue Redevelopment Plan (Block 3100, Lots 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43): Properties on Block 3100 located along Franklin Avenue have been designated as an area in

- need of rehabilitation or redevelopment. Specifically, Block 3100, Lots 28, 29, 30 and 37 have been designated in need of non-condemnation redevelopment via Resolution No. 286-20 and Block 3100, Lots 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, and 43 have been designated as an area in need of rehabilitation via Resolution No. 287-20. A redevelopment plan, which permits multifamily and age-restricted development, as well as commercial/retail uses, public open space, and public, civic, cultural, and institutional facilities (e.g., museums, police, fire stations, public and private schools, municipal offices), has been prepared.
- Former Diamond Springs Restaurant and Beach Club (Block 7400, Lots 1 and 13): Block 7400, Lots 1 and 13, which consist of the former Diamond Springs Restaurant and Beach Club, have been designated as an area in need of redevelopment and an associated redevelopment plan for multifamily and age-restricted residential units has been prepared. This area was designated in need of redevelopment via Resolution No. 50-22, which permits the use of condemnation.

Additional details about redevelopment in Nutley are provided in Chapter 6.

#### **4.1.4 — Stormwater Management**

As reported by the New Jersey Department of Environmental Protection (NJDEP)<sup>1</sup>, the frequency of extreme rainfall events has increased throughout New Jersey. In small-lot, built-out suburban communities such as Nutley, extreme rainfall events have caused significant localized flooding. Current stormwater rules only regulate major development in Nutley (i.e., development with 0.25 acres of impervious coverage or one acre of land disturbance). Accordingly, most residential lots are exempt from making stormwater improvements as part of building additions or the tear down and replacement of a dwelling. An increase in impervious area associated

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<sup>1</sup> Changes in Hourly and Daily Extreme Rainfall Amounts in NJ since the Publication of NOAA Atlas 14 Volume, DeGaetano and Tran, October 2021.

with urbanization increases runoff while it decreases infiltration of water into surrounding soils. As a community increases its impervious coverage, flooding impacts only worsen.

Applying stormwater management practices in developed areas of Nutley may be a challenge. Limited available vacant land and its cost may limit stormwater management options in infill situations. Stormwater controls are likely to be implemented on private property where owners are responsible for their maintenance. Nutley can generally require owners to maintain these controls, however, the proliferation of numerous small, scattered facilities may become an enforcement problem from a management and operations perspective.

#### *4.1.4.1 — Residential Infill Development*

In Nutley, the most common form of infill development is the demolition of a home and replacement with a home containing a larger building footprint. This reexamination report does not contemplate the replacement of single-family homes with higher density land uses (e.g., multi-family housing), which would have greater stormwater management impact as a result of increased impervious coverage.

In most instances, infill development creates a more intensive use than previous uses and has higher levels of impervious cover, runoff, and contaminant loading per unit of area. In Nutley, the impacts of expanding homes can be significant over time. In accordance with the M.L.U.L., typically only a building permit is required rather than minor site plan approval, which is granted by the Construction Official rather than the Planning Board.

In many cases, areas surrounding the new infill development were built before the need for stormwater controls was recognized and may be experiencing stormwater management problems. While the development of single, individual infill sites may not have significant stormwater impacts, the development of many individual sites can have cumulative effects and exacerbate existing problems or create new stormwater problems by increasing flooding, erosion, or water quality degradation.

On residential properties, infill development is often limited by lot-level controls. In most cases, having residential roof leaders that discharge to ponding areas is the prevalent practice (e.g., lawn). However, there are additional opportunities to increase groundwater recharge and reducing evaporation by using structural stormwater systems, such as a drywell. Other options include: redirecting gutters to lawns; creating of shrubby rain gardens; promoting awareness of problems associated with soil compaction; and encouraging public education.

To properly regulate infill development, this reexamination report specifically recommends the creation of regulations that require stormwater improvements for construction that increase the building footprint. Revising the Township's grading and disturbance requirements can regulate this.

#### *4.1.4.2 — Commercial Infill Development*

There are fewer opportunities to improve stormwater management on small-scale commercial infill development sites than on surrounding residential properties in the Township. Many commercial properties are located on smaller parcels than surrounding residential properties with greater percentages of permitted building coverage as well as increased ordinance requirements (e.g., number of parking spaces, etc.). This reexamination report recognizes this and, consequently, recommends increasing requirements on residential properties rather than commercial properties in the Township. This will help to encourage local businesses in a manner that will retain community character.

Surface stormwater facilities (e.g.: infiltration basins; wet ponds; and constructed wetlands) are not viable options because of the relatively large amount of surface area required. However, the following low-impact options should be encouraged: redirecting roof gutters to lawns or dry wells; requiring additional tree plantings; and disconnecting impervious surfaces.

#### *4.1.5 — Integrity of Residential Neighborhoods/Historic Preservation*

As noted in the 2012 Master Plan, a major threat to historic resources in the Township is inappropriate development (e.g., altering, rehabilitating, and

demolishing resources) without concern or regard to their historic importance or the changes to the character of the community. Since 2012, the concern over the loss of historic or historically eligible homes has increased. The goal of this reexamination report is to provide recommendations to preserve these historic or historically eligible resources to the greatest extent possible. In this regard, the Township should continue to implement the historic preservation recommendations of the 2012 Master Plan, which remain valid.

The Township accommodates a wide variety of housing types as part of its residential land use plan. In recent years, Nutley has seen interest from the development community to subdivide lots in established neighborhoods and to construct homes that are much larger than existing homes. In review of such development, construction is occurring in a manner that is out of character with existing neighborhood development patterns. A land use need has arisen to ensure that infill development considers and respects the established scale and character of surrounding homes with available land use tools. To help facilitate this public purpose, the following goal and policy should be added to the Township's single- and two-family residential districts:

*The Township of Nutley is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Township and to encourage a compatible relationship between new or expanded houses and traditional neighboring structures that reflects the best of the local character, particularly in terms of scale, siting, design features, and orientation on the site.*

To achieve this public purpose, at a minimum, the following changes should be considered:

- Craft infill development standards that reduce development potential proportionally as lot size increases.



- Consider regulating side yard setbacks as a percentage of lot width rather than a static standard (e.g., five feet). Such a standard would require a proportional amount of the front yard to remain as open space.
- For lots with relatively narrow frontages (e.g., 50 to 60 feet), consideration should be given to measuring coverage (i.e., building coverage) within the first 120 feet of lots.
- Consider reducing the amount of development area (i.e., coverage, building coverage) on lots.
- Require a usable open space area as part of single-family and two-family residential developments.
- Evaluate existing maximum impervious coverage requirements.
- Regulate development by the width of lots.
- Consider creating a sliding scale approach to building height (e.g., larger lots would be permitted a slightly taller building than smaller lots).
- Evaluate the need to increase lot size requirements for new homes that are larger than old homes.

#### **4.1.6 — Climate Change Hazards**

Climate change is a growing concern throughout the United States. To promote increased awareness of the issue and risks, the National Oceanic and Atmospheric Administration (NOAA) has developed an online mapping portal, called the CMRA (Climate Mapping for Resilience and Adaptation) Assessment Tool, to assess climate change hazards at the local and regional levels. Said tool provides a snapshot, which includes an indication of risk, of the following hazards as related to Nutley Township: extreme heat (relatively high risk); drought (very low risk); wildfire (very low risk); flooding (relatively moderate risk); and coastal inundation (relatively moderate risk).

Table 1 provides an overview of indicators of extreme heat, which was classified by the CMRA Assessment Tool as “relatively high risk,” as localized to Nutley Township.

**Table 1: Extreme Heat Risk**

Indicator	2030s	2085
<b><i>Annual Days with:</i></b>		
Maximum Temperature > 105°F	0	5
Maximum Temperature > 100°F	2	16
Maximum Temperature > 95°F	10	40
Maximum Temperature > 90°F	31	74
<b><i>Average Daily Temperature</i></b>		
Average Daily Minimum Temperature	45°F	51°F
Average Daily Maximum Temperature	65°F	71°F
<b><i>Annual Temperature</i></b>		
Annual Single Highest Maximum Temperature	101°F	108°F
Annual Highest Maximum Temperature Averaged Over 5-Days	96°F	103°F

**Source:** CMRA Assessment Tool (<https://resilience.climate.gov>)

**Note:** Values represent high emissions scenarios

Although the CMRA Assessment Tool notes that extreme heat poses the greatest risk to Nutley Township, it is important to consider other hazards. It is also important to consider multiple sources of information on climate change hazards. In this regard, it is noted that Essex County recently updated its multijurisdictional All-Hazard Mitigation Plan (HMP) in 2020. The HMP, which is discussed in Section 4.2.1 of this reexamination report, identifies and assesses climate change-related risks, such as: severe weather; drought; extreme temperature; flood; coastal erosion and sea level rise; and wildfire.

To facilitate increased awareness of and resiliency to climate change-related hazards, this reexamination report recommends the preparation of a “Climate Change-Related Hazard Vulnerability Assessment,” as described within the context of changes at the state level in Section 4.3.2.

## **4.2 — Changes at the County Level**

### ***4.2.1 — All Hazard Mitigation Plan***

In 2020, Essex County updated its multijurisdictional All-Hazard Mitigation Plan (HMP). The HMP is updated every five years, with the goal to save lives and

property through the reduction of hazard vulnerability. The HMP provides a municipal-level overview of risks and identifies actions for their mitigation.

Among the risks identified in Nutley are:

- High Risk:
  - Severe Weather;
  - Winter Weather; and
  - Utility Interruption.
- Medium Risk:
  - Coastal Storm;
  - Drought;
  - Extreme Temperature;
  - Flood; and
  - Economic Collapse.
- Low Risk:
  - Coastal Erosion and Sea Level Rise;
  - Earthquake;
  - Geological Hazards;
  - Wildfire;
  - Civil Disorder;
  - Cyber Attack;
  - Disease Outbreak;
  - Hazardous Substances;
  - Terrorism; and
  - Transportation Failure.

To mitigate the foregoing risks, the HMP identifies the following strategies:

- Install generator at the Parks Annex;
- Minor floor control project;
- Infiltration and inflow study and reduction plan in floodplain areas;

- Installation of gabion walls at specific flood-prone locations throughout the Township;
- Upgrades to Bloomfield Avenue pump station;
- Develop Third River maintenance plan;
- Perform study of Passaic River flooding onto River Road;
- Study urban flooding along Bloomfield Avenue and project implementation;
- Mitigate flood-prone properties, including repetitive loss/severe repetitive loss properties;
- Consider participation in the Community Rating System of the Federal Emergency Management Agency;
- Install a diesel generator at the Parks and Recreation Building;
- Install a diesel generator at the Town Hall;
- Upgrade existing generator at the rescue squad building;
- Purchase a portable generator to use to run the fresh water well pump during power outages; and
- Conduct a study of stormwater discharge points.

There is no conflict between the HMP and the municipal master plan. It is further noted that the planning process of the HMP included extensive participation by municipal representatives, in particular the Township's Engineering and Office of Emergency Management (OEM) coordinators.

#### **4.2.2 — Comprehensive Transportation Plan**

Essex County's Department of Public Works is currently in the process of preparing a new Comprehensive Transportation Plan (CTP) to meet mobility and transportation safety needs across Essex County through 2045. The purpose of the CTP is to outline a vision for a more comprehensive county-wide transportation system that maximizes investments, promotes efficiency and safety, and promotes the use of travel mode alternatives to driving alone. A virtual open house was conducted in September 2022 and community outreach sessions were subsequently

conducted in October 2022. It is recommended that the Township monitor developments related to the preparation of Essex County's new CTP.

#### **4.2.3 — Avondale and De Jessa Memorial Bridge Replacement**

Essex and Bergen counties are currently planning to replace Avondale and De Jessa Memorial Bridge, which crosses the Passaic River between Nutley Township in Essex County and Lyndhurst Township in Bergen County via Park and Kingsland avenues. The project is currently in the design phase. The preliminary preferred alternative (PPA) includes a complete replacement of the bridge on the existing alignment with: a fixed bridge with twelve feet vertical clearance over the mean high-water elevation; a five-lane roadway section (incl., one additional westbound lane); a Park Avenue eastbound left turn; and two westbound lanes at River Road.

The PPA is intended to address structural, geometric and operational deficiencies of the existing bridge, by replacing the existing bridge structure with a wider, fixed bridge which can accommodate five lanes of traffic on the same alignment with a width of approximately 78 feet. The PPA would carry three westbound lanes of travel (incl., two 11-foot wide lanes and one 15-foot wide outside lane) and two eastbound lanes of travel (incl., one 11-foot wide and one 15-foot wide outside lane), such that the outside lanes are designed to accommodate shared use by motor vehicles and bicyclists, in addition to a six-foot wide sidewalk on both sides of the bridge.

At the westerly approach of the PPA, Park Avenue would become a five-lane roadway section under the existing NJ Route 21 Bridge. A second eastbound lane would be introduced at the intersection of the NJ Route 21 ramps with Park Avenue. The existing eastbound dedicated left-turn lane would be maintained. The westbound lane configuration at the River Road intersection would be a shared through-/left turn lane and a shared through-/right turn lane. The eastbound lane configuration at the River Road intersection would maintain two through-lanes but also introduce a dedicated left turn lane. The lane configurations for all other

approaches at the Park Avenue and River Road intersection would remain unchanged.

The local preliminary engineering phase of the project is currently underway and expected to last through Spring 2024. The final design phase is anticipated to occur from Summer 2024 through Summer 2026, and construction is expected to take place between Fall 2026 and Spring 2028.

#### **4.3 — Changes at the State Level**

##### ***4.3.1 — Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency and Environmental Sustainability***

In 2018, the M.L.U.L. section governing the preparation of master plans (N.J.S.A. 40:55D-28(b)) was amended to require that any land use element adopted after January 8, 2018 provide a statement of strategy concerning the following:

1. Smart growth, which, in part, shall consider potential locations for the installation of electric vehicle charging stations;
2. Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and
3. Environmental sustainability.

##### ***4.3.2 — Climate Change-Related Hazard Vulnerability Assessment***

Section 28 of the M.L.U.L. was amended in 2021 to require that any land use element adopted after February 4, 2021 include a Climate Change-Related Hazard Vulnerability Assessment to analyze climate change-related natural hazards (e.g., drought, flooding, hurricanes and sea level rise). The Climate Change-Related Hazard Vulnerability Assessment will be required to include the following additional components:

1. Build-out analysis;
2. Critical evacuation assets analysis;
3. Impact analysis;

4. Risk reduction strategy; and
5. Policy recommendations.

The amendment requires municipalities to rely on the most recent natural hazard projections and best available science provided of the New Jersey Department of Environmental Protection when preparing the Climate Change-Related Hazard Vulnerability Assessment.

#### **4.3.3 — Local Redevelopment and Housing Law**

In 2013, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.; L.R.H.L.) was amended to provide for both a non-condemnation and condemnation redevelopment area designation, as well as to redefine the criteria and procedures for designating an area in need of redevelopment and rehabilitation, including an update to notice requirements during the redevelopment area designation process.

Additionally, the L.R.H.L. was amended in 2019 to include additional criteria for designation as an area in need of redevelopment under the terms of N.J.S.A. 40A:12A-5(b). The additional provision enables designation as an area in need of redevelopment when the discontinuation or abandonment of buildings used for retail, shopping malls and office parks, or buildings with significant vacancies has persisted for at least two consecutive years. N.J.S.A. 40A:12A-5(b) now reads as follows:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

In addition to the amendments to the L.R.H.L. that have been described above, it is noted that, in 2015, the New Jersey Supreme Court ruled in 62-64 Main Street v. Mayor and Council of Hackensack, 221 N.J. 129 (2015) that a property does not need

to negatively affect the surrounding properties in order to be considered “blighted” and, thus, eligible for redevelopment.

*4.3.3.1 — L.R.H.L. Amendments Related to Electric Vehicle Charging and Zero-Emission Vehicle Fueling Infrastructure*

In 2019, the L.R.H.L. was amended to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure.

In 2021, the L.R.H.L. was amended to further encourage the development of electric vehicle charging infrastructure, as well as inclusion of zero-emission vehicle fueling infrastructure.

**4.3.4 — New Jersey Council on Affordable Housing**

The New Jersey Council on Affordable Housing (C.O.A.H.) originally adopted rules for the third round (i.e., 1999–2025) period in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to C.O.A.H. to revise them to be consistent with the Appellate Division decision. In 2008, C.O.A.H. adopted revised third-round rules.

In 2010, the Appellate Division invalidated the third-round rules that were adopted in 2008, as well as the “growth share” methodology they were based on. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division’s 2010 decision that invalidated C.O.A.H.’s third-round rules. Consequently, C.O.A.H. was charged with the task of adopting new affordable housing rules.

As the result of C.O.A.H.’s failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the C.O.A.H. process. The New Jersey Supreme Court’s 2015 decision states:

*... parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and*



*municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation.*

We note that although the Township of Nutley is an “Urban Aid” municipality and, consequently, does not have a “third round” obligation, it should monitor developments related to affordable housing planning in New Jersey. This is particularly important when one considers that the “fourth round” is expected to start from January 1, 2026.

#### **4.3.5 — Cannabis Legalization**

In 2021, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older. Municipalities had until August 21, 2021 to take actions to: either prohibit or limit the number of cannabis establishments, distributors, or delivery services; and in the event the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

With the adoption of Ordinance No. 3473 on May 4, 2021 Nutley has opted to prohibit all cannabis-related uses from operating within the Township.

#### **4.3.6 — State Strategic Plan**

The State Planning Commission (SPC) is currently staffed by the Office of Planning Advocacy (OPA), which is an entity of the Department of State. The OPA released a draft “State Strategic Plan” (SSP) that was intended to supersede the current State Development and Redevelopment Plan (SDRP). The draft SSP differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September 2012, the draft SSP was suspended after Hurricane Sandy and has not been adopted by the SPC. As of the preparation of this reexamination report, there is no current activity or efforts to adopt the SSP and the SDRP remains in place.

#### **4.3.7 — Complete Streets**

In 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy and in 2017 a Complete Streets Design Guide. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation- walking, bikes, cars, trucks, and buses.

The New Jersey Bicycle and Pedestrian Resource Center states that Complete Streets benefit communities by addressing the needs of all road users regardless of age, ability, or mode of transportation. Benefits can include the following:

1. Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
2. Improving safety;
3. Enhancing the sense of community and quality of life;
4. Reducing reliance on automobiles;
5. Reducing congestion;
6. Revitalizing downtowns;
7. Increasing private investment;
8. Increasing property values; and
9. Promoting tourism.

A municipal Complete Streets policy is the community’s formal strategy to focus decision making and funding on planning, designing, and constructing community streets that accommodate all intended users. According to the National Complete Streets Coalition, the following items represent some Complete Streets policy considerations:

1. A vision for how and why the community wants to complete its streets;

2. Identification that “all users” includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit vehicle operators;
3. Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation;
4. Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way;
5. Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs;
6. Establishment of performance standards with measurable outcomes; and
7. Steps for implementation.

As of November 20, 2022, a total of eight (8) counties and 174 municipalities in New Jersey have adopted complete streets policies. The Township of Nutley has not adopted a complete streets policy. It is recommended that the Township consider adopting a complete street policy.

#### **4.3.8 — Reexamination Report Requirements**

In 2019, amendments were made to the M.L.U.L. at N.J.S.A. 40:55D-89 to incorporate the requirement that reexamination reports include a discussion of the recommendations of the municipality’s planning board concerning locations appropriate for the development of public electric vehicle infrastructure. Specifically, the following new requirement was included at N.J.S.A. 40:55D-89(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.*

The 2022 Master Plan Reexamination Report has been prepared to meet this requirement.

**4.3.9 — Electric Vehicle Supply and Make-Ready Parking Spaces**

In 2021, the M.L.U.L. was also amended to establish numerical requirements and zoning standards for installation of electric vehicle supply equipment and “make-ready” parking spaces (i.e., parking spaces that are prepared to support electric vehicle supply equipment by including electrical equipment up to but not including chargers themselves).

Specifically, the M.L.U.L. was amended to stipulate that applications for development submitted solely for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance (N.J.S.A. 40:55D-66.18). In addition, the amendment provided that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building: shall neither be subject to site plan or other land use board review, nor require variance relief; and shall be approved through issuance of a zoning permit, provided that certain conditions are met (e.g., bulk requirements are met, the conditions or original approval are met, relevant construction codes are met; (N.J.S.A. 40:55D-66.19).

The 2021 amendment to the M.L.U.L. also added the requirement that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall: provide at least 15 percent of the required off-street parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces; install electric vehicle supply equipment on an additional one-third of the required 15 percent of parking spaces within three years following the date of the issuance of the certificate of occupancy; install electric vehicle supply equipment on the final

one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and make at least five percent of the electric vehicle supply equipment accessible for people with disabilities (N.J.S.A. 40:55D-66.20).

Similarly, the 2021 amendment to the M.L.U.L. also required that, as a condition of preliminary site plan approval, all other applications (i.e., not applications involving multifamily development of five or more units) involving a parking lot or garage provide “make-ready” parking spaces as follows:

1. At least one if there will be 50 or fewer off-street parking spaces;
2. At least two if there will be at least 51 and no more than 75 off-street parking spaces;
3. At least three if there will be at least 76 and no more than 100 off-street parking spaces;
4. At least four, with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and
5. For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.

The 2021 amendment provides that applicants may install electric vehicle supply equipment at parking spaces in lieu of providing “make-ready” parking spaces. It also stipulates that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement, provided that a reduction of no more than ten percent of the total required number of parking spaces results

#### **4.3.10 — Stormwater Rules**

In 2020, New Jersey’s Stormwater Management Rules (N.J.A.C. 7:8 et al.) were amended to require the use of Green Infrastructure. Green Infrastructure is defined

in the rules as a stormwater management measure that manages stormwater close to its source by: 1) treating stormwater runoff through infiltration into subsoil; 2) treating stormwater runoff through filtration by vegetation or soil; or, 3) storing stormwater runoff for reuse.

The amended Stormwater Management Rules became effective on March 2, 2021. To provide guidance, the New Jersey Department of Environmental Protection has prepared a “Stormwater Best Management Practices Manual,” which is made available at [www.njstormwater.org](http://www.njstormwater.org). The use of Green Infrastructure should be maximized to minimize potential flooding issues and decrease pollution of terrestrial waterways as a result of stormwater runoff.

#### **4.4 — Change at the Federal Level**

The key change of note at the federal level is the 2020 US Census, which was the last decennial census. At the time of the preparation of this master plan reexamination report, however, only a very limited amount of municipal-level Census data have been released. Current information indicates that the full range of municipal-level data products are scheduled to be released through 2023. It is, therefore, recommended that the municipality monitor the release and availability of 2020 US Census data products and prepare an updated demographic profile of the municipality once a sufficient amount of information is available.

## **5.0 — Specific Amendments Recommended to the Master Plan and Development Regulations**

The following sections outline recommended amendments to the master plan and development regulations.

### **5.1 — Recommended Master Plan Amendments**

The following master plan amendments are recommended:

1. Master Plan Goals, Objectives, and Recommendations: The goals, objectives, and recommendations of the 2012 Master Plan are recommended for update as indicated within the commentary on said goals, objectives and recommendations that is provided in Chapter 3 of this reexamination report.
2. Land Use Element: In accordance with the recommendations of Section 4.1.5 of this reexamination report, establish the following goal and policy for the Township's single- and two-family residential districts: *"The Township of Nutley is an established suburban residential community. It is the desire of the community to preserve and protect the established character of neighborhoods in the Township and to encourage a compatible relationship between new or expanded houses and traditional neighboring structures that reflects the best of the local character, particularly in terms of scale, siting, design features, and orientation on the site."*
3. Climate Change-Related Hazard Vulnerability Assessment: In accordance with Section 4.1.6 of this reexamination report, amend the Township's Land Use Element to include a Climate Change-Related Hazard Vulnerability Assessment in order to achieve conformance with recent amendments to the M.L.U.L., which have been described in Section 4.3.2 of this reexamination report, and promote and improved understanding of potential climate change impacts, mitigate vulnerability, and build resiliency.

## **5.2 — Recommended Development Regulation Amendments**

The following development regulation amendments are recommended (n.b., these recommendations have been developed in coordination with the Township's Zoning Officer):

1. Extension into Front and Rear Yard Setback by Building Mechanical Equipment and Generators: Amend Section 700-46B(4) to include a permitted extension into front and rear yard setback requirements by building mechanical equipment and generators. Require that such equipment located in a front yard area be screened by vegetation or in a manner that is consistent with the building's architectural style. This reexamination report recommends a permitted extension of no more than four feet.
2. Extension into Side Yard Setback by Building Mechanical Equipment and Generators: Amend Section 700-46B(5) to include a permitted extension into side yard setback requirements by building mechanical equipment and generators. This reexamination report recommends a permitted extension of no more than three feet. This reexamination report also recommends that consideration be given to requiring noise control devices when such equipment is located within a required side yard area.
3. Roofs over Pre-Existing Front Stoop/Platforms: Amend Section 700-46B(4) to permit the extension of roofs over pre-existing front stoops/platforms to extend into the required front or rear yard area in an amount equivalent to the dimensions of the respective pre-existing front stoop/platform, plus two feet by the eaves of said roofs, as measured from the maximum extent of the overhand to the edge of the front stoop/platform.
4. Rear Yard Fences: Amend Section 700-71C to permit solid fences from the rear property line and along said rear property line and within such lines (n.b., solid fences are currently prohibited).
5. Corner Lot Fences: Evaluate the need for amendments to Section 700-71D to provide improved clarification of requirements for corner lot fences.



6. Commercial Building Façade Color: Consider the potential for amendments to the municipal zoning code to require that the façade color of commercial buildings shall be neutral, muted, or pastel colors (e.g., cream, beige, tan, ochre, and brown) and prohibit bright and metallic colors, except when used as an accent for trim or fenestration.
7. Covering of Commercial Fenestration: Consider the potential for amendments to the municipal zoning code to prevent the tinting or the permanent covering of fenestration on commercial façades.
8. Curb Cuts: Amend Section 700-94A(3)(b) to be consistent with the two-way traffic drive aisle width requirement of 24 feet that is permitted in Section 600-6 by limiting curb cuts to 24 feet in length, as opposed to the existing limit of 20 feet in length.
9. Historic Preservation: Evaluate the need and opportunities for amendments to Chapter 700 to better promote the preservation historic resources within the Township. In accordance with the recommendations of Section 4.1.5 of this reexamination report, consider the following changes:
  - a. Craft infill development standards that reduce development potential proportionally as lot size increases.
  - b. Consider regulating side yard setbacks as a percentage of lot width rather than a static standard (e.g., five feet). Such a standard would require a proportional amount of the front yard to remain as open space.
  - c. For lots with relatively narrow frontages (e.g., 50 to 60 feet), consideration should be given to measuring coverage (i.e., building coverage) within the first 120 feet of lots.
  - d. Consider reducing the amount of development area (i.e., coverage, building coverage) on lots.
  - e. Require a usable open space area as part of single-family and two-family residential developments.
  - f. Evaluate existing maximum impervious coverage requirements.
  - g. Regulate development by the width of lots.

- h. Consider creating a sliding scale approach to building height (e.g., larger lots would be permitted a slightly taller building than smaller lots).
- i. Evaluate the need to increase lot size requirements for new homes that are larger than old homes.

10. Stormwater Management: Develop regulations that require stormwater improvements for residential construction that increases the building footprint.

## **6.0 — Recommendations Concerning the Incorporation of Redevelopment Plans**

As previously mentioned, Nutley has adopted redevelopment plans in the period since the adoption of the 2012 Master Plan. Details of each plan have been identified within the context of Chapter 4 of this reexamination report. All adopted redevelopment plans are hereby incorporated into municipal master plan by reference. To provide increased clarity and facilitate the implementation of these redevelopment plans, this reexamination report recommends that the Township's zoning map be amended to depict all designated redevelopment areas.

In addition to the above, it is recommended that, in the future, the Township continue to evaluate the use of redevelopment to promote the overall health and vitality and improvement of the community.

## **7.0 — Recommendations Concerning Locations Appropriate for the Development of Public Electric Vehicle Infrastructure**

To reduce greenhouse gas emissions from the transportation sector and help reach the goals of New Jersey’s Energy Master Plan and the Global Warming Response Act, Governor Phil Murphy has set a goal of registering 330,000 EVs in New Jersey by 2025.

Key to reaching this goal is the provision of adequate public electric vehicle charging infrastructure within New Jersey’s municipalities. Accordingly, and as required by the requirements of the M.L.U.L. for reexamination reports, this master plan reexamination report identifies the following zone districts as appropriate locations for electric vehicle charging infrastructure:

- B-1;
- B-2;
- B-3;
- B-3A;
- B-4;
- M;
- M-O; and
- M-1.

In addition to the above, it is recommended that requirements for public electric vehicle charging infrastructure be included in all future redevelopment plans that may be adopted, as well as in any existing redevelopment plans that may be amended.