TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL
WORKSHOP MEETING
January 9, 2018, 7:30 P.M.

- Salute to the Flag
- Compliance with Open Public Meetings Act
- Roll Call:

Council Members:

____ Murphy      ____ Buie      ____ Witte
____ Bergen     ____ Lyden      ____ Borowiec
____ Gabel, Council President

In Attendance:

____ Mayor Andes      ____ Administrator Ward
____ Township Attorney Jansen      ____ Other: __________

Public Portion (Please limit comments to a maximum of three (3) minutes)

PRESENTATIONS & DISCUSSIONS

AREA IN NEED OF REDEVELOPMENT
East Main Street (Route 53 South)
Station Village at Denville, LLC

POTENTIAL B-1 ZONE AMENDMENTS
Businesses Permitted on 1st and 2nd Floors

MURIEL HEPNER PARK PEDESTRIAN BRIDGE REPLACEMENT
Bids and Proposed Direction of Project

R-18-16: Resolution Authorizing Executive Session to Discuss Collective Bargaining Negotiations

Motion to Adjourn
2016 Township of Denville New Jersey
Block 31207 Lots 11 through 18
Determination of Area in Need of Redevelopment
and Redevelopment Plan

PREPARED FOR
THE MAYOR & COUNCIL
OF THE
TOWNSHIP OF DENVILLE, NJ

PREPARED BY
KASLER ASSOCIATES, PA
34 Little Brook Road
SPRINGFIELD, NEW JERSEY 07081
October 31, 2016
The original document was signed and sealed on October 31, 2016 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Jason L. Kasler, AICP, PP
Kasler Associates, PA
Professional Planner #5240

Kasler Associates, PA ©
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Introduction

The purpose of this report is to determine whether lots 11 through 18 in block 31207 of the Township of Denville qualifies as an Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq., hereafter referred to as LRHL). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas.

The area under consideration is comprised of eight tax lots; four with frontage along the west side of New Jersey State Route 53 (locally known as East Main Street) and three lots with frontage along the north side of Station Road (heretofore referred to as the "subject properties" or "study area"). The scope of work for the study encompassed the following: surveys of land uses, building and property conditions, occupancy and ownership status within the study area; review of municipal tax maps; review of the existing zoning ordinance and map for the Township of Denville; review of the relevant sections of the Denville Master Plan; evaluation of water and sewer conditions in the study area in conjunction with Denville’s Township Engineer; and review of the official tax records of the Township of Denville.

The following describes the existing conditions of the subject property, its locational context and the condition of water and sewer infrastructure in the study area and vicinity. This report discusses the existing zoning regulations for the subject property and the area’s relationship to the Township’s Master Plan, the statutory criteria used to determine whether an area is in need of redevelopment and then applies those criteria to the subject property to determine whether it qualifies for redevelopment designation. As more fully described in the body of the report, it is conclude that the study area meets the statutory criteria for designation as “an area in need of redevelopment” in accordance with the LRHL.
**Existing Conditions of the Subject Property**

The area under consideration is comprised of nine tax lots; four with frontage along the west side of New Jersey State Route 53 (locally known as East Main Street) and three lots with frontage along the north side of Station Road and one lot which is a portion of the main line of New Jersey Transit's railroad right-of-way (heretofore referred to as the “subject properties” or “study area”). The lots are identified as Block 31207, Lots 11 through 18 on the Township’s official tax maps (displayed below in green).
The boundaries of the study area are Station Road to the South, the Rail Road right-of-way to the West, Lot 9 in Block 31207 to the North and State Route 53 (East Main Street) to the East. The subject properties encompass a total area of approximately 3.39 acres according to the Township’s tax records.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Acres</th>
<th>Property Location</th>
<th>Owners Name</th>
<th>Mailing Address</th>
</tr>
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<tr>
<td>31207/11</td>
<td>0.2660</td>
<td>10 STATION RD</td>
<td>DENVILLE STRING BAND</td>
<td>PO BOX 345 DENVILLE, NJ 07834</td>
</tr>
<tr>
<td>31207/12</td>
<td>0.1670</td>
<td>8 STATION RD</td>
<td>ASSAF, ELHAM M</td>
<td>11 RIDGEWOOD PKWY W</td>
</tr>
<tr>
<td>31207/13</td>
<td>0.2670</td>
<td>12 STATION RD</td>
<td>CHEUNG, KWAN CHING/CHU FONG</td>
<td>4 STATION RD DENVILLE, NJ 07834</td>
</tr>
<tr>
<td>31207/14</td>
<td>0.0940</td>
<td>517 ROUTE 53</td>
<td>STATE OF NJ, DOT</td>
<td>CN 114 TRENTON, NJ 08625</td>
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<tr>
<td>31207/15</td>
<td>0.1540</td>
<td>515 EAST MAIN ST</td>
<td>VITA PROPERTIES, LLC</td>
<td>515 EAST MAIN ST DENVILLE, NJ 07834</td>
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<td>31207/16</td>
<td>0.6250</td>
<td>475 EAST MAIN ST</td>
<td>STATION VILLAGE AT DENVILLE, LLC</td>
<td>557 ROUTE 23 SOUTH, WAYNE, NJ</td>
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<tr>
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<td>557 ROUTE 23 SOUTH, WAYNE, NJ</td>
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<td>31207/18</td>
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<td>4 STATION RD</td>
<td>NEW JERSEY TRANSIT</td>
<td>TOWNSHIP OF DENVILLE</td>
</tr>
</tbody>
</table>

**TOTAL** 3.3928
Zoning of the Subject Properties

The study area is located in the I-1 (industrial) district and the B-3 (Business) district. Lots 11 through 15 in block 31207 are located within the B-3 zone; lots 16 and 17 in block 31207 are within the I-1 zone and lot 18 in block 31207 is a split lot in both zones. The study area is outlined in green below.
The I-1 zone has the following regulations:

19-5.2201 Primary Intended Use.

This zone is designated for offices for business, professional, executive or administrative purposes, scientific or research laboratories, hotels, industrial and manufacturing uses and indoor commercial recreation. The intensity of operations shall not exceed the limitations imposed by the performance standards hereinafter set forth in this Section. Also permitted in this District are:

- a. Public utility uses as a conditional use, as set forth in Section 19-5.10.
- b. Parking conforming to Section 19-5.8.
- c. Signs conforming to Section 19-5.9.
- d. Accessory uses customarily incident to the above uses. For indoor commercial recreation centers, accessory uses include locker and changing rooms, showers, day care facilities, related medical, chiropractic or physical therapy professionals, small cafes, snack bars and pro shops provided that access to such accessory uses is only from within the facility. No outdoor advertisement is permitted for such accessory uses.

(Ord. #2-77, §19-5.2201; Ord. #3-99, §1; Ord. #12-02, §10)

19-5.2202 Prohibited Uses.

No land or building shall be used or occupied which does not conform to the performance standards of subsection 19-5.2205. In addition, the following uses are specifically prohibited.

- a. Residential construction or conversion.
- b. Commercial incineration.
- c. Junk yards.
- d. Rubbish, garbage or trash dumps.
- e. Outside storage unless in conformance with subsection 19-5.714.
- f. Nursing homes.
- g. Institutional uses as set forth in Section 19-5.10.
- h. Retail sales except as may be accessory to a permitted use and accessible only through the principal use.

(Ord. #2-77, §19-5.2202; Ord. #12-02, §11)

19-5.2203 Required Conditions.

- a. Height. No structure shall exceed a height of two (2) stories provided the building is not higher than thirty (30') feet.
- b. Front Yard. There shall be a front yard of not less than twenty-five (25') feet. Off-street parking is permitted in the front yard as regulated in subsection 19-5.803f.
In addition to the usual required building permit application, an application for any building permit or certificate of occupancy in the I-1 Industrial District shall be submitted to the Building Inspector in duplicate on forms prepared by the Planning Board. The applicant shall also submit in duplicate all plans of the proposed construction and development; including a description of the proposed operation. If it appears from the application that the intended use may not conform to the performance standards established for this zone, the Planning Board shall request the applicant to submit a deposit of five hundred ($500.00) dollars which will be used to defray the cost of special reports required to process the application. The Planning Board shall refer the application for investigation and report to one (1) or more expert consultants selected by the Board as qualified to advise on conformance to the required performance standards. Such consultants shall make a written report within thirty (30) days after his receipt of such application. At the next regular meeting of the Board or within thirty (30) days of receipt of consultant's report, whichever comes sooner, the Board shall render a decision in the form of a written report regarding the application. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations in operation conforming to the applicable performance standards and the applicants paying fees in excess of five hundred ($500.00) dollars if needed to cover experts' above-mentioned reports. All monies not
used to pay for the services of the expert consultant shall be returned to the applicant at the time the Board renders the written decision. A copy of all reports or decisions shall be promptly furnished to the applicant. (Ord. #2-77, §19-5.2204)

19-5.2205 Performance Standards.

Before the issuance of any building or occupancy permit for any use in the I-1 District, all of the following minimum standards must be complied with:

a. Fire and Explosion Hazard. All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters or the Township Building Code or Fire Ordnance, whichever is more restrictive. All operations shall be carried on and explosive raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of the Board of Fire Underwriters.

b. Radioactivity. Any industrial activity which emits dangerous radioactivity at any point is prohibited.

c. Smoke, Dust, Fumes, Odors, Gases. There shall be no emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant which is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited.

d. Liquid or Solid Wastes. No operation shall discharge wastes of any kind into any reservoir, pond, lake, underground stream or underground water source. The discharge of untreated wastes into a stream is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by Township and New Jersey State Health Departments. Effluent from a treatment plant shall at all times comply with the following standards:

1. Maximum five (5) day biochemical oxygen demand - five (5) parts per million.

2. Maximum quality of effluent - ten (10%) percent of minimum daily stream flow.

3. Maximum five (5) day biochemical oxygen demand after dilution (B.O.D.) of effluent multiplied by quantity of effluent divided by quantity of stream flow - one-quarter (0.25) part per million.

4. Maximum total solids - five thousand (5,000) parts per million.

5. Maximum phenol - one-tenth (0.10) part per million.

No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substance in solution or suspension which would create odors, discolor, poison or otherwise pollute the stream in any way.

e. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

f. Noise. There shall be no noise emanating from any operation which will be audible beyond the boundaries of the immediate site.

g. Landscaping. There shall be established along the line of any lot that is contiguous to any residential district a belt of landscaping or fence or wall as the Planning Board may require which will be adequate to screen
the operations of such lot from normal observation from within such residential district.

h. Loading. Loading and unloading shall be done in other than the front yard.

Before the issuance of a building or occupancy permit, the Planning Board shall review and approve a site development plan of the proposed use and shall ascertain that all the requirements of this Section are complied with. (Ord. #2-77, §19-5.2205)

19-5.2206 Permitted Conditional Uses.

Permitted conditional uses are established as follows:

a. Wireless telecommunications towers in compliance with subsection 19-5.727a, 2, 3 and 4 and subsection 19-5.1009 of this Chapter.

b. Bank and/or financial uses subject to development standards found in subsection 19-5.1011.

(Ord. #3-99, §2; Ord. #16-07, §10)

19-5.1701 Primary Intended Use.

This zone is designed for businesses of a retail sales and service type and for use of office buildings for professional and business occupancy and the following uses:

a. Parking facilities conforming to Section 19-5.8.

b. Signs as regulated in Section 19-5.9.

(Ord. #2-77, §19-5.17; Ord. #26-82, §3)

19-5.1702 Prohibited Uses.

Any use other than those listed in subsection 19-5.1701 is prohibited. Specifically prohibited are any process or manufacture, fabrication, assembly and disassembly other than repair, conversion or alteration of any materials, fuel distribution plants, car washing establishments, automobile rental/leasing, lumber yards, motels, businesses including coin operated vending machines conducted or situated outside the confines of a building, construction or conversion of residential uses including apartments over businesses and any use prohibited in the industrial zones unless specifically permitted in subsection 19-5.1701. (Ord. #2-77, §19-5.1702; Ord. #26-82, §3; Ord. #16-07, §8)

19-5.1703 Required Conditions.

The following requirements must be complied with in the B-3 Zone.

a. Height. No building shall exceed a height of two (2) stories provided, however, said building is not higher than thirty (30') feet.

b. Front Yard. There shall be a front yard of not less than twenty-five (25') feet. Off-street parking as regulated in Section 19-5.8 is permitted in
a. Wireless telecommunications towers in compliance with subsection 19-5.727a, 2, 3 and 4 and subsection 19-5.1009 of this Chapter.

Permitted Conditional Uses are established as follows:

a. The installation of telecommunications antennas on existing structures subject to minor site plan approval pursuant to subsection 19-4.1405A, and consistent with Visual Compatibility Requirements of subsection 19-5.727 of this Chapter.

Before the issuance of a building permit for any use within this zone, the Planning Board shall review and approve a site development plan of the proposed use and shall ascertain that all requirements of this Article are complied with.

19-5.1704 Permitted Accessory Uses.

Permitted accessory uses are established as follows:

a. The installation of telecommunications antennas on existing structures subject to minor site plan approval pursuant to subsection 19-4.1405A, and consistent with Visual Compatibility Requirements of subsection 19-5.727 of this Chapter.

19-5.1705 Permitted Conditional Uses.

Permitted conditional uses are established as follows:

a. Wireless telecommunications towers in compliance with subsection 19-5.727a, 2, 3 and 4 and subsection 19-5.1009 of this Chapter.

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Redevelopment Plan Provisions

A redevelopment plan, which may supersede the zoning of an area or serve as an overlay thereto, specifies the following:

- Relationship of the project area to local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

- Proposed land uses and building requirements in the project area.

- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market.

- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. (Note: not every property in a redevelopment area must be acquired; the redevelopment plan can specify buildings or uses to remain in the redevelopment area and to be incorporated into the future design and development of the area).

- Any significant relationship of the redevelopment plan to the master plan of contiguous municipalities, the master plan of the county, and the State Development and Redevelopment Plan.
Criteria for Redevelopment Area Determination

Section 5 of the LRHL outlines the following criteria that are to be considered when evaluating the parcels in the study area. An area may be determined to be in Need of Redevelopment if, after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any one of the following conditions exists:

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

B. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenantable.

C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or developed thought the instrumentality of private capital.

D. Areas with building or improvements which, but for reason of dilapidation, obsolescence, over crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

G. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L.1983, c.303 (C.52: 27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A: 12A-5 and 40A: 12A-6) for the purpose of granting tax exemptions within the enterprise zone district to the provisions P.L.1991, c.431 (C.40A: 20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A: 21-1 et
Buildings or properties that have been neglected for long periods of time are frequently subject to numerous local code enforcement actions. Consequently, an analysis of applicability of the "a" criteria should include a review of local building, housing, fire, health, and property-maintenance code records.

The "a" Criteria - Deterioration
For an area to qualify as being in need of redevelopment pursuant to the "a" criteria, the planning board must find that the buildings in the area have deteriorated or fallen into such a state of disrepair that they constitute a threat to the people who live or work in them. Consequently, when analyzing the applicability of the "a" criteria, the planning board should focus on the physical conditions within the study area. This means that the professionals preparing the preliminary investigation report will need to visit the study area and assess the physical conditions of each of the properties in the area. If deterioration is severe, it often will be apparent from an exterior inspection of the building or buildings in the area. However, an interior examination of the building may sometimes be necessary. Photos should be used to document any evidence of deterioration and disrepair. Documentation of physical conditions also may be videotaped if it is appropriate and the expense warranted.

Buildings or properties that have been neglected for long periods of time are frequently subject to numerous local code enforcement actions. Consequently, an analysis of applicability of the "a" criteria should include a review of local building, housing, fire, health, and property-maintenance code records.

The Statutory Criteria - a more detailed narrative
This information has been provided to further explain the qualifying statutory criteria.

There are seven [now eight] statutory criteria that qualify an area as being in need of redevelopment. The seven [now eight] criteria are commonly identified by the letter corresponding to the paragraphs in Section 5 of the LRHL (N.J.S.A. 40A:12A-6). Generally, properties located within an area in need of redevelopment will meet more than one of the criteria. However, only one of the seven need be found for a delineated area to be determined in need of redevelopment.

H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. In addition to the above criteria, Section 3 of the LRHL (N.J.S.A. 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”
Privately owned land that has remained unimproved and vacant for at least ten years also may be designated in need of redevelopment pursuant to the "c" criteria. As with publicly owned land, it also enables municipalities to use the redevelopment process to generate private development interest in surplus public lands and get them back on the tax rolls. Over time, municipalities may obtain ownership of various properties through tax foreclosure. By designating these publicly owned parcels in need of redevelopment, the municipality is able to convey the parcel to a redeveloper without having to go through the public bidding process. The redeveloper is then required by a redeveloper agreement to redevelop them in accordance with a redevelopment plan. In contrast, the public bidding process allows the transfer of publicly owned properties to a private entity at a public sale, but does not effectively result in their redevelopment consistent with municipal objectives.

Typically, buildings that meet the "b" criteria will exhibit sufficient deterioration to meet the "a" criteria as well. However, to meet the "b" criteria, the deterioration or disrepair must be so extensive that the building may be considered "untenantable," as per the statutory criteria. It is important to remember that the "b" criteria is applicable only to commercial and industrial buildings and not to residential buildings. However, the nonresidential component of a mixed use building, which contains both residential and commercial uses, can meet the "b" criteria.

The "c" Criteria - Public and Vacant Land
Property owned by a municipality, county, housing authority, or redevelopment entity may be designated in need of redevelopment pursuant to the "c" criteria. However, care must be taken in establishing the planning reasons for the designation, particularly when only a publicly owned parcel or tract of land will be designated as an area in need of redevelopment. A recent court decision has determined that public ownership alone is not a sufficient reason for such a designation. The reasons why the development potential of a publicly owned property may be limited, such as its location, "remoteness," lack of access, topography, or soil conditions should be specified in findings of the preliminary investigation report.

The "c" criteria enables municipalities to use the redevelopment process to generate private development interest in surplus public lands and get them back on the tax rolls. Over time, municipalities may obtain ownership of various properties through tax foreclosure. By designating these publicly owned parcels in need of redevelopment, the municipality is able to convey the parcel to a redeveloper without having to go through the public bidding process. The redeveloper is then required by a redeveloper agreement to redevelop them in accordance with a redevelopment plan. In contrast, the public bidding process allows the transfer of publicly owned properties to a private entity at a public sale, but does not effectively result in their redevelopment consistent with municipal objectives.

Privately owned land that has remained unimproved and vacant for at least ten years also may be designated in need of redevelopment pursuant to the "c" criteria. As with publicly owned land, it also
must be shown that a vacant parcel is not likely to be developed through private investment because of development constraints resulting from its location, remoteness from other developed areas of the community, lack of access, topography, or soil conditions.

The "d" Criteria - Obsolete Layout and Design
While the "a" and "b" criteria focus on the condition of the buildings on a property, the "d" criteria focuses on site layout and design. In addition, the 'd' criteria expands the analysis of the statutory criteria to include a review of the condition of other site improvements, such as accessory structures and parking lots. Some of the factors to be reviewed in analyzing a study area for the applicability of the "d" criteria include the location and relationship of buildings, accessory structures and other site improvements, onsite circulation and parking, land use conflicts, as well as lot and building coverages within the study area. In general, properties that meet the "d" criteria are being used in a manner not consistent with modern land use planning standards or practices. Given the flexible nature of the "d" criteria, it often is used (along with the "e" criteria) in suburban settings, where deterioration and abandonment are not issues.

The "e" Criteria: Underutilization
The "e" criteria is applicable in circumstances where there is a quantifiable economic "underutilization" or "lack of proper utilization" of properties in a study area. This may be the result of property ownership and title problems, property configuration, or "other factors" that limit the economic viability and marketability of the properties in a study area and depress property values. Properties that meet the "e" criteria may include obsolete commercial and industrial facilities that may no longer be marketable, properties exhibiting poor design and arrangement consistent with the "d" criteria, or areas not developed in a manner consistent with the objectives of a municipality's zoning and master plan.

One of the indicators used to measure the economic productivity of a property is the ratio of the assessed value of the improvements on the property to the value of the land. The assessed values of land and improvements for a particular property are found in local property tax records. Developed properties in areas that are economically viable typically have improvement-to-land ratios of 2:1 or greater. Ratios of less than 2:1 may offer evidence of underutilization. A low improvement-to-land ratio, in itself, is not absolute proof that a property is in need of redevelopment. Improvement-to-land ratios should also be analyzed in connection with other evidence - such as the physical condition of the property or site layout - to determine the applicability of the statutory criteria. It may be necessary to compare ratios within the study area to those in surrounding areas or in other parts of the community. For example, the property values and tax revenue generated from two comparable blocks, one within the study area and one within an area considered economically stable, should be compared to determine the appropriate threshold in identifying underutilization.
The "g" Criteria - Urban Enterprise Zones
The Urban Enterprise Zone Act added criteria "g" to the redevelopment statute. Under the "g" criteria, urban enterprise zones (UEZs) designated by the New Jersey Urban Enterprise Zone Authority automatically qualify as areas in need of redevelopment for the purposes of granting long- and short-term tax abatements and exemptions. However, if a municipality wants to exercise any other redevelopment powers within the UEZ, including the power of eminent domain, it must prove that the area meets one or more of the other statutory criteria and formally designate the area in need of redevelopment pursuant to the procedures in the LRHL. A redevelopment plan for the area also must be adopted.

The "f" Criteria - Fire and Natural Disasters
The "f" criteria is intended to permit the redevelopment of a large area in a community that has been destroyed or where the property values have been materially reduced by a sudden natural disaster. It was first added to the old urban renewal statutes after a catastrophic fire in Passaic destroyed several city blocks. When the state's redevelopment laws were updated in 1992, the "f" criteria was retained, but the minimum tract area that could qualify for designation was reduced from ten to five contiguous acres.

A recent example of the application of the "f" criteria occurred in two municipalities along the Raritan River in central New Jersey that experienced extensive flood damage during 1999's Hurricane Floyd. The municipalities of Manville and Bound Brook used emergency flood assistance funds to redevelop their flood-ravaged areas. Bound Brook has adopted a redevelopment plan, and Manville is considering redevelopment of several key properties along its downtown corridor.

The "g" Criteria - Urban Enterprise Zones
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Master Plan Recommendation

Industrial Recommendations:

Section 19-5.2201 1-1 Industrial use should be modified to delete retail uses as a permitted use. Much of this zone is located along Route 53. This location is constrained as to being favorable for retail uses. It should also not draw retail uses away from the nearby central business district. Commercial recreation uses, such as the indoor volleyball use, martial arts instruction, and potentially others might be added to the list of permitted uses for this zone. (2000 Comprehensive Master Plan - land use element page 12)

Route 53 Recommendations:

Along Route 53 just north and on the same side of the street as the Mount Tabor Foodtown is a collection of six (6) properties slightly greater than 5.1 acres in size. These properties are under separate ownership and are developed in a variety of ways. These area [sic] is important in that it is one of the main corridors into Denville, yet this area with the railroad tracks running right behind the parcels is not as visually appealing as one would like. Opportunities to redevelop the area into a unified whole should not be lost. When the area is redeveloped it should do so in a way that does not detract from the downtown retail center. Because of the shallow depth and small size of these properties opportunities to achieve certain types or styles of redevelopment may be limited. (2000 Comprehensive Master Plan - land use element page 7)

... A study of the existing land uses along the Route 53 corridor should be undertaken by the Planning Board if authorized by Council. The primary focus of such a study should be on ways to upgrade this important gateway into [sic] Denville. Any area wide improvement should concentrate on the appearance of the area and providing amenities such as new sidewalks, street trees, and improved lighting. (2000 Comprehensive Master Plan - land use element page 13)
Along Route 53 just north and on the same side of the street as the Mount Tabor Foodtown is a collection of six (6) properties slightly greater than 5.1 acres in size. These properties are under separate ownership and are developed in a variety of ways. These area is important in that it is one of the main corridors into Denville, yet this area with the railroad tracks running right behind the parcels is not as visually appealing as one would like. Opportunities to redevelop the area into a unified whole should not be lost. When the area is redeveloped it should do so in a way that does not detract from the downtown retail center. Because of the shallow depth and small size of these properties opportunities to achieve certain types or styles of redevelopment may be limited. (2000 Comprehensive Master Plan - land use element page 7)

Master Plan Compatibility

A redevelopment plan can be looked at as a master plan for the subject property. In fact such a plan, supersedes a general master plan recommendations. When looking at the subject property, as it is currently zoned, it is compatible with the master plan recommendations. The last master plan proposed that the subject property be redeveloped in a manner that would not compete with the retail found in the down town area. The land use states:
Subject Properties Evaluation for Compliance with Redevelopment Criteria

An analysis of the subject properties existing land uses, site layout and physical characteristics was conducted utilizing tax maps / records, physical inspection of the area, review of aerial photography, Master Plan studies and maps. Photos were taken and a property survey form was completed for each property.

Site #1 Block 31207 Lot 11

Description: Lot 11 in Block 31207 is located on the northern side of Station Road between East Main Street and Lackawana Avenue and is found on tax map 312 and is illustrated below. The property is owned by the Denville String Band and contains a two story structure. Lot 11 contains approximately 87 feet of frontage along Station Road, approximately 100 feet of lot depth, and approximately 11,586 square feet (0.266 acres). This lot is located within the B-3 zoning designation, which does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height.
Evaluation:

Site #1 Block 31207 Lot 11 has the following conditions:

1) The location of the structure on site appears to maintain a zero foot front yard setback.
2) There is no formal parking lot.
3) Parking appears to violate setback standards for parking in the front yard, side yard, and proximity to the building.

Evaluation of Criteria:

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The B-3 zone is designed for businesses of a retail sales and service type and for use of office buildings for professional and business occupancy. The use of the property for the “Denville String Band” is not consistent with the zoning ordinance standards.
- The location of the building does not meet the zoning ordinance standards for front yard setback
- The location of the parking does not meet the zoning ordinance standards for parking within the front yard or located within 10 feet of a property line or within five feet of a building.
- The building is in fair condition.
- In general, the building location and configurations are not consistent with modern land use standards and as currently configured.
- The improvement to land ratio is well below 2:1 and is 0.286.

<table>
<thead>
<tr>
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Site #2  Block 31207, Lot 12

**Description:** Lot 12 in Block 31207 is located on the northern side of Station Road between East Main Street and Lackawana Avenue and is found on tax map 312 and is illustrated below. The properties is owned by Elham Assaf and contains a Multi-family structure. Lot 11 contains approximately 60 feet of frontage along Station Road, approximately 100 feet of lot depth, and approximately 7,274 square feet (0.1670 acres). This lot is located within the B-3 zoning designation, which does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height.

![Site #2 Block 31207, Lot 12 map](image-url)
**Evaluation:**

Site #2 Block 31207 Lot 12 has the following conditions:

1. The structure on site contains non conforming uses (multifamily units).
2. Parking appears to violate setback standards for parking in the rear yard as well as possibly violating the side yard setbacks.

**Evaluation of Criteria:**

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The use of the property for multi-family use is not consistent with the zoning ordinance standards for uses within the B-3 zone.
- The location of the building does not meet the zoning ordinance standards for the location of parking in the rear yard and side yards.
- The building is in fair condition.
- The improvement to land ratio is below 2:1 and is 1.296.

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Site #3  Block 31207, Lot 13

Description: Lot 13 in Block 31207 is located on the northern side of Station Road between East Main Street and Lackawana Avenue and is found on tax map 312 and is illustrated below. The property is owned by Cheung, Kwan Ching and contains a commercial structure. Lot 13 is oddly configured containing approximately 82 feet of frontage along Station Road and 174 feet of frontage along East Main Street. This lot is oddly configured with the narrowest portion of the lot measuring 40 feet in width. As previously indicated the lot also has 174 feet of frontage along East Main Street with the deepest portion of the lot is only 33 feet in depth. The lot has an area of 0.2670 acres. This lot is located within the B-3 zoning designation, which does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height.
Improvement to Block/Lot Location Land Value Value Total Land Ratio

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Evaluation:

Site #3 Block 31207 Lot 13 has the following conditions:

1) The structure on site contains a Chinese Restaurant and what appears to be apartments above it.
2) There does not appear to be any organized parking on site.
3) The dumpster on site is in poor condition.
4) The site is irregularly shaped so as to make most of the lot unusable.

Evaluation of Criteria:

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The use of the property for a mixed use of residential uses and a restaurant is not consistent with the zoning ordinance standards for uses within the B-3 zone.
- The building is in fair condition.
- There is no formal parking.
- The shape of the lot makes most of the acreage unusable for its intended use.
- The improvement to land ratio is below 2:1 and is 1.076.
Site #4 Block 31207, Lot 14

Description: Lot 14 in Block 31207 is located at the intersection of Station Road and East Main Street and is found on tax map 312 and is illustrated below. The property is owned by the State of New Jersey Department of Transportation and is utilized for transportation. Lot 14 is triangular in shape with 114 feet of frontage along Station Road and 106 feet of frontage along East Main Street. The lot has an area of 0.0940 acres. This lot is located within the B-3 zoning designation, which does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height.
Block 31207, Lot 14 (viewing north)

Block 31207, Lot 14 (aerial viewing north)
Evaluation:

Site #4 Block 31207 Lot 13 has the following conditions:

1. The site is utilized for transportation purposes, more specifically, a travel way at the intersection of Station Road and Route 53.
2. The site can not be utilized for any of the permitted uses in the zone it is located.

Evaluation of Criteria:

Even though the property has an improvement to land ratio of 0 it does not qualify under any of the criteria for a lot in need of redevelopment.

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Site #5 Block 31207, Lot 15

Description: Lot 15 in Block 31207 is located wester side of East Main Street and is found on tax map 312 and is illustrated below. The property is owned by the Vita Properties, LLC and is now utilized as a day spa offering facials, massages and sunless tanning by appointment only. Lot 14 is triangular in shape with 176 feet of frontage along East Main Street and a triangle point on Station Road. The lot has an area of 0.1540 acres. This lot is located within the B-3 zoning designation, which does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height.
Evaluation:

Site #5 Block 31207 Lot 15 has the following conditions:

1) The size and lot shape of the property necessitates any use to require variances for the principal building and for the location of parking spaces.
2) The location of the building violates the rear yard setback for the zoning in which it is located.
3) Parking violates setback standards for parking in the rear yard as well as well as parking in the front yard.

Evaluation of Criteria:

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The location of the building does not meet the zoning ordinance standards as it violates the minimum rear yard.
- The location of parking is in the rear and front yard setbacks.
- The building is in fair condition.
- The improvement to land ratio is below 2:1 and is 0.965.

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Theimprovement to land ratio is below 2:1 and is 0.965.
Description: Lots 16 and 17 in Block 31207 are located on the western side of East Main Street and are found on tax map 312 and is illustrated below. The properties were previously owned by the Redmond Press and contain two buildings on site. As of October 14, 2015, this site was purchased by Station Village at Denville, LLC. A portion of the site is currently being rented for a playground equipment office/warehousing. The remaining portions of the site is vacant and not utilized. The properties contain 265 feet of frontage along East Main Street. The western side of the property abuts the Railroad right-of-way as well as the parking lot for said train. The two lots contain an area of approximately 2.095 acres. The lots are located within the I-I zoning designation, which requires one acre of land, 175 feet of lot width, lot depth of 249 feet, 25 foot front yard, 20 foot side yard and a 50 foot rear yard. All buildings must be least than 30 feet in height.
Site #6a  Block 31207, Lot 17 (viewing northeast: rear of property)

Site #6a  Block 31207, Lot 17 (viewing from lot 18)
Evaluation:

Site #6 contains two lots (Block 31207, Lots 16 & 17). Site #6 has been analyzed with two separate evaluations and one combined evaluation as follows:

Site #6A The subject property (lot 16) is substandard for the following reasons:

1) The site used to contain a gas station. A demolition permit was issued in August of 1989 and was removed shortly thereafter.
2) The underground storage tank was removed on October 2, 1996.
3) The site was contaminated (remediation was completed by Station Village at Denville, LLC) and is currently monitored by NJDEP.

Evaluation of Criteria: The property (lot 16) exhibits conditions consistent with Statutory Criteria “C” as the property has been vacant for over 10 years.

The property exhibits conditions consistent with Statutory Criteria “C” and Criteria “E”

This is due in part to the following:

- The site has been vacant for more than 10 years.
- The fact that the property is vacant yields an improvement to land ratio of zero.

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<td>$120,000</td>
<td>$155,600</td>
<td>$275,600</td>
<td>1.296</td>
</tr>
<tr>
<td>31207/13</td>
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<td>$137,000</td>
<td>$147,500</td>
<td>$284,500</td>
<td>1.076</td>
</tr>
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<td>$123,200</td>
<td>0.000</td>
</tr>
<tr>
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<td>31207/16 &amp; 17</td>
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<td>$285,000</td>
<td>$23,300</td>
<td>$308,300</td>
<td>0.817</td>
</tr>
</tbody>
</table>
Site #6B The subject property (lot 17) is substandard for the following reasons:

**Evaluation of Criteria:**

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The location of the main building does not meet the zoning ordinance standards as it violates the minimum rear and side yard setbacks.

- The location of the accessory building does not meet the zoning ordinance standards as it violates the minimum rear and side yard setbacks, and may in fact encroach onto the neighboring railroad right of way.

- The location of the accessory building appears to violate the special industrial buffer of 75 feet from a residential zone.

- The building is in fair condition.

- The shape of the lot makes portions of unusable for its intended use without the need for variances.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Location</th>
<th>Land Value</th>
<th>Improvement Value</th>
<th>Total</th>
<th>Improvement to Land Ratio</th>
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<tr>
<td>31207/11</td>
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<td>$790,700</td>
<td>$1,158,200</td>
<td>2.151</td>
</tr>
<tr>
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<td>475 &amp; 495 E Main St</td>
<td>$1,023,800</td>
<td>$790,700</td>
<td>$1,814,500</td>
<td>0.772</td>
</tr>
<tr>
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<td>12 Station Rd</td>
<td>$285,000</td>
<td>$23,300</td>
<td>$308,300</td>
<td>0.817</td>
</tr>
</tbody>
</table>
Site #6A&B The subject properties (lots 16 & 17) are substandard for the following reasons:

**Evaluation of Criteria:**

The property exhibits conditions consistent with Statutory Criteria “D” and Criteria “E”.

This is due in part to the following:

- The location of the main building does not meet the zoning ordinance standards as it violates the minimum rear and side yard setbacks.
- The location of the accessory building does not meet the zoning ordinance standards as it violates the minimum rear and side yard setbacks, and may in fact encroach onto the neighboring railroad right of way.
- The buildings are in fair condition.
- The improvement to land ratio is below 2:1 and is 0.772.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Location</th>
<th>Land Value</th>
<th>Improvement Value</th>
<th>Total</th>
<th>Improvement to Land Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>31207/11</td>
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<td>8 Station Rd</td>
<td>$120,000</td>
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</tr>
<tr>
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<td>475 &amp; 495 E Main St</td>
<td>$1,023,800</td>
<td>$790,700</td>
<td>$1,814,500</td>
<td>0.772</td>
</tr>
<tr>
<td>31207/18</td>
<td>12 Station Rd</td>
<td>$285,000</td>
<td>$23,300</td>
<td>$308,300</td>
<td>0.817</td>
</tr>
</tbody>
</table>
Site #7  Block 31207, Lot 18

Description: Lot 18 in Block 31207 is located on the northern side of Station Road at its intersection with the railroad right-of-way and is found on tax map 312 and is illustrated below. The property is owned by the New Jersey Transit and is utilized for a Train Station. Lot 18 is rectangular in shape with 70 feet of frontage along Station Road and 248 feet of in depth (and in this instance, frontage along the railroad right-of-way). The lot has an area of 0.35 acres. This lot is located within both the B-3 and the I-1 zoning designation. The B-3 zone does not have a lot width, depth, area requirements. The B-3 zone requires a 25 foot front yard, 10 foot side yard and a 15 foot rear yard. All buildings must be least than 30 feet in height. This lot is also located within the I-1 zoning designation, which requires one acre of land, 175 feet of lot width, lot depth of 249 feet, 25 foot front yard, 20 foot side yard and a 50 foot rear yard. All buildings must be least than 30 feet in height.
Block 31207, Lot 18 (Viewing south)

Block 31207, Lot 18 (aerial, viewing east)
Site #7 The subject property (lot 18) has the following condition:

1. The site is utilized for transportation purposes, more specifically, it is the location of New Jersey Transit’s Mount Tabor train station.
2. The site is utilized for a train station and it is a non-conforming use.

Evaluation of Criteria:

- The site is utilized for a non-conforming use.
- The improvement to land ratio is below 2:1 and is 0.817.

Even though the property has an improvement to land ratio of under 2:1 and it contains a non-conforming use, it does not qualify under any of the criteria for a lot in need of redevelopment. The lot is peculiarly and uniquely situated for use as a train station because of its shape and location.
Conclusion

This report evaluated lots 11 through 18 in block 31207 in the Township of Denville to ascertain whether or not they meet the statutory criteria found in N.J.R.A. 40A:12A-5 of the Local Redevelopment Housing Law for an area in need of redevelopment. The chart below indicates that all but two of the lots (lots 14 and 18 in block 31207) meet direct criteria while the other three can be included in the redevelopment area as they would be outlying lots if not included.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Acres</th>
<th>Property Location</th>
<th>Redevelopment Criteria</th>
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<tr>
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<td>“D” and “E”</td>
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<td>0.2670</td>
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<td>“D” and “E”</td>
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<td>31207/14</td>
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<td>“D” and “E”</td>
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<td>“C” and “E”</td>
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<td>31207/18</td>
<td>0.3500</td>
<td>4 STATION RD</td>
<td>“H”</td>
</tr>
</tbody>
</table>

If the municipality wishes to move forward with this designation as an area in need of redevelopment, the two lots (14 and 18 in block 31207) should be included in the redevelopment area, but existing uses should be permitted.
Redevelopment Plan

Modifications to definitions

The following terms are added to section 19-1.2 entitled “Definitions”

For the purpose of this redevelopment plan, the following shall not be consider a “structure”:

- Stairs, sidewalks, retaining walls, handrails, lighting fixtures or any ADA required ramps or fixtures;
- Recreational facilities such as: benches, picnic tables, gazebos, grills, bicycle racks, flagpoles, and playground equipment;
- Seepage pits or monitoring wells;
- Facilities for the collection of solid waste such as dumpsters and recycling bins.

Block 31207 Lots 16 and 17

Permitted Uses
The redevelopment of these properties shall contain one of the following permitted uses:

1) Garden Apartments
2) Mid Rise Apartments

Permitted Accessory Uses
Any and all uses of land that is customarily, habitually, and by long practice as being established by reasonably association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

1) Decks
2) Patios/Terraces
3) Porticos
4) Open Space / Recreation area; including but not limited to
   a. Gazebos
   b. Benches
   c. Picnic tables
   d. Grilling facilities
   e. Playground equipment
   f. Bicycle Racks

5) Emergency Generator

6) Signs

7) Solid Waste and Recycling Facilities

8) Retaining Walls

9) Lighting

10) Community Facility including but not limited to
    a. Fitness room
    b. Lobby
    c. Community room

Density
A maximum of 30 dwelling units per acre is permitted on the subject properties.

Bedroom Distribution
In any garden or mid-rise apartment development governed by this redevelopment plan there shall be the following distribution of bedrooms:

One (1) bedrooms: 60 percent of the development.

Two (2) bedrooms: 40 percent of the development.

In no case shall any building contain only one bedroom dwellings.

Any mathematical calculations resulting in a fraction in excess of .49 shall be rounded up to the next whole number otherwise it shall be rounded down to the whole number.
Bulk Standards

In any garden or mid-rise apartment development governed by this redevelopment plan the following bulk standards shall apply:

Principal Building Setbacks:
- Front yard setback: 50 feet
- Side yard setback: 25 feet
- Rear yard setback: 50 feet

Accessory Building Setbacks
- Front yard setback: 50 feet
- Side yard setback: 25 feet
- Rear yard setback: 5 feet

Parking spaces setback
- Front yard setback: 10 feet
- Side yard setback: 5 feet
- Rear yard setback: 5 feet
- Distance to point of access: 150 feet

Maximum Building Height: 50 feet
Maximum Building Length: 400 feet
Buildings in excess of 200 feet in length must provide two additional points of access.

Maximum Accessory Structure Height: 18 Feet

Maximum Coverage
- Building Coverage: 25%
- Impervious Coverage: 80%

Open Space Requirement
There shall be a minimum of 20 percent of the site to be left in a natural, landscaped, or recreation area.

Trash
The development shall provide one location of sufficient size for the temporary storage of refuse and recycling for regular and routine collection. Provisions shall be made so that individual unit owners are not required to access said trash enclosure. Said trash area shall be enclosed with a solid fence of at least six feet in height and shall contain landscaping on three sides. The trash enclosure shall be located no closer than five feet from any property line.
Mailboxes
All mailboxes shall be internal to the building and accessible through a common lobby.

Parking
All parking areas shall be designed with service aisles to meet the following standards:
1. Parallel to thirty-degree angle parking: twelve-foot aisle width.
2. Thirty-one-degree to forty-five-degree angle parking: fourteen foot aisle width.
3. Forty-six-degree to sixty-degree angle parking: eighteen-foot aisle width.

Only one-way traffic circulation shall be permitted in twelve-, fourteen-, and eighteen-foot aisle widths.

The parking requirements shall comport with the Residential Site Improvement Standards (RSIS).

Lighting
The lighting requirements shall comport with the section 19-5.731 (Outdoor Lighting) of the Township of Denville’s zoning ordinance.

Utility Meters
All utility meters may be located in the interior of the building so long as said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.

Air conditioning units, emergency generators, or other sound producing equipment
Any emergency generators, air conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.
Decks and Patios
All decks and patios shall have a maximum area of 75 square feet and shall not extend more than six feet from the building wall. Where possible said deck or patio shall be inset and not extend past the furthest projected building wall. Although the use of decks and patios will be governed by a rental agreements, there shall be no storage permitted on any deck or patio. Furthermore, no cooking equipment shall or drying racks or lines shall be allowed on said decks or patios.

Signage
With the exception of the allowable two wall signs, street signs, traffic control signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign or freestanding sign.

A proposed monument or freestanding sign shall be located on the property, but outside any area required sight triangle, shall contain no more than twenty-four (24) square feet per side and no more than two (2) sides. A proposed monument or free standing sign shall not exceed three feet in height from the base of the sign and may be externally lit.

Two wall signs shall permitted contain no more than twenty-four (24) square feet and may be back lit or externally lit.

Access
Access from Route 53 shall be governed by the New Jersey Department of Transportation. A secondary point of access can be permitted through adjacent properties so long as access easements are granted in perpetuity.

Affordable Housing
The redevelopment of this site must provide affordable housing consistent with the Township of Denville’s Housing Plan and Fair Share Plan. All said units shall be constructed on site and integrated among all buildings and throughout the development so as to be indistinguishable from the exterior of the building.

For any multi-family development, the application shall be required to provide a minimum of 15 percent of the entire number of dwelling units for low and moderate income housing.
Block 31207 Lot 11

Permitted Uses
The redevelopment of this property shall contain one of the following permitted uses:

1) Non-profit organizations
2) Retail / Office mixture wherein retail is on the first floor and office space is located on the second floor.

Permitted Accessory Uses
Any and all uses of land that is customarily, habitually, and by long practice as being established by reasonably association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

1) Open Space / Recreation area
2) Emergency Generator
3) Signs
4) Solid Waste and Recycling Facilities
5) Retaining Walls
6) Lighting
7) Sidewalks/Walkways

Conditional Uses
If the owner of lot 11 in block 31207 also owns lots 16 and 17 in the same block the following uses may be permitted in the existing structure or a newly constructed structure:

1) Recreational space
2) Meeting room
3) Card room

The following recreational uses would also be permitted on site:

a. Gazebos
b. Benches
c. Picnic tables
d. Grilling facilities
e. Playground equipment
f. Bicycle racks
Bulk Standards

Reuse of the current structure shall be permitted and be considered conforming under this redevelopment plan. For redevelopment of the site, the following shall setbacks shall apply:

Principal Building Setbacks:
- Front yard setback: 25 feet
- Side yard setback: 10 feet
- Rear yard setback: 15 feet

Parking spaces setback:
- Front yard setback: 10 feet
- Side yard setback: 5 feet
- Rear yard setback: 5 feet

Maximum Building Height: 30 feet
Maximum Accessory Structure Height: 18 Feet

Maximum Coverage:
- Building Coverage: 25%
- Impervious Coverage: 80%

Open Space Requirement
There shall be a minimum of 20 percent of the site to be left in a natural or landscaped open area.

Trash
The development shall provide one location of sufficient size for the temporary storage of refuse and recycling for regular and routine collection. Said trash area shall be enclosed with a solid fence or landscaping on at least two sides. The trash enclosure shall be located no closer than five feet from any property line.

Parking
All parking areas shall be designed with service aisles to meet the following standards:
1. Parallel to thirty-degree angle parking: twelve-foot aisle width.
2. Thirty-one-degree to forty-five-degree angle parking: fourteen foot aisle width.
3. Forty-six-degree to sixty-degree angle parking: eighteen-foot aisle width.

Only one-way traffic circulation shall be permitted in twelve-, fourteen-, and eighteen-foot aisle widths.
For the purpose of this redevelopment plan the definition of parking space shall be as follows

**PARKING SPACE:**
The parking area for the parking of one motor vehicle. Such a parking space shall provide for a rectangular area of not less than 180 square feet exclusive of access drives or aisles and shall be a minimum of 9 feet in width measured perpendicular to the axis of the length. Each space shall about an access driveway or aisle.

**Lighting**
The lighting requirements shall comport with the section 19-5.731 (Outdoor Lighting) of the Township of Denville’s zoning ordinance.

**Utility Meters**
All utility meters may be located in the interior of the building so long as said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.

**Air conditioning units, emergency generators, or other sound producing equipment**
Any emergency generators, air conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.

**Signage**
With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. For reuse of the existing building a single wall sign shall be permitted. This wall sign shall contain no more than twelve (12) square feet and may be externally lit.
Block 31207 Lots 12, 13 and 15

Permitted Uses
The redevelopment of these properties shall be done when all three properties are under common ownership or control and may contain one of the following permitted uses:

1) Retail sales and services;
2) Retail / Apartment Mix wherein retail is on the first floor and apartments are on the second floor.

Permitted Accessory Uses
Any and all uses of land that is customarily, habitually, and by long practice as being established by reasonably association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

1) Open Space / Recreation area
2) Emergency Generator
3) Signs
4) Solid Waste and Recycling Facilities
5) Retaining Walls
6) Lighting

Density
A maximum of 12 dwelling units per acre are permitted on the subject properties.

Bulk Standards

Reuse of the current structure shall be permitted

Principal Building Setbacks:
  Front yard setback  25 feet
  Side yard setback   10 feet
  Rear yard setback  15 feet

Parking spaces setback
  Front yard setback  10 feet
  Side yard setback  5 feet
  Rear yard setback  5 feet

Maximum Building Height  30 feet / 2 Stories
Maximum Accessory Structure Height  18 Feet

Maximum Coverage
  Building Coverage  25%
  Impervious Coverage  80%
Open Space Requirement
There shall be a minimum of 20 percent of the site to be left in a natural or landscaped open area.

Trash
The development shall provide for the temporary storage of refuse and recycling for regular and routine collection. Said trash area shall be enclosed with a solid fence and shall contain landscaping on at least two sides. The trash enclosure shall be located no closer than five feet from any property line.

Parking
All parking areas shall be designed with service aisles to meet the following standards:
1. Parallel to thirty-degree angle parking: twelve-foot aisle width.
2. Thirty-one-degree to forty-five-degree angle parking: fourteen foot aisle width.
3. Forty-six-degree to sixty-degree angle parking: eighteen-foot aisle width.

Only one-way traffic circulation shall be permitted in twelve-, fourteen-, and eighteen-foot aisle widths.

The parking requirements shall comport with the Residential Site Improvement Standards (RSIS).

Lighting
The lighting requirements shall comport with the section 19-5.731 (Outdoor Lighting) of the Township of Denville’s zoning ordinance.

Utility Meters
All utility meters may be located in the interior of the building so long as said meters are located within a common area and not within an individual unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.

Air conditioning units, emergency generators, or other sound producing equipment
Any emergency generators, air conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.
Signage
With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign or a wall sign may be permitted.

A proposed monument shall be located on the property, but outside any area required sight triangle, shall contain no more than twenty-four (24) square feet per side and no more than two (2) sides. A proposed monument shall not exceed three feet in height from the base of the sign and may be externally lit.

This wall sign shall contain no more than twenty-four (24) square feet and may be externally lit.

Affordable Housing Units
The redevelopment of this site must provide affordable housing consistent with the Township of Denville’s Housing Plan and Fair Share Plan. All said units shall be constructed on site and integrated among all buildings and throughout the development so as to be indistinguishable from the exterior of the building.

For any multi-family development, the application shall be required to provide a minimum of 15 percent of the entire number of dwelling units for low and moderate income housing.
These two lots have been included in this redevelopment plan as they are outlying property that do not meet the statutory requirements for redevelopment. The permitted uses for these properties are transportation uses and associated parking only.
Steve

Thanks for your assistance in this matter. As the recreational marijuana laws are not known yet, we wanted to touch base with you to see if you foresaw any issues or concerns if such a prohibition was considered as part of this ordinance.

In discussing this matter before last night’s meeting, the Mayor would like to preemptively ban marijuana (whether medicinal or if recreational marijuana is legalized) from the B-1 Zone. If recreational marijuana is ultimately legalized, we will take a larger Township-wide review of what our policy should be. However, as we are looking to amend the ordinance pertaining to the B-1 zone and the Mayor specifically does not want any marijuana sales in the downtown, we thought it might be wise to add it to this ordinance. We also discussed adding tattoo parlors or body art establishments to the list of prohibited uses in the B-1 zone.

As the recreational marijuana laws are not known yet, we wanted to touch base with you to see if you foresaw any issues or concerns if such a prohibition was considered as part of this ordinance.

Thanks for your assistance in this matter.

Steve
Definitions:

Retail Services

Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, personal services such as, but not limited to, cleaners, tailors, cobblers, beauty salons and barbershops, theaters, museums and galleries.

9-5.1401. Primary intended use.

It is the intention of this ordinance to clarify the location of certain uses in the central business zone (B-1) in the Township. The first, or ground floor, of the building in the B-1 zone should be utilized for retail sales and limited retail services. Retail services is a broad land use category that could encompass a dry cleaner, health club, and even a SAT preparatory company. Each of these uses have distinct customer types and traffic and pedestrian patterns. This ordinances goal is restrict the majority of those types of uses that have longer customer interactions to the second floor, while advocating uses with faster customer interactions to the first floor.

This zone is designed for businesses of a retail sales and retail services, but also permits professional or service offices.

A. The following uses are permitted on the first, or ground floor:
   1. Retail Sales
   2. Retail Services excluding the following:
      a. Health clubs and facilities
      b. Educational facilities
      c. Recreational facilities
      d. Social services

B. The following uses are permitted on the second floor:
   1. Retail Sales
   2. All Retail Services

   c. Parking facilities conforming to Section 19-5.8.
   d. Institutional uses as regulated by Subsection 19-5.1001.
   e. Signs as regulated in Section 19-5.9.
RESOLUTION

WHEREAS, the Open Public Meetings Act P.L. 1974, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, that the public shall be excluded from discussion of the following matter(s):

- A confidential matter, under Federal Law or State Statute, or rule of court
- A matter in which the release of information would impair a right to receive funds from the Government of the United States
- Material the disclosure of which constitutes an unwarranted invasion of privacy
- Collective bargaining negotiations.
- A matter involving the purchase, lease or acquisition of real property with public funds,
- Tactics and techniques utilized in protecting the safety and property of the public, including investigations of violations or possible violations of the law,
- Pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party, specifically ______________________
- Matters falling within the attorney-client privilege
- A matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of a specific prospective public officer or employee employed or appointed by the public body
- Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit

BE IT FURTHER RESOLVED that minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on January 9th, 2018.