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THIRD AMENDMENT TO DOWNTOWN REDEVELOPMENT PLAN		
TOWNSHIP OF WEST ORANGE		
ESSEX COUNTY, NEW JERSEY		
December 2010		

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I. INTRODUCTION

The "Amendments to Downtown Redevelopment Plan" adopted August 15, 2006 (the "**First Amendment**"), amended the March 2003 Downtown Redevelopment Plan (the "**Original Plan**"). The "**Second Amendment**" was adopted March 6, 2007. This third amendment (the "**Third Amendment**") amends and restates the First and Second Amendments and further modifies the Original Plan. The Original Plan, the Second Amendment together with this Third Amendment comprise and are referred to herein as the "**Plan**" or the "**Redevelopment Plan**".

II. OBJECTIVES

This Third Amendment amends the Home Services District (HSD) to add bus parking as a permitted use in this district. This will continue to promote the principles of a mixed-use community with a variety of housing choices and commercial uses; to provide pedestrian-friendly streets and public rights-of-way; to create more parking for school vehicles and create more off street parking.

Many of the light industrial uses existing in this zone have been members of the community for many years. Bus parking has been located in this area for many years and provides a benefit to the Township. In addition by adding the off street parking to this area will create an enhanced street setting.

None of the existing permitted uses within the Home Services District are rescinded or modified by this Third Amendment.

III. ADMINISTRATIVE PROVISIONS

The Redevelopment Plan, shall supersede the applicable provisions of the Township of West

Orange Land Development Ordinance (the "**Zoning Ordinance**"). Any zoning question that is not addressed herein shall refer to the Zoning Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of the Redevelopment Plan, as provided below. Upon final adoption of this Third Amendment by the Municipal Council of the Township of West Orange, the Zoning Ordinance and Zoning Map shall be amended to rezone the properties rezoned herein to conform with the provisions of the Redevelopment Plan as amended hereby, and all underlying zoning shall be voided.

All development within the Downtown Redevelopment Area shall be consistent with the guidelines, standards and requirements of the Redevelopment Plan. The regulations and controls in the Redevelopment Plan may be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land deposition and conveyances executed thereto.

No building or structure shall be constructed over public rights-of-way or easements, without the prior, written approval of the Municipal Engineer and site plan approval has been approved by the Planning Board.

Prior to the commencement of any new construction, reconstruction, or rehabilitation of any existing structure or property change of use; a site plan for such shall be submitted by the developer or property owner to the Planning Board for review, so that compliance of such plans with the Redevelopment Plan can be determined. No Building Permit shall be issued for any work requiring site plan review within the Area, without prior site plan review and approval of such work by the Planning Board. Regular maintenance and minor repair shall not require Planning Board review.

The provisions of the Redevelopment Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval of the Original Plan by the Township of West Orange Municipal Council. This Third Amendment and any subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such subsequent amendments.

Site plan review shall be conducted by the Planning Board pursuant to the *Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.* As part of the site plan review, the Planning Board may require that the applicant provide additional studies, data and analyses that are not referenced in the Plan but are reasonably needed for an informed review. Such additional information may include, but is not limited to, parking and traffic studies, fiscal impact analyses, and sanitary and storm sewer investigations to determine the adequacy of the respective utilities.

Any subdivision of lots and parcels of land within the Area shall be in accordance with the requirements of the Plan and any plan amendments.

The Planning Board may grant deviations from the regulations contained within the Original Plan as amended, including by the Third Amendment, subject to the scope and limitations set forth below, without such deviations being considered an amendment to this Redevelopment Plan requiring action by the Township pursuant to the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* Such deviations may be granted wherever, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to the Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

The Planning Board may also grant a deviation from the regulations contained within the Redevelopment Plan related to a specific piece of property where the purposes of the Redevelopment Plan would be advanced by such deviation from the strict application or the benefits of granting the deviation would outweigh any detriments.

The Planning Board may grant exceptions or waivers from the design standards associated with site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval if the literal enforcement of one or more provisions is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site.

No deviations from the regulations contained in the Redevelopment Plan shall be granted if such deviation would 1) result in permitting or expanding a use that is not a permitted use within the Area, 2) result in an increase in the maximum permitted height of greater than ten percent, or 3) result in an increase in the permitted density within the Area. An application requesting a deviation from the requirements of the Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in **N.J.S.A. 40:55D-12 (a) & (b).**

If any word, phrase, clause, section or provision of this document shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

IV. AFFECTED PROPERTIES

Table I lists the properties, by tax map block and lot number, which are affected by this Third Amendment by adding bus parking as a permitted use in the Home Services District. As further clarification, Table 1-A lists all of the properties in the Area and identify the intended zoning district changes.

TABLE 1-
PROPERTIES LOCATED IN THE HOME SERVICES DISTRICT (HSD) ZONE
Affected Properties

Block 63

BLOCK	LOT	STREET ADDRESS	ZONE	
63	1	1 Park Avenue	Home Services District	
63	1.01	7 Standish Avenue	Home Services District	
63	1.02	Park Avenue	Home Services District	
63	1.03	3 Park Avenue	Home Services District	
63	1.04	5 Park Avenue	Home Services District	
63	1.05	5 Standish Avenue	Home Services District	
63	6	11 Standish Avenue	Home Services District	
63	8	15 Standish Avenue	Home Services District	
63	14	41-67 Standish Avenue	Home Services District	
63	21	45 Standish Avenue	Home Services District	
63	24	22 Lakeside Avenue	Home Services District	
63	25	47 Standish Avenue	Home Services District	
63	33	18-20 Lakeside Avenue	Home Services District	
63	36	10 Lakeside Avenue	Home Services District	
63	37	8 Lakeside Avenue	Home Services District	
63	38	6 Lakeside Avenue	Home Services District	
63	43	Lakeside Ave. I Standish	Home Services District	
63	33.01	Lakeside Avenue	Home Services District	
63	39	Lakeside Avenue	Home Services District	
63	40	Lakeside Avenue	Home Services District	
63	41	Not fronting a street	Home Services District	

Block 64

BLOCK	LOT	STREET ADDRESS	ZONE	
64	2	17 Park Avenue. I Standish	Home Services District	
64	2.01	Standish Avenue	Home Services District	

64	2.02	Standish Avenue	Home Services District	
64	2.03	Standish Avenue	Home Services District	
64	2.04	Standish Avenue	Home Services District	
64	2.05	Standish Avenue	Home Services District	
64	3 (portion)	Park Avenue	Home Services District	

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PLATE I
ZONING MAP: DOWNTOWN REDEVELOPMENT PLAN ZONES

TABLE II
LAND USE REGULATIONS FOR THE HOME SERVICES DISTRICT

Home Services District	Requirements
Permitted Uses	1. Bus Parking 2. Art/Crafts studio space 3. Lumber Yards 4. Printing facilities and uses related to printing such as printing supplies and engraving operation 5. Warehouses 6. Machine shops 7. Research laboratories 8. Retail 9. Wholesale businesses 10. Surface or structures/deck parking
Permitted Accessory Uses	1. Uses customary, incidental and accessory to the principal use such as signage and parking 2. Offices
Bulk Standards	1. Maximum height: 35 Feet 2. Front yard set back: Current sidewalk width and roadway must be maintained. Maximum front yard setback: 20 Feet
Parking/ Loading Standards	1. 1 space for each 400 square feet of any permitted principal use 2. Off-street parking and loading areas shall be coordinated with the public street system serving the HSD in order to avoid conflicts with through-traffic, obstruction to pedestrian walks, vehicular through fares. Shared between and among mixed encouraged and 3. A minimum of ten percent of any structure parking facility including buses shall be landscaped and shall
and parking uses is will be factored in for purposed calculations.	

Design Standards

- include one shade tree for every ten parking spaces. A landscape buffer of the perimeter shall be planted.
- 4. Service entrances and loading areas between adjacent building shall be consolidated and separated from walkways and pedestrian entrances to the extent possible
- 1. The HSD shall contain decorative banners and/or signage to reinforce the character of the district
- 2. Trash receptacles and dumpsters shall be effectively screened by landscaping and/or low walls

V. DESIGN OBJECTIVES AND REQUIREMENT

The general standards and Prohibitions, New Building Design, Parking Structure Design requirements, landscape, lighting and Open Space, Signage requirements, Commercial signage remain the same as in the Second Amendment dated, February 7, 1907

VI. ACQUISITION PLAN

The acquisition plan remains unchanged from that of the Original Plan and the previous Amendments.

VII. RELOCATION AND AFFORDABLE HOUSING REQUIREMENTS

Remains unchanged from that of the Original Plan and the previous Amendments.

VIII. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

Remains unchanged from that of the Original Plan and the previous Amendments.

IX. RELATIONSHIP TO MUNICIPAL DEVELOPMENT REGULATIONS

Remains unchanged from that of the Original Plan and the previous Amendments.

X. RELATIONSHIP TO OTHER PLANS

A comparison of the Redevelopment Plan as amended, including by this Third Amendment, to the Zoning Ordinance and Master Plan for the City of Orange shows that the residential uses in the proposed West Orange E-MR Zone are across Watchung Avenue from residential uses in the A-2 One, Two and More Residential Zone in the City of Orange. The policies advanced in the amendments to the 2003 Redevelopment Plan are consistent with the policies for Metropolitan Planning Areas (PA-1) in the March 1, 2001 State Development and Redevelopment Plan which encourages efficient use of existing resources in urbanized areas.

The Redevelopment Plan, as amended, including by this Third Amendment, is also consistent with New Jersey's Office of "Smart Growth" planning principles. "Smart Growth" means: planning, designing, and building livable communities in ways that make more efficient use of land and infrastructure improvements and in ways that protect the environment and valuable natural resources. The twin aspects of "Smart Growth" are revitalizing cities and towns to

encourage redevelopment an infill development, while also discouraging sprawl in suburban and rural areas through more compact development.
The County of Essex has an older master plan, which has not been updated in many years.