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**Fourth Amendment to Downtown Redevelopment Plan
Township of West Orange, New Jersey**

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Prepared for:
Township of West Orange

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The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2

A handwritten signature in black ink, appearing to read "Paul Grygiel", is written over a horizontal line.

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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, and the “Third Amendment” was adopted in 2010.

This “Fourth Amendment” amends and restates the First, Second and Third Amendments and further modifies the Original Plan. The Original Plan together with the Second, Third and Fourth Amendments comprise and are referred to herein as the “Plan” or the “Redevelopment Plan.” To the extent not inconsistent with this Fourth Amendment, the terms of provisions of the Original Plan, First Amendment, Second Amendment and Third Amendment shall continue in effect and are incorporated herein.

II. OBJECTIVES

This Fourth Amendment amends zones of the Redevelopment Plan by creating one new overlay zone (the Film Services Overlay District (FSOD)) and modifying the regulations of two zones (the Edison Mixed Residential (E-MR) and the Main Street Subdistrict (MSS)).

The FSOD will diversify the use mix and economic base of West Orange, while also providing for film production activities adjacent to the location of the world's first film production studio, the Black Maria, which was on the grounds of what is now the Thomas Edison National Historical Park.

The regulations of the E-MR are being modified to encourage appropriate residential development, in order to further address the Township’s affordable housing obligations. The permitted uses in the MSS are being expanded to allow for uses recently added to the permitted uses in the B-1 zone district, which abuts the MSS to the north and south.

The Redevelopment Plan 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; and further the redevelopment of this section of the Township.

III. ADMINISTRATIVE PROVISIONS

A. GENERAL

The Redevelopment Plan shall supersede the applicable provisions of the Township of West Orange Land Use Regulations 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 shall have the sole au-

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thority to grant deviations from the requirements of the Redevelopment Plan, as provided below. Upon final adoption of this Fourth 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, except as otherwise specifically provided herein.

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 Fourth 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.

Pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-7, the Redevelopment Plan is required to include proposed locations for public electric vehicle charging infrastructure in a manner that appropriately connects with an essential public charging network.

B. DEVIATIONS

The Planning Board may grant deviations from the regulations contained within the Original Plan as amended, including by the Fourth 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 effecting 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 of 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 and 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.

C. PLAN TERMINOLOGY AND DEFINITIONS

Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.”

- “Shall” means that a redeveloper is required to comply with the specific regulation, without any deviations, other than those deviations that may be permitted by the Planning Board, as hereinafter provided.

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- “Should” means that a redeveloper is encouraged to comply but is not required to do so.

The definitions set forth in the Zoning Ordinance of the Township of West Orange shall apply to this Redevelopment Plan. If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply.

As used in this Redevelopment Plan, the following term shall have the meaning indicated:

Film and video production campus: one or more parcels utilized for the creation of motion pictures, television shows and other video content and visual media. Multiple uses shall be permitted on such a campus, including stages, rehearsal spaces, offices, workshops, storage, food service and other uses related or incidental to facilitation of the primary use of the facility.

Except as otherwise provided herein, words not defined above that appear in this Redevelopment Plan shall be interpreted in accordance with “Definitions” section in the Township’s Zoning Ordinance as set forth in Section 25-4.

IV. AFFECTED PROPERTIES

The attached map shows the zoning of all properties within the Redevelopment Area as set forth in this Fourth Amendment. Table 1 lists the properties, by tax map block and lot number, which are affected by this Fourth Amendment by being placed in a different redevelopment zoning district.

TABLE 1 – PROPERTIES REZONED BY THE FOURTH AMENDMENT TO THE DOWNTOWN REDEVELOPMENT PLAN

BLOCK	LOTS	GENERAL LOCATION / COMMENT
63	24, 25, 33.01, 33.02, 36, 37, 38, 39, 41	East of Standish Avenue and south of Lakeside Avenue Added to Film Services Overlay District
64	2.01, 2.03, 2.04, 3.02, 28, 30, 31, 32, 33, 34, 34.01, 38, 42.02, 49, 49.01	East of Ashland Avenue, south of Lakeside Avenue and west of Standish Avenue Added to Film Services Overlay District
115	15 (portion), 16, 16.01, 51	North of Lakeside Avenue, west of Watchung Avenue, south of Columbia Street Added to Film Services Overlay District
116.02	1.01	Rezoned from E-C to E-MR

V. DISTRICT LAND USE REGULATIONS

Table 2 provides the land use regulations for the newly-created redevelopment zone overlay district.

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TABLE 2 - LAND USE REGULATIONS FOR THE FILM SERVICES OVERLAY DISTRICT

FSOD Film Services Overlay District	Requirements
Permitted uses	Film and video production campus Theater Accessory uses for the above principal uses
Maximum building height	6 stories / 75 feet
Bulk standards	Minimum setback from public streets: • 10 feet from Columbia Street and Watchung Avenue • 0 feet from any other street, except that any portion of a building above 45 feet in height shall be setback a minimum of 10 feet from Ashland Avenue, as measured from the right-of-way Minimum setback from other lot lines: • 10 feet from a subdistrict boundary • 0 feet from an interior lot line Maximum building coverage: 85% of the entire area of the subdistrict Maximum impervious coverage: 100%
Parking/loading standards	A minimum of one parking space shall be provided for every 2,000 feet of gross floor area Adequate off-street loading space shall be provided

The Township may vacate one or more public streets within the Redevelopment Area for a film production campus.

Table 3 provides the amended land use regulations for the Edison Mixed Residential zone district.

TABLE 3 – AMENDED LAND USE REGULATIONS FOR THE EDISON MIXED RESIDENTIAL ZONE

E-MR Edison Mixed Residential Zone	Requirements
Permitted uses	One and two-family homes Multi-family residential including townhouses and mid-rise apartments. Retail commercial on Block 116.02, Lot 1.01. Accessory uses for the above principal uses.
Maximum residential density	See specifics below
Maximum building height	See specifics below
Maximum impervious coverage	See specifics below
Minimum building setbacks	See specifics below

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Minimum parking	Multifamily residential: in accordance with RSIS requirements including de minimis exceptions authorized in N.J.A.C. 5:21-3.1. Nonresidential: in accordance with the requirements of the Zoning Ordinance.
Single Association Bulk Standards:	Where a residence or group of residences is governed or to be governed by a Single Association, then the Bulk Standards affecting such particular type of units shall be superseded by the Standards for a Single Association.
Bulk Standards for One and Two Family Residences:	
Minimum lot size	One Family: 7,500 square feet Two Family: 10,000 square feet
Minimum lot width	One Family: 50 feet Two Family: 75 feet
Minimum front yard	Prevailing average as determined by averaging adjacent houses on block front. Where no building average exists the minimum setback shall be 25 feet or 10 feet from the public right of way where no front yard parking is provided.
Minimum setback from all other property lines	5 feet
Maximum residential density	As determined by minimum lot area requirements
Maximum building coverage	40% or 60% if governed by a single association subject to the Single Association Bulk Standards.
Maximum lot coverage	55% or 80% if governed by a single association, subject to the Single Association Bulk Standards.
Maximum building height	2 ½ stories / 35 feet or 3 ½ stories / 42 feet if governed by a single association, subject to the Single Association Bulk Standards.
Bulk Standards for Townhouses and Multifamily Structures	
Minimum lot size	None
Minimum lot width	None
Minimum front yard	0 feet, except any portion of a building above 45 feet in height shall be setback a minimum of 10 feet, as measured from the right-of-way
Minimum setback from all other property lines	5 feet
Maximum residential density	60 dwelling units per acre
Maximum building coverage	50% or 60% if governed by a single association, subject to the Single Association Bulk Standards.
Maximum lot coverage	80% Excluding there from all abutting public streets and

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	right of ways.
Maximum building height	Townhouses: 3 stories / 40 feet Other multifamily: 6 stories / 75 feet
Single Association Bulk Standards	
Qualifications	Where a group of buildings, or cluster of units, or different units relate to a common association which association control such properties through a RCC (Restrictive Covenants and Conditions) or similar plan governing the use and enjoyment of such properties, then the following bulk standards shall supersede the standards applicable for the specific type of unit set forth herein.
Minimum lot size	One Family: None Two Family: None
Minimum lot width	One Family: None Two Family: None
Minimum front yard	Prevailing average as determined by averaging adjacent houses on block front. Where no building average exists the minimum setback shall be 25 feet or 10 feet from the public right of way where no front yard parking is provided.
Maximum building coverage	60%
Maximum lot coverage	80%
Maximum building height	3 ½ stories / 42 feet
Streetscape	Street benches to the extent that there is ample room along the right of way, and period lighting consistent with the historic character of the area shall be incorporated into the streetscape design in a manner as prescribed by the Original Plan.

The regulations for the Main Street Subdistrict shall remain unchanged, except the following uses shall be added to the list of permitted principal uses:

Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries as defined in the Zoning Ordinance, subject to the following limitations:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (3) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.

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- (4) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (5) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (6) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

VI. DESIGN OBJECTIVES AND REQUIREMENTS

The General Standards and Prohibitions, New Building Design, Parking Structure Design Requirements, and Landscape, Lighting and Open Space, remain the same as in the Second and Third Amendments, except that the requirement for trees within surface parking areas shall be amended to read as follows:

“Landscaped plans shall be submitted for detailed planting within surface parking area. In surface parking areas with 30 or more parking spaces, there shall be a minimum of one tree plus ground level planting for each 10 parking stalls, which may be provided within and/or on the perimeter of the parking area. The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided.”

In addition, electric vehicle charging stations shall be incorporated throughout the Redevelopment Area, with all developments offering designated spaces as an amenity to employees, customers, and visitors when any one of the following occurs: (1) a new building with a new or existing off-street parking facility is developed; (2) an addition or improvement to an existing building is made that increases the size of the principal structure by more than 50 percent; or (3) the parking capacity of an existing building, site, or parking facility is increased by more than 50 percent. The required number of charging stations shall be two percent of the total number of parking spaces on a property, with any fractional spot being rounded up to the nearest whole number.

VII. SIGNAGE REQUIREMENTS

Signage requirements remain unchanged from that of the Original Plan and the previous Amendments.

VIII. ACQUISITION PLAN

The acquisition plan remains unchanged from that of the Original Plan and the previous Amendments, except that the tables and maps showing the properties to be acquired are hereby specifically amended to (1) exclude any properties that have been fully-developed pursuant to the Redevelopment Plan and obtained a certificate of completion and certificate of occupancy and (2) to add the following to the list of properties to be acquired:

- Block 63, Lot 24
- Block 63, Lot 25
- Block 63, Lot 33.01
- Block 63, Lot 33.02
- Block 63, Lot 36
- Block 63, Lot 37
- Block 63, Lot 38
- Block 63, Lot 39
- Block 63, Lot 41
- Block 64, Lot 42.02

IX. RELOCATION

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

X. AFFORDABLE HOUSING REQUIREMENTS

Pursuant to the April 6, 2020 Settlement Agreement between the Township of West Orange and Fair Share Housing Center, 44 low- and moderate-income family rental dwelling units were to be constructed within the Redevelopment Area as part of proposed residential development. It is the objective and intent of this Redevelopment Plan that the 44 units will be developed in the portions of the E- MR and E-LR Zones that are not included within the FSOD Overlay District.

In addition, once the required 44 affordable dwelling units are constructed, any additional multifamily residential development consisting of five or more dwelling units shall provide low- and moderate-income housing on-site or elsewhere in the Township. The number of affordable units to be provided shall be 20 percent of the residential units in the development. The provisions of this section shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

All affordable housing shall comply with the regulations of Section 25-18 of the Zoning Ordinance and other applicable requirements.

XI. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

The Redevelopment Plan sets forth definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. The following information supplements this section of the Original Plan and the previous Amendments by stating that the Redevelopment Plan is consistent with the most recent Master Plan reexamination and plan element updates adopted in 2019.

In addition, the Redevelopment Plan provides proposed locations for public electric vehicle charging infrastructure within the Redevelopment Area in a manner that appropriately connects with an essential public charging network. There are no existing affordable housing units within the redevelopment area, meaning no replacement units are specifically proposed as part of this Redevelopment Plan. However, the Redevelopment Plan does mandate the provision of low- and moderate-income dwelling units as a proportion of new residential development and therefore will address this objective.

XII. RELATIONSHIP TO MUNICIPAL DEVELOPMENT REGULATIONS

Remains unchanged from that of the Original Plan and the previous Amendments, except that the zoning districts in the Redevelopment Area will be superseded by the Redevelopment Plan Subareas map in this Fourth Amendment.

XIII. RELATIONSHIP TO OTHER PLANS

A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Township of West Orange is bordered by nine municipalities: Essex Fells, Livingston, Maplewood, Millburn, Montclair, Orange, Roseland, South Orange and Verona. However, none of these communities directly abuts the Redevelopment Area. Further, the Redevelopment Plan provides for the redevelopment of previously developed properties in an area already served by infrastructure and transit. Therefore, the Redevelopment Plan would not have any impact on adjacent municipalities.

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 there is a mix of land uses on both sides of the Orange/West Orange municipal boundary to the east of the redevelopment area, including residential, industrial and commercial. Zone districts on the Orange side of the border include the CDA – Mixed Use zone, which is intended to phase out heavy industrial use and replace it with light industrial, residential and commercial uses, and the A-2 One, Two and More Residential Zone, which is intended for variety of housing types at moderate densities. The 2018 Orange Master

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Plan proposes changing these zone districts to the MX2 – Mixed-Use Mid-Density Residential & Commercial and R2 1 & 2 Family Residential zones, respectively. It also notes the uses along the border in both municipalities are consistent with and complement each other.

B. RELATIONSHIP TO THE ESSEX COUNTY MASTER PLAN

Although the County of Essex does not have a current Master Plan, the redevelopment of a section of West Orange well-served by existing infrastructure generally is considered consistent with the land use planning goals of the Essex County Planning Board.

C. RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

“Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 25 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not been adopted as of 2021.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the reuse of developed property in an area well served by infrastructure and transit and is located proximate to highways and other transportation networks. The policies advanced in this Redevelopment Plan are consistent with the policies for Metropolitan Planning Areas (PA-1), which encourage efficient use of existing resources in urbanized areas. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

