

TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2022 - 35

AN ORDINANCE ADOPTING A ROUTE 46 WEST NON-CONDEMNATION REDEVELOPMENT PLAN FOR PROPERTY DESIGNATED AS BLOCK 162 LOTS 4, 6 AND 7 ON THE TAX MAP OF THE TOWNSHIP OF MONTVILLE, WITH AMENDMENTS TO USE AND DEVELOPMENT STANDARDS, AND AMENDING CHAPTER 230, "LAND USE AND DEVELOPMENT REGULATIONS," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE IN ORDER TO CODIFY SAID NON-CONDEMNATION REDEVELOPMENT PLAN

WHEREAS, on September 8, 2015, the Montville Township Committee adopted a resolution authorizing the Planning Board of the Township of Montville to conduct a preliminary investigation to determine if an area, identified as the Westbound Route 46 Study Area, constituted an "area in need of redevelopment" as defined under the New Jersey Local Redevelopment Housing Law (LHRL), and

WHEREAS, in order to accomplish this task, the Planning Board retained Burgis Associates, Inc. to undertake an investigation and prepare a report for the Planning Board's review, preliminary to the public hearing to be held on the matter, all of which designed to inform the Planning Board's subsequent recommendation to the Township Committee, and

WHEREAS, the Planning Board, based upon the contents of the Burgis report, together with the commentary offered by members of the public at the public hearing on October 8, 2015, concluded that a portion of the study area, to wit, those tracts designated as Lots 4, 6, and 7 in Block 162, warranted inclusion in an Area in Need of Redevelopment, which conclusion the Planning Board adopted by way of Resolution, dated October 8, 2015, and

WHEREAS, the Township Committee, via resolution dated October 13, 2015, accepted the Planning Board's findings and report and determined Lots 4, 6, and 7 in Block 162 to be an area in need of redevelopment and, directed the Board to prepare a redevelopment plan, and

WHEREAS, in consultation with its planning expert Joseph Burgis, PP, AICP, the Planning Board prepared a redevelopment plan for the area in need titled "Route 46 West Condemnation Redevelopment Plan" (the "Redevelopment Plan"), dated June 30, 2016, and, after review of the Redevelopment Plan at a public meeting held on July 14, 2016, the Planning Board approved the Redevelopment Plan and referred it to the Township Committee with a recommendation that it be adopted, and

WHEREAS, pursuant to the Planning Board's recommendation, the Township Committee did adopt the Redevelopment Plan via Ordinance No. 2016-23 on September 27, 2016, and

WHEREAS, the Township Committee, via Resolution 2021-240 adopted on August 17, 2021, identified the need for an amended redevelopment plan for the area in need and directed Burgis Associates, Inc., to prepare said amended redevelopment plan, and

WHEREAS, Burgis Associates, Inc., prepared an amended redevelopment plan for the area in need entitled "Route 46 West Condemnation Redevelopment Plan Amendment" (the "Amended Redevelopment Plan"), dated September 10, 2021, and, after review of the Amended Redevelopment Plan at a public meeting held on September 28, 2021, the Township Committee adopted the Amended Redevelopment Plan, and

WHEREAS, on April 12, 2022, the Montville Township Committee adopted a resolution directing the Planning Board to conduct an investigation to determine if the Westbound Route 46 Study Area, or a portion thereof, continued to qualify as an "area in need of redevelopment" as defined under the New Jersey Local Redevelopment Housing Law (LHRL), and

WHEREAS, in order to accomplish this task, the Planning Board retained Burgis Associates, Inc. to undertake an investigation and prepare a report for the Planning Board's review, preliminary to the public hearing to be held on the matter, all of which designed to inform the Planning Board's subsequent recommendation to the Township Committee, and

WHEREAS, the Planning Board, based upon the contents of the Burgis report, together with the commentary offered by members of the public at the public hearing on June 9, 2022, concluded that a portion of the study area, to wit, those tracts designated as Lots 4, 6, and 7 in Block 162, continued to warrant inclusion in an Area in Need of Redevelopment, which conclusion the Planning Board adopted by way of Resolution, dated June 9, 2022, and

WHEREAS, the Township Committee, via resolution dated June 10, 2022, accepted the Planning Board's findings and report and re-designated Lots 4, 6, and 7 in Block 162 as an area in need of redevelopment and directed Burgis Associates, Inc. to prepare another amendment to the redevelopment plan, and

WHEREAS, subsequently, the Township Committee, via resolution dated September 27, 2022, removed the "condemnation" designation from the area in need of redevelopment and directed Burgis Associates, Inc. to prepare a non-condemnation redevelopment plan for the area in need, and

WHEREAS, Burgis Associates, Inc., prepared a non-condemnation redevelopment plan for the area in need entitled "Route 46 West Non-Condensation Redevelopment Plan" (the "Non-Condensation Redevelopment Plan"), dated September 27, 2022, and,

WHEREAS, the Township Committee introduced Ordinance No. 2022-35 at a public meeting held on September 27, 2022 to adopt the Non-Condensation Redevelopment Plan dated September 27, 2022, and amend Chapter 230 of the Township Code to codify said redevelopment plan, and

WHEREAS, the Township Committee then referred Ordinance No. 2022-35 to the Planning Board in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-64, and

WHEREAS, in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-26, the Planning Board issued a report dated October 14, 2022, which found that Ordinance No. 2022-35 is consistent with the Master Plan of the Township of Montville and, further, recommended to the Township Committee that the Non-Condensation Redevelopment Plan and Ordinance No. 2022-35 be amended to prohibit high-speed fuel pumps for motor vehicle service stations in the PBR Zone, and

WHEREAS, pursuant to the Planning Board's recommendation, Burgis Associates, Inc., did amend the Non-Condensation Redevelopment Plan on October 21, 2022 to prohibit high-speed fuel pumps for motor vehicle service stations in the PBR Zone, and

WHEREAS, after review of the Non-Condensation Redevelopment Plan, as amended, at a public meeting held on October 25, 2022, the Township Committee desires to approve the adoption of the Non-Condensation

Redevelopment Plan and the Ordinance that has been prepared to codify the Non-Condensation Redevelopment Plan, as set forth herein.

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that the proposed non-condemnation redevelopment plan entitled "Route 46 West Non-Condensation Redevelopment Plan," dated October 21, 2022, and prepared by Burgis Associates, Inc., a copy of which is annexed hereto as Exhibit A, is hereby adopted in accordance with N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law, and that the following amendments and revisions are made to the Revised General Ordinances of the Township of Montville, Chapter 230 entitled "Land Use and Development Regulations."

SECTION 1. Article XXX, Pine Brook Redevelopment District, Section 230-245, Purpose, shall be amended to read as follows:

The goal of the PBR Pine Brook Redevelopment Zone is to redevelop the subject area with attractive, high quality retail, service and/or hotel uses which emphasize a human scale of development and enhance the streetscape along Bloomfield Avenue. As an alternative to these uses, redevelopment of all or a portion of the subject area with motor vehicle sales uses and/or motor vehicle service stations shall also be permitted subject to an alternative development strategy as set forth herein.

SECTION 2. Article XXX, Pine Brook Redevelopment District, Section 230-246, Permitted Uses, Subsection A, Principal Uses, shall be supplemented to include the following additional permitted principal uses:

- (10) Motor vehicle sales, new and pre-owned certified. For the purposes of this Article, a pre-owned certified motor vehicle is defined as a manufacturer- or dealership-certified used vehicle that is available for purchase at a dealership which also sells new motor vehicles.
- (11) Motor vehicle service stations.

SECTION 3. Article XXX, Pine Brook Redevelopment District, Section 230-246, Permitted Uses, Subsection B, Accessory Uses, shall be amended as follows (with ~~strikethroughs~~ indicating text to be deleted and underlines indicating text to be added):

- (6) ~~Electric vehicle charging stations, retail and non-retail.~~ Electric Vehicle Supply/Service Equipment (EVSE) or Make-Ready parking spaces.
- (7) Accessory uses normally incidental to motor vehicle sales, including parking garages, outdoor display of vehicles for sale, vehicle inventory storage within a parking garage, interior prep bays, interior delivery bays, interior car washes, and retail sales, limited to the sale of items related to the principal use.

SECTION 4. Article XXX, Pine Brook Redevelopment District, Section 230-246, Permitted Uses, Subsection C, Prohibited Uses, shall be amended as follows (with ~~strikethroughs~~ indicating text to be deleted and underlines indicating text to be added):

- ~~(1) Used car sales, except as accessory to a new motor vehicle franchise located on the premises~~
- (4) Service bays and the servicing and/or repair of vehicles shall not be permitted on-site; however, interior car washes, interior prep bays and interior delivery bays shall be permitted in relation to motor vehicle

sales. Further, nothing herein shall be interpreted to prohibit motor vehicle service stations as a principal use in the PBR Zone.

SECTION 5. Article XXX, Pine Brook Redevelopment District, Section 230-248, Off-Street Parking and Loading Requirements, Subsection A, Minimum Number of Parking Spaces, shall be amended to eliminate the “motor vehicles sales, new” land use category and its associated minimum parking requirement.

SECTION 6. Article XXX, Pine Brook Redevelopment District, Section 230-247, Development Standards, shall be amended as follows (with underlines indicating text to be added):

A. Area and bulk requirements. The following area and bulk requirements shall apply to all development within the PBR Zone, except for motor vehicle sales and motor vehicle service stations:

No change to existing table.

B. *No change to existing text.*

C. *No change to existing text.*

D. Motor vehicle service station uses within the PBR Zone shall be regulated per §230-249.2.

SECTION 7. Article XXX, Pine Brook Redevelopment District, Section 230-248, Off-Street Parking and Loading Requirements, shall be supplemented to include a new Subsection F., which shall read as follows:

F. Off-street parking and loading for motor vehicle service station uses shall be regulated per §230-249.2.

SECTION 8. Article XXX, Pine Brook Redevelopment District, Section 230-249.1, Development Standards for Motor Vehicle Sales Uses,” shall be repealed in its entirety and replaced with the following:

§ 230-249.1. Development Standards for Motor Vehicle Sales Uses.

A. Area and bulk requirements. The following area and bulk requirements shall apply to all motor vehicles sales uses developed within the PBR Zone:

Requirement	Motor Vehicle Sales
Minimum Lot Area	3.0 acres ^a
Minimum Setback to Buildings:	
From Streets	40 feet ^b
From Westerly Boundary of PBR Zone	20 feet
From Interior Lot Line in PBR Zone	20 feet ^a
Maximum Setback to Buildings:	None
Maximum Building Height:	
Feet	30 feet ^c
Stories	2 stories

Minimum Building Coverage	10%
Maximum Building Coverage	37%
Maximum Impervious Coverage	85%
Maximum Floor Area Ratio	None
Multiple Buildings Per Lot	Permitted
Minimum Distance Between Buildings	40 feet

NOTES:

- ^a Unless a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole, and provided the lots are designed with common access features and the site plan requirements are satisfied by the totality of the development.
- ^b Subject to §230-130.A.
- ^c Provided that, irrespective of §230-131, parapets, portals and/or other decorative façade elements shall be permitted to extend up to a maximum height of 35 feet for a maximum of 40% of each building elevation.

B. Supplemental requirements. In addition to the area and bulk standards set forth in Subsection A. above, the following supplemental regulations shall apply to all motor vehicle sales uses within the PBR Zone:

- (1) Prep bays, delivery bays, and car washes. Prep bay, delivery bay, and/or car wash doors are discouraged along the Bloomfield Avenue frontage. Where prep bay, delivery bay, and/or car wash doors are provided along the Bloomfield Avenue frontage, the following provisions shall be met:
 - (a) Doors shall be set back a minimum of 75 feet from the Bloomfield Avenue right-of-way;
 - (b) Doors shall be clear or frosted glass;
 - (c) Doors shall be screened from the Bloomfield Avenue right-of-way by a variety of evergreen tree species, inclusive of fencing if deemed appropriate, subject to the discretion of the approving authority; and
 - (d) Doors shall occupy no more than ten percent (10%) of the ground floor façade facing Bloomfield Avenue.
- (2) Outdoor display of vehicles.
 - (a) Any parking spaces provided for the outdoor display of vehicles for sale which are located along the Route 46 right-of-way shall be reserved exclusively for display of new motor vehicles only. In addition, any parking spaces provided for the outdoor display of vehicles for sale which are located along the

Bloomfield Avenue right-of-way and opposite a residential zone shall be reserved exclusively for display of new motor vehicles only.

(b) Any parking spaces or traffic aisles associated with the outdoor display of vehicles for sale shall be set back a minimum of 10 feet from all property lines, except as follows:

[1] Where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole, no setback is required along the shared lot line(s);

[2] The outdoor display of vehicles for sale shall be permitted within 5 feet of the Route 46 right-of-way, provided that such vehicles occupy an area of no more than 2,500 square feet, are parked on pervious pavers, and are landscaped with shrub plantings between the vehicles and the right-of-way.

(c) The setback area, where required, shall be landscaped in accordance with Subsection G.(2)(a)[3] below.

(d) The outdoor display of vehicles for sale in the PBR Zone shall be specifically exempt from §230-156.1, Outdoor Display of Merchandise, including exemption from the setback requirements set forth therein.

(e) Any parking spaces associated with the outdoor display of vehicles for sale shall be permitted to be tandem parking spaces, irrespective of anything to the contrary.

(3) Parking garages.

(a) Parking garages in the PBR Zone, whether constructed as a principal use on a lot or as an accessory to a principal motor vehicle sales use on the same lot, shall be considered a structure (not a building).

(b) Irrespective of anything in §230-54 to the contrary, where a parking garage in the PBR Zone is attached to a principal building by a canopy or other building element, said garage shall not be considered part of the principal building.

(c) Parking garages in the PBR Zone shall be subject to §230-157, Parking Garages, except as follows:

[1] Irrespective of §230-157.B, parking garages in the PBR Zone shall conform to the following bulk requirements:

Requirement	Parking Garages
Minimum Setback to Garage:	
From Streets	40 feet
From Westerly Boundary of PBR Zone	20 feet
From Interior Lot Line in PBR Zone	20 feet ^a
Maximum Setback to Garage:	
	None
Maximum Garage Height:	
Feet	30 feet
	None

Stories

Maximum Floor Area Ratio	None
Minimum Distance Between Garage and Buildings	None

NOTES:

- ^a Unless developed with adjacent motor vehicle sales use(s) as an integrated whole, and provided the lots are designed with common access features and the site plan requirements are satisfied by the totality of the development.
- [2] Irrespective of §230-157.C, parking garages in the PBR Zone shall be set back at least 100 feet from any property located within a residential zone.
- [3] Irrespective of §230-157.E, parking garages in the PBR Zone shall not be required to provide a green roof; however, where a green roof is not provided, the parking garage shall be counted as square footage for the purposes of calculating building coverage.
- [4] Irrespective of §230-157.G, foundation plantings shall only be required along parking garage walls which face a street.
- [5] Irrespective of §230-157.H, parking garages in the PBR Zone may be used for vehicle inventory storage.

(4) Truck traffic.

- (a) Vehicles to be sold/leased on the premises shall not be permitted to be delivered to the site via manufacturer tractor trailer. Tractor trailers owned or controlled by the owner of the site may deliver vehicles to the site via Route 46 only.
- (b) With the exception of emergency vehicles and single units (i.e. FedEx, UPS, office supply vehicles), no truck traffic into or out of the site shall be permitted along Bloomfield Avenue.

(5) Accessory generators.

- (a) Irrespective of §230-128.C(4), generators shall be permitted within the front yard in the PBR Zone, provided that same shall be screened from view of adjacent properties.

C. Off-street parking requirements.

(1) Minimum number of parking spaces.

- (a) There shall be provided, whether in surface parking lots or parking garages, a minimum of 1 parking space per 500 square feet of gross floor area within buildings, plus 1 parking space per 5,000 square feet of area devoted to the outdoor display of vehicles for sale. Areas devoted to vehicle inventory storage within a parking garage shall be exempt from the calculation of minimum parking requirements.

(b) When determining compliance with the minimum parking requirements set forth in Subsection C.(1)(a) above, parking spaces used for the display of vehicles for sale and/or for vehicle inventory storage shall not be counted as a parking space for the purposes of calculating the proposed number of off-street parking spaces to be provided.

(2) Location. All off-street parking spaces and traffic aisles (not including parking spaces for the display of vehicles for sale, which are regulated in Subsection B.(2) above) shall be set back a minimum of 10 feet from all property lines and a minimum of 5 feet from all buildings, except for traffic aisles serving interior prep bays, delivery bays, and/or car washes, which shall be permitted to have no setback from the building. Off-street parking spaces and traffic aisles shall be set back minimally 5 feet from a parking garage, except along parking garage walls which do not face a street, in which case no setback is required.

(3) Curb cuts. There shall be no more than one curb cut per street frontage for each lot in the PBR Zone.

(4) Shared parking. Shared parking, whether in surface parking lots or parking garages, is specifically permitted for adjacent motor vehicle sales uses developed as an integrated whole, provided that the overall minimum number of off-street parking spaces is satisfied. Shared parking shall not be subject to the minimum 10-foot setback requirement along the shared lot line(s). Shared parking arrangements shall be exempt from §230-125.A., but shall be subject to §230-125.B.

(5) Electric vehicle charging. Electric vehicle charging equipment shall be provided as required per §230-161.1, Electric Vehicle Supply/Service Equipment, consistent with the New Jersey Electric Vehicle Charging Station Law (P.L. 2021, c. 171).

D. Off-street loading requirements.

(1) Minimum and maximum number of loading spaces. Irrespective of anything in §230-204 to the contrary, each dealership on the site shall be permitted one loading space.

(2) Location. All loading spaces shall be set back a minimum of 10 feet from all property lines. Loading shall be permitted in front yards, but shall be screened from the street as required per Subsection G.(2)(a)[3] below.

E. Signage.

(1) Building wall and hanging signs.

(a) The total maximum wall and/or hanging sign area permitted per building shall be 375 square feet, which shall be calculated as the sum total of all wall and/or hanging signs on all facades of the building.

(b) For buildings which have frontage on three (3) streets, an additional 20% of wall and/or hanging sign area (up to 450 square feet) shall be permitted.

(c) No more than three (3) wall and/or hanging signs shall be permitted on any one façade.

(d) Walls and/or hanging signs in the PBR Zone shall be exempt from the supplemental regulations for wall signs set forth at §230-211.G.

- (e) Wall and/or hanging signs in the PBR Zone are permitted to be internally or externally illuminated.
- (f) For the purposes of this section, "hanging signs," as defined per §230-54, are not required to be oriented at a ninety-degree angle from the plane of the building façade.

(2) Parking garage sign.

- (a) In addition to the permitted building wall signage, a maximum of one (1) sign shall be permitted to be affixed to the wall of the parking garage. Said sign shall only be permitted along the Route 46 frontage.
- (b) A maximum sign area of 220 square feet is permitted on the parking garage.
- (c) The parking garage sign shall be exempt from the supplemental regulations for wall signs set forth at §230-211.G.
- (d) The parking garage sign shall not be permitted to be illuminated.
- (e) Horizontal metal mesh along the façade of the parking garage shall not be considered part of any signage.

(3) Freestanding signs.

- (a) No more than one (1) freestanding sign shall be permitted on any one street frontage, provided that if more than one dealership in the PBR Zone has frontage on a particular street, each dealership shall be permitted one (1) freestanding sign on that street frontage.
- (b) The total maximum freestanding sign area permitted per dealership in the PBR Zone shall be 165 square feet, which shall be calculated as the sum total of all freestanding signs on the lot exclusive of any base, plinth, or columns; provided, however, that in no event shall any dealership's freestanding sign fronting on Bloomfield Avenue exceed an area of 65 square feet.
- (c) The maximum height from ground level for freestanding signs fronting on Route 46 shall be 25 feet. The maximum height from ground level for freestanding signs fronting on other streets shall be 13 feet.
- (d) No freestanding sign shall be located closer than 15 feet from the curblines of the abutting street.
- (e) Freestanding signs in the PBR Zone shall be exempt from the supplemental regulations for freestanding signs set forth at §230-211.H., but shall be subject to the color requirements at §230-211.C.
- (f) Irrespective of §230-211.B., all signs shall be set back at least 40 feet from any property located within a residential zone.
- (g) Freestanding signs in the PBR Zone shall be subject to the illumination requirements set forth at §230-213, except that freestanding signs fronting on Bloomfield Avenue shall be permitted to be internally illuminated.

(4) Directional signs. Directional signs shall be permitted pursuant to §230-211.E.

(5) Flags. Flags of the United States, State of New Jersey or other governmental or quasi-public agencies are specifically permitted in the PBR Zone. Flagpoles shall be subject to §230-128.C.(1), except that flagpoles shall be permitted at a height of up to 42 feet.

F. Grading,

(1) Grading. Lot grading in the PBR Zone shall be consistent with §230-71 and §230-135, except that §230-71.B.(10) prohibiting the alteration of site elevations in excess of one foot within five feet of an adjoining property shall not apply to the shared lot line(s) where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole. The term "adjoining property" shall not be interpreted to apply to public rights-of-way.

(2) Retaining Walls. Retaining walls in the PBR Zone shall be subject to 230-159.M.

(3) Steep Slopes. Development in the PBR Zone shall be exempt from §230-143.1, Regulation of Slopes.

G. Design standards for subdivision and site plans.

(1) Subdivisions. Subdivisions (including lot line adjustments) within the PBR Zone shall comply in all respects with Chapter 230, Article IX, Design Standards for Subdivisions, provided that provisions therein related to street right-of-way widening and/or dedication shall be subject to the discretion of the approving authority, and further provided that development within the PBR shall be exempt from §230-62, Bikeways.

(2) Site Plans.

(a) Site plans within the PBR Zone shall be exempt from §230-98.1, Pine Brook Design Standards, and instead shall be subject to the following alternative design standards:

[1] Building design and mass.

[a] Buildings shall be oriented with a primary entrance facing at least one adjacent public street. The primary building entrance shall not be toward a parking lot or parking structure.

[b] Buildings with expansive blank walls shall be prohibited. Windows, awnings, canopies, balconies and/or other design elements shall be provided along all facades of buildings which face a street. Ground-floor areas of façades facing Route 46 and Changebridge Road shall provide a minimum façade transparency of 50%. Upper-floor areas of façades facing all streets shall be designed to provide a minimum façade transparency of 20%.

[c] Architectural design components shall carry through the design of all facades of the building, such as decorative elements, window spacing, building materials, banding, colors, and textures, to establish a cohesive building design composition on all facades, subject to the review and approval of the approving authority.

[d] Buildings with a flat roof surface area of 500 square feet or more shall utilize a material that has a solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.

[2] Sidewalks.

- [a] Sidewalks shall be installed along the entire length of the Bloomfield Avenue frontage, as well as along the Changebridge Road frontage, to promote safety and pedestrian mobility in the area.

[3] Landscaping.

- [a] A landscape design plan shall be required, which shall provide a variety of plant material to enhance the character of the site, including foundation plantings, and perimeter trees and shrubs.
- [b] A dense evergreen buffer at a minimum planting height of seven feet shall be required along the site's Bloomfield Avenue frontage, but shall be subject to the approving authority's approval of sight distances and visual interest.
- [c] Street/shade trees shall be required to be planted on the property along the Route 46 and Changebridge Road frontages at an average distance of 50-feet on center. Street/shade trees shall conform with §230-95.C.
- [d] Interior lot landscaping shall be required as follows:
 - i. Each parking row shall be contained by a landscaped island at the beginning and end of the parking row, and such islands shall be planted with shade and/or ornamental trees and shrub plantings as deemed appropriate by the approving authority.
 - ii. A minimum of three shrubs shall be planted for every perimeter parking space along the perimeter of the parking spaces, except where such planting would conflict or interfere with the evergreen buffer planting required herein.
- [e] With the exception of the evergreen buffer required along Bloomfield Avenue, the types of plant material provided on site shall comply with the species set forth at §230-95.C(4) and (5), provided however that European hornbeam shall be permitted along the Route 46 frontage.

[4] Lighting.

- [a] Decorative pole-mounted lighting fixtures shall be provided along the Bloomfield Avenue and Changebridge Road frontages at 150-foot intervals, as well as at strategic locations along the Route 46 entrance drives. The type of decorative lighting fixture to be utilized shall be consistent with those set forth at §230-96.E.(1)(a). The type of bulbs to be utilized shall be consistent with §230-95.E.(3).
- [b] Sharp cut-off type fixtures shall be permitted within parking and display areas within the interior of the lot.
- [c] Building-mounted fixtures shall be complementary to the architectural style of the building.

- [d] No light source shall exceed a height of 16 feet along Bloomfield Avenue. In all other locations, light sources shall be permitted up to a maximum height of 20 feet.
 - [e] The proposed outdoor site lighting plan shall incorporate, where practical, circuiting such that portions of the site not needing overnight security lighting provide reduced illumination after business hours. The intent is to reduce excessive illumination of the entire site to reduce skyglow impacts to neighboring properties and promote energy conservation.
 - [f] All site lighting shall conform to the illumination requirements set forth at §230-86.E., except as follows:
 - i. §230-86.E.(1) shall not apply to the shared lot line(s) where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole.
 - ii. §230-86.E.(1) shall not apply to decorative streetscape lighting along public rights-of-way.
 - iii. Irrespective of anything in §230-86.E.(3) to the contrary, in no event shall freestanding light fixtures be permitted on the top level of a parking garage in the PBR Zone.
- (b) In addition to the alternative design standards set forth in Subsection G.2.a. above, the following provisions set forth in Chapter 230, Article X, Design Standards for Site Plans, shall also apply to motor vehicles sales uses in the PBR Zone:

[1] §230-79, General Standards.

[2] §230-80, Parking and Loading, except as follows:

- [a] Irrespective of §230-80.E. and F(2), the location of traffic aisles, off-street parking, and loading areas for motor vehicle sales uses in the PBR Zone shall be subject to the standards set forth herein above.
- [b] Irrespective of §230-80.F(1), parking spaces used for vehicle inventory storage within a parking garage shall be permitted to be compact spaces with dimensions of 8.5 feet wide by 16 feet long.
- [c] Irrespective of §230-80.H(1), parking spaces used for the outdoor display of vehicles for sale shall be permitted to be tandem parking spaces.
- [d] Irrespective of §230-80.H(4), spaces in a parking garage with a depth of at least 18 feet shall not be required to provide 2 feet of additional overhang where abutting a sidewalk/walkway.

[3] §230-81, Grading Plan, except as modified per Subsection F.1. above.

[4] §230-84, Sight Triangles.

[5] §230-87, Trash, Garbage, and Recyclable Materials, except that, irrespective of §230-87.A., enclosures for the storage of trash, garbage and recyclable materials shall be permitted in a front yard, provided that said enclosure shall be screened from view from the adjoining street(s).

[6] §230-88, Underground Utilities.

[7] §230-89, Water Supply and Sanitary Sewers.

[8] §230-91, Stormwater Management.

[9] §230-92, Topsoil Redistribution.

[10] §230-94, Site Maintenance.

(c) Unless specified herein above, the standards set forth in Chapter 230, Article X, Design Standards for Site Plans, shall not apply to motor vehicle sales in the PBR Zone.

SECTION 9. Within Article XXX, Pine Brook Redevelopment District, a new Section 230-249.2, entitled "Development Standards for Motor Vehicle Service Station Uses," shall be created. This new section shall read as follows:

§ 230-249.2. Development Standards for Motor Vehicle Service Station Uses.

- A. Motor vehicle service stations shall only be permitted on corner lots in the PBR Zone. For the purposes of this Section, a corner lot is defined as a lot at the junction of and having frontage on two or more intersecting streets that exist as on the date of adoption of this plan. No more than one curb cut per street frontage shall be permitted.
- B. Motor vehicle service stations in the PBR Zone shall be subject to the standards applicable to motor vehicle service stations in the B-3 Business District, except that motor vehicle service stations in the PBR Zone shall not be permitted to have high-speed fuel pumps.
- C. The minimum number of off-street parking spaces required shall be as set forth at Schedule E, Off-Street Parking Requirements, for motor vehicle service stations.
- D. The minimum number of off-street loading spaces required shall be as set forth at §230-204.

SECTION 10. Chapter 230, Schedule C, "Schedule of Permitted Uses," which is included in Chapter 230 as Attachment 3, shall be amended to incorporate the changes proposed herein to §230-246. **SEE ATTACHED CHAPTER 230 ATTACHMENT 3 "SCHEDULE C; SCHEDULE OF PERMITTED USES."**

SECTION 11. All Ordinances of the Township of Montville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 13. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST

TOWNSHIP OF MONTVILLE
COUNTY OF MORRIS
STATE OF NEW JERSEY



Stacy Sullivan-Gruca, Township Clerk



Frank W. Cooney, Mayor

Introduced: 09/27/2022
Public Hearing: 10/25/2022
Adopted: 10/25/2022

INSERT "SCHEDULE C: SCHEDULE OF PERMITTED USES"

TOWNSHIP OF MONTVILLE
SCHEDULE C

Schedule of Permitted Uses

[Amended 3-27-2012 by Ord. No. 2012-04; 8-14-2012 by Ord. No. 2012-22; 12-9-2014 by Ord. No. 2014-33; 9-27-2016 by Ord. No. 2016-23 and by Ord. No. 2016-24; 10-25-2016 by Ord. No. 2016-27; 6-13-2017 by Ord. No. 2017-24; 8-15-2017 by Ord. No. 2017-26A; 9-9-2019 by Ord. No. 2019-08; 7-16-2019 by Ord. No. 2019-23; 8-13-2019 by Ord. No. 2019-25, Ord. No. 2019-26, Ord. No. 2019-27 and by Ord. No. 2019-30; 3-9-2021 by Ord. No. 2021-03; 9-28-2021 by Ord. No. 2021-22; 02-22-2022 by Ord. No. 2022-06; 07-19-2022 by Ord. Nos. 2022-22 and 2022-23; 10-25-2022 by Ord. No. 2022-35]

	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1, -2, -4	AHR-1, -2	TH/MFD	PURD	TC1, TC2	B-1, -2	B-3, -4	B-5	OB-1, -3	OB-1A	OB-2A, -4	OB-5	I-1A, I-1B	I-2	I-2A	BIR	LR	PBR, PBO	Rt 202, Stiles	Two-Fam Ovlly		
Residential																												
Dwellings, one-family	X	X	X	X	X	X				X ¹	X ²																	
Dwellings, two-family																											X ⁸³	
Apartments, Multi-Family Residential							X ³	X ⁹	X ⁶⁰		X ⁴																X ³⁷	
Townhouses				X ⁵	X ⁶		X ³		X ⁶⁰	X ¹	X ⁷⁵																	
Adult community housing				X ⁷												X ⁸												
Senior citizen housing							X ³																					
Business, Commercial, Industrial																												
Retail stores and shops											X	X	X															
Personal service establishments											X	X	X															
Banks and financial institutions, including banks with drive-through											X ¹¹	X	X															

Motor vehicle sales, new and pre-owned certified	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1,-2,-4	AHR-1,-2	TH/ MFD	PURD	TC1, TC2	B-1,-2	B-3,-4	B-5	OB-1,-3	OB-1A	OB-2A,-4	OB-5	I-1A, I-1B	I-2	I-2A	BIR	LR	PBR, PBO	Rt 202, Sites	Two- Fam Ovly
Wholesale distribution centers													X						X	X	X					
Health and fitness centers													X		X ¹⁶		X	X	X	X	X					
Professional studios for photography and fine arts											X	X	X		X	X						X				
Bars and taverns												X ¹⁷	X									X		X ⁷²		
Museums, art galleries and libraries											X	X	X		X	X						X				
Animal hospitals and clinics											X ²⁴	X	X									X				
Public garages ¹⁸													X									X				
Motor vehicle service stations ¹⁸												X	X									X		X ⁷²		
Automatic car washes ¹⁸												X	X									X				
Greenhouses and garden centers												X	X	X ¹⁹					X	X	X					
Printing and duplicating												X	X				X	X	X	X	X					
Computer and data processing centers													X		X	X			X	X	X					
Convention, conference and corporate training centers															X	X						X				
Laundromats												X	X									X				
Plumbing, heating, electrical supply and air-															X							X				

conditioning showrooms and shops	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1,-2,-4	AHR-1,-2	TH/MFD	PURD	TC1, TC2	B-1,-2	B-3,-4	B-5	OB-1,-3	OB-1A	OB-2A,-4	OB-5	I-1A, I-1B	I-2	I-2A	BIR	LR	PBR, PBO	Rt 202, Siles	Two-Fam Ovlv
Building materials and contractor's yards													X						X	X	X	X				
Manufacturing, fabrication, packaging and treatment of products ²⁰																	X	X	X	X	X	X				
Laboratories for research, design and experimentation ²⁰															X ²¹	X	X	X	X	X	X	X				
Warehousing ^{22, 23}																			X	X	X	X				
Moving and storage operations													X							X	X	X				
School bus storage and maintenance													X									X				
Self-storage facilities															X	X		X ⁶⁷								
Wineries & breweries ⁷⁹																			X	X						
Miscellaneous Uses																										
Public parks and recreation facilities	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Municipal buildings	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Public utility installations and facilities								X	X																	
Nonprofit clubs, lodges, civic and fraternal												X														

organizations	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1,-2,-4	AHR-1,-2	TH/ MFD	PURD	TC1, TC2	B-1,-2	B-3,-4	B-5	OB-1,-3	OB-1A	OB-2A,-4	OB-5	I-1A, I-1B	I-2	I-2A	I-2A	BIR	LR	PBR, PBO	Rt 202, Stiles	Two- Fam Ovly	
Farms & agricultural activities ²⁵	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Family child-care homes ⁶⁸	X	X	X	X	X	X				X	X																	
Child-care centers ⁶⁴				X ²⁶							X	X	X	X	X	X	X	X	X	X	X	X	X			X		
Assisted living facilities																												
Nursing homes																												
Residential health care facilities				X ⁷⁶																								
Hospitals																												
Elder-care centers ⁶⁴				X ²⁶							X																	
Places of worship ²⁷	X	X	X	X	X	X																						
Wireless telecommunications towers ²⁸											X	X	X	X	X	X	X	X	X	X	X	X	X					
Parking garages																												
Conditional Uses																												
Apartments ²⁹																												
Public and private schools ³⁰	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹																						
Commercial stables and arenas ³¹			X ⁷¹																									
Kennels ⁶⁵	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹																							
Community shelters ³²	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹	X ⁷¹																						
Office buildings					X ³³ , 71	X ³⁴ , 71																						
Retail stores and shops				X ³⁵ , 71																								

Personal service establishments	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1,- 2,-4	AHR-1,- 2	TH/ MFD	PURD	TCL, TC2	B-1,- 2	B-3,- 4	B-5	OB-1,- 3	OB-1A	OB-2A, -4	OB-5	I-1A, I-1B	I-2	I-2A	BIR	LR	PBR, PBO	Rt 202, Stiles	Two- Fam Ovly	
Banks and financial institutions, excluding banks with drive-through facilities				X ³⁵ 71													X ⁷⁴	X ⁷⁴			X ³⁶						
Health and fitness centers				X ³⁵ 71																							
Animal hospitals and clinics				X ³⁵ 71																							
Public utility buildings and power-generating stations ³⁸																				X							
Self-storage facilities ³⁹														X						X ⁴⁰							
Restaurants, excluding fast-food restaurants and drive-through facilities																					X ³⁶						
Retail food establishments																					X ³⁶						
Accessory Uses																											
Roomers and boarders ⁴¹	X	X	X	X	X	X	X			X																X	
Private garages	X	X	X	X	X	X	X			X						X										X	X
Residential storage and maintenance sheds	X	X	X	X	X	X	X			X	X															X	X
Shelters for domestic pets	X	X	X	X	X	X																				X	X
Private swimming pools ⁴²	X	X	X	X	X	X	X			X	X															X	X

Normal residential accessory structures, such as fireplaces, trellises, lampposts and the like	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1, -2, -4	AHR-1, -2	TH/MFD	PURD	TC1, TC2	B-1, -2	B-3, -4	B-5	OB-1, -3	OB-1A	OB-2A, -4	OB-5	I-1A, I-1B	I-2	I-2A	I-2A	BIR	LR	PBR, PBO	R1 202, Stiles	Two-Fam O'ly
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Off-street parking ⁴³	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Off-street loading ⁴⁴								X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Signs ⁴⁵	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sale of farm produce ⁴⁶	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Temporary structures ⁴⁷	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Private stables ⁴⁸	X	X	X	X	X	X																					X
Satellite dish antennas, amateur radio antennas, receive-only antennas ⁴⁹	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Wireless telecommunications antennas ⁵⁰	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Wireless telecommunications towers ⁵¹											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Tennis courts and other racquet courts ⁵²	X	X	X	X	X	X	X	X	X	X	X						X										X
Playhouses	X	X	X	X	X	X	X			X																	X
Open decks, patios and porches	X	X	X	X	X	X	X	X	X	X	X	X				X											X
Walls and fences ⁵³	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Garbage, trash and recycling	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

containers and enclosures	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1,-2,-4	AHR-1,-2	TH/ MFD	PURD	TC1, TC2	B-1,-2	B-3,-4	B-5	OB-1,-3	OB-1A	OB-2A,-4	OB-5	I-1A, I-1B	I-2	I-2A	X ⁶⁹	BIR	LR	PBR, PBO	Rt 202, Stiles	Two- Fam Ovly	
Outdoor cafés ⁵⁴												X										X ⁶⁹						
Parking garages ⁵⁵								X ¹⁰	X			X			X													
Accessory uses normally incidental to hotels, including news stands, tobacconists, gift shops, restaurants, bars, beauty parlors, conference rooms													X															
Accessory uses normally incidental to office buildings, including news stands, convenience stores, coffee shops, snack bars, child care and adult care facilities, health clubs																												
Accessory uses normally incidental to country clubs, including court sports, ball fields, swimming pools, boat-houses, docks, play-grounds, picnic areas, locker rooms, gate houses, storage and maintenance buildings, sales or													X															

rental of recreational equipment and related merchandise	R-120	R-80	R-43	R-27 A, B, C, D, E, F	R-20 A, B, C	R-15	AH-1, -2, -4	AHR-1, -2	TH/MFD	PURD	TC1, TC2	B-1, -2	B-3, -4	B-5	OB-1, -3	OB-1A	OB-2A, -4	OB-5	I-1A, I-1B	I-2	I-2A	BIR	LR	PBR, PBO	Rt 202, Stiles	Tw0-Fam Ovlv	
Employee cafeteria and commissaries															X	X	X	X	X								
Retail sale of goods and products manufactured or warehoused on the premises by the firm or establishment occupying the premises ⁵⁶																				X							
Outdoor storage ⁵⁷												X	X	X						X	X	X	X				
Outdoor display of merchandise ⁷⁰											X	X	X	X								X					
Recreational vehicles and equipment ⁵⁸	X	X	X	X	X	X	X			X																X	
Home occupations ⁵⁹	X	X	X	X	X	X				X	X															X	
Solar energy devices ⁶¹	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ecoroofs ⁶³	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
EVSE or Make-Ready parking spaces ⁷⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Keeping of animals ⁸⁰	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory uses normally incidental to apartment developments,							X	X	X		X	X														X	

Footnotes to Schedule C:

- 1 See Article XXI.
- 2 Limited to residential units along Waughaw Road which existed as of May 27, 2008 (see §230-188.E.).
- 3 See §230-179.A.
- 4 Only permitted above at-grade retail or other principal permitted uses set forth in §230-188.A.1. through 7.
- 5 Permitted in the R-27B District only. See §230-144.
- 6 Permitted in the R-20B District only. See §230-144.
- 7 Permitted in the R-27C District only. See §230-145.
- 8 See §230-146.
- 9 See Article XXIII for the AHR-1 District. See Article XXIII A for the AHR-2 District.
- 10 Permitted in the AHR-1 District only. See §230-193.D.
- 11 Drive-through facilities prohibited.
- 12 Banks prohibited in those portions of the I-2 District located along Route 202 to the east of Changebridge Road.
- 13 In TC1 District, only permitted above at-grade retail or other principal permitted uses set forth in §230-188.A.1. through 7.
- 14 Excluding a restaurant serving alcoholic beverages unless said restaurant constitutes the only use of the property.
- 15 Not including used car lots except as accessory to a new motor vehicle franchise located on the premises.
- 16 Permitted in the OB-3 District only.
- 17 Permitted only when said facility constitutes the only use of the property, is part of a restaurant which is the only use of the property, or is operated in conjunction with a package liquor store which is the only use of the property.
- 18 See §230-147.
- 19 See §230-148.
- 20 Not involving chemical or liquid treatment, processes or wastes when located in the CWR Overlay District.
- 21 In the OB-3 District only, engineering research and design of products and materials including the testing of finished or prototype products as an adjunct to an office facility subject to the following limitations:
 - (a) No products or materials shall be manufactured or produced on the premises.
 - (b) The products and materials involved in the research process shall be those produced by a business of which the office facility is a part.
 - (c) The operation shall not involve biological research or the research, development and testing of organic, chemical or potentially hazardous products, materials or substances nor dispose of any materials, except water, into the sanitary sewer disposal system.
- (d) The floor area devoted to the design and testing of products and materials shall not exceed the lesser of 20% of the total floor area of the office facility including the research portion or 15,000 square feet.
- (e) Any research operation shall comply with limitations imposed by the performance standards set forth in §230-142.
- (f) The foregoing shall not be deemed to exclude economic, sociological and educational research which, for purposes of these provisions, shall be deemed to be office uses.
- 22 Limited to the storage of dry goods, products or other articles.
- 23 Not involving the storage of liquid or chemical materials when located in the CWR Overlay District.
- 24 Permitted in the TC2 District only. See §230-188.B.
- 25 See §230-143.
- 26 Permitted in the R-27D and R-27E Districts only.
- 27 See §230-151.
- 28 See §230-227.
- 29 Permitted in the B-1 District only. See §230-170.
- 30 See §230-163.
- 31 See §230-164.
- 32 See §230-166.
- 33 Permitted in the R-27D and R-27E Districts only. For the R-27D District, see §230-167. For the R-27E District, see §230-168.
- 34 Permitted in the R-20C District only. See §230-169.
- 35 Permitted in the R-27E District only. See §230-168.
- 36 See §230-171.
- 37 See Article XXXII for the Route 202 Overlay District. See Article XXXIII for the Stiles Lane Overlay District.
- 38 See §230-172.
- 39 See §230-173.
- 40 Permitted in the I-1B District only.
- 41 Limited to the leasing or rental of a room or rooms within a single-family dwelling owned by any senior citizen, provided such dwelling is the senior citizen's primary residence, and further provided such room or rooms are leased or rented to not more than one person (per N.J.S.A. 40:55D-68.4).
- 42 See §230-152.
- 43 See §230-203.
- 44 See §230-204.
- 45 See Article XXVII.
- 46 See §230-143.

- ⁴⁷ See §230-133.
- ⁴⁸ Accessory to a one-family dwelling only. See §230-154.
- ⁴⁹ See §230-155.
- ⁵⁰ Antennas on existing principal structures shall be a permitted accessory use in all I Districts, pursuant to §230-226.A. In all other zones, antennas shall only be permitted on property owned, leased or otherwise controlled by the Township of Montville, pursuant to §230-226.C.
- ⁵¹ See §230-227.
- ⁵² See §230-153.
- ⁵³ See §230-159.
- ⁵⁴ See §230-96.C.1.
- ⁵⁵ See §230-157.
- ⁵⁶ Subject to the following limitations:
- (a) Said retail sales shall take place entirely within the confines of a building.
- (b) The area devoted to retail sales shall be limited to a maximum 10% of the floor area occupied by the firm or establishment or 2,500 square feet, whichever is the lesser.
- (c) There shall be at least one off-street parking space for each 200 square feet of floor area devoted to retail sales. The required number of parking spaces shall be determined separately from other operations in the building.
- (d) Said retail sales shall be conducted during the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday only.
- ⁵⁷ See §230-156.
- ⁵⁸ See §230-136.
- ⁵⁹ See §230-158.
- ⁶⁰ See Article XXXIV.
- ⁶¹ See §230-160.
- ⁶² [Reserved]
- ⁶³ See §230-161.
- ⁶⁴ See §230-150.
- ⁶⁵ See §230-165.
- ⁶⁶ See §230-193.
- ⁶⁷ See §230-149.
- ⁶⁸ Family child-care homes shall be subject to the Manual of Requirements for Family Child Care Registration, N.J.A.C. 10:126, as well as the requirements for home occupations, as set forth in §230-158. In the case of a conflict, N.J.A.C. 10:126 shall govern.
- ⁶⁹ Only permitted as an accessory to a conditionally permitted restaurant use pursuant to §230-171.B.
- ⁷⁰ See §230-156.1.
- ⁷¹ Also see §230-162.
- ⁷² For PBR See §230-245 through §230-249.2 and for PBO see §230-250 through §230-255.
- ⁷³ Permitted in the OB-4 Zone only.
- ⁷⁴ See §230-173.1.B.
- ⁷⁵ Permitted in the TC1 District only.
- ⁷⁶ Permitted in the R-27F District only. See §230-151.1.
- ⁷⁷ Model apartments shall not be used for residential occupancy and shall be utilized solely for prospective tenants to view.
- ⁷⁸ See §230-161.1.
- ⁷⁹ Including tasting rooms, microbreweries, distilleries, wine making and similar activities which allow for public consumption on the premises. (Proper licensing required based on New Jersey State Alcohol and Beverage Control).
- ⁸⁰ See §230-161.2.
- ⁸¹ Excluding parking garages.
- ⁸² Provided that a parking garage shall only be permitted as a principal use if same is developed with adjacent motor vehicle sales use(s) as an integrated whole and same is used solely by the adjacent motor vehicle sales use(s). See §230-249.1.B.(3).
- ⁸³ See Article XXXVI.

EXHIBIT A

INSERT "ROUTE 46 WEST NON-CONDEMNATION REDEVELOPMENT PLAN"

ROUTE 46 WEST NON-CONDEMNATION REDEVELOPMENT PLAN

BLOCK 162 LOTS 4, 6 & 7

**TOWNSHIP OF MONTVILLE
MORRIS COUNTY, NEW JERSEY**

Prepared for Township of Montville
BA# 3892.21

10/21/2022
Adopted 10/25/2022





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

ROUTE 46 WEST NON-CONDEMNATION REDEVELOPMENT PLAN

Block 162 Lots 4, 6 & 7

Township of Montville
Morris County, New Jersey

Prepared for Township of Montville
BA #3892.21

The original document was appropriately signed and sealed on October 21, 2022 in accordance with the State Board of Professional Planners

Joseph H. Burgis P.P, AICP
Professional Planner #2450

Robyn K. Welch, P.P., AICP
Professional Planner #5971

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1.0 INTRODUCTION

This report presents an amended redevelopment plan for the properties comprising the Route 46 West Redevelopment Area in the Township of Montville, New Jersey. Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), NJSA 40A:12A, the Township of Montville has designated these properties as “an area in need of redevelopment.” The Route 46 West Redevelopment Area, identified as Block 162 Lots 4, 6 and 7 on Township tax maps, is located in the Pine Brook section of the Township, along westbound Route 46, Changebridge Road and Bloomfield Avenue.

The Township of Montville has taken a number of steps to foster redevelopment of the area over the last seven years, as follows:

1. Pursuant to the Planning Board’s recommendation, the Township Committee adopted a resolution designating the lots as an “area in need of redevelopment” with condemnation on October 13, 2015.
2. The Township Committee subsequently directed Burgis Associates, Inc. to prepare a “condemnation” redevelopment plan on its behalf. The resulting Route 46 West Condemnation Redevelopment Plan and implementing ordinance were adopted by the Township on September 27, 2016, which established the Pine Brook Redevelopment (PBR) District permitting a mix of nonresidential uses, including retail, service, hotel, and motor vehicle sales.
3. In an effort to further encourage redevelopment of the Route 46 West Redevelopment Area, the Township Committee directed Burgis Associates, Inc. to amend the Route 46 West Condemnation Redevelopment Plan to provide further incentive for the development of motor vehicle sales by modifying the redevelopment standards for this particular use. The resulting Route 46 West Condemnation Redevelopment Plan Amendment and implementing ordinance were adopted by the Township on September 28, 2021.
4. On April 12, 2022, The Township Committee directed the Planning Board to undertake a preliminary investigation to determine if the Route 46 West Redevelopment Area continued to qualify as an “area in need of redevelopment” with condemnation in accordance with the LRHL. Pursuant to the Planning Board’s recommendation, the Township Committee adopted a resolution re-designating the lots as an “area in need of redevelopment” with condemnation on June 10, 2022.
5. Subsequently, on September 27, 2022, the Township Committee adopted a resolution removing the redevelopment area’s “condemnation” designation and directing Burgis Associates, Inc. to prepare a Non-Condemnation Redevelopment Plan for the “area in need.”

The Route 46 West Non-Condemnation Redevelopment Plan set forth herein amends the Route 46 West Condemnation Redevelopment Plan Amendment adopted in 2021 to not only reflect the Township Committee's removal of the "condemnation" designation from the "area in need," but also amends the 2021 Route 46 West Condemnation Redevelopment Plan Amendment with respect to the following use and development standards:

1. The Redevelopment Plan is amended to allow a motor vehicles sales use to be developed on only a portion of the "area in need." This is necessary as the Township has unsuccessfully sought to assemble all of the properties within the Route 46 West Redevelopment Area over the years.
2. Further, the Redevelopment Plan is amended to allow the sale of pre-owned certified motor vehicles, in conjunction with the sale of new motor vehicles, as a permitted principal use in recognition of the current market realities of the automobile sales industry.
3. Lastly, the Redevelopment Plan is amended to allow motor vehicle service stations, developed in accordance with the standards of the B-3 Business District, as a permitted principal use in recognition of the Court's' decision in the matter of *PBNJ Capital, LLC v. The Planning Board of the Township of Montville and the Township of Montville* and the subsequent site plan approval for Lot 7 of the "area in need."

It is the Township's belief that these amendments – permitting motor vehicles sales uses on a smaller minimum lot area, and with a potentially greater percentage of pre-owned vehicle sales, than previously contemplated, and permitting motor vehicle service stations pursuant to the development standards of the B-3 Zone – will further encourage redevelopment of the Route 46 West Redevelopment Area.

2.0 THE REDEVELOPMENT PROCESS

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment. As required by recent amendments to the LRHL, the governing body must also indicate whether it is seeking to designate the area as a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area.”

An area qualifies as being in need of redevelopment if it meets at least one (1) of the eight statutory criteria listed under Section 5 of the LRHL. These criteria are the same regardless of whether a governing body seeks to designate a study area as a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area.”

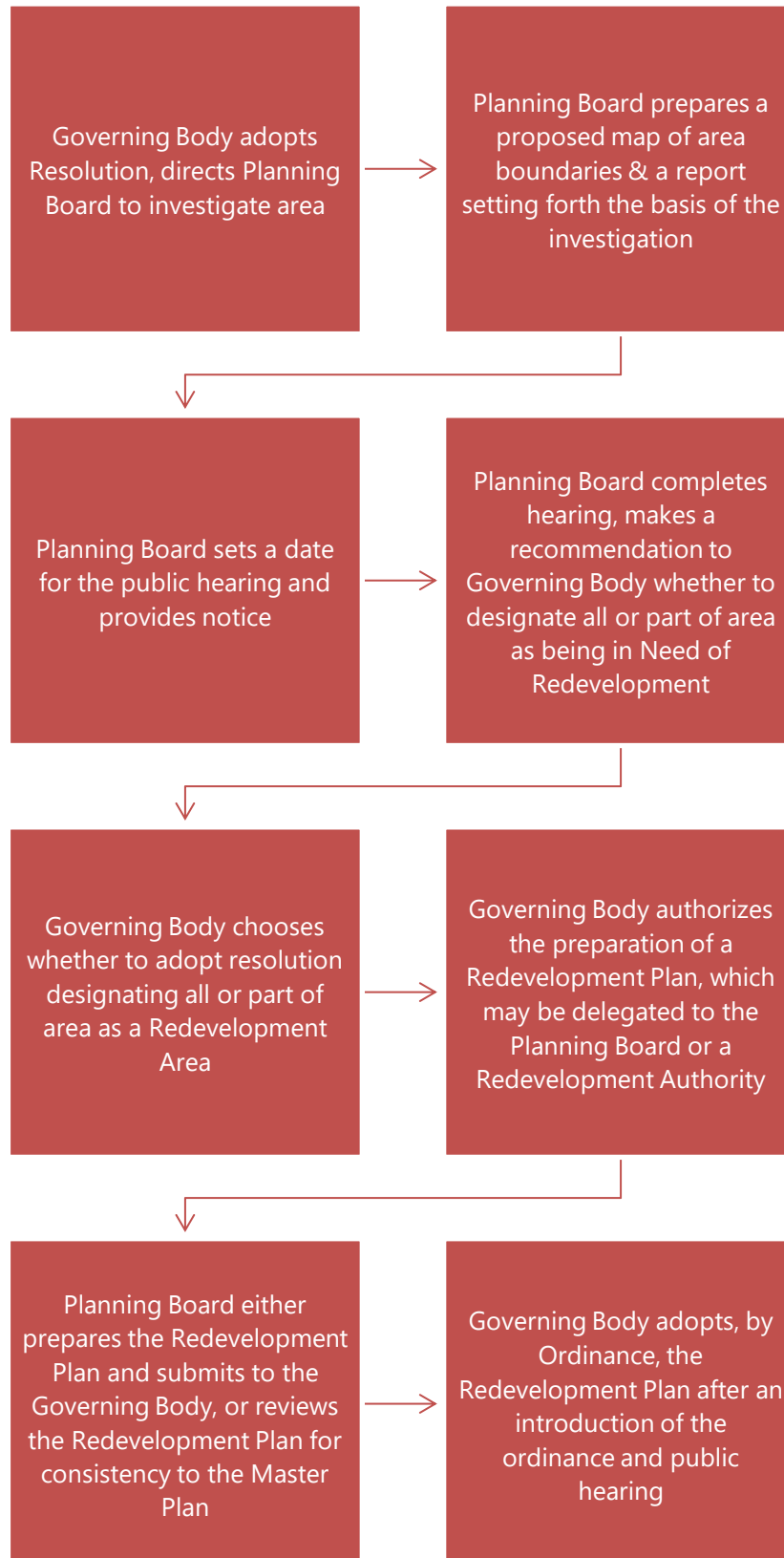
The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After it conducts its investigation, the planning board must then hold a public hearing on the proposed redevelopment area designation. Based upon the planning board’s recommendation, the governing body may designate all or a portion of the area as an “Area in Need of Redevelopment.” The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan. The Mayor and Township Committee adopted Resolution #2022-171 on June 10, 2022, which re-designated Block 162 Lots 4, 6, and 7 as a Condemnation Redevelopment Area and directed Burgis Associates, Inc. to prepare an Amended Condemnation Redevelopment Plan for the “area in need” (see Appendix A of this document). However, the governing body subsequently adopted Resolution #2022-253 on September 27, 2022, which removed the “condemnation” designation from the “area in need” and directed Burgis Associates, Inc. to prepare the Non-Condemnation Redevelopment Plan set forth herein (see Appendix B of this document).

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the “redevelopment entity” will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

Figure 1: Summary of Redevelopment Process



3.0 REDEVELOPMENT PLAN – STATUTORY CRITERIA

The LRHL identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- A. Its relationship to 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.
- B. Proposed land uses and building requirements in the project area.
- C. 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.
- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- E. Any significant relationship of the redevelopment to:
 - I. The master plans of contiguous municipalities,
 - II. The master plan of the county in which the municipality is located, and,
 - III. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.)
- F. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- G. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
- H. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

4.0 REDEVELOPMENT AREA

4.1 Redevelopment Area Overview

The designated redevelopment area consists of three parcels occupying a total area of 5.4 acres and is situated in the Pine Brook section of the Township, with frontage along westbound Route 46, Changebridge Road and Bloomfield Avenue. The parcels comprising the redevelopment area are identified by municipal tax records as Block 162 Lots 4, 6, and 7.

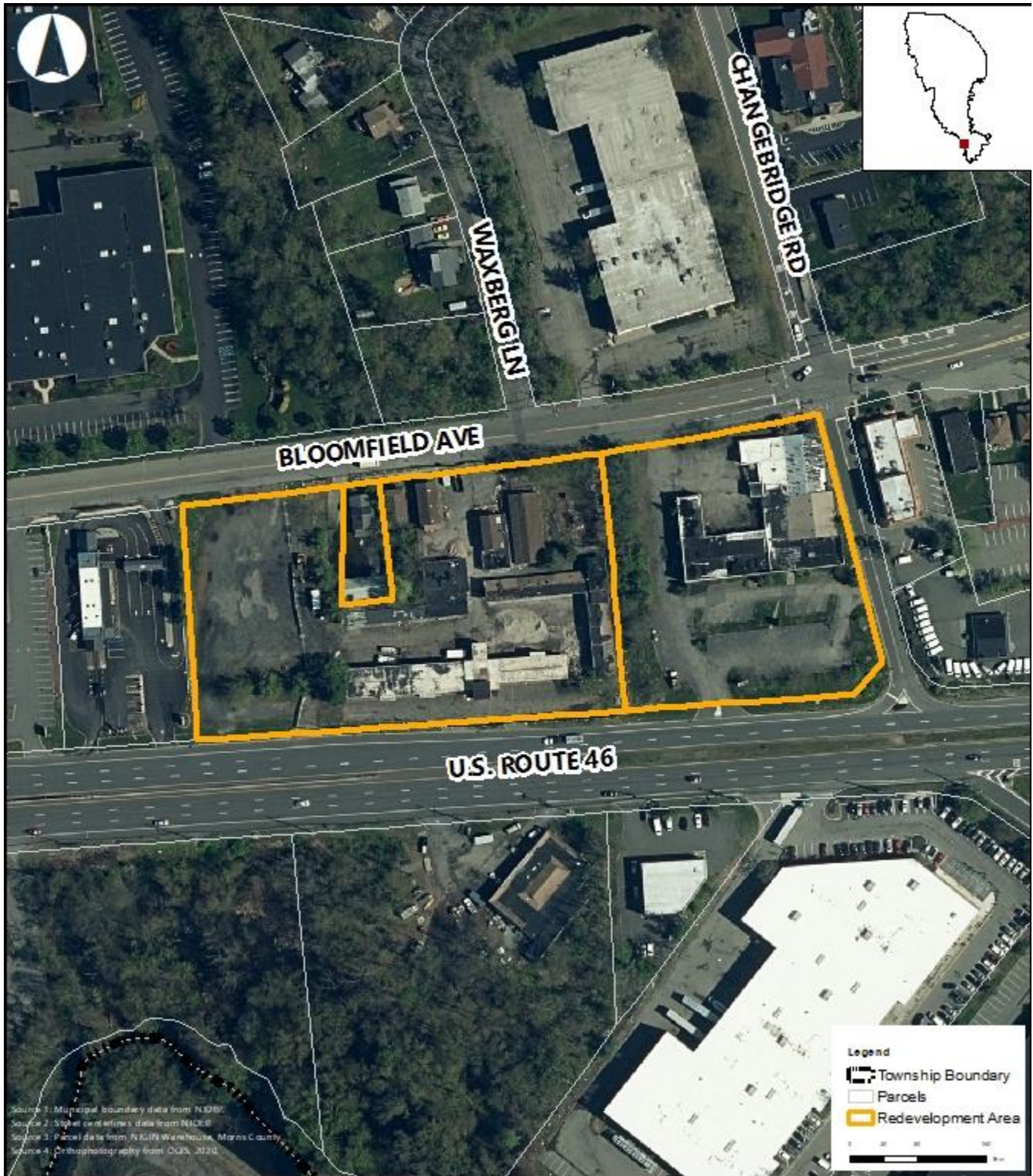
All three lots are presently vacant. Although Lot 4 was previously developed with a one-story residential structure converted for commercial use and a detached garage, Lot 6 was previously developed with the Pine Brook Motel, and Lot 7 was developed with a multi-tenant commercial building, all of the buildings within the redevelopment area have been demolished over the last four months.

The redevelopment area is partially constrained by 500-year floodplain, which encompasses the northwest and southwest corners of Lot 6. The redevelopment area is also constrained by the presence of contaminants. Both Lots 6 and 7 are identified as Known Contaminated Sites by the State of New Jersey, and nearly the entirety of Lot 7 is located within a Currently Known Extent (CKE) groundwater contamination area. Additional constraints impacting the area include a 20-foot wide MUA easement, which straddles the westerly side lot line of Lot 6, according to municipal tax maps.

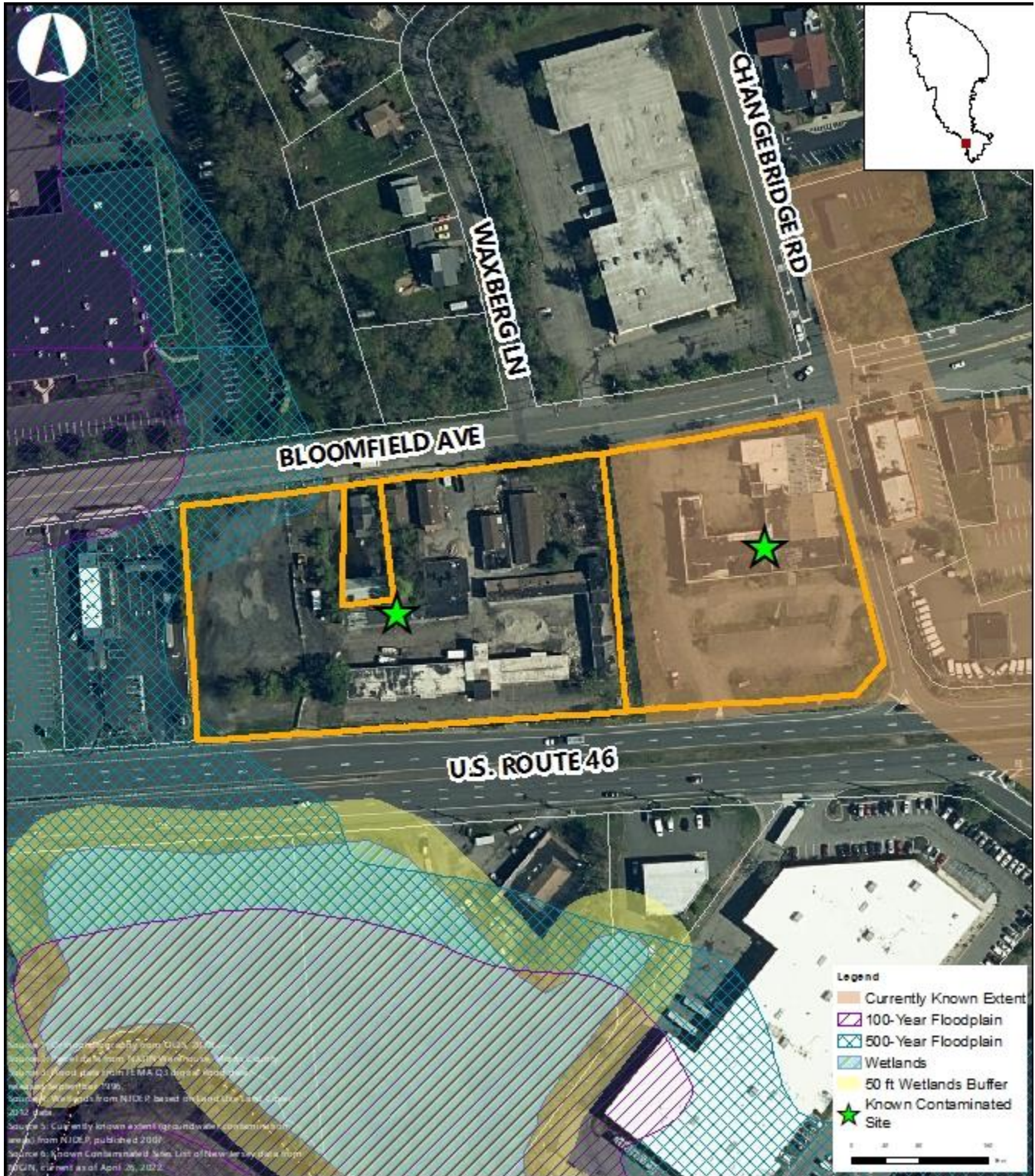
The area surrounding the redevelopment area is developed as follows:

1. To the immediate west are the Trax Car Wash, Pine Brook Plaza, and Montville Diner.
2. To the north, across Bloomfield Avenue, are industrial uses and a vacant residentially-zoned lot.
3. To the northeast is an undeveloped lot zoned for office use.
4. To the east, across Changebridge Road, are the Don Pepe II restaurant and a used car dealership.
5. To the south, across Route 46, are an auto service and tire store as well as a wholesale restaurant supply store and a restaurant equipment supplier.

The accompanying maps on the following pages provide an illustrative overview of the designated redevelopment area (prior to demolition) and its environs.



Map 1: Aerial Map of Redevelopment Area (Prior to Demolition of Structures)



Map 2: Environmental Constraints Map

4.2 Existing Zoning

The redevelopment area is located within the Pine Brook Redevelopment (PBR) District, as depicted on the accompanying map on the following page. The PBR Zone was established per the adoption of the Route 46 West Condemnation Redevelopment Plan in 2016, and amended per the adoption of the Route 46 West Condemnation Redevelopment Plan Amendment in 2021.

The principal uses permitted within the PBR Zone are summarized in Table 1 below.

Table 1: PBR Zone Permitted Principal Uses

Retail stores and shops
Personal service establishments
Banks and financial institutions
Restaurants (including fast-food)
Hotels and motels
Banquet halls
Studios for instruction in voice, dance, martial art, etc.
Motor vehicle sales (new)
Bars and taverns
Child care centers
Public parks and recreation
Municipal buildings
Parking garages (if developed with adjacent motor vehicles sales use(s) an integrated whole and if used solely by the adjacent motor vehicles sales use(s))

There are no conditionally permitted uses in the PBR Zone district.

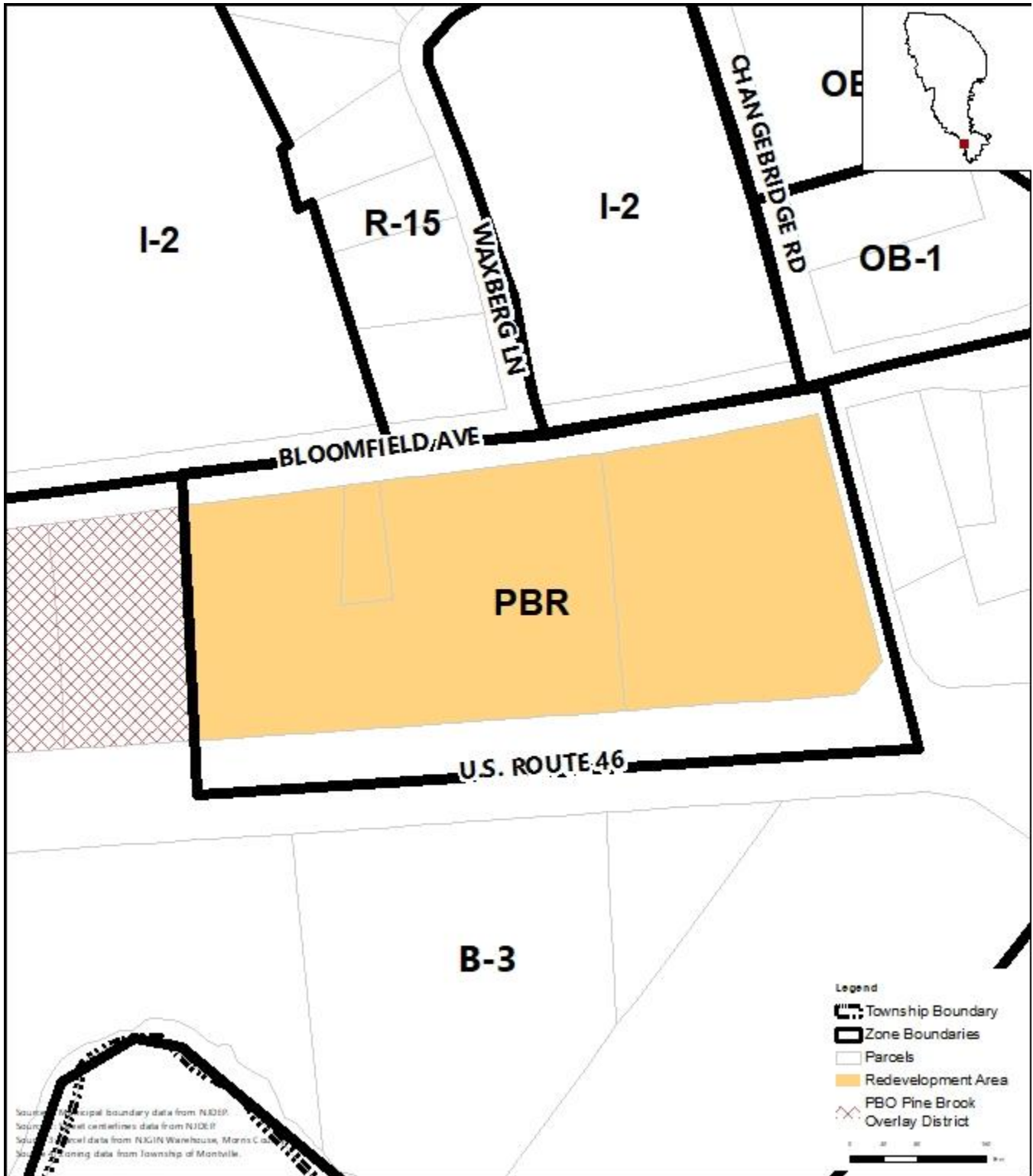
The area and bulk standards for the PBR Zone are summarized in Table 2 below.

Table 2: PBR Zone Area and Bulk Requirements

Requirement	Motor Vehicle Sales	All Other Uses
Min. Lot Area	5.0 ac ^a	5.0 ac
Min. Setback to Buildings:		
From Streets	40 ft (all)	20 ft from Rt 46 & Changebridge Rd 10 ft from Bloomfield Ave
From Westerly Boundary of PBR Zone	20 ft	20 ft
From Other Lot Lines	None	20 ft
Max. Setback to Buildings:	None	20 ft from Bloomfield Ave
Max. Building Height:	30 ft / 2 stories	30 ft / 2 stories ^b
Max. Building Coverage	37%	25%
Max. Impervious Coverage	85%	80%
Min. Distance Between Buildings	40 ft	40 ft

^a Unless a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole, and provided the lots are designed with common access features and the site plan requirements are satisfied by the totality of the development.

^b Except hotels, which shall be permitted a maximum height of 50 feet/4 stories.



Map 3: Existing Zoning Map

5.0 REDEVELOPMENT PLAN AMENDMENT

The following section identifies the amended goals and regulations of the Route 46 West Redevelopment Area (i.e., Pine Brook Redevelopment District). This redevelopment plan amendment is intended to:

1. Allow a motor vehicles sales use to be developed on only a portion of the “area in need,” as the Township has unsuccessfully sought to assemble all of the properties within the Route 46 West Redevelopment Area since the 2015 designation;
2. Allow the sale of pre-owned certified motor vehicles, in conjunction with the sale of new motor vehicles, as a permitted principal use in recognition of the current market realities of the automobile sales industry; and to
3. Allows motor vehicle service stations, developed in accordance with the standards of the B-3 Business District, as a permitted principal use in recognition of the Court's’ decision in the matter of *PBNJ Capital, LLC v. The Planning Board of the Township of Montville and the Township of Montville* and the subsequent site plan approval for Lot 7 of the “area in need.”

It is the Township’s belief that these amendments – permitting motor vehicles sales uses on a smaller minimum lot area, and with a potentially greater percentage of pre-owned vehicle sales, than previously contemplated, and permitting motor vehicle service stations pursuant to the development standards of the B-3 Zone – will further encourage redevelopment of the Route 46 West Redevelopment Area. All other goals and regulations set forth in the original 2016 redevelopment plan and the 2021 redevelopment plan amendment not specifically amended herein remain in full force and effect.

5.1 Plan Goals

The goal of the PBR Pine Brook Redevelopment Zone is amended as follows (new language shown in *italics*): “The goal of the PBR Pine Brook Redevelopment Zone is to redevelop the subject area with attractive, high quality retail, service and/or hotel uses which emphasize a human scale of development and enhance the streetscape along Bloomfield Avenue. As an alternative to these uses, redevelopment of *all or a portion of* the subject area with motor vehicle sales uses *and/or motor vehicle service stations* shall also be permitted subject to an alternative development strategy as set forth herein.”

5.2 Permitted Principal Uses

The list of permitted principal uses within the PBR Pine Brook Redevelopment Zone shall be further amended to include “motor vehicle service stations” and “motor vehicle sales, new and pre-owned certified.” For the purposes of this plan, a pre-owned certified motor vehicle is defined as a manufacturer- or dealership-certified used vehicle that is available for purchase at a dealership which also sells new motor vehicles.

5.3 Permitted Accessory Uses

The list of permitted accessory uses within the PBR Pine Brook Redevelopment Zone shall be amended as follows:

1. "Electric vehicle charging stations, retail and non-retail" shall be eliminated as a permitted accessory use and replaced with "Electric Vehicle Supply/Service Equipment (EVSE) or Make-Ready parking spaces."
2. The list of accessory uses normally incidental to motor vehicle sales shall be amended to include interior prep bays, interior delivery bays, and interior car washes.

5.4 Prohibited Uses

The list of prohibited uses within the PBR Pine Brook Redevelopment Zone shall be amended as follows:

1. "Used car sales, except as accessory to a new motor vehicle franchise located on the premises" shall be eliminated as a prohibited use.
2. Service bays and the servicing and/or repair of vehicles shall continue to be prohibited on-site; however, interior car washes, along with interior prep bays and interior delivery bays, shall be added as being specifically permitted in relation to motor vehicle sales. Further, nothing herein shall be interpreted to prohibit motor vehicle service stations as a principal use in the PBR Zone.

5.5 Alternative Development Strategy – Motor Vehicle Sales

Whereas development of retail, personal service, eating and drinking establishments, banks, instructional studios, hotels and/or banquet halls within the PBR Pine Brook Redevelopment Zone shall continue to conform in all respects to the regulations set forth in the original 2016 redevelopment plan, development of motor vehicle sales uses (and parking garages as a principal use, if applicable) within the PBR Pine Brook Redevelopment Zone shall instead be subject to the alternative regulations set forth herein below. These alternative regulations shall supersede those set forth in Section 5.5 of the 2021 Route 46 West Condemnation Redevelopment Plan Amendment for this particular use.

A. Area and bulk requirements:

Table 3: PBR Pine Brook Redevelopment Zone
Area and Bulk Regulations: Motor Vehicle Sales Uses

Requirement	Motor Vehicle Sales
Min. Lot Area	3.0 ac ^a
Min. Setback to Buildings:	
From Streets	40 ft ^b
From Westerly Boundary of PBR Zone	20 ft

From Interior Lot Line in PBR Zone	20 ft ^a
Max. Setback to Buildings:	None
Max. Building Height (feet):	30 ft ^c
Max. Building Height (stories):	2 stories
Min. Building Coverage	10%
Max. Building Coverage	37%
Max. Impervious Coverage	85%
Max. Floor Area Ratio	None
Multiple Buildings Per Lot	Permitted
Min. Distance Between Buildings	40 ft

NOTES:

^a Unless a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole, and provided the lots are designed with common access features and the site plan requirements are satisfied by the totality of the development.

^b Subject to §230-130.A.

^c Provided that, irrespective of §230-131, parapets, portals and/or other decorative façade elements shall be permitted to extend up to a maximum height of 35 feet for a maximum of 40% of each building elevation.

B. Supplemental requirements:

1. Prep bays, delivery bays, and car washes: Prep bay, delivery bay, and/or car wash doors are discouraged along the Bloomfield Avenue frontage. Where prep bay, delivery bay, and/or car wash doors are provided along the Bloomfield Avenue frontage, the following provisions shall be met:
 - a. Doors shall be set back a minimum of 75 feet from the Bloomfield Avenue right-of-way;
 - b. Doors shall be clear or frosted glass;
 - c. Doors shall be screened from the Bloomfield Avenue right-of-way by a variety of evergreen tree species, inclusive of fencing if deemed appropriate, subject to the discretion of the approving authority; and
 - d. Doors shall occupy no more than ten percent (10%) of the ground floor façade facing Bloomfield Avenue.
2. Outdoor display of vehicles:
 - a. Any parking spaces provided for the outdoor display of vehicles for sale which are located along the Route 46 right-of-way shall be reserved exclusively for display of new motor vehicles only. In addition, any parking spaces provided for the outdoor display of vehicles for sale which are located along the Bloomfield Avenue right-

of-way and opposite a residential zone shall be reserved exclusively for display of new motor vehicles only.

- b. Any parking spaces or traffic aisles associated with the outdoor display of vehicles for sale shall be set back a minimum of 10 feet from all property lines, except as follows:
 - 1) Where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole, no setback is required along the shared lot line(s);
 - 2) The outdoor display of vehicles for sale shall be permitted within 5 feet of the Route 46 right-of-way, provided that such vehicles occupy an area of no more than 2,500 square feet, are parked on pervious pavers, and are landscaped with shrub plantings between the vehicles and the right-of-way.
- c. The setback area, where required, shall be landscaped in accordance with Subsection G.2.a.(3) below.
- d. The outdoor display of vehicles for sale in the PBR Zone shall be specifically exempt from §230-156.1, Outdoor Display of Merchandise, including exemption from the setback requirements set forth therein.
- e. Any parking spaces associated with the outdoor display of vehicles for sale shall be permitted to be tandem parking spaces, irrespective of anything to the contrary.

3. Parking garages:

- a. Parking garages in the PBR Zone, whether constructed as a principal use on a lot or as an accessory to a principal motor vehicle sales use on the same lot, shall be considered a structure (not a building).
- b. Irrespective of anything in §230-54 to the contrary, where a parking garage in the PBR Zone is attached to a principal building by a canopy or other building element, said garage shall not be shall not be considered part of the principal building.
- c. Parking garages in the PBR Zone shall be subject to §230-157, Parking Garages, except as follows:
 - 1) Irrespective of §230-157.B, parking garages in the PBR Zone shall conform to the following bulk requirements:

Table 4: PBR Pine Brook Redevelopment Zone
Bulk Regulations: Parking Garages

Requirement	Parking Garages
Min. Setback to Garage:	
From Streets	40 ft
From Westerly Boundary of PBR Zone	20 ft
From Interior Lot Line in PBR Zone	20 ft ^a
Max. Setback to Garage:	None
Max. Garage Height (feet):	30 ft
Max. Garage Height (stories):	None
Max. Floor Area Ratio	None
Min. Distance Between Garage and Buildings	None

NOTES:

^a Unless developed with adjacent motor vehicle sales use(s) as an integrated whole, and provided the lots are designed with common access features and the site plan requirements are satisfied by the totality of the development.

- 2) Irrespective of §230-157.C, parking garages in the PBR Zone shall be set back at least 100 feet from any property located within a residential zone.
 - 3) Irrespective of §230-157.E, parking garages in the PBR Zone shall not be required to provide a green roof; however, where a green roof is not provided, the parking garage shall be counted as square footage for the purposes of calculating building coverage.
 - 4) Irrespective of §230-157.G, foundation plantings shall only be required along parking garage walls which face a street.
 - 5) Irrespective of §230-157.H, parking garages in the PBR Zone may be used for vehicle inventory storage.
4. Truck traffic:
- a. Vehicles to be sold/leased on the premises shall not be permitted to be delivered to the site via manufacturer tractor trailer. Tractor trailers owned or controlled by the owner of the site may deliver vehicles to the site via Route 46 only.
 - b. With the exception of emergency vehicles and single units (i.e. FedEx, UPS, office supply vehicles), no truck traffic into or out of the site shall be permitted along Bloomfield Avenue.
5. Accessory generators:

- a. Irrespective of §230-128.C(4), generators shall be permitted within the front yard in the PBR Zone, provided that same shall be screened from view of adjacent properties.

C. Off-Street Parking Requirements:

1. Minimum number of parking spaces:
 - a. There shall be provided, whether in surface parking lots or parking garages, a minimum of 1 parking space per 500 square feet of gross floor area within buildings, plus 1 parking space per 5,000 square feet of area devoted to the outdoor display of vehicles for sale. Areas devoted to vehicle inventory storage within a parking garage shall be exempt from the calculation of minimum parking requirements.
 - b. When determining compliance with the minimum parking requirements set forth in Subsection C.1.a. above, parking spaces used for the display of vehicles for sale and/or for vehicle inventory storage shall not be counted as a parking space for the purposes of calculating the proposed number of off-street parking spaces to be provided.
2. Location: All off-street parking spaces and traffic aisles (not including parking spaces for the display of vehicles for sale, which are regulated in Subsection B.2. above) shall be set back a minimum of 10 feet from all property lines and a minimum of 5 feet from all buildings, except for traffic aisles serving interior prep bays, delivery bays, and/or car washes, which shall be permitted to have no setback from the building. Off-street parking spaces and traffic aisles shall be set back minimally 5 feet from a parking garage, except along parking garage walls which do not face a street, in which case no setback is required.
3. Curb cuts: There shall be no more than one curb cut per street frontage for each lot in the PBR Zone.
4. Shared parking: Shared parking, whether in surface parking lots or parking garages, is specifically permitted for adjacent motor vehicle sales uses developed as an integrated whole, provided that the overall minimum number of off-street parking spaces is satisfied. Shared parking shall not be subject to subject to the minimum 10-foot setback requirement along the shared lot line(s). Shared parking arrangements shall be exempt from §230-125.A., but shall be subject to §230-125.B.

5. Electric vehicle charging: Electric vehicle charging equipment shall be provided as required per §230-161.1, Electric Vehicle Supply/Service Equipment, consistent with the New Jersey Electric Vehicle Charging Station Law (P.L. 2021, c. 171).

D. Off-Street Loading Requirements:

1. Minimum and maximum number of loading spaces: Irrespective of anything in §230-204 to the contrary, each dealership on the site shall be permitted one loading space.
2. Location: All loading spaces shall be set back a minimum of 10 feet from all property lines. Loading shall be permitted in front yards, but shall be screened from the street as required per Subsection G.2.a.(3) below.

E. Signage:

1. Building wall and hanging signs:
 - a. The total maximum wall and/or hanging sign area permitted per building shall be 375 square feet, which shall be calculated as the sum total of all wall and/or hanging signs on all facades of the building.
 - b. For buildings which have frontage on three (3) streets, an additional 20% of wall and/or hanging sign area (up to 450 square feet) shall be permitted.
 - c. No more than three (3) wall and/or hanging signs shall be permitted on any one façade.
 - d. Wall and/or hanging signs in the PBR Zone shall be exempt from the supplemental regulations for wall signs set forth at §230-211.G.
 - e. Wall and/or hanging signs in the PBR Zone are permitted to be internally or externally illuminated.
 - f. For the purposes of this section, "hanging signs," as defined per §230-54, are not required to be oriented at a ninety-degree angle from the plane of the building façade.
2. Parking garage sign:
 - a. In addition to the permitted building wall signage, a maximum of one (1) sign shall be permitted to be affixed to the wall of the parking garage. Said sign shall only be permitted along the Route 46 frontage.

- b. A maximum sign area of 220 square feet is permitted on the parking garage.
 - c. The parking garage sign shall be exempt from the supplemental regulations for wall signs set forth at §230-211.G.
 - d. The parking garage sign shall not be permitted to be illuminated.
 - e. Horizontal metal mesh along the façade of the parking garage shall not be considered part of any signage.
3. Freestanding signs:
- a. No more than one (1) freestanding sign shall be permitted on any one street frontage, provided that if more than one dealership in the PBR Zone has frontage on a particular street, each dealership shall be permitted one (1) freestanding sign on that street frontage.
 - b. The total maximum freestanding sign area permitted per dealership in the PBR Zone shall be 165 square feet, which shall be calculated as the sum total of all freestanding signs on the lot exclusive of any base, plinth, or columns; provided, however, that in no event shall any dealership's freestanding sign fronting on Bloomfield Avenue exceed an area of 65 square feet.
 - c. The maximum height from ground level for freestanding signs fronting on Route 46 shall be 25 feet. The maximum height from ground level for freestanding signs fronting on other streets shall be 13 feet.
 - d. No freestanding sign shall be located closer than 15 feet from the curblines of the abutting street.
 - e. Freestanding signs in the PBR Zone shall be exempt from the supplemental regulations for freestanding signs set forth at §230-211.H., but shall be subject to the color requirements at §230-211.C.
 - f. Irrespective of §230-211.B., all signs shall be set back at least 40 feet from any property located within a residential zone.
 - g. Freestanding signs in the PBR Zone shall be subject to the illumination requirements set forth at §230-213, except that freestanding signs fronting on Bloomfield Avenue shall be permitted to be internally illuminated.
4. Directional signs: Directional signs shall be permitted pursuant to §230-211.E.

5. Flags: Flags of the United States, State of New Jersey or other governmental or quasi-public agencies are specifically permitted in the PBR Zone. Flagpoles shall be subject to §230-128.C.(1), except that flagpoles shall be permitted at a height of up to 42 feet.

F. Grading:

1. Grading: Lot grading in the PBR Zone shall be consistent with §230-71 and §230-135, except that §230-71.B.(10) prohibiting the alteration of site elevations in excess of one foot within five feet of an adjoining property shall not apply to the shared lot line(s) where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole. The term "adjoining property" shall not be interpreted to apply to public rights-of-way.
2. Retaining Walls: Retaining walls in the PBR Zone shall be subject to 230-159.M.
3. Steep Slopes: Development in the PBR Zone shall be exempt from §230-143.1, Regulation of Slopes.

G. Design Standards for Subdivisions and Site Plans:

1. Subdivisions: Subdivisions (including lot line adjustments) within the PBR Zone shall comply in all respects with Chapter 230, Article IX, Design Standards for Subdivisions, provided that provisions therein related to street right-of-way widening and/or dedication shall be subject to the discretion of the approving authority, and further provided that development within the PBR shall be exempt from §230-62, Bikeways.
2. Site Plans:
 - a. Site plans within the PBR Zone shall be exempt from §230-98.1, Pine Brook Design Standards, and instead shall be subject to the following alternative design standards:
 - 1) Building design and mass:
 - a) Buildings shall be oriented with a primary entrance facing at least one adjacent public street. The primary building entrance shall not be toward a parking lot or parking structure.
 - b) Buildings with expansive blank walls shall be prohibited. Windows, awnings, canopies, balconies and/or other design elements shall be provided along all facades of buildings which face a street. Ground-

floor areas of façades facing Route 46 and Changebridge Road shall provide a minimum façade transparency of 50%. Upper-floor areas of façades facing all streets shall be designed to provide a minimum façade transparency of 20%.

- c) Architectural design components shall carry through the design of all facades of the building, such as decorative elements, window spacing, building materials, banding, colors, and textures, to establish a cohesive building design composition on all facades, subject to the review and approval of the approving authority.
- d) Buildings with a flat roof surface area of 500 square feet or more shall utilize a material that has a solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.

2) Sidewalks:

- a) Sidewalks shall be installed along the entire length of the Bloomfield Avenue frontage, as well as along the Changebridge Road frontage, to promote safety and pedestrian mobility in the area.

3) Landscaping:

- a) A landscape design plan shall be required, which shall provide a variety of plant material to enhance the character of the site, including foundation plantings, and perimeter trees and shrubs.
- b) A dense evergreen buffer at a minimum planting height of seven feet shall be required along the site's Bloomfield Avenue frontage, but shall be subject to the approving authority's approval of sight distances and visual interest.
- c) Street/shade trees shall be required to be planted on the property along the Route 46 and Changebridge Road frontages at an average distance of 50-feet on center. Street/shade trees shall conform with §230-95.C.
- d) Interior lot landscaping shall be required as follows:
 - i. Each parking row shall be contained by a landscaped island at the beginning and end of the parking row, and such islands

shall be planted with shade and/or ornamental trees and shrub plantings as deemed appropriate by the approving authority.

- ii. A minimum of three shrubs shall be planted for every perimeter parking space along the perimeter of the parking spaces, except where such planting would conflict or interfere with the evergreen buffer planting required herein.
- e) With the exception of the evergreen buffer required along Bloomfield Avenue, the types of plant material provided on site shall comply with the species set forth at §230-95.C(4) and (5), provided however that European hornbeam shall be permitted along the Route 46 frontage.

4) Lighting:

- a) Decorative pole-mounted lighting fixtures shall be provided along the Bloomfield Avenue and Changebridge Road frontages at 150-foot intervals, as well as at strategic locations along the Route 46 entrance drives. The type of decorative lighting fixture to be utilized shall be consistent with those set forth at §230-96.E.(1)(a). The type of bulbs to be utilized shall be consistent with §230-95.E.(3).
- b) Sharp cut-off type fixtures shall be permitted within parking and display areas within the interior of the lot.
- c) Building-mounted fixtures shall be complementary to the architectural style of the building.
- d) No light source shall exceed a height of 16 feet along Bloomfield Avenue. In all other locations, light sources shall be permitted up to a maximum height of 20 feet.
- e) The proposed outdoor site lighting plan shall incorporate, where practical, circuiting such that portions of the site not needing overnight security lighting provide reduced illumination after business hours. The intent is to reduce excessive illumination of the entire site to reduce skyglow impacts to neighboring properties and promote energy conservation.

- f) All site lighting shall conform to the illumination requirements set forth at §230-86.E., except as follows:
 - i. §230-86.E.(1) shall not apply to the shared lot line(s) where a motor vehicle sales use is developed with an adjacent motor vehicle sales use and/or an adjacent parking garage use as an integrated whole.
 - ii. §230-86.E.(1) shall not apply to decorative streetscape lighting along public rights-of-way.
 - iii. Irrespective of anything in §230-86.E.(3) to the contrary, in no event shall freestanding light fixtures be permitted on the top level of a parking garage in the PBR Zone.
- b. In addition to the alternative design standards set forth in Subsection G.2.a. above, the following provisions set forth in Chapter 230, Article X, Design Standards for Site Plans, shall also apply to motor vehicles sales uses in the PBR Zone:
 - 1) §230-79, General Standards.
 - 2) §230-80, Parking and Loading, except as follows:
 - a) Irrespective of §230-80.E and F(2), the location of traffic aisles, off-street parking, and loading areas for motor vehicle sales uses in the PBR Zone shall be subject to the standards set forth herein above.
 - b) Irrespective of §230-80.F(1), parking spaces used for vehicle inventory storage within a parking garage shall be permitted to be compact spaces with dimensions of 8.5 feet wide by 16 feet long.
 - c) Irrespective of §230-80.H(1), parking spaces used for the outdoor display of vehicles for sale shall be permitted to be tandem parking spaces.
 - d) Irrespective of §230-80.H(4), spaces in a parking garage with a depth of at least 18 feet shall not be required to provide 2 feet of additional overhang where abutting a sidewalk/walkway.
 - 3) §230-81, Grading Plan, except as modified per Subsection F.1. above.
 - 4) §230-84, Sight Triangles.

- 5) §230-87, Trash, Garbage, and Recyclable Materials, except that, irrespective of §230-87.A., enclosures for the storage of trash, garbage and recyclable materials shall be permitted in a front yard, provided that said enclosure shall be screened from view from the adjoining street(s).
 - 6) §230-88, Underground Utilities.
 - 7) §230-89, Water Supply and Sanitary Sewers.
 - 8) §230-91, Stormwater Management.
 - 9) §230-92, Topsoil Redistribution.
 - 10) §230-94, Site Maintenance.
- c. Unless specified herein above, the standards set forth in Chapter 230, Article X, Design Standards for Site Plans, shall not apply to motor vehicle sales in the PBR Zone.

5.6 Alternative Development Strategy – Motor Vehicle Service Stations

Development of motor vehicle service station uses within the PBR Pine Brook Redevelopment Zone shall not be subject to the regulations set forth in the original 2016 redevelopment plan, but instead shall be subject to the alternative regulations set forth herein below.

- A. Motor vehicle service stations shall only be permitted on corner lots in the PBR Zone. For the purposes of this plan, a corner lot is defined as a lot at the junction of and having frontage on two or more intersecting streets that exist as on the date of adoption of this plan. No more than one curb cut per street frontage shall be permitted.
- B. Motor vehicle service stations in the PBR Zone shall be subject to the standards applicable to motor vehicle service stations in the B-3 Business District, except that motor vehicle service stations in the PBR Zone shall not be permitted to have high-speed fuel pumps.
- C. The minimum number of off-street parking spaces required shall be as set forth at Schedule E, Off-Street Parking Requirements, for motor vehicle service stations.
- D. The minimum number of off-street loading spaces required shall be as set forth at §230-204.

6.0 CONSISTENCY TO OTHER PLANS

The following section identifies the relationship of this Non-Condemnation Redevelopment Plan to the Township's Master Plan Elements, the master plans of contiguous municipalities, Morris County's Master Plan, as well as the State Development and Redevelopment Plan.

6.1 RELATIONSHIP TO THE TOWNSHIP OF MONTVILLE MASTER PLAN

The Montville Township Planning Board adopted its most recent Master Plan Reexamination Report on July 11, 2019, and adopted its most recent Land Use Plan Amendment on December 12, 2019. The 2019 Land Use Plan Amendment places the area in need within the Pine Brook Redevelopment land use category, which is designed to correspond to the PBR Pine Brook Redevelopment Zone District.

The 2019 Land Use Plan Amendment states that *"This land use category is intended to permit redevelopment of the subject area with attractive, high quality retail, service and/or hotel uses which emphasize a human scale of development and enhance the streetscape along Bloomfield Avenue. Permitted uses shall include retail, personal service establishments, eating and drinking establishments, banks, instructional studio spaces, hotels, banquet halls, and sales of new motor vehicles. A minimum lot area of five acres shall be required."*

The Non-Condemnation Redevelopment Plan as set forth herein above is not inconsistent with the Township's 2019 Land Use Plan Amendment designation for the area in need. The Land Use Plan already permits auto-related uses within the Pine Brook Redevelopment category and the amendments set forth herein to permit sales of new and pre-owned vehicles and motor vehicle service stations are a natural extension of those auto-related uses already permitted, albeit on a smaller minimum lot size than previously contemplated. This, however, does not represent an overall inconsistency with the Master Plan.

The Non-Condemnation Redevelopment Plan set forth herein also affirms a number of goals and objectives identified in the Township's 2019 Land Use Plan Amendment, as follows:

- 7. To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality.*

Permitting the sale of new and pre-owned vehicles and motor vehicle service stations will encourage redevelopment of the area in need with attractive, high-quality development that will enhance the aesthetics of the Route 46/Bloomfield Avenue corridors. The Non-Condemnation Redevelopment Plan is designed to ensure attractive building façades on all sides and substantial screening and landscaping – particularly along Bloomfield Avenue.

9. *To preserve and enhance the Township's retail commercial areas by defining their functional role in the community. The Township's highway commercial areas should be designed to facilitate the creation of more reasonably sized building lots and integrated development that serves to limit the number of curb cuts and conflicting turning movements on the adjacent roadway.*

The Non-Condemnation Redevelopment Plan is intended to enhance the Route 46/Bloomfield Avenue commercial corridors by restoring the area in need to a useful purpose in a manner that would implement the land use objectives cited herein. The plan will allow for more reasonably sized building lots for motor vehicle sales and motor vehicle service stations to spur redevelopment, while still limiting the number of curb cuts and conflicting turning movements.

10. *To encourage the provision of sidewalks wherever recommended in the Township's Circulation Plan.*

The Non-Condemnation Redevelopment Plan requires for all uses that sidewalks be provided along the area's Bloomfield Avenue and Changebridge Road frontages consistent with the Township's 2014 Circulation Plan Element of the Master Plan in order to enhance the streetscape and further the connectivity of these corridors.

15. *To promote the conservation of energy and the use of renewable energy sources and sustainable building practices whenever possible as the Township develops.*

The Non-Condemnation Redevelopment Plan contains a number of requirements intended to promote sustainable redevelopment for all uses, including requirements for the provision of electric vehicle charging stations and cool roofs.

In sum, by expanding the permitted uses in the plan to include additional auto-related uses on a smaller lot size than previously contemplated, the Non-Condemnation Redevelopment set forth herein will further encourage redevelopment of the Route 46 West Redevelopment Area and achieve a number of the goals and objectives identified in the Township's Land Use Plan.

6.2 Relationship to the Master Plans of Adjoining Communities

The Township of Parsippany-Troy Hills municipal boundary is located approximately 600 feet to the west of the Route 46 West Redevelopment Area along Route 46 and Bloomfield Avenue. The Township's most recent Master Plan was adopted on January 6, 2020. The portion of Parsippany-Troy Hills along Route 46 and Bloomfield Avenue, in the vicinity of the townships' shared border, is designated for Regional Commercial. The purpose of the Regional Commercial land use category is to *"encourage retail and service commercial activities along Parsippany's major highway corridors... Uses in this category draw people from throughout the Township and neighboring municipalities, and are characterized by large-*

scale retail, office, and service uses.” This designation is compatible with the Non-Condemnation Redevelopment Plan as set forth herein above.

6.3 Relationship to the Morris County Master Plan

Morris County recently adopted a new Land Use Element on December 3, 2020. The Land Use Element identifies a number of major land use trends and issues that are relevant to the Amended Redevelopment Plan set forth herein above, most notably the trends of redevelopment as the primary driver of Morris County’s growth in the years ahead and same becoming increasingly important for economic development. In addition, the County Land Use Element highlights the trend of the overbuilt retail sector now struggling to compete with the growing popularity of digital sales and e-commerce.

The County Land Use Element also sets forth a number of goals, policy objectives and recommendations that are pertinent to this Non-Condemnation Redevelopment Plan. Specifically, the Non-Condemnation Redevelopment Plan is consistent with Goal 1, which encourages the creation of balanced and diverse economic opportunities suitable to meet the economic and employment needs of Morris County, and with Goal 2, which calls for the efficient use of land of land by encouraging the focus of economic growth in areas with existing or planned infrastructure (sewer/water/transportation).

In addition, this Non-Condemnation Redevelopment Plan is consistent with the following Policy Objectives:

- 1. Promote the continued revitalization and redevelopment of the County’s established downtown centers and commercial corridors.*
- 2. Encourage compact development patterns, cluster development, and infill development, consistent with local goals, to reduce sprawl, mitigate environmental impacts, and to make improved utility and transportation infrastructure feasible and economical.*
- 3. Minimize Greenfield development where possible; prioritize redevelopment of Brownfield sites, Greyfield sites, obsolete land uses and other previously developed sites.*
- 5. Support the creation of a diverse and robust economy, including a variety of economic uses and employment opportunities.*

6.4 Relationship to the State Development and Redevelopment Plan

The 2001 New Jersey State Development and Redevelopment Plan (SDRP) has a number of goals and objectives that aim to revitalize the State’s cities and towns by promoting the protection, preservation and development of a municipality’s physical assets. The area in need is located in Planning Area 1 of the 2001 State Development and Redevelopment Plan Policy Map, wherein development and

redevelopment are intended to be directed. The Non-Condemnation Redevelopment Plan furthers several of the SDRP's goals, including the following:

1. *Revitalize the State's cities and towns;*
2. *Promote beneficial economic growth, development and renewal for all residents of New Jersey;*
3. *Protect the environment, prevent and clean up pollution;*
4. *Ensure sound and integrated planning and implementation standards.*

The Non-Condemnation Redevelopment Plan as set forth herein above is designed to promote commercial uses on a site with adequate infrastructure and access to major roads, consistent with State planning goals and policies. It is intended to improve the aesthetic and economic condition of the Route 46 West area, as well as likely encourage growth in the area by allowing this site to be put to a more productive use. Redevelopment of the area in need will also promote the environmental clean-up of the site, thereby removing the property from the NJDEP's Known Contaminated Properties List and improving the environment from current conditions.

7.0 COMPLIANCE WITH LOCAL REDEVELOPMENT AND HOUSING LAW (LRHL)

In accordance with the LRHL (NJSA 40A:12A-1 et seq.), the following statements are offered regarding compliance with the requirements of a Redevelopment Plan.

- A. *Requirement: The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements.*

Comment: The Non-Condemnation Redevelopment Plan contained herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and community facilities, and other public improvements.

- B. *Requirement: Proposed land uses and building requirements in the project area.*

Comment: The Non-Condemnation Redevelopment Plan contained herein outlines the proposed land uses and building requirements for the Redevelopment Area.

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

Comment: The Non-Condemnation Redevelopment Plan does not require the temporary and/or permanent relocation of any residents as the site does not contain any residential uses.

- D. *Requirement: An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.*

Comment: No properties are proposed to be acquired with this Non-Condemnation Redevelopment Plan. The resolution adopted by the Montville Mayor and Township Committee on September 27, 2022 removed the Township's authority to use the power of eminent domain within the Route 46 West Redevelopment Area.

- E. *Requirement: Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.*

Comment: The Non-Condemnation Redevelopment Plan is not inconsistent with the Township's master plan, the master plans of Parsippany-Troy Hills and Morris County, and with the State Development and Redevelopment Plan (SDRP).

F. Requirement: *As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to Section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.*

Comment: No low- or moderate-income households are proposed to be removed with this Non-Condemnation Redevelopment Plan.

G. Requirement: *A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.*

Comment: No low- or moderate-income households are proposed to be removed with this Non-Condemnation Redevelopment Plan.

H. Requirement: *Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.*

Comment: The Non-Condemnation Redevelopment Plan is furthering this effort by specifically permitting EVSE or Make-Ready parking spaces as permitted accessory uses in the PBR Zone and requiring that developments provide for electric vehicle charging equipment in compliance with the State's Electric Vehicle Charging Station Law (P.L. 2021, c. 171).

8.0 GENERAL PROVISIONS

The following section contains the general provisions of the Redevelopment Plan.

8.1 Zoning Map and Ordinance

This Non-Condemnation Redevelopment Plan shall amend all use, area and bulk provisions of the Land Use and Development (Chapter 230) ordinances of the Township of Montville regulating development in the PBR Pine Brook Redevelopment Zone as specifically set forth herein. In all situations where development regulations are not specifically addressed herein, the Montville Township Land Use and Development regulations shall remain in effect. No amendment to the Township of Montville Zoning Map is required as part of this Non-Condemnation Redevelopment Plan.

8.2 Site Plan Review

Any site plan for the construction of improvements within the Redevelopment Area shall be prepared and submitted to the Planning Board in accordance with the Montville Township Land Use and Development Regulations, Chapter 230, of the Township Code.

8.3 Amendments to the Redevelopment Plan

This Non-Condemnation Redevelopment Plan may be further amended, if necessary, as provided by the LRHL.

8.4 Severability

Should any section, paragraph, division, subdivision, clause or provision of this Non-Condemnation Redevelopment Plan be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Non-Condemnation Redevelopment Plan shall be deemed valid and effective.

8.5 Deviation Requests

The Planning Board may, after a review of a site plan that is in one or more aspects inconsistent with the Non-Condemnation Redevelopment Plan, grant deviations from the strict application of the regulations contained in this Non-Condemnation Redevelopment Plan in accordance with the provisions and criteria governing bulk variances in N.J.S.A. 40:55D-70(c). Any modification that would require a "d" variance relief pursuant to N.J.S.A. 40:55D-70(d) shall require the Redeveloper to seek an amendment by the Governing Body to the Non-Condemnation Redevelopment Plan.

Appendix A – June 10, 2022 Resolution

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2022 – 171

RESOLUTION OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY DESIGNATING BLOCK 162 LOTS 4, 6, AND 7 AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Township Committee of the Township of Montville authorized the Montville Township Planning Board, by Resolution adopted on April 12, 2022, to conduct a preliminary investigation to determine if an area identified as the Westbound Route 46 Study Area constitutes an “area in need of redevelopment” as defined under the New Jersey Local Redevelopment Housing Law (“LRHL”); and

WHEREAS, the Westbound Route 46 Study Area consists of Block 162, Lots 2, 3, 4, 6, and 7; and

WHEREAS, on October 13, 2015, the Township had designated the properties identified as Block 162, Lots 4, 6 and 7 on the Township’s tax map as the Route 46 West condemnation redevelopment area under the LRHL and had asked for an update review of this area, and

WHEREAS, the April 12, 2022 Resolution requested that the Planning Board’s investigation of the Study Area be conducted within the context of a “condemnation” redevelopment procedure; and

WHEREAS, the Township Planning Board directed Burgis Associates, Inc., by Resolution, to assist the Planning Board in this effort by undertaking an investigation and preparing a report for the Planning Board’s review within the context of a “condemnation” redevelopment procedure; and

WHEREAS, the Planning Board, by Resolution adopted April 14, 2022, directed Burgis Associates, Inc. assist the Planning Board in this effort by undertaking an investigation of the Study Area and preparing a report for the Planning Board’s review; and

WHEREAS, Burgis Associates, Inc. produced a report, dated May 21, 2022, which included a map of the Study Area, and which was circulated to the members of the Planning Board and provided to the public in accordance with the time and other notice provisions of the LRHL; and

WHEREAS, the Burgis Report provided detailed information regarding the Study Area and the applicable statutory criteria required to be evaluated, based on which information the Report concluded that a portion of the Study Area (specifically Lots 4, 6 and 7), in fact, affirms the LRHL criteria to enable the Board to recommend to the Township Committee that an Area in Need of Redevelopment designation is warranted for that portion; and

WHEREAS, the Board established a hearing date for its consideration of the preliminary investigation and provided notice in accordance with the LRHL of its intended meeting for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is an area in need of redevelopment; and

WHEREAS, the Board held its hearing on June 9, 2022, at which time it was established that notice under the LRHL was properly provided, published and served in accordance with the LRHL; and

WHEREAS, at the public hearing, the Board accorded to all members of the public the opportunity to offer their comments respecting the Study Area, which comments were made part of the public record; and

WHEREAS, by Resolution adopted June 9, 2022, the Board recommended to the Township Committee in accordance with the LRHL that Block 162 Lots 4, 6 and 7 be determined to meet the criteria under the LRHL as an area in need of redevelopment and that Block 162, Lots 2 and 3 be determined as not meeting the criteria under the LRHL as areas in need of redevelopment; and

WHEREAS, the Board further recommended that the Committee designate Block 162, Lots 4, 6 and 7 as a condemnation area in need of redevelopment; and

WHEREAS, the Township Committee received the resolution of the Board and the recommendations contained therein; and

WHEREAS, it appears that the conditions which existed on October 13, 2015, had continued to exist; and

WHEREAS, the Township Committee has reviewed the Burgis Report and finds, consistent with the Board's recommendation, that the LRHL criteria for determination of an area in need of redevelopment are indeed affirmed by the portion of the Study Area consisting of Block 162 Lots 4, 6 and 7.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. Based upon the facts and findings of the Burgis Report and the findings of the Planning Board, all made in accordance with N.J.S.A. 40A:12A-6, the Township Committee of the Township of Montville does hereby declare the following parcels of land known and described on the Tax Maps of the Township of Montville to be a condemnation area in need of redevelopment:

Block 162 Lot 4,
Block 162 Lot 6,
Block 162 Lot 7.

2. The Township of Montville intends to use all of those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain, with respect to the above-designated properties.

3. The Township Clerk shall serve, by certified mail, return receipt requested, a copy of this Resolution upon the owners of the above-mentioned lots, as well as any person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent. The notice shall indicate any legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude a party from later raising such challenge.

4. Burgis Associates, Inc., is hereby requested and authorized to prepare a redevelopment plan for the properties designated by this Resolution as an area in need of redevelopment, which plan may include adjacent properties previously designated as areas in need of redevelopment or areas in need of rehabilitation.

This Resolution shall take effect immediately.

Adopted: June 10, 2022



Stacy Sullivan-Gruca, Township Clerk



Frank W. Cooney, Mayor

Appendix B – September 27, 2022 Resolution

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2022 – 253

RESOLUTION OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY REMOVING THE CONDEMNATION DESIGNATION FROM BLOCK 162 LOTS 4, 6, AND 7 AND DECLARING SAID PROPERTIES AS AN AREA IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION

WHEREAS, the Township Committee of the Township of Montville initially authorized the Montville Township Planning Board to conduct a preliminary investigation to determine if an area identified as the Westbound Route 46 Study Area constituted an “area in need of redevelopment” as defined under the New Jersey Local Redevelopment Housing Law (“LRHL”); and

WHEREAS, the Westbound Route 46 Study Area (“Study Area”) consists of Block 162, Lots 2, 3, 4, 6, and 7; and

WHEREAS, by Resolution adopted on October 13, 2015, the Township Committee declared that the only Lots 4, 6 and 7 within the Study Area satisfied the criteria to be designated an Area in Need of Redevelopment with Condemnation; and

WHEREAS, subsequent to the adoption of the October 13, 2015 Resolution, the Township Committee determined the statutory procedures may not have been fully satisfied and determined that the process should be reinstated; and

WHEREAS, the Township Committee of the Township of Montville again authorized the Montville Township Planning Board, by Resolution adopted on April 12, 2022, to conduct a preliminary investigation to determine if an area identified as the Westbound Route 46 Study Area constitutes an “area in need of redevelopment” as defined under the LRHL; and

WHEREAS, the Study Area this time consisted of Block 162, Lots 4, 6, and 7; and

WHEREAS, by Resolution 2022-171, adopted on June 10, 2022, the Township Committee declared that the Study Area was an Area in Need of Redevelopment with Condemnation; and

WHEREAS, subsequent to the adoption of the June 10, 2022 Resolution, the Township Committee in consultation with the Burgis firm determined that the Study Area did meet the LRHL criteria for determination of an area in need of redevelopment but reconsidered the condemnation designation.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. Based upon the facts and findings of the Burgis Report and the findings of the Planning Board, and subsequent evaluations, all made in accordance with N.J.S.A. 40A:12A-6, the Township Committee of the Township of Montville does hereby remove the designation of condemnation for the following parcels of land known and described on the Tax Maps of the Township of Montville to be declared an area in need of redevelopment:

Block 162 Lot 4,
Block 162 Lot 6,
Block 162 Lot 7.

2. These properties continue to be designated as an area in need of redevelopment.


3. The Township of Montville intends to use all of those powers provided by the Legislature for use in a redevelopment area, excluding the power of eminent domain, with respect to the above-designated properties.

4. The Township Clerk shall serve, by certified mail, return receipt requested, a copy of this Resolution upon the owners of the above-mentioned lots, as well as any person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

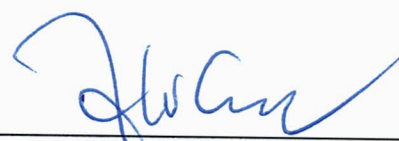
5. Burgis Associates, Inc., is hereby requested and authorized to prepare a redevelopment plan for the properties designated by this Resolution as an area in need of redevelopment, which plan may include adjacent properties previously designated as areas in need of redevelopment or areas in need of rehabilitation.

This Resolution shall take effect immediately.

Adopted: September 27, 2022



Stacy Sullivan-Gruca, Township Clerk



Frank W. Cooney, Mayor