

## 2013 LAND USE ELEMENT AMENDMENT BOROUGH OF CHATHAM



MORRIS COUNTY, NEW JERSEY

OCTOBER 8, 2013

**2013 MASTER PLAN AMENDMENT**

**PREPARED FOR:**

**THE BOROUGH OF CHATHAM PLANNING BOARD**

**ADOPTED 11/13/13**

**PREPARED BY**

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**NJ PLANNER'S LICENSE 5134**



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## I. INTRODUCTION

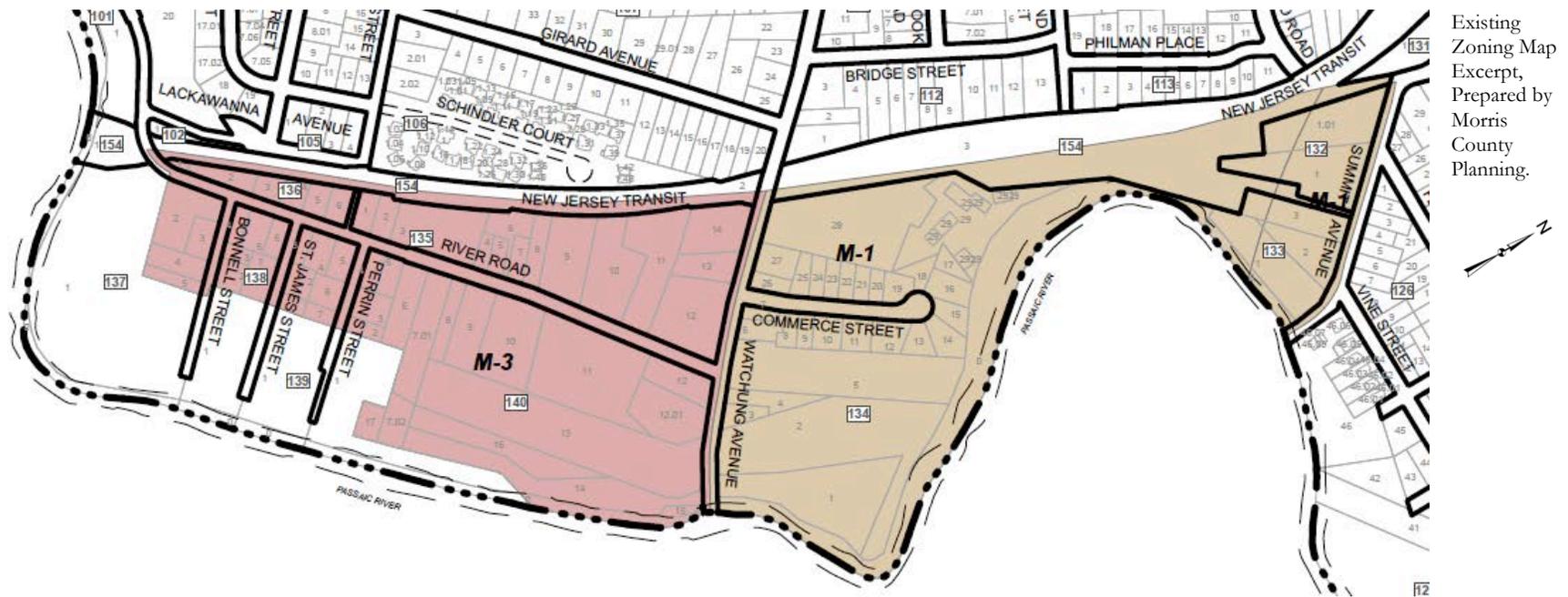
This Amendment to the Chatham Borough Master Plan addresses key land use issues identified by the Planning Board and broached in the 2006 Master Plan Re-examination Report. Specifically, this Amendment reviews the existing conditions and zoning of two key areas in the Borough (the M-1 and M-3 Districts) and supplements the land use policy recommendations put forth in the Borough's Master Plan documents to leverage and balance development opportunities with the achievement of other community goals and objectives. Finally, this Amendment identifies isolated lots owned by the Borough that are proposed for rezoning to Conservation. The areas of emphasis are as follows:

- The River Road/Watchung Avenue gateway area encompassing the River Road industrial (M-3) district and the Watchung Avenue frontage from the Passaic River to the NJ Transit rail overpass;
- The Commerce Street/Summit Avenue industrial (M-1) district; and,
- Several isolated lots that are Borough-owned and recommended for rezoning as Conservation.

This Amendment first provides a brief overview of existing zoning and land use patterns in the M-1 and M-3 Districts, followed by a review of relevant land use goals and objectives for these areas from prior Borough planning studies. Modifications to the Borough's land use planning goals and policies to update the future vision for these key corridors are recommended. Sections on each of these focus areas follow this over-arching discussion of land use related goals and objectives. The final section of this Plan Amendment identifies those isolated Borough-owned properties proposed for rezoning to Conservation.

## II. EXISTING ZONING & LAND USE PATTERNS

As illustrated below, the M-3 District presently encompasses both sides of River Road from Watchung Avenue to just southeast of Lackawanna Avenue. The properties located off of Bonnell Street, St. James Street, and Perrin Street between the M-3 District and the Passaic River are Borough-owned and zoned Conservation. River Road contains a wide range of land uses, including manufacturing facilities such as Burling Instrument and National Manufacturing Company, an oil company, two bus companies, a landscape supply business, a restaurant, a deli, a self-storage business, and several contracting businesses. In addition, there are homes remaining in the area, including on River Road and along Bonnell Street. The Watchung Avenue part of the M-3 District contains a wide mix of commercial, retail, and office uses, including a professional office building with a wide range of commercial tenants, auto parts/repair businesses, and a liquor store.



Existing Zoning Map Excerpt, Prepared by Morris County Planning.



The M-1 District along Watchung Avenue also contains a variety of commercial uses, such as a lumber/hardware store, veterinarian office, arts/framing business, car dealership parking lot, deli, dry cleaners, rock-climbing/tennis facility, and florist. Commerce Street, also located in the M-1 District, is generally composed of smaller properties, including auto repair/parts/towing facilities, professional offices, landscape/lawn care, and an art studio. Summit Avenue, a secondary gateway into the Borough, is also part of the M-1 District and includes a chemical business, a vacant retail/wholesale facility, a commercial roofing business, and equipment/vehicle storage for a construction contractor. There is no roadway connecting the Summit Avenue area with the remainder of the M-1 District.

**Existing Zoning: Principally Permitted Uses in the M-1 and M-3 Districts**

The M-1 and M-3 Districts currently allow all of the same permitted uses (see Section 165-28), limited to the following:

- Public purpose uses.
- Laboratories of an experimental, research or testing nature which carry on processes within completely enclosed buildings and which do not produce noticeable noise, vibration, smoke, dust, odors, heat, glare or hazardous or toxic waste or materials outside the buildings.
- Manufacturing plants of a type which carry on processes within completely enclosed buildings, including the manufacturing, assembly or treatment of products from previously prepared materials but excluding the synthesis of chemical products for sale.
- Wholesale distribution centers and warehouses.
- Retail sales of goods and services.
- Wireless communications facilities as a conditional use in accordance with Article XVI of the Land Development Ordinance.



**Existing Bulk Regulations & Other Zoning Requirements**

The following table summarizes the existing bulk regulations in the M Districts.

<u>Standard</u>	<u>M-1 District</u>	<u>M-3 District</u>
Maximum Height	40 feet/2 stories	40 feet/2 stories
Lot area	None	None
Side yards (each)	15 ft. <sup>1</sup>	15 ft. <sup>1</sup>
Front yards	15 ft.	15 ft.
Rear yard buffer	15 ft.	15 ft.
Lot Coverage	85%	-- <sup>2</sup>

NOTES:

<sup>1</sup> Whenever a lot in the M-1, M-2 or M-3 Districts abuts a residential district, all buildings shall be set back at least 35 feet from the residential district boundary line.

<sup>2</sup> Maximum lot coverage in the M-3 District shall be directly related to the lot size; lots less than 7,500 square feet in area shall be permitted 70% coverage while lots of 7,500 square feet or greater in area shall be permitted 85% lot coverage.

In addition to the above bulk regulations, Chapter 165-32 contains design standards, including a provision that permits more than one principal building in the M-2 District *only* and an outright prohibition on outdoor display and storage of materials, products, equipment and merchandise.

Comparing existing land uses with uses currently permitted by zoning, especially recent investments in the M-1 and M-3 Districts, illustrates the need to broaden the range of permitted uses to expand revitalization potential. Additionally, outdoor storage is prevalent throughout the M-1 and M-3 Districts, despite a prohibition of such uses. In some instances, such storage is well screened and contained; in other cases, it is disorganized with little or no screening (either to adjacent properties or to the Passaic River) or containment, and, in some instances, appears unrelated to



existing principal uses on-site. There is a need to develop standards to better manage outdoor storage of materials and equipment, including screening/buffering and containment requirements, as well as a clear accessory relationship to the principal use on any property.



### III. LAND USE GOALS AND OBJECTIVES

#### 2000 Master Plan

There is limited discussion of the M Districts in the Borough's 2000 Master Plan. The 2000 Plan notes that the three districts should permit public purpose uses, operations that don't produce noticeable or hazardous waste or noise, and communications transmission towers. The Plan also briefly identifies the broad purpose of each District, as follows:

- M-1 District (River Road): intended for smaller operations on available lots with retail sales of goods and services permitted. High percentage of lot coverage shall be allowed.
- M-3 District (east side of Watchung Avenue, Commerce Street, and Summit Avenue): intended for smaller operations on available lots with retail sales of goods and services permitted but with somewhat less lot coverage than the M-1 allowed, depending on the smaller lot sizes.

#### 2006 Master Plan Re-examination

The 2006 Re-examination Report includes the following new planning goal: "to improve the utilization and appearance of the Borough's industrial districts." The Report recommends that the same level of attention and energy that has been applied to the downtown be applied to the industrial districts at the eastern end of Watchung Avenue, along River Road, and along Commerce Street.

Specific planning objectives include:

- Promote improvements that will improve the appearance of industrial areas, including building design and additional regulation of outdoor storage and parking;
- Encourage businesses that create high quality jobs and buildings that will enhance the economy and increase tax revenues; and,
- Promote development that preserves light, air and open space and minimize environmental impact.

The Re-examination Report also suggests conducting a survey of the districts to identify business types and structures currently in place. However, the 2006 Master Plan Re-examination was not a Master Plan amendment. As a result, the



following new land use goals and objectives include and expand on the language in the 2006 Re-examination Report and 2000 Master Plan.

### **2010 Open Space & Recreation Plan "On the Banks of the Fishawack"**

Part of this 2010 plan's "Action Program and Recommendations" is to "improve and make our River Road property safe, environmentally sound and accessible for the public's use and enjoyment." To achieve this and other Plan recommendations, a Passaic River 'Blueway' is proposed with conservation easements recommended on commercially and industrially developed parcels to create a continuous greenway along the length of the Passaic River within the Borough. The Plan also notes the proximity of several industrial properties to the river with little or no vegetative buffering presently in place.

### **2013 Land Use Goals & Objectives**

The following additional Land Use Element goals and objectives are intended to supplement the 2000 Master Plan to facilitate the vision developed in this Amendment:

**New Master Plan Goal #10:** To expand and improve the utilization, accessibility, range of permitted uses, and overall character of the Borough's industrial districts. In addition to maintaining existing permitted uses, specifically light manufacturing/assembly and non-toxic/low-impact laboratories, a wider range of land uses should be permitted to broaden opportunities for investment and revitalization of the Borough's historically industrial areas along River Road, Watchung Avenue, Commerce Street and Summit Avenue. The River Road/Watchung Avenue gateway into the Borough should be a welcoming and well-defined, mixed-use entry into the community with its own character. Pedestrian accessibility should be improved within this gateway area and along River Road, with development of a continuous sidewalk and streetscape character that incorporates pedestrian facilities and amenities, including design elements that draw on the river as a theme and essential part of the Borough's history. Public access to a future Passaic River greenway should be provided and incorporated into future development plans. Opportunities for larger-scale multi-family and mixed-use development should be provided within the River Road/Watchung Avenue gateway. Future transit connections should also be explored to serve the River Road/Watchung Avenue gateway, including

shuttle bus links to existing NJ Transit stations, as well as the feasibility of a new station anchoring the area. An eclectic mix of smaller scale commercial, retail, and light industrial uses should be permitted along Commerce Street and Summit Avenue.

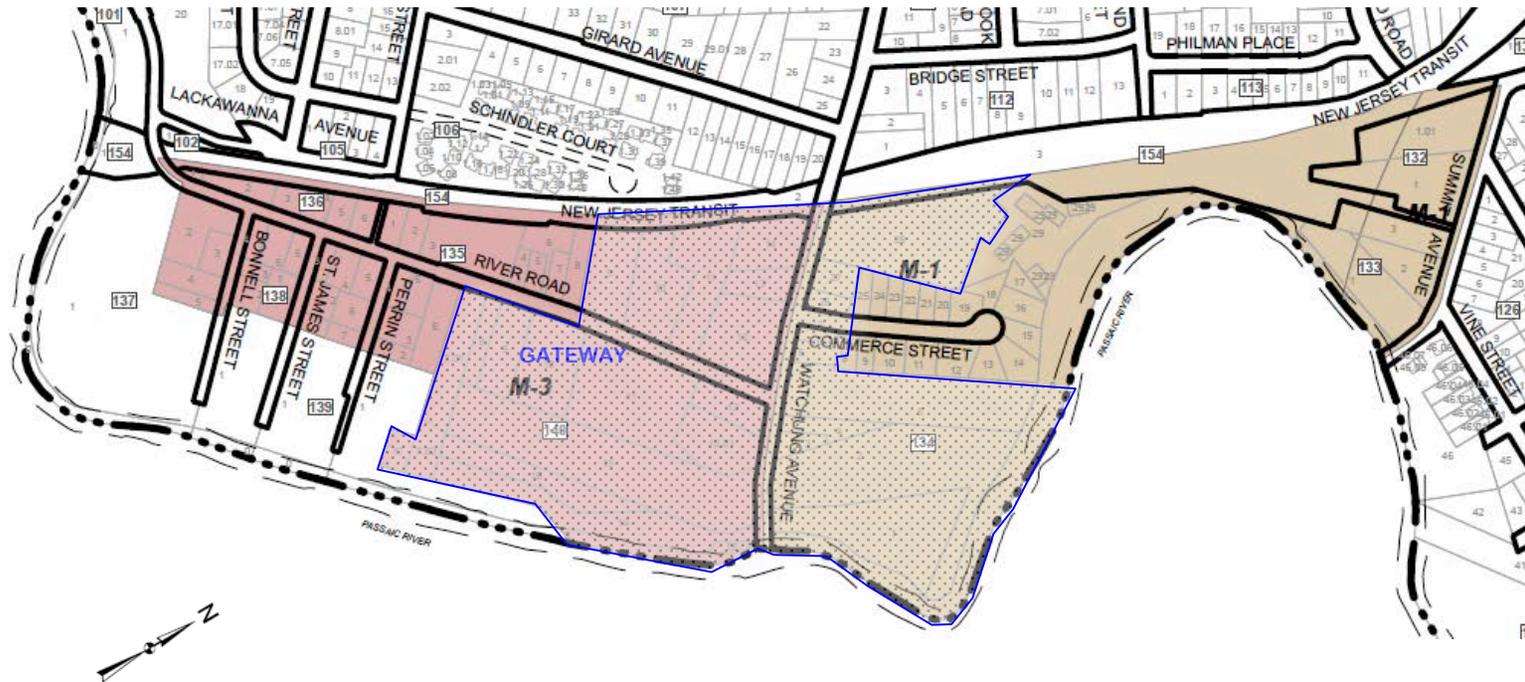
*Planning Objectives & Implementation Strategies:*

- To leverage future development opportunities along the River Road/Watchung Avenue gateway area resulting from the clean up of contaminated sites, from the establishment of a greenway along the Passaic River, from revitalization of sites in nearby Summit, and from modernizing the zoning regulations that govern these areas.
- To encourage new investment that creates high quality jobs and buildings that enhance the local economy.
- To provide a welcoming, well-defined entry into the Borough by improving and expanding pedestrian accessibility in the River Road/Watchung Avenue gateway area and along River Road, and enhancing and defining the streetscape with components that draw thematically on the river as an essential part of the Borough's history.
- To seek outside funding and partners to explore future transit connections to support transit-oriented development (TOD) opportunities at the River Road/Watchung Avenue gateway area, including shuttle bus service to existing NJ Transit stations and the feasibility of a new station anchoring the area.
- To provide public access to Borough-owned properties along the Passaic River and to work with private property owners to assemble conservation easements along the Riverfront to achieve a greenway for passive recreation use.
- To enhance the vegetative buffer along the Passaic River through cooperative efforts with property owners and the Borough.
- To improve the appearance and function of individual sites and public streets through building design, site design, and regulation of outdoor storage.
- To promote the appropriate scale of future development, including providing some opportunities for larger-scale, pedestrian-oriented development in the River Road/Watchung Avenue gateway area and the south side of River Road.

- To promote the appropriate mix of uses in key locations, including multi-family residential uses, neighborhood-oriented commercial uses, and mixed-use development in the River Road/Watchung Avenue gateway area, as well as smaller scale commercial, residential, and mixed-use buildings (commercial with apartments on upper floors) along the northwest side of River Road.
- To incorporate a mix of housing types along the south side of River Road and the River Road/Watchung Avenue gateway area to better serve aging residents and young professionals, including incorporating low and moderate income housing as may be required by the State.
- To enhance the character of Summit Avenue as a secondary gateway into the Borough via improved pedestrian accessibility, sidewalk and streetscape improvements, as well as attractive signage.
- To permit a wider range of commercial uses along Commerce Street and Summit Avenue, including uses not presently allowed, such as auto repair and construction businesses as conditional uses, retail showrooms as either principal or accessory uses, and professional and general offices.
- To promote development that preserves light, air and open space and minimizes environmental impact.
- To formalize the public right-of-way along Commerce Street to ensure the advancement of public health and safety, including emergency service access, and safe, inviting public access.



**IV. RIVER ROAD/WATCHUNG AVENUE GATEWAY AREA**



**Opportunities & Challenges:**

The proposed Gateway area, as illustrated above, encompasses those properties with Watchung Avenue frontage, as well as the northeastern part of the River Road corridor. This area is the entry into the Borough and is proximate to both the Chatham and Summit NJ Transit rail stations and downtowns. There are several

properties that contain environmental contamination in this area as a result of historic manufacturing processes that are in various stages of remediation and are ripe for revitalization.

There is an opportunity to encourage future public access to the Passaic River and to work toward



implementing a future riverfront trail, as recommended in prior studies for the Borough.

The capacity of the River Road/Watchung Avenue intersection is presently a challenge to large-scale revitalization efforts; any new major development would have to conduct the requisite environmental impact and traffic analyses to determine necessary intersection, roadway and/or other required improvements. Additionally, there are few pedestrian facilities in place, constraining potential pedestrian flows from places of employment to retail sales, services and eating establishments in the area.

### **Land Use Planning Principles:**

Future zoning for this area should include a Gateway Overlay District with as much flexibility as possible to incorporate a wider range of commercial and residential uses with some opportunities for larger scale, pedestrian-oriented mixed-use and/or multi-family residential development. A boutique hotel may also be accommodated as a permitted conditional use.

New bulk and design standards should be developed to accommodate three-story buildings with some

opportunity for greater density and height (four story buildings) via incentives to promote riverfront access, sustainable design, and achievement of other community goals.



Over time, roadway improvements should be addressed, including implementing complete streets measures to better balance and accommodate the needs of all roadway uses. A partial grid of local streets should be developed and/or maintained southeast of River Road to ensure that future revitalization is pedestrian-oriented and allows for public access to the river, as well as on-street parking. Future shuttle service to NJ Transit rail stations should also be explored in tandem with

future multi-family and mixed-use development. Longer term, the feasibility of a new station anchoring the Gateway Overlay District should be explored.

Because the proposed land use plan is based on an Overlay concept, the recommendations included in Sections V and VI also apply to the underlying zoning (the M-1 and M-3 Districts) in the gateway area.



More specifically, land use policies and future zoning for the area should be advanced via an Overlay District that is guided by the following principles:

- To balance the positive economic impact of future development with creation of a defined character

for the gateway area.

- To strengthen the connection between this area and the rest of the Borough through streetscape improvements, implementation of complete streets, provision of a partial street grid system southeast of River Road, and gateway treatments.
- To provide opportunities for a wide range of housing types, including attached housing, multi-family housing, artist work-live spaces, age-restricted housing, and low and moderate income housing as required by State law.
- To provide opportunities for pedestrian-oriented, multi-family residential development in both stand-alone developments and as part of mixed-use projects with ground floor commercial uses and upper floor residential units.



- Residential densities will ultimately depend on the type and size of residential units constructed, with maximum densities (inclusive of low and moderate

income units) driven by height and coverage standards, provision of adequate off-street parking and green space, and the use of incentives where taller buildings (up to four stories) can be accommodated.

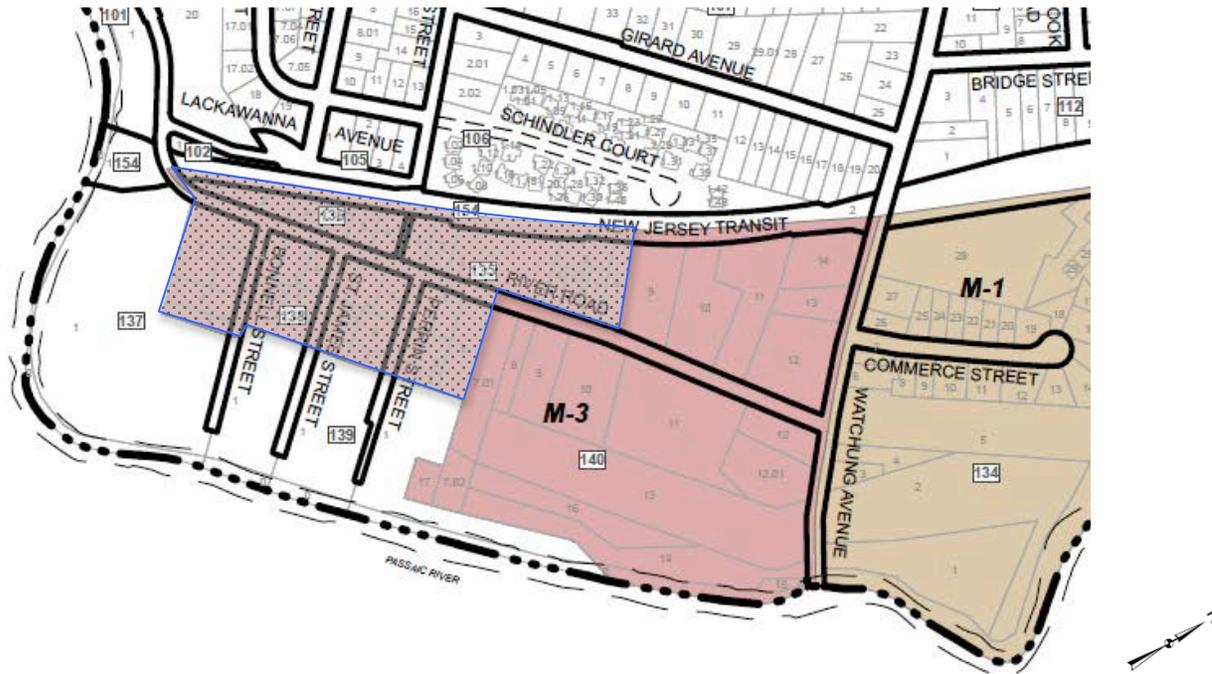
- To encourage pedestrian access to the riverfront and greater pedestrian activity in general through creation of a more inviting streetscape with sidewalks, pedestrian lighting and other amenities that support and encourage walking.
- To encourage pedestrian-oriented mixed-use development on properties fronting Watchung Avenue and River Road.
- To provide an opportunity for a small boutique hotel as a conditional use.
- To incorporate the use of incentives or other tools in zoning to promote public access to the river, conservation easements along the river on privately owned properties, and the use of sustainable/green design practices in new development.
- To develop design standards for new buildings and sites to address building massing, architecture and siting, to promote pedestrian accessibility, to reflect the human scale and provide visual interest at the street

level, and to better manage and control access from public streets.

- To create a defined streetscape character, both along public streets, and through improvements on private property.
- To allow a wider range of commercial uses and businesses with a local orientation (such as offices, non drive-thru restaurants, artisan shops, and retail/design showrooms displaying goods manufactured and/or assembled on-site) that complement existing businesses and existing/future residential uses in terms of land use synergy, scale, and traffic generation.
- To maintain the M-1 and M-3 Districts as the underlying zoning for the area, in accordance with the recommendations in Sections V and VI of this Plan Amendment.



**V. RIVER ROAD (OUTSIDE GATEWAY AND UNDERLYING M-3 DISTRICT)**



The following is an overview of the opportunities, challenges, and recommended land use policies for River Road outside of the proposed Gateway area. This area is located in the M-3 District. Many current uses along River Road, including restaurants, eating and drinking establishments, single- and two-family residences, offices, and outdoor storage are currently not permitted

in the M-3 District. The property just to the south of this area along the Passaic River is Borough-owned and zoned for conservation. The extensions of Bonnell, St. James and Perrin Streets are paper streets. Lots are generally smaller in size compared to the proposed gateway area, though several properties are in common ownership along



the south side of River Road. Much of the land area in this part of River Road is being used for storage of vehicles, including vehicles not associated with the principal permitted uses on properties.

There is an opportunity to provide public access to a future riverfront trail, as well as to maintain a partial street grid system southeast of River Road. In general, topography slopes toward the river. There are no pedestrian facilities or amenities along this section of River Road.



### Land Use Planning Principles

Future zoning and development for this area should be guided by the following principles:

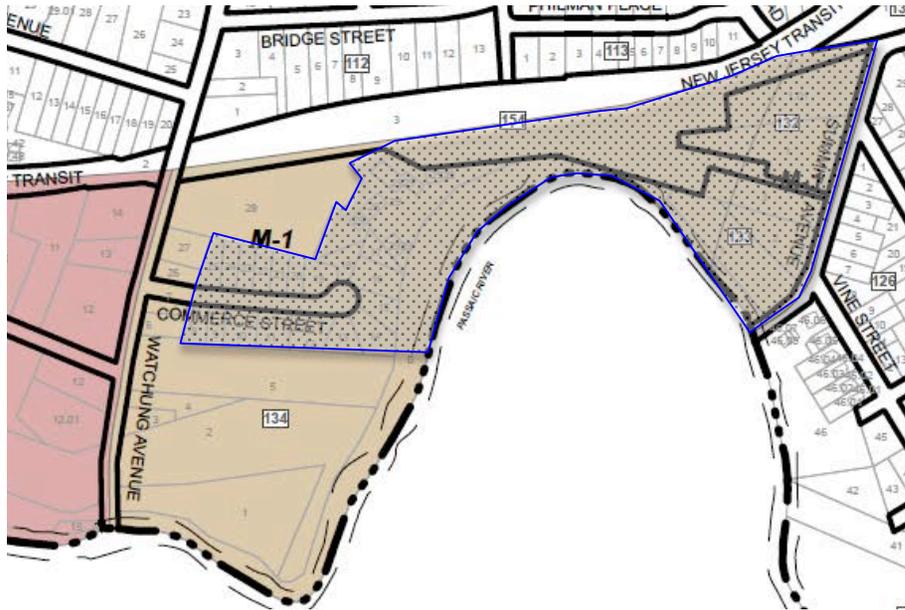
- Site circulation and access should be coordinated to limit the addition of new curb cuts onto River Road.
- Off-street parking should be permitted in rear and side yards only.

- Standards should be developed to better manage the outdoor storage of materials including provisions for containment, enclosures, buffers, and permitted locations of material storage.
- Shared parking should be encouraged, particularly for smaller properties who have cooperative shared parking arrangements with adjacent properties with complementary peak hour parking demands.
- A more pedestrian-friendly streetscape should be encouraged, including a public sidewalk, decorative lighting, and other amenities that encourage and support non-motorized transportation.
- The scale of development should not exceed two and a half stories/35 feet on the northwest side of River Road and three stories/40 to 45 feet on the opposite side of River Road.



- Two-family homes should be permitted uses, along with apartments over commercial uses.
- A wider range of neighborhood-scaled commercial uses should be permitted, including offices, non drive-thru restaurants, artisan shops, and mixed-use buildings.
- Multi-family residential development should be permitted as a conditional use on larger properties along the southeast side of River Road.

## VI. COMMERCE STREET/SUMMIT AVENUE (M-1 DISTRICT)



### **Opportunities & Challenges: Commerce Street**

Commerce Street is characterized by small lots and an eclectic mix of businesses in the M-1 District, including auto-related businesses, offices, an artist/metal fabricator, and landscaping contractors. As a cul-de-sac, Commerce Street is isolated from the rest of the Borough. As is often the case with smaller, isolated commercial areas, relationships develop among business owners and

operators that make the unique mix of businesses work on a day-to-day basis.

The Commerce Street public right-of-way is approximately 40 feet wide (local streets within the Borough typically have a 50 foot right of way), with an easement that extends from the end of the cul-de-sac to provide frontage for several additional properties that back up to the Passaic River. As noted, there is no through access, with all vehicular traffic having to enter and exit Commerce Street from Watchung Avenue. Parking adequacy varies from business to business, with some properties having adequate off-street parking and others using the public right-of-way to help meet parking and circulation needs. There is a right-of-way/easement that extends behind the properties along the north side of Commerce Street that is used as an informal pedestrian path to retail businesses on Watchung Avenue and beyond. This easement presents an opportunity to create a more formal pedestrian pathway to businesses along Commerce Street in the future, and, ultimately, to the Passaic River.

As with the M-3 District, several existing business types on Commerce Street are not permitted by

current zoning, including auto repair garages, offices, and outdoor storage.



### **Opportunities & Challenges: Summit Avenue**

Summit Avenue is a secondary gateway into the Borough from neighboring Summit. Existing land uses range from Ashland (formerly Sutton Laboratories), a specialty chemical company, to vacant retail/wholesale space, a roofing company, and construction contractor. Buildings tend to have a consistent front-yard setback close to Summit Avenue with parking located to the rear and sides of principal structures. Outdoor material/equipment

storage tends to be well contained, with minimal visibility from Summit Avenue. Buildings are one to two stories in height and there is a sidewalk along the Summit Avenue commercial frontage. Unlike Commerce Avenue, this part of the M-1 District is adjacent to a residential area on the opposite side of Summit Avenue.



### **Land Use Planning Principles**

The following land use policies are proposed to guide future zoning and development within the Commerce Street/Summit Avenue industrial areas:

- Site circulation and access should be coordinated where possible to limit the addition of new driveways.
- Standards should be developed to better manage the outdoor storage of materials including provisions for containment, enclosures, buffers, and permitted locations of material storage.
- Shared parking should be allowed, particularly for smaller properties who have cooperative shared parking arrangements with adjacent properties with complementary peak hour parking demands.
- A wider range of commercial uses should be permitted, including general and professional offices, non drive-thru restaurants, art studios/art fabrication, and, along Commerce Avenue, auto repair garages.
- Apartments should be permitted over commercial uses on Summit Avenue.
- The scale of development should not exceed two and a half stories and a maximum of 35 feet, with other bulk regulations, including coverage, varying by lot size.
- The Borough should work cooperatively with property owners that abut the Passaic River to assemble conservation easements and a vegetative buffer along the River.
- The use of sustainable/green design/low-impact development practices should be encouraged in new development.
- The right-of-way to the rear of properties that front the northeast side of Commerce Street should be formalized as a pedestrian path to facilitate walking to/from Commerce Street businesses to the future gateway area.
- The Commerce Street right-of-way should be formalized and maintained to ensure public health and safety (emergency service access at all times), as well as to facilitate public access to and awareness/patronage of businesses.
- The secondary gateway into the Borough on Summit Avenue should be enhanced with minor streetscape elements such as pedestrian-scale lamps, brick/paver-edged sidewalks, and appropriate signage.



**VII. PROPOSED CONSERVATION PROPERTIES**

The following Borough-owned properties are proposed as conservation lands and are recommended for rezoning as part of the Conservation District:

- Block 35, Lot 54 (62 Yale Street); and,
- Block 37, Lot 4 (Center Avenue & Princeton Street/184 Center Avenue).

