

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
April 1, 2013**

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, Smith, Toal, O'Connor,
Absent: Kazanowski

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

RESOLUTION:

Resolution 13-73

WHEREAS N.J.S.A. 40:55D-89 provides that the Governing Body shall at least every six (6) years provide for a general reexamination of its Master Plan and development regulations by the Planning Board; and

WHEREAS upon notice duly provided pursuant to N.J.S.A. 40:55D-89 the Planning Board held a public hearing on March 19, 2013 at which time it considered the Master Plan Reexamination Report prepared by Kevin O'Brien, P.P., A.I.C.P. of Shamrock Enterprises, Ltd. and Richard O'Connor, P.E., P.P., C.M.E. of Grotto Engineering Associates, LLC dated March 7, 2013; and

WHEREAS the Board took action on the Reexamination Report at the meeting on March 19, 2013 and further adopted a Resolution memorializing that action in accordance with N.J.S.A. 40:55D-10(g); and

WHEREAS the Board secretary forwarded a copy of the Resolution and the Master Plan Reexamination Report to the Governing Body of the Township of Clark for implementation of the recommendations and amendments set forth.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that they hereby accept the Master Plan Reexamination Report for implementation.

Moved by Council President O’Connor, seconded by Councilman Mazzarella

Discussion: None

Council President O’Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O’Connor

INTRODUCTION OF PROPOSED ORDINANCE:

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 195, "LAND USE AND DEVELOPMENT",
OF THE CODE OF THE TOWNSHIP OF CLARK,
COUNTY OF UNION, STATE OF NEW JERSEY
TO PROVIDE FOR THE ESTABLISHMENT OF
A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT
IN ACCORDANCE WITH THE
TOWNSHIP MASTER PLAN REEXAMINATION REPORT**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE
TOWNSHIP OF CLARK** that Chapter 195, "Land Use and Development", of the Code of the Township of Clark is hereby amended and supplemented as follows:

SECTION 1. Amend Section 195-112 of the Code of the Township of Clark by the addition of the following new zoning district, thereby increasing the number of classes of land use districts to 21 districts:

"LCI – Limited Commercial Industrial District"

SECTION 2. Amend Section 195-113 of the Code of the Township of Clark, entitled "Zoning Map", by the removal of the following properties, as identified on the Township Tax Maps, from the CG General Commercial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 71, Lots 1,2,3,4,4.01,5,7, and 15.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the CI Commercial Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 71, Lot 14.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the I Limited Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the COH Commercial Office, Multistory Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the R-TH Residential Townhouse Zone:

1. Block 60, Lot 70.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the CN Commercial Zone:

1. Block 49, Lot 12.07.

SECTION 3. Amend Section 195-133 of the Code of the Township of Clark entitled "CN Neighborhood Service Commercial District "to eliminate Gasoline filling stations as a Conditional Use in the CN District (195-133 B (2)).

SECTION 4. Add a new Section 195-136.2 to the Code of the Township of Clark containing the zoning requirements for the new "LCI-Limited Commercial Industrial District" to read in its entirety as follows:

"§195-136.2. LCI Limited Commercial Industrial District.

A. Purpose of district.

(1) The Limited Commercial Industrial District (LCI) includes the properties on the block formed by the Garden State Parkway, Central Avenue, Raritan Road and Walnut Avenue, with the exception of the office development in the existing COH zone.

(2) It is the purpose of the LCI District to encourage the beneficial redevelopment of property currently occupied by obsolete industrial buildings and/or existing retail and commercial buildings with comprehensively designed developments integrating buildings, parking, landscaping, signage, lighting, pedestrian walkways, vehicular access, and attractive architectural elements.

The vision for a retail and commercial center in Clark depicts a vibrant hub of community activity. We envision a future in which this area is highly accessible to pedestrians, bikers, transit, and automotive modes of travel. This area should be a place where people will come to stroll, walk, talk, work, buy food and drink, and conduct their daily business.

This area should be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis to reduce the number of resident trips outside of the Township.

Consistent with this vision, any future development should be designed to allow this area to evolve into a community focal point and should evoke a sense of place on a human scale that is consistent with the suburban nature of the remainder of the town.

Clark Township's dedication to a vision for our suburban community should be evidenced in our commercial center by our dedication to environmentally friendly and green building practices. A central architectural focus such as a fountain, plaza, clock tower or landscaped boulevards should encourage people to linger and enjoy the ambiance of the suburban setting.

B. Permitted uses. In the LCI District, only the following uses shall be permitted, except as provided in Subsection C:

- (1) Excluding a supermarket, no more than one additional retail establishment may occupy space measuring between 45,001 SF and 80,000 SF.
- (2) Retail establishments of 45,000 SF or less.
- (3) Supermarkets of 80,000 SF or less.
- (4) Personal and consumer service uses.
- (5) Hotels
- (6) Restaurants and eating and drinking establishments.
- (7) Banquet and catering facilities.
- (8) Banks and financial institutions, including drive-through banks.
- (9) Art, music and dance studios.
- (10) Pharmacies, including drive-through windows.
- (11) General, administrative, executive or professional offices.
- (12) Public uses and buildings.
- (13) Medical offices.
- (14) Veterinary hospitals and animal clinics.
- (15) Computer and data processing centers.
- (16) Indoor commercial recreational facilities, including but not limited to health clubs, gyms and fitness centers.
- (17) Shopping Centers comprised of some or all of the preceding principal uses.
- (18) Day care or child care center
- (19) The following accessory uses shall be permitted:

- (a)** Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment.
- (b)** Other accessory uses, structures and buildings which are customary and accessory to the principal use.
- (c)** Day-care or child care center.
- (d)** Off-street parking and loading. Structured parking is allowed provided it meets the requirements of Section 34-222.8.
- (e)** Satellite and cellular antennas, excluding towers as defined in Article XXVI.
- (f)** Signs, as permitted herein and in accordance with Section 195-160 C.
- (g)** Storage buildings, limited to the storage of materials owned and used only by the permitted use(s). Outside storage is not allowed.
- (h)** Fences and walls.

C. Conditional uses. In the LCI District, the following conditional uses shall be permitted, pursuant to the provisions of Article XXVIII:

- (1)** Public utility installations.

D. Prohibited uses.

- (1)** Except for a supermarket and one additional retail use as permitted in Section B(1) above, no single retail uses of over 45,000 SF shall be permitted.

- (2)** Outdoor Storage, display or sale of merchandise.

E. Area, yard and building dimensions. In the LCI District, the following dimensional requirements shall apply:

- (1)** Minimum lot dimensions:

- (a)** Area: 10,000 SF.
- (b)** Frontage: 100 feet.

- (2)** Minimum yard setbacks:

- (a)** Front: 40 feet.
- (b)** Rear: 25 feet.
- (c)** Side: 15 feet.

(3) Maximum building dimensions:

- (a)** Building height: 40 feet and three stories, except as allowed in §195-117.
- (b)** Lot coverage:
 - (1)** Twenty five percent (25%) for buildings.
 - (2)** Seventy-five percent (75%) for impervious cover.
 - (3)** Twenty-five percent (25%) for open space, landscaping and buffer.

(A) A two for one preservation credit shall be granted for the preservation of existing wooded areas and environmentally sensitive areas which shall be included when calculating open space, landscaping and buffer area percentages

- (4)** Once final site plan approval has been given to a shopping center, the requirements in Sections E(1), E(2) and E(3) above shall not apply to any proposed subdivision of the property, whether the lots are in common ownership or not, provided that appropriate cross easements for access, parking, drainage, utilities, other shared facilities and the maintenance of common areas have been executed between the owners of the lots and have been provided to the Township of Clark for review and approval in order to ensure that the development will continue to function in accordance with the approved site plan.

F. Parking & loading requirements.

- (1)** Notwithstanding Article XXIV, the minimum parking requirements shall adhere to the requirements as set forth below, which shall take precedence over Article XXIV in the case of any conflict:

- (a)** For all retail uses within shopping centers or mixed-use developments: one parking space per 200 square feet of gross floor area.
- (b)** For medical office uses: one parking space per 150 square feet of gross floor area.
- (c)** For a freestanding restaurant on a separate pad site: one parking space per three seats.
- (d)** There shall be no additional parking requirement for any square footage devoted solely to ancillary storage, office or employee lunch rooms on any mezzanine space within that portion of a building occupied by the individual use to which the storage, office and/or employee lunch room is ancillary.
- (e)** Notwithstanding the provisions of §195-141A.(2) and (3) of Article XXIV, each parking space within a shopping center or mixed-use development shall be a minimum of nine feet by 18 feet, and each aisle providing access to perpendicular parking spaces shall be a minimum of 22 feet for one-way aisles and 24 feet for two-way aisles.
- (f)** Notwithstanding the provisions of 195:191F the development shall be required to provide safe and adequate pedestrian circulation throughout the complex and minimize to the greatest extent possible conflicts between pedestrians and vehicles.
- (g)** Deferred or land-banked parking requirements for the LCI District.

 - (1)** When an applicant can demonstrate that fewer than the total number of parking spaces than required will satisfactorily meet the parking requirements of the proposed use, the Planning Board may defer or land-bank that number of parking spaces that are not immediately needed, subject to the following:

 - [a]** No more than 20% of the total number of required spaces shall be land-banked.
 - [b]** The applicant shall provide a site plan that shows that the required number of spaces, if needed, can be

provided on site without exceeding the maximum impervious coverage.

[c] All land-banked spaces are required to meet all of the applicable requirements of the Township zoning and design requirements, including drainage and lighting, and, to the extent necessary, variances and waivers shall be applied for and obtained.

[d] Those parking spaces which are not immediately required shall be maintained in the interim as lawn or landscaped open space, until and if such spaces are needed in the future.

[e] The land-banked parking area shall not count towards the minimum open space requirement for the site.

[f] Within one year of initial occupancy, a post-construction parking analysis shall be conducted by the applicant to demonstrate that sufficient parking is available on site without the provision of the land-banked spaces.

[g] The construction of the land-banked parking spaces may occur either when the Zoning Officer of the Township or the Planning Board, upon a vote of its members, determines that such spaces are required to fulfill the parking needs of the tenant or user of the site, or if and when the owner so chooses.

[h] No amendment to the site plan shall be required for such installations, but a building permit shall be required.

[i] Such spaces shall be constructed within six months of such action.

[j] The property owner shall provide a performance bond sufficient to cover the costs of construction of the land-banked parking area. The Planning Board shall authorize the release of the performance bond upon submittal and acceptance of the post-construction analysis.

(2) Parking design.

- (a)** For properties with frontage on Walnut Avenue, none of the required parking facilities shall be located between the building line and Walnut Avenue, and screening with landscaping and/or fences or walls shall be provided between the street and any structure on the property.
- (b)** No parking shall be located nearer than 20 feet to any property line, paved access drive or street right-of-way line. This does not apply to interior lot lines in the case of multiple lots developed as a single comprehensive development.
- (c)** All parking and service areas shall be screened with landscaping and/or fencing.
- (d)** The parking area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low-level screening of the view of the parking lot. At least one shade tree for each 40 feet of frontage shall be provided unless adequate evergreen screening is provided. No shade tree shall obstruct the view of any use or sign in close proximity to the street.
- (e)** In addition to landscaping at the periphery of the parking lot along public streets as required in Subsection F(2)(d) above, the interior of all surface parking lots shall be landscaped with at least one tree for every 25 parking spaces, which shall be planted in suitably prepared and protected landscaped islands or medians.

(3) Loading requirements.

- (a)** No loading dock or service area may be directly located on or visible from any street frontage.
- (b)** Shared loading areas are encouraged. Individual uses on pad sites are not required to provide a designated loading area, provided that the use can

demonstrate that none is needed and loading/unloading activities occur at off peak hours for the business and/or the shopping center.

- (c)** No loading or unloading shall occur between 11 pm and 7 am for any business/occupant located within a building abutting a residential zone
- (d)** Motor vehicles shall not idle more than three minutes in accordance with NJ state statute.

G. Additional requirements.

(1) Notwithstanding the provisions of 195-146 C of this chapter, where a lot in the LCI zone has a minimum of 1,000 feet of frontage on a public street, more than one (1) driveway shall be permitted along that street, provided that the vehicular circulation to and from the street will be facilitated by a traffic signal at the main entrance to any shopping center or mixed use development measuring at least 100,000 gross square feet (GSF) and that the centerlines of separate driveways shall be spaced at least 350 feet apart.

(2) Signage.

(a) Notwithstanding the provisions of Article XXV, a shopping center or a mixed-use development shall be permitted one (1) freestanding sign, not exceeding 250 square feet in area on each side and 25 feet in height, along each abutting street frontage except those abutting a residential zone. In addition, monument style entrance and exit signs near access driveways shall be permitted, as well as monument and directional signs within the shopping center.

(1) A major driveway monument sign of 100 SF is allowed, and a minor driveway monument sign of 50 SF is allowed. Monument signs shall not exceed eight (8) feet in height nor shall they violate the required sight triangle. Directional signs shall not exceed four (4) SF in area.

a) Major driveway – a driveway on a street fronting the development which offers unrestricted turn movements or is signalized. Only one driveway per each street fronting the development may be designated as major.

b) Minor driveway – any driveway that is not a major driveway.

(b) An individual use under separate ownership not part of a shopping center or mixed-use development shall be permitted one (1) freestanding sign along each abutting street frontage, not exceeding 80 square feet in area and 20 feet in height.

(c) Each permitted use on its own lot or each permitted use within a shopping center or mixed-use development is allowed signage on the front and side of the building, or portion thereof occupied by the individual use that faces a street or a parking area serving the use, provided that (1) the total of all signs on the front of the building does not exceed one and one half (1.5) square feet for each linear foot of building façade occupied by the individual use and upon which the sign is to be located, or 200 square feet, whichever is less and (2) the total of all signs on the side of the building does not exceed fifty percent (50%) of the size of the sign(s) on the front of the building.

(d) No signage or advertising identifying an occupant of the premises shall be permitted on the rear portion of any building or on any roof.

(e) Any sign permitted in an R District, where applicable, shall be permitted.

(f) A signage plan shall be required with the submission of any site plan for approval. The signage plan shall identify the location and type of all proposed business signs and visually represent their lettering,

illumination, color and height. The approving authority may apply such restrictions on color(s), size, location, sign types, letter height, illumination, or mounting height as it deems appropriate to the purpose of encouraging coordinated design to achieve a desirable visual environment.

(g) Any additional signs other than those permitted herein within a shopping centers or mixed use development comprising 100,000 SF or more shall require site plan approval.

(3) For applications in the LCI zone:

(a) A traffic impact study of the proposed development and surrounding areas shall be required.

(b) A Fiscal Impact Study shall be required and submitted as part of the site plan review process.

(c) A Conceptual Plan shall be submitted to the Planning Board for Approval prior to the submission of a Site Plan Application.

SECTION 5. In the event of any conflict between the terms and conditions enumerated herein and Chapter 195 of the Land Use and Development Ordinance of the Township of Clark, this document shall prevail.

SECTION 6. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to this subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Union County Planning Board, all in accordance with the law.

Moved by Council President O'Connor, seconded by Councilman Barr

Discussion: None

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

Public Hearing April 15, 2013

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Seeing no one coming forward a motion was made by Councilwoman Albanese to close the public portion of the meeting, seconded by Councilman Mazzarella

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

Councilwoman Albanese: No comments.

Councilman Barr: No comment.

Councilman Mazzarella: No comments.

Councilman Smith: No comments.

Councilman Toal: Nothing.

Council President O'Connor: And I have no comments.

Attorney Triarsi: No report.

John Laezza: No comments.

Township Clerk: No comments.

Rich O'Connor: No report.

ADJOURNMENT

Motion for adjournment was made by Councilman Smith, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

APPROVED

PATRICK O'CONNOR
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk