

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
April 17, 2023
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____ Councilman O'Connor _____
Councilman Hund _____ Councilman Toal _____
Councilman Mazzarella _____ Council President Smith _____
Councilman Minniti _____

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

Regular Order of Business suspended:

75th Anniversary of the Clark American Legion Auxiliary Unit 328
Proclamation presented to CASA of Union County

Regular Order of Business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Reports given this evening will be available in the Clerk’s office and on the township website www.ourclark.com

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No objections have been received in connection with the proposed Ordinance)

- 1. 23-15 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 347 ENTITLED “VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF CLARK**

INTRODUCTION OF PROPOSED ORDINANCES:

- 2. 23-16 AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 2 ENTITLED “FEES” OF CHAPTER 122 ENTITLED “CONSTRUCTION CODES, UNIFORM” OF THE CODE OF THE TOWNSHIP OF CLARK**

Public Hearing May 15th

- 3. 23-17 AN ORDINANCE TO AMEND ARTICLE IX SECTION 62 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “PRIVATE PROPERTY OPEN TO PUBLIC”**

Public Hearing May 15th

- 4. 23-18 AN ORDINANCE TO AMEND ARTICLE IX SECTION 63 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “FIRE ZONES”**

Public Hearing May 15th

PAYMENT OF CLAIMS:

Councilman Minniti, Member of Finance Committee will give a report on Current and Capital expenditures received and encumbered through April 13, 2023 in the amount of \$272,937.38

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall give their name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration.

The Public may speak on any agenda item that does not have its own public hearing

RESOLUTIONS:

- Budget Compliance Resolution allowing the Budget to be read by title
- Public Hearing on the Municipal Budget for Calendar Year 2023**
- Appointing David DeRosa as full-time Health Officer effective May 4, 2023
- Appointing David DeRosa as Registrar of Vital Statistics and confirming the appointment of Gail Paterno as Deputy Registrar effective May 4, 2023
- Accepting the Master Plan Reexamination Report for implementation of the recommendations of the Planning Board
- Designating Block 77, Lots 2 and 4, located at 175 and 181 Westfield Ave. as a Non-Condemnation Area in Need of Redevelopment
- Authorizing the Business Administrator to execute a Shared Services Agreement with the Clark Board of Education for fuel usage

12. Award of Contract for Grass Disposal to Frank Galbraith & Son Excavation and Demolition LLC at a rate of \$18.50 per yard plus \$50 fuel surcharge per visit with the total amount not to exceed \$35,000.00 for the 2023 grass season.
13. Authorizing submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year 2024 in the amount of \$11,973.00
14. Authorizing submission of an application for DMHAS Grant funding for the Clark Municipal Alliance for Grant Term Two 9/1/2023 to 9/30/2025 in the amount of \$3,403.00
15. Authorizing the Business Administrator to enter into an agreement with Atlantic Health System to perform Occupational Health Services including pre-employment physicals and employee random drug testing
16. Authorizing the Business Administrator to enter into a Cooperative Pricing Agreement with Buy Board National Purchasing Cooperative
17. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$16,604.17 for the Recycling Tonnage Grant
18. Authorizing the purchase of office furniture for the Police Department and Department of Administration through State Contracts in an amount not to exceed \$23,600.00

CONSENT AGENDA RESOLUTIONS:

19. Authorizing the Tax Collector to refund overpayment of taxes in the amount of \$3,507.85
20. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$730.00
21. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$4,005.00 and an additional charge in the amount of \$280.00

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall give their name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK
Ordinance No. 23-15
Adopted _____

Introduced: March 20, 2023 Public Hearing: April 17, 2023

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC" OF
THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark that various sections of Chapter 347 of the Code of the Township of Clark are hereby amended and supplemented, as follows:

SECTION 1: § 347-33 Stop Intersections

Section 347-33 is hereby supplemented to add the following intersections:

Intersection	Stop Sign on
King Street and Benjamin Street	3-Way Stop - Easterly approach of King Street facing westbound traffic, Westerly approach of King Street facing eastbound traffic and, Westerly approach of Benjamin Street facing eastbound traffic
Oak Ridge Road and Hawthorne Drive	Hawthorne Drive
Oak Ridge Road and Limoli Lane	Limoli Lane
Oak Ridge Road and Locust Grove Drive	Locust Grove Drive
Oak Ridge Road/Raritan Road and Raritan Road	Easterly approach of Raritan Road facing westbound traffic
Raritan Road and Lake Avenue	Raritan Road
Westfield Avenue and Old Raritan Road	Westerly approach of Westfield Avenue facing eastbound traffic

SECTION 2: § 347-35 Yield Intersections

Section 347-35 is hereby amended to delete the following intersections:

Intersection	Yield Sign on
King Street and Benjamin Street	Westerly approach of King Street facing eastbound traffic
Oak Ridge Road/Raritan Road and Raritan Road	Easterly approach of Raritan Road facing westbound traffic
Westfield Avenue and Old Raritan Road	Westerly approach of Westfield Avenue facing eastbound traffic

Intro 2

TOWNSHIP OF CLARK
Ordinance No. 23 - 16
Adopted _____

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND AND SUPPLEMENT
SECTION 2 ENTITLED "FEES"
OF CHAPTER 122 ENTITLED "CONSTRUCTION CODES, UNIFORM"
OF THE CODE OF THE TOWNSHIP OF CLARK**

WHEREAS, the Township Council wishes to change the fees payable in connection with construction in the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the following changes be made to Part II, Chapter 122, Section 2, entitled "Fees," of the Code of the Township of Clark be and hereby is supplemented, modified and amended to state as follows:

Section 1. Fees. Chapter 122, Section 2, entitled "Fees," hereby is deleted in its entirety and replaced with the following:

The following fee schedule shall be applicable as indicated:

A. Building.

- (1) New building and additions (based on cubic volume):
 - (a) Residential: \$0.045 per cubic foot.
 - (b) Commercial: \$0.05 per cubic foot.
 - (c) Minimum fee: \$125.
 - (d) DCA fee (as same may be adjusted from time to time by the New Jersey State Department of Community Affairs): \$0.00371 per cubic foot.
 - (e) Electronic Permitting recovery fee (as per P.L.2021, c.70) 0.00371 per cubic foot adjusted as per DCA.
- (2) Alteration and renovations:
 - (a) Residential: \$35 per \$1,000 cost of construction.
 - (b) Commercial: \$40 per \$1,000 cost of construction.
 - (c) Roofing and siding, commercial: \$40 per \$1,000 cost of construction.
 - (d) Minimum fee: \$125.

- (e) DCA fee (as same may be adjusted from time to time by the New Jersey State Department of Community Affairs): \$1.90 per \$1,000 cost of work.
 - (f) Electronic Permitting recovery fee (as per P.L.2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee.
- (3) Combination of new buildings and alterations.
- (a) Fees shall be computed separately by cubic feet and cost of construction, which shall be the sum of both.
 - (b) The fee for plan review shall be 25% of the amount to be charged for the construction permit. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit. The fee for plan review shall not be refundable. [N.J.A.C. 5:23-4.18(a)1 and (b)1]
- (4) Certificate of occupancy or certificate of approval:
- (a) New building and addition:
 - [1] Ten percent of building subcode fee.
 - [2] Minimum fee: \$125.
 - (b) Certificate — change of use: \$300.
 - (c) Resale of a residential dwelling: \$125.
 - (d) Multiple dwellings (per unit): \$125.
 - (e) Resale of commercial or industrial building:
 - [1] Up to five offices: \$500.
 - [2] Each additional office over five offices: \$100 per office.
 - (f) Change of tenant, commercial/industrial: \$400.
 - (g) Engineering inspection (where required by the Construction Code Official):
 - [1] Initial Inspection \$150.
 - [2] Reinspection \$75.
- (5) Change of contractor:
- (a) For each subcode, as needed: \$50.
- (6) Swimming pools:
- (a) Aboveground pool: \$125.
 - (b) Below-ground pool: \$350.
- (7) Outside storage containers (allowed to remain for 30 days, may be extended two times at the discretion of the Construction Code Official): \$100.

- (8) Dumpster in accordance with § 302-29 Permit required; placement; removal; maintenance.
 - (a) Located in driveway \$50 for 14 days
 - (b) Located in street \$50 for 7 days
- (9) Fences: \$60.
- (10) Antennas (not more than 10 feet high and a thirty-two-foot radius): \$150.
- (11) Asbestos and lead abatement work: \$125.
- (12) Radon: \$60.
- (13) Office trailer: \$300.
- (14) Demolition:
 - (a) One- or two-family dwelling: \$400.
 - (b) Apartment buildings exceeding two stories: \$600.
 - (c) Garages, sheds, accessory uses: \$100.
 - (d) Commercial and industrial: \$40 per \$1,000 cost of demolition, minimum \$600; also escrow as per the Code for any demolitions.
- (15) Signs.
 - (a) All signs shall be computed at \$4 per square foot.
 - (b) Double-faced signs shall be charged the area of both sides of the sign.
 - (c) Minimum fee: \$100.
- (16) Elevators, escalators, etc. Elevator fees shall be set forth in N.J.A.C. 5:23-4.14(g).
- (17) Demand inspections:
 - (a) After-hour inspections: \$225 for each subcode.
- (18) Reinstatement of a construction permit that has become invalid in accordance with the Uniform Construction Code shall be the full price of the permit as calculated by the most current adopted fees. [N.J.A.C. 5:23-4.17(a)1]
- (19) Temporary and renewal certificate of occupancy: \$125.
 - (a) Note: No initial fee charged, provided certificate of occupancy fee is paid at time of request.
- (20) Engineering. Engineering inspections, as required (other than for a certificate of occupancy), will be performed on a time basis in accordance with contracts between the Township and its consultants.
 - (a) Minimum: \$300.

B. Electrical.

(1) Wiring:

- (a) One to 50 outlets, fixtures or switches: \$100.
- (b) Each additional 25 outlets or parts thereof (All switches, lighting and receptacles shall be counted as outlets.): \$50.
- (c) Note: For the purpose of computing this fee, the term "receptacles," "fixtures" or "switches" shall include lighting outlets, fluorescent fixtures, intercom devices, light standards, motors or equipment less than one horsepower (hp) or one kilowatt (kw), smoke and heat detectors, alarm devices, thermostats and communications outlets.

(2) Heating, cooking equipment or similar appliances:

- (a) Outlet for single unit of 30 kw or less: \$50.
- (b) Each additional unit or outlet of 30 kw or less: \$20.
- (c) Cable heat, first unit: \$50.
- (d) Each additional cable unit: \$25.

(3) Electrical devices, including motors, generators and transformers:

- (a) Single unit or group, not exceeding five motors, whose total capacity does not exceed:

Under 10 hp or kw	\$75
10 hp to 50 hp or 10 kw to 45 kw	\$150
50 hp to 100 hp or 45 kw to 112.5 kw	\$200
Over 100 hp or 112.5 kw	\$750

* To compute fee, count all motors, except plug-in appliances, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical currents.

(4) Service meter equipment and feeders:

- (a) Not over 200 amp: \$100.
- (b) 201 to 1,000 amp: \$200.
- (c) Over 1,000 amp: \$575.
- (d) On replacement of service exceeding five meters, for each additional meter: \$25.
- (e) Temporary pole service not over 200 amp: \$150.
- (f) Temporary pole service over 200 amp: \$250.

* To compute fee, count all motors, except plug-in appliances, including control equipment, generators, transformers and all heating, cooking or other devices

consuming or generating electrical currents.

- (5) Electric signs, incandescent and fluorescent: \$100.
- (6) Primary transformers, vaults, enclosures and substations:
 - (a) Not over 200 kva: \$125.
 - (b) Two hundred one kva to 500 kva: \$200.
 - (c) Over 500 kva: \$400.

Note: Above fees apply to each bank of transformers.
- (7) In-ground swimming pools:
 - (a) Outlets and bonding: \$150.
- (8) Aboveground swimming pools:
 - (a) Outlets and bonding: \$125.
- (9) Miscellaneous:
 - (a) HVAC equipment (per unit): \$40.
 - (b) Furnace: \$40.
 - (c) Dishwasher: \$40.
 - (d) Garbage disposal: \$40.
 - (e) Electric dryer: \$40.
 - (f) Electric range: \$40.
 - (g) Hot-water heater: \$40.
 - (h) Hard-wired microwave oven: \$40.
 - (i) Electric baseboard heat greater than four feet in length: \$40.
 - (j) Geothermal, kw range of 3.8 to 19.2; heat pump, 2.6 kw to 7.4 kw: \$40.
 - (k) Surface units, 5.1 kw: \$40.
- (10) Annual electrical inspection:
 - (a) Annual electrical inspection of public swimming pools, spas or hot tubs: \$250.

C. Plumbing.

- 1. First plumbing fixture or vent stack: \$60.
 - a. Water closet: \$40 each
 - b. Urinal/bidet: \$40 each

- c. Bathtub: \$40 each
 - d. Lavatory: \$40 each
 - e. Shower: \$40 each
 - f. Floor drain: \$40 each
 - g. Sink: \$40 each
 - h. Dishwasher: \$40 each
 - i. Drinking fountain: \$40 each
 - j. Washing machine: \$40 each
 - k. Hose bib: \$40 each
 - l. Fuel-oil piping: \$40 per outlet
 - m. Gas piping: \$40 per outlet
 - n. Commercial gas piping: \$40 per \$1,000
 - o. Sewer pump and sewer ejector \$100 each
 - p. Interceptor/separator \$100 each
 - q. Backflow devices/vacuum breakers (residential) \$40 each
 - r. Reduced-pressure backflow devices (commercial/industrial) \$125 each
 - s. Grease trap \$100 each
 - t. Sewer connection and sewer capping \$100 each
 - u. Water service connection and water service capping \$100 each
 - v. Stacks \$40 each
 - w. Indirect connection \$40 each
 - x. Water-cooled A/C or refrigeration unit \$80 each
 - y. Lawn sprinkler systems \$75
 - z. Condensate drain \$40 per unit
 - aa. Pool heater \$100
 - bb. Gas dryer \$40 each
 - cc. Laundry trays \$40 each
 - dd. Garbage disposal \$40 each
 - ee. Capping of water service \$100
 - ff. Commercial and/or special fixtures, boilers, dishwashers and tie-in to process equipment \$100
2. Storm drainage system:
- (a) One roof drain: \$80.
 - (b) Two to six roof drains: \$40 each.
 - (c) Seven to 12 drains: \$30 each.
 - (d) Thirteen and over: \$25 each.
 - (2) Building storm drain:
 - (a) Up to eight inches: \$100.
 - (b) Ten inches to 15 inches: \$150.

(c) Eighteen inches to 24 inches: \$250.

(d) Over 24 inches: \$350.

(3) Minimum fee: \$100.

D. Fire protection: fire protection and other hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas- and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems.

(1) Sprinkler heads or commercial detectors (smoke or heat):

1 to 20 heads or detectors	\$150
21 to 100 heads or detectors	\$200
101 to 200 heads or detectors	\$325
201 to 400 heads or detectors	\$750
401 to 1,000 heads or detectors	\$1,200
Over 1,000 heads or detectors	\$1,500

(2) Smoke detectors, residential (R-1, R-2, R-3):

(a) One to 12 detectors: \$80.

(b) Each additional 25 detectors: \$60.

(3) Central control station: \$150.

(4) Alarm devices (horns/strobes, pull stations, signaling devices): \$50.

(5) Alarm valves \$75

(6) Standpipe systems: \$350.

(7) Fire Pump \$200.

(8) Pre-engineered fire-suppression systems: \$200.

(9) Gas- or oil-fired appliance (which is not connected to the plumbing system): \$100.

(a) Gas- or wood-fired stove or fireplace: \$90.

(b) Water heaters: \$50.

(10) Kitchen exhaust systems: \$75.

(11) Storage tank installation (aboveground and underground):

(a) Up to 2,000 gallons: \$125.

(b) Over 2,000 gallons: \$175.

(12) Storage tank removal/abandonment (aboveground and underground):

(a) Up to 2,000 gallons: \$100.

- (b) Over 2,000 gallons: \$175.
- (13) Vapor recovery and/or fuel piping installation: \$125.
- (14) Minimum fee: \$125.

E. Mechanical

- (1) Water heater \$50 each
- (2) Steam boiler \$80 each
- (3) Hot-water boiler \$80 each
- (4) Chimney liners: \$80.

Section 2. Inconsistent Ordinances. Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 3. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective Date: _____, 2023.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO,
 Mayor

Res23/4-17 23-16Ch122-2UniformConstructionCodesFees

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

Intro 3

TOWNSHIP OF CLARK
Ordinance No. 23 - 17
Adopted _____

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND ARTICLE IX SECTION 62 OF
CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "PRIVATE PROPERTY OPEN TO PUBLIC"**

WHEREAS, the Township of Clark Police Department and Fire Department recommends the correction of names of private property entities open to the public.

WHEREAS, the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department and Fire Department to promote the health, safety, and welfare of its residents.

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Article 9 Chapter 347 of the Code of the Township of Clark entitled "Private Property Open To Public" is hereby amended in the following particulars:

SECTION 1: Article 9 entitled "Traffic Regulations" Section 347-62 entitled "Private Property Open to Public" is amended and supplemented to correct the following locations:

The former A&P on Raritan Road shall be amended to Acme.

The former Bally's Gym on Raritan Road shall be amended to Atlantic Urgent Care.

The former Crown Plaza on Walnut Avenue shall be amended to Holiday Inn.

The former Molly McGuire's on Central Avenue shall be changed to Central Kitchen & Cocktails.

The former Rite Aid on Central Avenue shall be amended to Walgreens.

SECTION 2: All other provisions of Section 347-62 remain in effect.

SECTION 3: **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: **Severability:** If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 5: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: _____

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord23/4-17AmendCh347-62PrivatePropertyOpenToPublic

		Motion to	Second	Motion to	Second				
		Introduce		Adopt		Aye	Nay	Abstain	Absent
	Albanese								
Adopted	Hund								
Adopted as Amended	Mazzarella								
Defeated	Minniti								
Tabled	O'Connor								
Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

Intro 4

TOWNSHIP OF CLARK
Ordinance No. 23 - 18
Adopted _____

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND ARTICLE IX SECTION 63 OF
CHAPTER 347
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "FIRE ZONES"**

WHEREAS, the Township of Clark Police Department and Fire Department recommends the installation of a "Fire Zone Area" designation within certain properties located in the Township of Clark.

WHEREAS, the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department and Fire Department to promote the health, safety, and welfare of its residents.

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Article 9 Chapter 347 of the Code of the Township of Clark entitled "Fire Zone Areas" is hereby amended in the following particulars:

SECTION 1: Article 9 entitled "Traffic Regulations" Section 347-63 entitled "Fire Zones" is amended and supplemented to include the following:

<u>Location</u>	<u>Description</u>
Clark Commons, Raritan Road	Designated yellow curbing and striping along the front, side, and rear of the buildings.
Manny's, Raritan Road	Designated yellow curbing and striping along building side.
Clark Pool, Oak Ridge Road	Designated yellow curbing and striping along building side.
301 Central Avenue, Central Avenue	Designated yellow curbing and striping along building side.
CVS, Westfield Avenue	Designated yellow marking and striping along the side of the building.

SECTION 2: Article 9 entitled "Traffic Regulations" Section 347-63 entitled "Fire Zones" is amended and supplemented to correct the following locations:

The former A&P on Raritan Road shall be amended to Acme.

The former Bally's Gym on Raritan Road shall be amended to Atlantic Urgent Care.

The former Crown Plaza on Walnut Avenue shall be amended to Holiday Inn.

The former Molly McGuire's on Central Avenue shall be changed to Central Kitchen & Cocktails.

The former Rite Aid on Central Avenue shall be amended to Walgreens.

SECTION 3: All other provisions of Section 347-63 remain in effect.

SECTION 4: **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: **Severability:** If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord23/4-17AmendCh347-63FireZones

		Motion to	Second	Motion to	Second				
		Introduce		Adopt		Aye	Nay	Abstain	Absent
	Albanese								
Adopted	Hund								
Adopted as Amended	Mazzarella								
Defeated	Minniti								
Tabled	O'Connor								
Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

TOWNSHIP OF CLARK
Resolution 23-59
April 17, 2023

WHEREAS at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

WHEREAS an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to N.J.S.A. 40A:4-8; and

WHEREAS copies of the budget have been made available to each person requesting one at no charge.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 59BudgetCompliance-Library

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 23-60

April 17, 2023

6

Adoption of the Municipal Budget of the Township of Clark for Calendar Year 2023

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$19,973,955.00 for municipal purposes, and
\$ 1,117,628.00 Minimum Library Levy

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 3,025,000.00
Miscellaneous Revenues Anticipated	\$ 3,853,584.59
Receipts from Delinquent Taxes	\$ 400,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	\$ <u>19,973,955.00</u>
AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	\$ <u>1,117,628.00</u>
 Total Revenues	 \$ 28,370,167.59

SUMMARY OF APPROPRIATIONS

General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$ 18,029,262.00
Deferred Charges and Statutory Expenditures – Municipal	\$ 2,848,587.00
Excluded from "CAPS"	
Operations – Total Operations Excluded from "CAPS"	\$ 2,656,733.59
Capital Improvements	\$ 275,000.00
Municipal Debt Service	\$ 3,359,365.00
Deferred Charges – Municipal	\$ 101,220.00
Reserve for Uncollected Taxes (Include Other Reserves, if Any)	\$ 1,100,000.00
 Total Appropriations	 \$ 28,370,167.59

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 17th day of April, 2023. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2023 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/4-17 60BudgetAdoption

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-61
April 17, 2023

WHEREAS Nancy Raymond will be retiring from the position of Health Officer for the Township of Clark; and

WHEREAS in accordance with N.J.S.A. 26:3A2-14 in every municipality there shall be a full-time Health Officer; and

WHEREAS David DeRosa is licensed by the New Jersey Department of Health as both Health Officer, and Registered Environmental Health Specialist and is qualified for the position of Health Officer.

NOW, THEREFORE BE IT RESOLVED that the Township Council, as the Board of Health of the Township of Clark, County of Union, New Jersey hereby appoints David DeRosa to serve as the full-time Health Officer for the Township of Clark, commencing May 4, 2023.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 61AppointHealthOfficerDeRosa5-4-23

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

8

TOWNSHIP OF CLARK
Resolution 23-62
April 17, 2023

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby appoint David DeRosa, CMR as Registrar of Vital Statistics effective May 4, 2023 for a term of three (3) years, pursuant and subject to the provisions of N.J.S.A. 26:8-13 et seq.; and

BE IT FURTHER RESOLVED that the Governing Body hereby concurs with the appointment of Gail Paterno as Deputy Registrar made pursuant to N.J.S.A. 26:8-17 et seq.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 62AppointRegistrarDeRosa&DeputyPaterno

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-63
April 17, 2023

WHEREAS N.J.S.A. 40:55D-89 provides that the Governing Body shall at least every ten (10) 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 2, 2023 at which time it considered the Master Plan Reexamination Report prepared by Paul N. Ricci, P.P., A.I.C.P. of RicciPlanning dated February 17, 2023; and

WHEREAS the Board took action on the Reexamination Report at the meeting on March 2, 2023 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.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 63AcceptMasterPlanRe-examReport

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK PLANNING BOARD

RESOLUTION

**RESOLUTION ADOPTING 2023 PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN AND LAND USE AND DEVELOPMENT
REGULATIONS**

WHEREAS, N.J.S.A. 40:55D-28 provides that a planning board may prepare and, after public hearing, adopt or amend a Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the general welfare; and

WHEREAS, N.J.S.A. 40:55D-89 requires that the governing body shall, at least every ten (10) years, provide for a general reexamination of its master plan and land use and development regulations by the planning board; and

WHEREAS, the Township of Clark directed that the Township of Clark Planning Board (“Board”) to conduct such a reexamination; and

WHEREAS, the Board adopted the Master Plan, pursuant to N.J.S.A. 40:55D-28, in 1991; and

WHEREAS, the Board adopted the last Master Plan Reexamination Report in 2013 (the “2013 Reexamination Report”); and

WHEREAS, on February 2, 2023, the Board conducted a work session with the Board Planner to review the Master Plan, the 2013 Reexamination Report and to develop updates to same; and

WHEREAS, the Board Planner, Paul N. Ricci, PP, AICP, prepared a report titled “2023 Master Plan Reexamination Report”, dated March 2, 2023 (the “2023 Reexamination Report”); and

WHEREAS, upon public notice duly provided pursuant to N.J.S.A. 40:55D-13, the Board held a public hearing on the 2023 Reexamination Report on March 2, 2023, and several members of the public appeared at the public hearing, but did not have any comments; and

WHEREAS, the Board has determined that the 2023 Reexamination Report satisfies the requirements of N.J.S.A. 40:55D-89; and

WHEREAS, the Board has determined that adoption and implementation of the 2023 Reexamination Report is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Clark Planning Board that the Board does hereby adopt the 2023 Reexamination Report; and

BE IT FURTHER RESOLVED, that this Resolution, adopted on this 2nd day of March, 2023, memorializes the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, and that a copy of this Resolution be provided to the Township Clerk, the Township Attorney, the Board Attorney and Planner, the municipal clerks of the municipalities adjoining the Township of Clark and that a copy of this Resolution and the 2023 Reexamination Report be provided to the New Jersey Office of Planning Advocacy and the Union County Planning Board, and that notice of this decision be published once in the official newspaper of the Township of Clark.



Kevin Koch, Chairman

CERTIFICATION

I, Donna Mazzucco, Secretary to the Board, do hereby certify that the above Resolution was adopted by the Board at its meeting held on March 2, 2023. This Resolution memorializes the Board's adoption of the 2023 Master Plan Reexamination Report at its meeting held on March 2, 2023.



Donna Mazzucco
Planning Board Secretary

Motion to Approve Resolution:

Township of Clark Planning Board March 2, 2023						
Master Plan 2023 Re-Examination						
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
S. Bonaccorso						X
J. Ulrich			X			
J. Minniti						X
K. Koch			X			
M. Triola			X			
M. Altmann	X		X			
E. Jacobsen			X			
L. Steinberg		X	X			
N. Clee			X			
C. Brocato (Alt)						X

Final Adopted copy

2023 Master Plan Reexamination Report

Township of Clark
Union County, New Jersey

Prepared: February 17, 2023

Adopted: March 2, 2023

Prepared by:

ricciplanning
177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, PP, AICP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

TOWNSHIP OF CLARK PLANNING BOARD

RESOLUTION

**RESOLUTION ADOPTING 2023 PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN AND LAND USE AND DEVELOPMENT
REGULATIONS**

WHEREAS, N.J.S.A. 40:55D-28 provides that a planning board may prepare and, after public hearing, adopt or amend a Master Plan or component parts thereof, to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the general welfare; and

WHEREAS, N.J.S.A. 40:55D-89 requires that the governing body shall, at least every ten (10) years, provide for a general reexamination of its master plan and land use and development regulations by the planning board; and

WHEREAS, the Township of Clark directed that the Township of Clark Planning Board (“Board”) to conduct such a reexamination; and

WHEREAS, the Board adopted the Master Plan, pursuant to N.J.S.A. 40:55D-28, in 1991; and

WHEREAS, the Board adopted the last Master Plan Reexamination Report in 2013 (the “2013 Reexamination Report”); and

WHEREAS, on February 2, 2023, the Board conducted a work session with the Board Planner to review the Master Plan, the 2013 Reexamination Report and to develop updates to same; and

WHEREAS, the Board Planner, Paul N. Ricci, PP, AICP, prepared a report titled “2023 Master Plan Reexamination Report”, dated March 2, 2023 (the “2023 Reexamination Report”); and

WHEREAS, upon public notice duly provided pursuant to N.J.S.A. 40:55D-13, the Board held a public hearing on the 2023 Reexamination Report on March 2, 2023, and several members of the public appeared at the public hearing, but did not have any comments; and

WHEREAS, the Board has determined that the 2023 Reexamination Report satisfies the requirements of N.J.S.A. 40:55D-89; and

WHEREAS, the Board has determined that adoption and implementation of the 2023 Reexamination Report is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Clark Planning Board that the Board does hereby adopt the 2023 Reexamination Report; and

BE IT FURTHER RESOLVED, that this Resolution, adopted on this 2nd day of March, 2023, memorializes the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, and that a copy of this Resolution be provided to the Township Clerk, the Township Attorney, the Board Attorney and Planner, the municipal clerks of the municipalities adjoining the Township of Clark and that a copy of this Resolution and the 2023 Reexamination Report be provided to the New Jersey Office of Planning Advocacy and the Union County Planning Board, and that notice of this decision be published once in the official newspaper of the Township of Clark.



Kevin Koch, Chairman

CERTIFICATION

I, Donna Mazzucco, Secretary to the Board, do hereby certify that the above Resolution was adopted by the Board at its meeting held on March 2, 2023. This Resolution memorializes the Board's adoption of the 2023 Master Plan Reexamination Report at its meeting held on March 2, 2023.



Donna Mazzucco
Planning Board Secretary

Motion to Approve Resolution:

Township of Clark Planning Board March 2, 2023						
Master Plan 2023 Re-Examination						
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
S. Bonaccorso						X
J. Ulrich			X			
J. Minniti						X
K. Koch			X			
M. Triola			X			
M. Altmann	X		X			
E. Jacobsen			X			
L. Steinberg		X	X			
N. Clee			X			
C. Brocato (Alt)						X

Clark Township Planning Board

Mayor Sal Bonaccorso (Class I Member)

James Ulrich, Business Administrator (Class II Member)

James Minniti, Councilman (Class III Member)

Kevin Koch, Chairman (Class IV Member)

Michael Triola, Vice Chairman (Class IV Member)

Michael Altmann (Class IV Member)

Nathaniel Clee (Class IV Member)

Erik Jacobsen (Class IV Member)

Lance Steinberg (Class IV Member)

Carmen Brocato (Alternate I)

Albert Cruz, Esq., Planning Board Attorney

Richard O'Conner, Township Engineer

Donna, Mazzucco, Planning Board Secretary

Paul Ricci, Township Planner

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1.0 — Introduction

New Jersey’s Municipal Land Use Law (M.L.U.L.; N.J.S.A. 40:55D-1 et seq.) requires that each municipality undertake a reexamination of its master plan at least once every ten years. The purpose of the reexamination is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions. The reexamination is also intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes to the master plan and municipal development regulations to ensure that they meet the needs of the municipality. Additionally, the preparation of a statutorily compliant reexamination provides a legal presumption of the validity of the municipal zoning ordinance. The municipal planning board is responsible for completing the reexamination and preparing and adopting by resolution a report on its findings.

The Clark Township Planning Board adopted its current master plan in 2003. Thereafter, it adopted master plan reexaminations on April 1, 2010, and March 19, 2013. The current report, which shall hereinafter be referred to as the “2023 Master Plan Reexamination Report,” is the third reexamination of the 2003 Master Plan.

1.1 — Statutory Requirements

The 2023 Master Plan Reexamination Report has been prepared in accordance with the requirements of the M.L.U.L. at N.J.S.A. 40:55D-89. These requirements specify that reexamination reports describe the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. The extent to which there have been significant changes in assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources,*

energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county, and municipal policies and objectives.

- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared.*
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*
- f. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

The 2023 Master Plan Reexamination Report addresses each of these statutory requirements.

2.0 — Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report

Major problems and objectives relating to land development are reflected in the 2003 Master Plan's listings of goals and objectives, as updated and revised through the 2013 Master Plan Reexamination Report. They are also reflected in discussions of specific land use issues provided in the 2013 Master Plan Reexamination Report. These goals and objectives and discussions of specific land use issues are outlined in the following subsections.

2.1 — Goals and Objectives

1. To maintain the high-quality, single-family suburban character of Clark, a stable community with limited planned redevelopment.
2. To promote a balance of land uses, including residential, commercial, industrial, public, recreation and conservation uses.
3. To guide the appropriate development of a mix of housing, including senior housing and low- and moderate-income housing consistent with the established style and character of Clark.
4. To safeguard the tax base, preserve the economic balance and provide for continued sources of employment and tax ratables through the appropriate use of nonresidential land.
5. To continue to request County and State highway and road improvements, in view of increased traffic impact from the surrounding regional area.
6. To coordinate any future growth and redevelopment with the provision of public facilities and services.
7. To continue to acquire more community facilities for the enjoyment of the citizens of Clark.
8. To promote the conservation of ecological systems, environmental resources and natural amenities, which characterize the Township.

The 2013 Master Plan Reexamination Report noted that the forgoing goals and objectives remained valid at the time of its preparation. The 2013 Master Plan Reexamination Report further noted that Clark has generally been able to maintain its high-quality, stable, single-family suburban character, and opportunities for redevelopment have been few.

In addition to the above, the 2013 Master Plan Reexamination Report noted that Goal 4, as identified above, was particularly relevant at the time of its preparation.

2.2 — Land Use Issues

The 2013 Master Plan Reexamination Report's discussion of land use issues was separated into "Nonresidential Land Uses" and "Residential Land Uses," both of which are reproduced in the following subsections.

2.2.1 — Nonresidential Land Uses

The 2013 Master Plan Reexamination Report described issues surrounding nonresidential land uses as follows:

After the 2003 Master Plan was adopted, the Township amended the zoning ordinance to create a new Downtown Village (DTV) zone district to implement the recommendations relative to commercial zoning districts. The Neighborhood Commercial and General Commercial districts were similarly revised to implement the Master Plan recommendations.

Since 2003, however, significant changes have occurred in the economy at the local, regional and national level. In late 2008 and continuing into 2009, the United States experienced significant economic changes due to the financial difficulties of major financial institutions. As these companies laid off workers and sought bankruptcy protection status, other sectors of the economy were affected including manufacturing, retailing and service industries. This change not only affected the

national economy, but led to the closing of a large number of businesses at the local level.

The Township's long-term reliance on the strength of the manufacturing sector to support its tax base, however, is becoming an increasing problem. According to the 2002 Economic Census, the Township of Clark has 1,723 manufacturing jobs, representing 26% of the Township's job base [Footnote: Total third-quarter private sector employment covered by insurance in 2002 was 6,474 jobs for Clark Township]. The New Jersey Department of Labor and Workforce Development projects that the manufacturing employment base in Union County will decline by over 16% by 2016 [Footnote: Union County Fact Book, New Jersey Department of Labor and Workforce Development, July 2009]. As a result, the Township is susceptible to significant employment and revenue losses should local manufacturing companies close, as was evident by the closing of the US Gypsum plant which at one time employed over 750 people.

Concurrent with this change in the economy, one of the major landowners in Clark Township (Villa Contracting) sold their properties to a new company, Feil Clark Terminal Associates, LLC. These properties comprised the majority of the land in the Township's IL zone district, and contain the Township's largest employer, L'Oréal. The new owner was interested in reinvesting in these properties to create uses and structures consistent with current market demands.

Opportunities to redevelop, and in some cases rehabilitate or renovate existing research and development uses and commercial uses in the Township's Light Industrial zone along Terminal Avenue and the U.S. Gypsum property will help the Township to improve the balance of commercial and industrial uses with residential uses. Such redevelopment would also safeguard the tax base and continue to be a

source of employment and tax ratables, which would otherwise be reduced if redevelopment was not permitted to occur.

While the amount of land zoned for industrial uses has remained almost the same in the 7 years between the 2003 Clark Master Plan Update and the 2010 Master Plan Reexam was prepared, the demand for and utility of some of the industrial land declined. Pressure for redevelopment of some of the parcels along Terminal Avenue, the largest area of industrial zoned land in Clark, as well as the US Gypsum site, mounted. Opportunities for the rehabilitation and expansion of research and development facilities, along with office and retail use, exist within this area. As indicated in the 2003 Update, certain parcels are contaminated and would require remediation before being reused. Such remediation and reuse would have a positive environmental and economic impact on Clark.

Since demand for research and development facilities and light industrial uses was shown as unlikely to be sufficient to sustain the employment and ratables generated by the Terminal Avenue industrial area, consideration was given in the 2010 Reexam to alternative uses which have the possibility for generating ratables and employment without burdening the municipal or school system in the Township. These included office and retail uses. We believe the same conditions apply to the US Gypsum property.

(2013 Master Plan Reexamination Report, pages 12 and 13)

2.2.2 — Residential Land Uses

The 2013 Master Plan Reexamination Report described issues surrounding residential land uses as follows:

The Township has been working closely with COAH, developers and objectors to address the Township's housing issues. The Township

adopted an amended housing element and fair share plan in August 2004, with additional amendments in 2006. An Affordable Housing Overlay zone was created for two properties, one of which was in the IL zone district. This property, Block 58, Lot 4, received site plan approval for development of 300 senior housing units, including 60 affordable units, in 2008. In March 2009, a new Housing Element and Fair Share Plan was adopted to address the Township's third round housing obligation. The Plan relies on group homes, existing inclusionary zoning, and a market to affordable program to address the Township's fair share obligation. Overall, the need for senior housing opportunities, including non-affordable senior housing, remains valid. Here, rezoning and permitting both age-restricted and unrestricted multi-family residential housing types (townhouses and apartments) in appropriate locations remains advisable.

(2013 Master Plan Reexamination Report, pages 13 and 14)

3.0 — Extent to Which Such Problems and Objectives Have Been Reduced or Increased

The extent to which master plan goal and objectives, as well as land uses issues, have been reduced or increased since the adoption of the 2013 Master Plan Reexamination Report is described in the following subsections (n.b., the master plan goals and objectives and land use issues identified in Chapter 2 of this reexamination report are duplicated, and commentary is provided in *italicized, bold font*).

3.1 — Goals and Objectives

1. To maintain the high-quality, single-family suburban character of Clark, a stable community with limited planned redevelopment.
2. To promote a balance of land uses, including residential, commercial, industrial, public, recreation and conservation uses.
3. To guide the appropriate development of a mix of housing, including senior housing and low- and moderate-income housing consistent with the established style and character of Clark.
4. To safeguard the tax base, preserve the economic balance and provide for continued sources of employment and tax ratables through the appropriate use of nonresidential land.
5. To continue to request County and State highway and road improvements, in view of increased traffic impact from the surrounding regional area.
6. To coordinate any future growth and redevelopment with the provision of public facilities and services.
7. To continue to acquire more community facilities for the enjoyment of the citizens of Clark.
8. To promote the conservation of ecological systems, environmental resources and natural amenities, which characterize the Township.

The 2013 Master Plan Reexamination Report noted that the forgoing goals and objectives remained valid at the time of its preparation. The 2013 Master Plan

Reexamination Report further noted that Clark has generally been able to maintain its high-quality, stable, single-family suburban character, and opportunities for redevelopment have been few.

In addition to the above, the 2013 Master Plan Reexamination Report noted that Goal 4, as identified above, was particularly relevant at the time of its preparation.

2023 Update: The master plan goals and objectives, as cited above and affirmed at the time of the 2013 Master Plan Reexamination Report continue to remain valid.

Although opportunities for redevelopment were few through the time of the 2013 Master Plan Reexamination Report, there has been considerable redevelopment activity in recent years. This is demonstrated in this reexamination report's discussion of redevelopment activity, which is provided in Section 4.1.3. This activity promotes several of the foregoing master plan goals and objectives, most importantly Goal 4 (i.e., "To safeguard the tax base, preserve the economic balance and provide for continued sources of employment and tax ratables through the appropriate use of nonresidential land"), which continues to be as relevant in 2023 as it was at the time of the 2013 Master Plan.

3.2 — Land Use Issues

As previously noted, the 2013 Master Plan Reexamination Report's discussion of land use issues was separated into "Nonresidential Land Uses" and "Residential Land Uses."

Updates to the 2013 Master Plan Reexamination Report's discussion of "Nonresidential Land Uses" and "Residential Land Uses" are provided in the following subsections. New issues, which were not identified in the 2013 Master Plan Reexamination Report, are identified in Chapter 4 of this reexamination report.

3.2.1 — Nonresidential Land Uses

The 2013 Master Plan Reexamination Report described issues surrounding nonresidential land uses as follows:

After the 2003 Master Plan was adopted, the Township amended the zoning ordinance to create a new Downtown Village (DTV) zone district to implement the recommendations relative to commercial zoning districts. The Neighborhood Commercial and General Commercial districts were similarly revised to implement the Master Plan recommendations.

Since 2003, however, significant changes have occurred in the economy at the local, regional and national level. In late 2008 and continuing into 2009, the United States experienced significant economic changes due to the financial difficulties of major financial institutions. As these companies laid off workers and sought bankruptcy protection status, other sectors of the economy were affected including manufacturing, retailing and service industries. This change not only affected the national economy, but led to the closing of a large number of businesses at the local level.

The Township's long-term reliance on the strength of the manufacturing sector to support its tax base, however, is becoming an increasing problem. According to the 2002 Economic Census, the Township of Clark has 1,723 manufacturing jobs, representing 26% of the Township's job base [Footnote: Total third-quarter private sector employment covered by insurance in 2002 was 6,474 jobs for Clark Township]. The New Jersey Department of Labor and Workforce Development projects that the manufacturing employment base in Union County will decline by over 16% by 2016 [Footnote: Union County Fact Book, New Jersey Department of Labor and Workforce Development, July 2009]. As a result, the Township is susceptible to significant employment and

revenue losses should local manufacturing companies close, as was evident by the closing of the US Gypsum plant which at one time employed over 750 people.

Concurrent with this change in the economy, one of the major landowners in Clark Township (Villa Contracting) sold their properties to a new company, Feil Clark Terminal Associates, LLC. These properties comprised the majority of the land in the Township's IL zone district, and contain the Township's largest employer, L'Oréal. The new owner was interested in reinvesting in these properties to create uses and structures consistent with current market demands.

Opportunities to redevelop, and in some cases rehabilitate or renovate existing research and development uses and commercial uses in the Township's Light Industrial zone along Terminal Avenue and the U.S. Gypsum property will help the Township to improve the balance of commercial and industrial uses with residential uses. Such redevelopment would also safeguard the tax base and continue to be a source of employment and tax ratables, which would otherwise be reduced if redevelopment was not permitted to occur.

While the amount of land zoned for industrial uses has remained almost the same in the 7 years between the 2003 Clark Master Plan Update and the 2010 Master Plan Reexam was prepared, the demand for and utility of some of the industrial land declined. Pressure for redevelopment of some of the parcels along Terminal Avenue, the largest area of industrial zoned land in Clark, as well as the US Gypsum site, mounted. Opportunities for the rehabilitation and expansion of research and development facilities, along with office and retail use, exist within this area. As indicated in the 2003 Update, certain parcels are contaminated and would require remediation before being reused. Such remediation

and reuse would have a positive environmental and economic impact on Clark.

Since demand for research and development facilities and light industrial uses was shown as unlikely to be sufficient to sustain the employment and ratables generated by the Terminal Avenue industrial area, consideration was given in the 2010 Reexam to alternative uses which have the possibility for generating ratables and employment without burdening the municipal or school system in the Township. These included office and retail uses. We believe the same conditions apply to the US Gypsum property.

(2013 Master Plan Reexamination Report, pages 12 and 13)

2023 Update: Since 2013, greater interest has occurred towards development in the Downtown Village District (DTV) and other areas along Westfield, Raritan, and Walnut Avenues. To date, approvals have been granted at 35 Walnut Avenue to construct 177 units, including 28 affordable units; 52 Westfield Avenue to construct 75 units, including 12 affordable; and 1019-1037 Raritan Road to construct 42 units, including 12 affordable units. The Township also designated 27-33 Westfield Avenue and 26 Washington Street as areas in need of redevelopment. Both 52 Westfield Avenue and 27-33 Westfield Avenue will contain downtown mixed-use development with commercial space on the ground floor and residential uses on the upper floors. It is anticipated that additional redevelopment along the Westfield Avenue corridor will continue after the construction of the new mixed-use buildings. In this regard, a need has been identified to update the streetscape palette for the corridor, which would allow for the consistent use of a new sidewalk design with potential paver accents, lighting, trash receptacles, benches, bollards, etc.

While retention of existing businesses in the Township continues to remain a Township priority, concerns related to the future of the Terminal Avenue area of Clark and the former US Gypsum site are no longer valid.

In 2023, the Terminal Avenue area of the Township has little to no vacancy and contains many nonresidential uses. In 2021, the Clark Planning Board approved a 97,000-square-foot expansion to the existing L'Oréal research, laboratory and office facility. The L'Oréal facility is being improved as the company's primary research and development headquarters in the United States.

Moreover, the former US Gypsum site has been redeveloped into the Clark Commons shopping center. The vibrant new center contains a Whole Foods Market, HomeGoods, LA Fitness, Party City, Ulta Beauty, and numerous other restaurants and shops. However, given the recent regional decline in the demand for retail and office uses, the Township should continue to evaluate the range of permitted uses in the Light Commercial Industrial District (LCI) to provide sufficient space to meet the needs of Clark Township.

3.2.2 — Residential Land Uses

The 2013 Master Plan Reexamination Report described issues surrounding residential land uses as follows:

The Township has been working closely with COAH, developers and objectors to address the Township's housing issues. The Township adopted an amended housing element and fair share plan in August 2004, with additional amendments in 2006. An Affordable Housing Overlay zone was created for two properties, one of which was in the IL zone district. This property, Block 58, Lot 4, received site plan approval for development of 300 senior housing units, including 60 affordable units, in 2008. In March 2009, a new Housing Element

and Fair Share Plan was adopted to address the Township's third round housing obligation. The Plan relies on group homes, existing inclusionary zoning, and a market to affordable program to address the Township's fair share obligation. Overall, the need for senior housing opportunities, including non-affordable senior housing, remains valid. Here, rezoning and permitting both age-restricted and unrestricted multi-family residential housing types (townhouses and apartments) in appropriate locations remains advisable.

(2013 Master Plan Reexamination Report, pages 13 and 14)

2023 Update: See Sections 4.1.4 and 4.3.4.

4.0 — Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives

To properly assess the extent to which there have been significant changes in the assumptions, policies and objectives that inform the Township’s master plan and development regulations, this reexamination report studies changes at the local, county, and state levels. Each level is discussed in the following sections.

4.1 — Changes at the Local Level

4.1.1 — Demographic Changes

Since the adoption of the 2013 Master Plan Reexamination Report, the US Census Bureau has released updated information on Clark’s population and housing characteristics. Because changes to population and housing characteristics can impact the outcome of planning efforts, the following overviews are provided.

4.1.1.1 — Population

In the 2000 US Census, the Township of Clark was recorded as having a population of 14,597 residents. In the period since, the Township’s population has increased, having reached 14,756 residents by the time of the 2010 US Census and 15,837 residents by the time of the 2020 US Census. These figures represent increases of 1.1 percent between the 2000 and 2010 US censuses, and 7.3 percent between the 2010 and 2020 US censuses. Chart 1 shows population trends.

Chart 1: Recent Population Trends



With regard to the age of the population, it is noted that the Township's median age has remained stable at 42.7 years between the time of the 2000 US Census and 2020 (n.b., 2020 value is a 2016-2020 5-Year Estimate of the American Community Survey).

4.1.1.2 — Housing

At the time of the 2000 US Census, there were 5,709 housing units in Clark. Of these, 5,637 units (98.7 percent) were occupied, and 72 units were vacant (1.3 percent). The 2020 US Census reports that the number of housing units in Clark had increased by approximately 7.1 percent to 6,114 units, which includes 5,919 occupied units (96.8 percent) and 195 vacant units (3.2 percent).

Occupied housing units constitute households, the size of which is measured in terms of the number of members. As reported in the 2000 US Census, the average household size in Clark was 2.56 members. By the time of the 2010 US Census (n.b., data from the 2020 US Census is currently unavailable), the average household size in Clark had increased by approximately 2.7 percent to 2.63 members.

4.1.2 — Cannabis Uses

In response to recent changes at the state level, Clark revised its zoning ordinance to prohibit all types of cannabis businesses from operating within the Township with the adoption of Ordinance No. 21-18 on June 21, 2021. In the future, the Township

may reevaluate whether to permit one or more of the six classes of cannabis businesses for licensure in New Jersey.

4.1.3 — Redevelopment

Since the adoption of the 2013 Master Plan Reexamination Report, Clark has designated several areas of the Township in need of redevelopment and adopted associated redevelopment plans. These areas include:

- **Walnut Avenue Redevelopment:** This area includes Block 155, Lots 7 and 10. The area is located along Walnut Avenue and Valley Road and has a total area of approximately 8.44 acres. A redevelopment plan was adopted in 2019 to facilitated redevelopment townhouses or garden apartments with a requirement that a minimum of 16 percent of all units constructed shall be affordable units. These units are nearing competition.
- **Westfield and Washington Redevelopment:** This area includes Block 91, Lots 8.01, 10.01 and 36, and has frontage on Westfield Avenue and Washington Street. The area was designated as an area in need of redevelopment in 2022, and a redevelopment plan was drafted but not yet adopted in 2023. The draft redevelopment plan envisions mixed-use development, which includes affordable, multi-family residential apartments. The total area is approximately 0.47 acres.
- **Westfield Avenue Redevelopment (Block 77):** This area includes Block 77, Lots 2 and 4. It is located along Westfield Avenue and was being investigated as an area in need of redevelopment at the time of the adoption of this reexamination report. The total area is approximately 0.51 acres.
- **Westfield Avenue Redevelopment (A&P Site):** This area includes Block 91, Lot 21 and Block 105, Lots 2 and 26.01. It is comprised of: the former A&P Supermarket site on Block 105, which has frontage along Westfield Avenue and Broadway; as well as currently vacant (formerly commercial) property on Block 91 with frontage on Westfield Avenue. A redevelopment plan was adopted in 2019. The redevelopment plan envisions that Block 91, Lot 21,

which is not contiguous with Block 105, Lots 2 and 26.01, will be redeveloped in accordance with the standards of the Downtown Village (DTV) Zone District. The redevelopment plan envisions that Block 105, Lots 2 and 26.01 will be redeveloped with one or more of the following uses: retail sales of goods and services; taverns and restaurants (incl., full-service restaurants offering table service and those establishments offering counter service and takeout, but excluding drive throughs); banks and other similar financial institutions; health clubs; offices (incl., business, administrative and professional); museums, art galleries, theaters, music and dance studios, and similar cultural uses; childcare centers; governmental uses (incl., offices, public parks, and municipal parking facilities); and residential apartments, except that residential uses shall not be permitted on the ground floor or first floor fronting onto Westfield Avenue. In addition, it is noted that the adopted redevelopment plan requires inclusionary affordable housing. Site plan approval was granted to construct 75 residential units, including 12 affordable units as well as ground floor commercial space.

- **Terminal Avenue Redevelopment (L'Oréal Site)**: This area includes Block 58, Lots 4 and 5 and has a total area of approximately 23 acres. It is located along Terminal Avenue and Central Avenue, directly to the south of the Conrail Railroad right-of-way. A redevelopment plan was adopted in 2019. Permitted land uses enumerated in the redevelopment plan include: corporate offices; research and development; research laboratories for scientific and industrial research and testing; pilot plants; limited manufacturing; and general, administrative, executive, and professional offices. Site plan approval was granted in 2021 to expand the existing facility by 97,000 +/- square feet to house the US research and development headquarters.
- **Raritan Road Redevelopment (CubeSmart)**: This area includes Block 60, Lots 60.01, 61, 62 and 63. In 2022, the Township designated the above properties in need of redevelopment and adopted a formal redevelopment plan. The

Township also granted site plan approval to construct a 95,000 +/- self storage facility.

Additional details about redevelopment in Clark are provided in Chapter 6.

4.1.4 — Housing Element

The Clark Township Planning Board adopted a Housing Element and Fair Share Plan in 2017. The 2017 Housing Element and Fair Share Plan addresses the municipality's affordable housing obligation through June 30, 2025. As provided in the 2017 Housing Element and Fair Share Plan, the municipality's fair share obligation is comprised of:

- Rehabilitation Share: 53 units;
- Prior Round Obligation: 93 units; and,
- Third Round Obligation: 170 units.

To address the rehabilitation share, the Township operates the Clark Home Improvement Program, which is a Township-wide program aimed at scattered site housing rehabilitation of housing units occupied by very low-, low-, and moderate-income households. Both owner- and renter-occupied housing units are eligible to receive funding for rehabilitation if the units are a primary residence, the occupants of the units are determined to meet income requirements, and the units are determined to be substandard.

To address the Prior Round and Third Round obligations, which, when added, amount to 263 units, the 2017 Housing Element and Fair Share Plan identifies existing and proposed units on the following sites:

- Woodcrest at Clark (Block 57, Lots 2, 3, 4, 8 and 10; Westfield Avenue and Terminal Avenue): A total of 328 age-restricted rental units were identified, of which 65 units were affordable;
- Westfield and Terminal (Block 57, Lot 6.01; Westfield Avenue and Terminal Avenue): A total of 23 rental units were identified, of which five (5) units

were affordable. The site is also anticipated to yield five (5) rental bonus credits;

- Raritan Gas Station (Block 34, Lot 25; Raritan Road, south of Madison Hill Road): A total of 12 rental units were identified, of which two (2) units were affordable. The site is also anticipated to yield two (2) rental bonus credits;
- Westfield and Raritan (Block 63, Lots 45, 47, 49 and 51; Northwest of the Corner of Westfield Avenue and Raritan Road): A total of 40 rental units were identified, of which six (6) units were affordable;
- Schieferstein Site (Block 36, Lots 13, 14 and 15; Madison Hill Road between Rainbow Drive and Amelia Drive): A total of 72 rental units were identified, of which 11 units were affordable. The site is also anticipated to yield 11 rental bonus credits;
- Jack's Tavern (Block 77, Lots 11, 12, 13, 14, 15, 17 and 18; Downtown Village District): A total of 58 rental units were identified, of which nine (9) units were affordable. The site is also anticipated to yield nine (9) rental bonus credits;
- A&P Site (Block 105, Lots 2, 6, 8, 13, 14, 15, 16, 19, 20, 21, 22, 26.01; Downtown Village District): A total of 116 rental units were identified, of which 18 units were affordable;
- Downtown Village District (Westfield Avenue): A total of 668 rental units were identified, of which 101 units were affordable;
- Walnut Site (Block 177, Lots 7 and 10; Northwest Corner of Valley Road and Walnut Avenue): A total of 168 rental units were identified, of which 27 units were affordable. The site is also anticipated to yield 27 rental bonus credits; and,
- Group Homes (Various Sites): Nine (9) units of credit for bedrooms and nine (9) rental bonus credits.

In total, the foregoing sites amount to 1,494 rental units, of which 316 units were affordable. In addition, the foregoing sites were anticipated to yield 63 rental bonus credits. The total of affordable units and rental bonus credits amounts to 379 units

of credit. This exceeds the 263-unit combined Prior Round and Third Round obligations.

4.1.5 — Institutional Uses

For institutional uses, this Plan specifically recommends creating standards to better regulate their intensity, scale, building setbacks, parking requirements, appropriate buffers and other standards in the context of surrounding development in a manner that does not impose a substantial burden on the exercise of religion.

4.1.6 — Local Traffic Issues

This Master Plan recommends that the Township continue to monitor the need for traffic calming on residential streets.

Further discussion of local traffic issues is provided in Section 4.2.1 within the context of the 2016 Union County Transportation Master Plan.

4.1.7 — Climate Change Hazards

Climate change is a growing concern throughout the United States. To promote increased awareness of the issue and risks, the National Oceanic and Atmospheric Administration (NOAA) has developed an online mapping portal, called the CMRA (Climate Mapping for Resilience and Adaptation) Assessment Tool, to assess climate change hazards at the local and regional levels. Said tool provides a snapshot, which includes an indication of risk, of the following hazards as related to Clark Township: extreme heat (relatively moderate risk); wildfire (very low risk); flooding (relatively high risk); and coastal inundation (relatively moderate risk).

Table 1 provides an overview of indicators of flooding, which was classified by the CMRA Assessment Tool as “relatively high risk,” as localized to Clark Township.

Table 1: Flooding

Indicator	2030s	2085
<i>Annual Days with:</i>		
Total Precipitation > 1”	9	11
Total Precipitation > 2”	1	2
Total Precipitation > 3”	0	0

Annual Precipitation		
Average Annual Total Precipitation	49"	52"
Annual Days with Measurable Precipitation	215	210
Maximum Period of Consecutive Wet Days	11	11
Days with Maximum Temperature < 32°C (Risk of Freezing)	9	2
Annual Days that Exceed the 99 th Percentile of Precipitation	8	11

Source: CMRA Assessment Tool (<https://resilience.climate.gov>)

Note: Values represent high emissions scenarios

To facilitate increased awareness of, and resiliency to, climate change-related hazards, this reexamination report recommends the preparation of a “Climate Change-Related Hazard Vulnerability Assessment,” as described within the context of changes at the state level in Section 4.3.2.

4.2 — Changes at the County Level

Since the adoption of the 2013 Master Plan Reexamination Report, Union County has adopted the 2016 Union County Transportation Master Plan. A complete overview is provided in the following section.

4.2.1 — Transportation Master Plan

Union County adopted a new transportation master plan in 2016. The vision of the 2016 Union County Transportation Master Plan is as follows:

Union County has a safe, reliable, multi-modal transportation system that will move, connect, and grow to enhance economic activity and quality of life for all its communities.

To achieve this vision, the 2016 Union County Transportation Master Plan sets the following goals and objectives:

- To improve and maintain a sound transportation infrastructure designed to support the growth of Union County and better serve all users.
 - Retain our existing corporate base and at the same time attract new business into the County.
 - Attract emerging industries to Union County.

- Attract regional business and tourism to Union County.
- To ensure that quality public transportation is available in Union County.
 - Support and encourage efficient, reliable, safe and convenient passenger rail service.
 - Ensure efficient, reliable, safe, and convenient bus service.
 - Support transit-oriented development.
 - Identify opportunities and obstacles linking rail and bus service to strategic locations within the County, including job centers, residential areas, shopping, and recreational areas.
 - Develop adequate park-and-ride facilities.
 - Continue to support specialized and subsidized transportation to serve the travel needs of seniors and the disabled.
- To increase safety and mobility while minimizing congestion on the roadway system.
 - Develop alternatives to capacity expansion.
 - Improve safety through engineering solutions as well as with education and enforcement.
 - Improve operating efficiency.
 - Complete missing links of interchanges.
- To maintain the efficient movement of goods.
 - Promote safe and efficient truck travel.
 - Promote safe and efficient transport of freight by rail.
 - Ensure the portside access meets the needs of current and future post-Panamax vessels.
- To support aviation services in Union County.
 - Mitigate the adverse impacts of air travel on County residents.
 - Support access and mobility to Newark Liberty International Airport.
 - Continue to support the use of Linden Airport as a general aviation facility, as appropriate.

- To encourage and support programs and policies that create transportation options and enhance quality of life.
 - Ensure safe and convenient bicycle and pedestrian facilities, promote flexible working hours and other transportation demand management strategies.
 - Encourage transportation system management solutions on roadways.
 - Efficiently utilize capacity.
 - Promote compact, mixed-use development patterns which promote walkability and support transit.
- To promote a coordinated, comprehensive, and cooperative transportation planning process.
 - Continue to participate in the NJTPA Subregional Transportation Planning Program.
 - Continue to conduct studies and apply for transportation planning funds available through the state or federal government to investigate a range of transportation planning problems with the goal of creating alternative solutions and recommendations.
 - Integrate land use and transportation planning.
- To prepare for and adapt to changing conditions and withstand, respond to and recover rapidly from disruptions.
 - Work with NJDOT, NJ TRANSIT, PANYNJ and other partners to improve the resilience of County transportation infrastructure against the impacts of extreme weather.

The forgoing vision, goals, and objectives of the 2016 Union County Transportation Master Plan are compatible with Clark's planning documents.

In addition to the above, it is noted that a survey conducted by Union County during the development of the 2016 Union County Transportation Master Plan identified the following transportation and mobility-related information and issues in Clark:

- Congestion (Corridors/Intersections):

- Central Avenue/Raritan Road/Walnut Avenue/Garden State Parkway.
- **Parking Issues:**
 - Limited parking is available in the downtown area of Westfield Avenue.
 - Informal commuter parking occurs in the Target parking lot on Central Avenue.
- **Bicycle and Pedestrian Circulation, Safety, Issues and Barriers:**
 - Sidewalks are needed in front of Oak Ridge Park on the park side of the street.
- **Public Transportation Improvements:**
 - **Most beneficial public transportation improvements:** Bus stop location; and relocation of NJ Transit bus stop on Raritan Road at Central Avenue intersection.
 - Town operates the senior bus service for local shopping.
 - Rahway has taxi service that is used in the area.
- **Goods Movement:**
 - There are designated truck routes.
 - **Truck traffic issues:** from Westfield Avenue to Bryant Avenue (n.b., roadway is posted as being closed to trucks, but they use it anyway); and Lake Avenue.
 - Complaints regarding truck idling at night.
- **Environment:**
 - The municipality currently uses green infrastructure.
 - Flooding occurs on the Pumpkin Patch Brook/Robinson Branch, and on Valley Road (Jackson's Pond Dam).
 - Complaints regarding truck idling at night.
- **Transportation Wish List:**
 - Additional lane on Central Avenue from Garden State Parkway to Raritan Road (westbound).
 - **Signalization and intersection improvements:** Westfield Avenue/Central Avenue/Raritan Road and Terminal Avenue/Westfield Avenue.

- Signalization: Raritan Road/Sunset Drive and Raritan Road/James Avenue.

4.3 — Changes at the State Level

4.3.1 — Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency and Environmental Sustainability

In 2018, the M.L.U.L. section governing the preparation of master plans (N.J.S.A. 40:55D-28(b)) was amended to require that any land use element adopted after January 8, 2018 provide a statement of strategy concerning the following:

1. Smart growth, which, in part, shall consider potential locations for the installation of electric vehicle charging stations;
2. Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and
3. Environmental sustainability.

4.3.2 — Climate Change-Related Hazard Vulnerability Assessment

Section 28 of the M.L.U.L. was amended in 2021 to require that any land use element adopted after February 4, 2021 include a Climate Change-Related Hazard Vulnerability Assessment to analyze climate change-related natural hazards (e.g., extreme heat, drought, flooding, hurricanes and sea level rise). The Climate Change-Related Hazard Vulnerability Assessment will be required to include the following additional components:

1. Build-out analysis;
2. Critical evacuation assets analysis;
3. Impact analysis;
4. Risk reduction strategy; and
5. Policy recommendations.

The amendment requires municipalities to rely on the most recent natural hazard projections and best available science provided of the New Jersey Department of Environmental Protection when preparing the Climate Change-Related Hazard Vulnerability Assessment.

4.3.3 — Local Redevelopment and Housing Law

In 2013, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.; L.R.H.L.) was amended to provide for both a non-condemnation and condemnation redevelopment area designation, as well as to redefine the criteria and procedures for designating an area in need of redevelopment and rehabilitation, including an update to notice requirements during the redevelopment area designation process.

Additionally, the L.R.H.L. was amended in 2019 to include additional criteria for designation as an area in need of redevelopment under the terms of N.J.S.A. 40A:12A-5(b). The additional provision enables designation as an area in need of redevelopment when the discontinuation or abandonment of buildings used for retail, shopping malls and office parks, or buildings with significant vacancies has persisted for at least two consecutive years. N.J.S.A. 40A:12A-5(b) now reads as follows:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

In addition to the amendments to the L.R.H.L. that have been described above, it is noted that, in 2015, the New Jersey Supreme Court ruled in 62-64 Main Street v. Mayor and Council of Hackensack, 221 N.J. 129 (2015) that a property does not need to negatively affect the surrounding properties in order to be considered “blighted” and, thus, eligible for redevelopment.

4.3.3.1 — L.R.H.L. Amendments Related to Electric Vehicle Charging and Zero-Emission Vehicle Fueling Infrastructure

In 2019, the L.R.H.L. was amended to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure.

In 2021, the L.R.H.L. was amended to further encourage the development of electric vehicle charging infrastructure, as well as inclusion of zero-emission vehicle fueling infrastructure.

4.3.4 — New Jersey Council on Affordable Housing

The New Jersey Council on Affordable Housing (C.O.A.H.) originally adopted rules for the third round (i.e., 1999–2025) period in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to C.O.A.H. to revise them to be consistent with the Appellate Division decision. In 2008, C.O.A.H. adopted revised third-round rules.

In 2010, the Appellate Division invalidated the third-round rules that were adopted in 2008, as well as the “growth share” methodology they were based on. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division’s 2010 decision that invalidated C.O.A.H.’s third-round rules. Consequently, C.O.A.H. was charged with the task of adopting new affordable housing rules.

As the result of C.O.A.H.’s failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the C.O.A.H. process. The New Jersey Supreme Court’s 2015 decision states:

... parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such

obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation.

On July 7, 2015, the Township filed a declaratory judgement action and motion for immunity from builder's remedy lawsuits while it prepared a housing element and fair share plan. The Court subsequently granted the Township temporary immunity, which was extended several times while the Township negotiated a settlement agreement with the Fair Share Housing Center and prepared what is now known as the 2017 Housing Element and Fair Share Plan. On October 5, 2017, a Conditional Final Declaratory Judgement of Compliance and Repose was entered, with a final Judgement of Compliance and Repose entered on January 9, 2018. With the final grant of Judgement of Compliance and Repose, the Township is protected from builder's remedy lawsuits through June 30, 2025.

4.3.5 — Cannabis Legalization

In 2021, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older. Municipalities had until August 21, 2021 to take actions to: either prohibit or limit the number of cannabis establishments, distributors, or delivery services; and in the event the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

With the adoption of Ordinance No. 21-18 on June 21, 2021, Clark has opted to prohibit all cannabis-related uses from operating within the Township.

4.3.6 — State Strategic Plan

The State Planning Commission (SPC) is currently staffed by the Office of Planning Advocacy (OPA), which is an entity of the Department of State. The OPA released a draft "State Strategic Plan" (SSP) that was intended to supersede the current State Development and Redevelopment Plan (SDRP). The draft SSP differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September

2012, the draft SSP was suspended after Hurricane Sandy and has not been adopted by the SPC. As of the preparation of this reexamination report, there is no current activity or efforts to adopt the SSP and the SDRP remains in place.

4.3.7 — Complete Streets

In 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy and in 2017 a Complete Streets Design Guide. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation- walking, bikes, cars, trucks, and buses.

The New Jersey Bicycle and Pedestrian Resource Center states that Complete Streets benefit communities by addressing the needs of all road users regardless of age, ability, or mode of transportation. Benefits can include the following:

1. Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
2. Improving safety;
3. Enhancing the sense of community and quality of life;
4. Reducing reliance on automobiles;
5. Reducing congestion;
6. Revitalizing downtowns;
7. Increasing private investment;
8. Increasing property values; and
9. Promoting tourism.

A municipal Complete Streets policy is the community’s formal strategy to focus decision making and funding on planning, designing, and constructing community streets that accommodate all intended users. According to the National Complete Streets Coalition, the following items represent some Complete Streets policy considerations:

1. A vision for how and why the community wants to complete its streets;
2. Identification that “all users” includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit vehicle operators;
3. Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation;
4. Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way;
5. Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs;
6. Establishment of performance standards with measurable outcomes; and
7. Steps for implementation.

As of March 25, 2022, a total of eight (8) counties and 174 municipalities in New Jersey have adopted complete streets policies. The Township of Clark has not adopted a complete streets policy. It is recommended that the Township consider adopting a complete street policy.

4.3.8 — Reexamination Report Requirements

In 2019, amendments were made to the M.L.U.L. at N.J.S.A. 40:55D-89 to incorporate the requirement that reexamination reports include a discussion of the recommendations of the municipality’s planning board concerning locations appropriate for the development of public electric vehicle infrastructure. Specifically, the following new requirement was included at N.J.S.A. 40:55D-89(f):

The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or

appropriate for the development of public electric vehicle infrastructure.

The 2023 Master Plan Reexamination Report has been prepared to meet this requirement.

4.3.9 — Electric Vehicle Supply and Make-Ready Parking Spaces

In 2021, the M.L.U.L. was also amended to establish numerical requirements and zoning standards for installation of electric vehicle supply equipment and “make-ready” parking spaces (i.e., parking spaces that are prepared to support electric vehicle supply equipment by including electrical equipment up to but not including chargers themselves).

Specifically, the M.L.U.L. was amended to stipulate that applications for development submitted solely for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance (N.J.S.A. 40:55D-66.18). In addition, the amendment provided that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building: shall neither be subject to site plan or other land use board review, nor require variance relief; and shall be approved through issuance of a zoning permit, provided that certain conditions are met (e.g., bulk requirements are met, the conditions or original approval are met, relevant construction codes are met; (N.J.S.A. 40:55D-66.19).

The 2021 amendment to the M.L.U.L. also added the requirement that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall: provide at least 15 percent of the required off-street parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces; install electric vehicle supply equipment on an additional one-third of the required 15

percent of parking spaces within three years following the date of the issuance of the certificate of occupancy; install electric vehicle supply equipment on the final one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and make at least five percent of the electric vehicle supply equipment accessible for people with disabilities (N.J.S.A. 40:55D-66.20).

Similarly, the 2021 amendment to the M.L.U.L. also required that, as a condition of preliminary site plan approval, all other applications (i.e., not applications involving multifamily development of five or more units) involving a parking lot or garage provide “make-ready” parking spaces as follows:

1. At least one if there will be 50 or fewer off-street parking spaces;
2. At least two if there will be at least 51 and no more than 75 off-street parking spaces;
3. At least three if there will be at least 76 and no more than 100 off-street parking spaces;
4. At least four, with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and
5. For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.

The 2021 amendment provides that applicants may install electric vehicle supply equipment at parking spaces in lieu of providing “make-ready” parking spaces. It also stipulates that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement, provided that a reduction of no more than ten percent of the total required number of parking spaces results.

4.3.10 — Stormwater Rules

In 2020, New Jersey's Stormwater Management Rules (N.J.A.C. 7:8 et al.) were amended to require the use of Green Infrastructure. Green Infrastructure is defined in the rules as a stormwater management measure that manages stormwater close to its source by: treating stormwater runoff through infiltration into subsoil; treating stormwater runoff through filtration by vegetation or soil; or, storing stormwater runoff for reuse.

The amended Stormwater Management Rules became effective on March 2, 2021. To provide guidance, the New Jersey Department of Environmental Protection has prepared a "Stormwater Best Management Practices Manual," which is made available at www.njstormwater.org (n.b., this address was valid at the time of the adoption of this reexamination report). The use of Green Infrastructure should be maximized to minimize potential flooding issues and decrease pollution of terrestrial waterways as a result of stormwater runoff.

4.4 — Change at the Federal Level

The key change of note at the federal level is the 2020 US Census, which was the last decennial census. At the time of the preparation of this master plan reexamination report, however, only a very limited amount of municipal-level Census data have been released. Current information indicates that the full range of municipal-level data products are scheduled to be released through 2023. It is, therefore, recommended that the municipality monitor the release and availability of 2020 US Census data products and prepare an updated demographic profile of the municipality once a sufficient amount of information is available.

5.0 — Specific Amendments Recommended to the Master Plan and Development Regulations

The following sections outline recommended amendments to the master plan and development regulations.

5.1 — Recommended Master Plan Amendments

No master plan amendments are recommended at this time.

5.2 — Recommended Development Regulation Amendments

The following development regulation amendments are recommended:

1. Modernization of Chapter 195 (Land Use and Development) of the Clark Township Code: Chapter 195 of the Clark Township Code was originally adopted in 2002. Said chapter was derived from other chapters of the Clark Township Code (viz., Chapters XXX, XXXI, XXXII, XXXIII, and XXXIV) that were part of the municipal code at the time. The current result, in 2023, is that Chapter 195 is dated and in need of modernization. Among the key issues with the current version of Chapter 195 are that it does not: reflect current market trends and the need to accommodate land uses, such as permanent makeup studios, institutional uses and other uses, for which there has been a regional demand or incorporate necessary amendments resulting from recent amendments to the M.L.U.L., which have been discussed in this reexamination report. Examples of other needed updates include standards and changes to development application checklists, interpretation of zoning provisions, application fees, the regulation of nonconforming land uses, ordinance definitions, parking, accessory buildings, design standards, electric vehicle charging, signs, stormwater management and landscaping. This list is not exhaustive. To address these and similar issues, it is recommended that Chapter 195 be reviewed to assess the need for modernization and amendments be prepared to align it with current needs and practices.
2. Split-Lot Zoning: In at least one instance, recent lot consolidations and potentially subdivision applications have placed new lots in multiple zones.

These areas are recommended to be reviewed, and zone boundary lines should be revised to incorporate these lots in one appropriate zone.

6.0 — Recommendations Concerning the Incorporation of Redevelopment Plans

As previously mentioned, Clark has adopted redevelopment plans in the period since the adoption of the 2013 Master Plan Reexamination Report. Details of each plan have been identified within the context of Chapter 4 of this reexamination report. All adopted redevelopment plans are hereby incorporated into municipal master plan by reference. To provide increased clarity and facilitate the implementation of these redevelopment plans, this reexamination report recommends that the Township's zoning map be amended to depict all designated redevelopment areas. This recommendation also applies to Block 77, Lots 2 and 4, should the Governing Body declare that said properties are in need of redevelopment (n.b., as noted in Chapter 4, said properties were being investigated as an area in need of redevelopment at the time of the adoption of this reexamination report).

In addition to the above, it is recommended that, in the future, the Township continue to evaluate the use of redevelopment to promote the overall health and vitality and improvement of the community.

7.0 — Recommendations Concerning Locations Appropriate for the Development of Public Electric Vehicle Infrastructure

To reduce greenhouse gas emissions from the transportation sector and help reach the goals of New Jersey’s Energy Master Plan and the Global Warming Response Act, Governor Phil Murphy has set a goal of registering 330,000 EVs in New Jersey by 2025.

Key to reaching this goal is the provision of adequate public electric vehicle charging infrastructure within New Jersey’s municipalities. Accordingly, and as required by the requirements of the M.L.U.L. for reexamination reports, this master plan reexamination report identifies the following zone districts as appropriate locations for electric vehicle charging infrastructure:

- General Commercial (CG) District;
- Commercial Industrial (CI) District;
- Commercial Office (CO) District;
- Commercial Office, Multistory (COH) District;
- Downtown Village (DTV) District; and
- Light Commercial Industrial (LCI) District.

In addition to the above, it is recommended that requirements for public electric vehicle charging infrastructure be included in all future redevelopment plans that may be adopted, as well as in any existing redevelopment plans that may be amended.

Notwithstanding the above, and as previously noted in this reexamination report, the M.L.U.L. was amended in 2021 to stipulate that electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance (N.J.S.A. 40:55D-66.18).

40:55D-89 Periodic examination.

76.Periodic examination. The governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every 10 years from the previous reexamination.

The reexamination report shall state:

a.The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

b.The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

c.The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

d.The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

e.The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

L.1975, c.291, s.76; amended 1980, c.146, s.6; 1985, c.516, s.18; 1987, c.102, s.29; 1992, c.79, s.50; 2001, c.342, s.9; 2011, c.65, s.1.

TOWNSHIP OF CLARK

Resolution 23-64

April 17, 2023

10

WHEREAS, the Governing Body of the Township of Clark by Resolution 22-155 authorized the Planning Board to undertake a preliminary investigation of properties known as Block 77, Lots 2 and 4 as shown on the Tax Map ("Study Area") to determine whether these properties qualify as an Area in Need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, the Township of Clark Planning Board by Resolution dated December 1, 2022 directed Paul N. Ricci, P.P., A.I.C.P., the Township Planner, to prepare a report in order to determine if the properties within the Study Area qualify as an Area in Need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, the Township Planner prepared a report titled "Redevelopment Study and Preliminary Investigation Report, Block 77, Lots 2 and 4 ("Redevelopment Study") dated January 30, 2023; and

WHEREAS, the Planning Board conducted a public hearing on April 6, 2023 to determine whether the properties within the Study Area qualify for designation as an Area in Need of Non-Condensation Redevelopment; and

WHEREAS, no members of the public appeared at the Planning Board hearing; and

WHEREAS, the Redevelopment Study concluded that Study Area satisfies the statutory criteria for being declared an area in need of non-condemnation redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 as follows:

a. Block 77, Lot 2 within the Study Area qualifies under criteria "a", "d" and "h" for designation as an area in need of non-condemnation redevelopment.

b. Block 77, Lot 4 within the Study Area qualifies under criterion "h" for designation as an area in need of non-condemnation redevelopment because it is necessary for the effective redevelopment of the Study Area.

WHEREAS, the Planning Board accepted the findings and recommendations set forth in the Redevelopment Study and the testimony of Paul Ricci and recommended that the Township Council declare the Study Area to be an Area in Need of Non-Condensation Redevelopment.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Clark on this 17th day of April, 2023 that the properties identified as Block 77, Lots 2 and 4 on the Tax Map, be designated an Area in Need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-1 *et seq.*; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward the Council Resolution and Redevelopment Study to all the property owners within the Study Area and the Department of Community Affairs within ten (10) days of adoption by the Township Council.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 64 Designate Non-Condemnation Redev Area-175-181 Westfield

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK PLANNING BOARD

RESOLUTION

**RESOLUTION OF THE TOWNSHIP OF CLARK PLANNING BOARD
RECOMMENDING THE PROPERTIES IDENTIFIED AS BLOCK 73, LOT 2
(175 WESTFIELD AVENUE) AND BLOCK 77, LOT 4 (181 WESTFIELD
AVENUE) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF CLARK
BE DESIGNATED AS AN AREA IN NEED OF NON-CONDEMNATION
REDEVELOPMENT.**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"), authorizes municipalities to determine whether certain parcels of land situated within the municipality constitute an area in need of redevelopment; and

WHEREAS, pursuant to the LRHL, no parcels of land shall be declared an area in need of redevelopment without the municipality having first authorized its Planning Board by Resolution to undertake a preliminary investigation to determine whether the subject parcels meet the statutory criteria for an area in need of redevelopment as defined in the LRHL; and

WHEREAS, on November 9, 2022, the Township Council of the Township of Clark ("Council") adopted a Resolution authorizing the Township of Clark Planning Board ("Board") to undertake a preliminary investigation of the area consisting of Block 77, Lot 2 (175 Westfield Avenue) and Block 77, Lot 4 (181 Westfield Avenue) as shown on the Tax Map of the Township of Clark ("Study Area") to determine whether the Study Area, or any portion thereof, meet the criteria for an area in need of non-condemnation redevelopment in the LRHL and should be designated as an area in need of non-condemnation redevelopment; and

WHEREAS, on December 1, 2022, the Board authorized the Township Planner to prepare a map of the Study Area and a Preliminary Investigation Report of the Study Area to determine whether the Study Area is an area in need of non-condemnation redevelopment pursuant to the LRHL; and

WHEREAS, Paul N. Ricci, PP, AICP, Township Planner, prepared a Preliminary Investigation Report titled "Redevelopment Study and Preliminary Investigation Report, Block 77, Lots 2 and 4", dated January 30, 2023, detailing his investigation, findings and recommendations pertaining to whether the Study Area should be designated as an area in need of non-condemnation redevelopment; and

WHEREAS, in accordance with N.J.S.A. 40A:12A-6, public notice was published in the Union County Hawk on March 16, 2023 and March 23, 2023, being once each week for two consecutive weeks, the last publication being not less than 10 days prior to the date set for the hearing, and a copy of the public notice was mailed at least 10 days prior to the date set for the hearing to the owners of the properties within the Study Area, and to all persons at their last know address, if any, whose names are noted on the assessment records as claimants of an interest in the Study Area, regarding the scheduled hearing before the Board to determine whether the designated

Study Area should be recommended as an area in need of non-condemnation redevelopment; and

WHEREAS, a public hearing was scheduled on April 6, 2023; and

WHEREAS, on April 6, 2023, Mr. Ricci was duly sworn, qualified as an expert in land use planning and redevelopment, and provided testimony to the Board regarding his investigation, findings and recommendations regarding whether the Study Area should be recommended to the Council to be an area in need of non-condemnation redevelopment; and

WHEREAS, the Board heard no public comment regarding whether the Study Area should be recommended as an area in need of non-condemnation redevelopment; and

WHEREAS, the Board having considered the evidence and testimony presented, hereby finds, and concludes as follows:

1. The public hearing before the Board was advertised and noticed in accordance with the LRHL and took place on April 6, 2023.

2. Paul Ricci, PP, AICP, was duly sworn, qualified as an expert in land use planning and redevelopment and his credentials and expertise as a Licensed Professional Planner in the State of New Jersey were accepted by the Board.

3. The following documents were presented and relied upon by the Board:

- “Redevelopment Study and Preliminary Investigation Report Block 77, Lots 2 and 4”, including Maps of the Study Area, dated January 30, 2023 (“Preliminary Investigation Report”).

4. The Study Area consists of two (2) parcels, which are identified as Block 77, Lots 2 and 4 on the Tax Map of the Township of Clark. The Study Area is approximately 0.51+/- acres located in the DTV (Downtown Village) Zone District.

5. On November 9, 2022, the Township Council adopted a Resolution authorizing the Board to undertake a Preliminary Investigation to determine whether the Study Area should be declared an area in need of non-condemnation redevelopment pursuant to the LRHL. On December 1, 2022, the Board authorized the Township Planner to prepare a Preliminary Investigation Report, including Maps of the Study Area, to determine whether the Study Area is in need of non-condemnation redevelopment pursuant to the LRHL.

6. The Study Area is located along Westfield Avenue in the central portion of the Township, west of Bartell Place and east of Benjamin Street. The Study Area is generally surrounded by downtown commercial and residential uses. The Study Area includes two (2) structures, a vacant residential structure that appears to have been used for a non-residential purpose and a commercial office building.

7. The Preliminary Investigation Report concluded that the Study Area investigated is in need of redevelopment for various reasons, including that the Study Area contains a 1.5 story frame residential structure and detached garage, as well as a surface parking lot, which has been vacant for more than five (5) years and a two-story commercial building in need of general maintenance and repair necessary for the effective redevelopment of the Study Area.

8. The Preliminary Investigation Report concluded that the Study Area satisfies the statutory criteria for being declared a non-condemnation area in need of redevelopment in accordance with the criteria of the Local Redevelopment and Housing Laws, N.J.S.A. 40A:12A-5:

- a. Lot 2 within the Study Area qualifies under criteria “a”, “d” and “h” for designation as an area in need of non-condemnation redevelopment.
- b. Lot 4 also qualifies under criterion “h” and as part of a redevelopment area because it is necessary for the effective redevelopment of the Study Area.

9. N.J.S.A. 40A:12A-3 provides that a redevelopment area “may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.” The property identified as Block 77, Lot 4 is a necessary and integral part of the Study Area and therefore meets the criteria of N.J.S.A. 40A:12A-3 and should be included as a non-condemnation area in need of redevelopment.

10. The Board finds the Preliminary Investigation Report and testimony of Mr. Ricci to be credible. The Board recognized Mr. Ricci’s extensive experience and knowledge of the Township based on his years residing within the Township and his experience as a Professional Planner. The Board specifically adopts the findings and recommendations in the Preliminary Investigation Report and testimony of Mr. Ricci that the entire Study Area meets the criteria of the LRHL to be an area in need of non-condemnation redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark Planning Board, County of Union, State of New Jersey, as follows:

1. Investigation and planning analysis indicate the Study Area should be recommended to the Council to be an area in need of non-condemnation redevelopment meeting the criteria of the LRHL.

2. The findings and recommendations set forth in the Preliminary Investigation Report and testimony of Paul N. Ricci, PP, AICP, are hereby accepted by the Board and incorporated into this Resolution.

3. The Board recommends that the Council of the Township of Clark declare the entire Study Area to be an area in need of non-condemnation redevelopment pursuant to the provisions

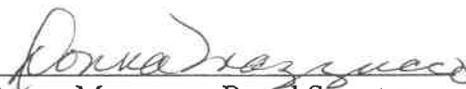
of the LRHL as set forth in this Resolution.

4. The Board Secretary is directed to transmit a copy of the Preliminary Investigation Study and this Resolution to the Council of the Township of Clark for consideration and to the owners of the Study Area and claimants, if any.

5. This Resolution shall take effect immediately.

BE AND THE SAME IS HEREBY APPROVED

I hereby certify that the above is a true copy of the Resolution adopted by the Planning Board of the Township of Clark on April 6, 2023.


Donna Mazzucco, Board Secretary

Motion to Approve and Memorialize:

Township of Clark Planning Board April 6, 2023						
Redevelopment Study, Block 77, Lot 2 (175 Westfield Ave.) and Lot 4 (181 Westfield Ave.)						
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Bonaccorso			X			
Ulrich						X
Minniti			X			
Koch			X			
Triola	X		X			
Altmann						X
Jacobsen						X
Steinberg			X			
Clee		X	X			
Brocato						X

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TOWNSHIP OF CLARK
Resolution 23-65
April 17, 2023

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Business Administrator and Township Clerk to execute a Shared Services Agreement with the Board of Education of the Township of Clark, maintaining offices located at 365 Westfield Avenue, Clark, New Jersey, for the Board of Education to utilize the Township’s fueling stations for the purpose of fueling motor vehicles owned by the Board and used on and in the course of attending to Board business.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 65SharedServicesBdofEdFuel

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-66
April 17, 2023

WHEREAS the Department of Public Works has solicited and received quotes for Grass Disposal Services with the following results:

- Frank Galbraith & Son \$18.50 per cubic yard + fuel surcharge \$50.00 per visit
- The Yard \$19.25 per cubic yard x 65 yards weekly + fuel surcharge
\$100.00 per week, total weekly cost \$1,351.25

WHEREAS Frank Galbraith & Son Excavation and Demolition LLC, 831 Raritan Road, Scotch Plains, New Jersey 07076 provided the lowest responsible quote in the amount of Eighteen Dollars and Fifty Cents (\$18.50) per cubic yard plus a fuel surcharge of \$50.00 per visit which meets the needs of the Township; and

WHEREAS the total contract amount for the 2023 grass season is not to exceed Thirty-Five Thousand Dollars (\$35,000.00).

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a contract for Grass Disposal to Frank Galbraith & Son Excavation and Demolition LLC of Scotch Plains, New Jersey in a total amount not to exceed \$35,000.00 for the 2023 grass season.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 66AwardGrassDisposal-Galbraith

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-67
April 17, 2023
FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$ 11,973.00
Cash Match	\$ 2,993.00
In-Kind	\$ 8,980.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle October 2020 – June 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

APPROVED:

SALVATORE BONACCORSO, Mayor

Res23/4-17 67MunAllianceSubmissionForm1B

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

CERTIFICATION

I, Edith L. Merkel, Municipal Clerk of the Township of Clark, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 17th day of April 2023.

Edith L. Merkel, Municipal Clerk

TOWNSHIP OF CLARK

Resolution 23-68

April 17, 2023

FORM 1B

14

WHEREAS the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

WHEREAS the Township Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS the Township Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the Clark Municipal Alliance for Grant Term Two (09/01/2023 – 09/30/2025) in the amount of:

DMHAS Grant Funding \$ 3,403.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

APPROVED:

SALVATORE BONACCORSO
Mayor

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

CERTIFICATION

I, Edith L. Merkel, Municipal Clerk of the Township of Clark, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 17th day of April, 2023.

Edith L. Merkel, Municipal Clerk

TOWNSHIP OF CLARK
Resolution 23-69
April 17, 2023

BE IT RESOLVED by the Governing Body of the Township of Clark that the Business Administrator and/or Mayor are hereby authorized to enter into an agreement between the Township of Clark and Atlantic Health System/Atlantic Corporate Health for Occupational Health Services including but not limited to pre-employment physicals and employee random drug testing for township employees for the year 2023.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 69AuthAtlanticHealth-OccupationalHealthServices

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 23-70

April 17, 2023

COUNCIL RESOLUTION

Authorizing Participation in the National Purchasing Cooperative

WHEREAS the Township of Clark, County of Union, New Jersey ("Township") has elected to join the National Purchasing Cooperative (the "Cooperative" operating as "National BuyBoard", a program created for the benefit of governmental entities nationwide; and

WHEREAS the Township is authorized to enter into the National Purchasing Cooperative by executing the National Purchasing Cooperative Organizational Interlocal Agreement (which is incorporated herein by reference) pursuant to N.J.S.A. 40A:11-11(5); and

WHEREAS the Township desires to participate and join with other governmental entities in the discharge of their respective public and governmental purposes, objectives, needs, programs, functions and services relative to purchasing.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, New Jersey, hereby authorizes the Mayor and/or Business Administrator to execute the National Purchasing Cooperative Organizational Interlocal Agreement; and

BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Township's approval of this action and of the authority granted herein. The Township warrants that it has, and at the time of this action had, full power and lawful authority to adopt this instrument.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 70AuthBuyBoardNat'lPurchCo-op

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-71
April 17, 2023

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$16,604.17 which is now available from the State of New Jersey Recycling Tonnage Grant in the amount of \$16,604.17; and

BE IT FURTHER RESOLVED that the like sum of \$16,604.17 is hereby appropriated under the caption Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$16,604.17.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 71Ch159RecyclingTonnage

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-72
April 17, 2023

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WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 23-22; and

WHEREAS the Clark Police Department and Department of Administration wish to purchase office furniture from authorized vendors as follows:

Office Furniture for Department of Administration in an amount not to exceed \$11,100.00
 NJ State Contract: #A81732
 VIA Inc. c/o bfi
 205 Vista Blvd.
 Sparks, NV 89434

Office Furniture for Police Department in an amount not to exceed \$12,500.00
 NJ State Contract: #A81620
 Herman Miller c/o bfi
 10 Lanidex Plz West
 Parsippany, NJ 07054

WHEREAS the Business Administrator recommends the utilization of these contracts on the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these purchases from Account #T-16-56-900-113 in the total amount not to exceed \$23,600.00

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark that it hereby authorizes the purchase of office furniture as hereinabove described.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/4-17 72AuthStateContracts-OfficeFurniture

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

CA 19

TOWNSHIP OF CLARK
Resolution 23-73
April 17, 2023

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2023 taxes; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make refund(s)/transfer(s) in accordance with the attached schedule:

CLARK TOWNSHIP						
TAX REFUNDS-2023						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
140	12		Corelogic Refunds	3001	Hackberry Road	\$ 3,507.85
						\$ 3,507.85

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 73TaxRefund(s)

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-74
April 17, 2023

CA 20

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2023 sewer fees; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make the refund(s) as per the following schedule.

CLARK TOWNSHIP		Sewer Refunds 2023					
REF		Acct #	Name	#	Address	Reason	Refund
23	1R	3882-0	Gray, Scott & Donna	115	Georgia Street	Refund overpayment	\$ 140.00
23	2R	4573-0	O'Malley, Thomas	22	Linda Lane	Refund overpayment	\$ 140.00
23	3R	4079-0	Roe, Ralph	25	Sunset Drive	Refund overpayment	\$ 140.00
23	4R	3700-0	Schaffer Assoc	77	Valley Road	Refund overpayment	\$ 310.00
						Total Refunds	\$ 730.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 74SewerRefund(s)

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

CA 21

TOWNSHIP OF CLARK
Resolution 23-75
April 17, 2023

WHEREAS the Tax Collector has certified that sewer utility account(s) require balance adjustments; and

WHEREAS the Business Administrator has reviewed and approved the sewer fee adjustment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Tax Collector be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/4-17 75SewerAdj

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						