

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
July 21, 2025
7:30 pm**

ROLL CALL:

Council Member Hoff _____ **Council Member Minniti** _____
Council Member Hund _____ **Council Member O'Connor** _____
Council Member Mazzarella _____ **Council Member Toal** _____
Council President Smith _____

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

- Recognizing Ed Merola, John Cistaro, Sharon Prusakowski and Hernan Garcia for their exceptional guidance and leadership in Boy Scout/Cub Scout Troop 145

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 Ordinances)

- 1. 25-21 AN ORDINANCE TO AMEND CHAPTER 76 ENTITLED ALCOHOLIC BEVERAGES, SECTION 76-10C ENTITLED REGULATIONS OF LICENSES OF THE CODE OF THE TOWNSHIP OF CLARK**

2. **25-23 AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, CONSENTING TO TRANSFER OF PROPERTY DESIGNATED AS BLOCK 91, LOTS 8.01, 10.01 AND 36, LOCATED ON WESTFIELD AVENUE AND WASHINGTON STREET, CLARK, NEW JERSEY, AND ASSIGNMENT AND TRANSFER OF FINANCIAL AGREEMENT**
3. **25-24 CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$200,000 FOR THE INSTALLATION OF FIRE ALARM SYSTEMS AT THE MUNICIPAL BUILDING AND RECREATION CENTER, FIRE HEADQUARTERS AND FIRE STATION NO. 2 IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP**

INTRODUCTION OF PROPOSED ORDINANCES:

4. **25-25 ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY ADOPTING THE AMENDED AND RESTATED WESTFIELD AVENUE REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED AS BLOCK 91, LOT 21 (A/K/A 81 WESTFIELD AVENUE, CLARK, NEW JERSEY), AND BLOCK 105, LOTS 1.01 (A/K/A 56 WESTFIELD AVENUE, CLARK, NEW JERSEY), 2.01 (A/K/A 52 WESTFIELD AVENUE, CLARK, NEW JERSEY) AND 26.01 (A/K/A BROADWAY NEAR THE INTERSECTION OF JOSEPH STREET, CLARK, NEW JERSEY) AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK HAVING BEEN DESIGNATED AS AN AREA IN NEED OF CONDMENATION REDEVELOPMENT**

Public Hearing August 18

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through July 10, 2025 in the amount of \$394,035.48

CITIZEN HEARING ON THE AGENDA:

The public comment portion of the meeting is to allow the public to bring to the Council's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Code of the Township of Clark, each person addressing the Council shall give their name and the town in which they reside, to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration. At the conclusion of the statements or questions from a member of the public, the Council President, at his discretion, may choose to respond or not respond.

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

RESOLUTIONS:

5. Appointing Christie Vieira as Chief Municipal Finance Officer effective July 21, 2025 for a term of one year, subject to renewal as permitted by law pursuant to N.J.S.A. 40A:9-140.2
6. Authorizing the submission of a Grant Application by the Township of Clark to the Union County Preserve Union County Program for the preservation of the Robinson Plantation owned by the Township of Clark.
7. Authorizing the Business Administrator to execute a semi-annual service contract with Universal Fitness Services, LLC to maintain the equipment at the Senior Fitness Center, in the amount of \$300.00 per call effective September 2025 to December 2025

CONSENT AGENDA RESOLUTIONS:

The following items are considered routine and non-controversial items by the Township Council and will be enacted upon by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda to be discussed and voted on, following the approval of the remaining items listed on the Consent Agenda.

8. Rescinding Resolution 25-121 which authorized the Tax Collector to prepare, and mail estimated tax bills which are no longer necessary
9. Opposing the redirection of Affordable Housing Trust Fund Monies in the proposed FY2026 State Budget
10. Authorizing the return of the Performance Bond to Vin Bella Homes LLC for \$1,000 pertaining to 8 Ivy Street

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

The public comment portion of the meeting is to allow the public to bring to the Council's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Code of the Township of Clark, each person addressing the Council shall give their name and the town in which they reside, to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration. At the conclusion of the statements or questions from a member of the public, the Council President, at his discretion, may choose to respond or not respond.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK
Ordinance No. 25 - 21
Adopted _____

PH 1

Introduced: June 16, 2025 Public Hearing: July 21, 2025

**AN ORDINANCE TO AMEND CHAPTER 76 ENTITLED ALCOHOLIC BEVERAGES,
SECTION 76-10C ENTITLED REGULATIONS OF LICENSES
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the governing body of the Township of Clark, County of Union, State of New Jersey that Chapter 76, Section 76-10C. of the Code of the Township of Clark is hereby amended as follows:

SECTION 1: Chapter 76, Section 10C. entitled Regulations of Licenses

Plenary retail distribution licenses. Plenary retail distribution licensees may only sell or deliver alcoholic beverages between the hours of 9:00 a.m. and 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 7:00 p.m. on Sundays.

SECTION 2: Inconsistent Ordinance

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: Effective Date

This Ordinance shall take effect upon adoption and upon publication according to law.

Effective Date: August 13, 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

ANGEL ALBANESE
Mayor

TOWNSHIP OF CLARK
Ordinance No. 25 - 23
Adopted _____

PH 2

Introduced: July 7, 2025 Public Hearing: July 21, 2025

**AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION,
STATE OF NEW JERSEY, CONSENTING TO TRANSFER OF PROPERTY
DESIGNATED AS BLOCK 91, LOTS 8.01, 10.01 AND 36, LOCATED ON
WESTFIELD AVENUE AND WASHINGTON STREET, CLARK, NEW JERSEY,
AND ASSIGNMENT AND TRANSFER OF FINANCIAL AGREEMENT**

WHEREAS. the Township Council adopted Ordinance 25-19 approving and authorizing the Mayor and the Township Clerk to execute a certain Financial Agreement between the 27-29 Westfield Avenue Urban Renewal LLC, a New Jersey limited liability company which is an urban renewal entity qualified to do business under the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq. (the “**Exemption Law**”), as the Entity (“27-29”), and the Township, as the Township (the “**Financial Agreement**”), concerning real property designated as Block 91, Lots 8.01, 10.01 and 36, located on Westfield Avenue and Washington Street, Clark, New Jersey, consisting of approximately .47 acres (the “**Property**”), which was fully executed and delivered by the parties on June 25, 2025, but has not yet been recorded; and

WHEREAS, the Township Council also adopted Resolution 25-123 on June 16, 2025, conditionally consenting to the transfer of the Property and the assignment and assumption of a certain Redevelopment Agreement between the 27-29 and the Township, acting as a Redevelopment Entity (the “**Redevelopment Agreement**”), concerning the Property, which also was fully executed and delivered by the parties on June 25, 2025, but has not yet been recorded, to and by Clark Rukh Urban Renewal LLC, a New Jersey limited liability company which is an urban renewal entity qualified to do business under the provisions of the Exemption Law (“**CR**”); and

WHEREAS, 27-29 also has applied in writing that the Township consent to the assignment and assumption of the Financial Agreement to and by CR; and

WHEREAS, under Section 8.01 (a) of the Financial Agreement, “[p]rior to the issuance of a Certificate of Completion, the Entity shall be permitted to transfer the Project [(as such term is defined in the Financial Agreement)], its ownership interest in the Land [(as such term is defined in the Financial Agreement)] or any ownership interest in the Entity in accordance with the Redevelopment Agreement,” and pursuant to Section 8.01

(b), “[a]s permitted by N.J.S.A. 40A:20-10, it is understood and agreed that the Township, on written application by the Entity, will consent to a sale of the Project and the transfer of this [Financial] Agreement provided that: (1) the transferee entity is formed and eligible to operate under the Exemption Law; (2) the transferee entity does not own any other project subject to long term tax exemption at the time of transfer; (3) the Entity is not then in Default of this [Financial] Agreement or Applicable Law; (4) the Entity’s obligations under this Agreement are fully assumed by the transferee entity by an Assignment and Assumption Agreement in a form that is reasonably acceptable to the Township; and (5) the transferee pays to the Township an application fee equal to two percent (2%) of the most recent Annual Service Charge as an application fee for the processing of any such transfer request for the continuation of a tax exemption;” and

WHEREAS, as noted hereinabove, 27-29, as the Entity, has made written application to the Township for consent to a sale of the Project and the transfer of the Financial Agreement to CR, CR is an urban renewal entity, CR has represented and warranted in writing at this time that it does not own any other project subject to long term tax exemption, and 27-29 is not in Default of the Financial Agreement or Applicable Law (as such term is defined in the Financial Agreement); and

WHEREAS, the Township desires to consent to a sale of the Project to CR and an assignment to and assumption by CR of the Financial Agreement and transfer of the Property to CR subject to and conditioned upon (a) recording of the Financial Agreement and the Redevelopment Agreement in the Union County Clerk’s Office and/or other appropriate recording office, (b) delivery to the Township of an Assignment and Assumption Agreement in a form that is reasonably acceptable to the Township in which 27-29’s obligations under the Financial Agreement are fully assumed by CR, and (c) receipt by the Township of payment of an application fee equal to two percent (2%) of the most recent Annual Service Charge, if any, as an application fee for the processing of any such transfer request for the continuation of a tax exemption; and

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Clark that it consents to the assignment by 27-29 to CR and assumption by CR of the Financial Agreement and transfer of the Project and the Property by 27-29 to CR, provided, however, that first, the following conditions to such consent, to which such consent shall be subject, shall be fully satisfied:

1. The Redevelopment Agreement and the Financial Agreement shall have been properly recorded in and by the office of the Union County Clerk and/or other appropriate recording office;

2. Delivery to the Township of a fully executed and delivered Assignment and Assumption Agreement in a form that is reasonably acceptable to the Township in which 27-29’s obligations under the Financial Agreement have been fully assumed by CR; and

3. Receipt by the Township of payment of an application fee equal to two percent (2%) of the most recent Annual Service Charge, if any, as an application fee for the processing of any such transfer request for the continuation of a tax exemption; and

BE IT FURTHER ORDAINED, that the Mayor or the Business Administrator and the Township Clerk be and hereby are authorized to execute and deliver to 27-29 and CR a document, in such form and substance as is approved by the Township Attorney, after the foregoing conditions have been fully satisfied, to memorialize such consent.

Effective Date: August 13, 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

ANGEL ALBANESE
Mayor

Ord25/7-7 25-23ConsentingtoAssignmentandTransferofFinancialAgreement27-29toCR

		Motion to	Second	Motion to	Second				
		Introduce		Adopt		Aye	Nay	Abstain	Absent
	Hoff								
	Hund								
<input type="checkbox"/>	Adopted	Mazzarella							
<input type="checkbox"/>	Adopted as Amended	Minniti							
<input type="checkbox"/>	Defeated	O'Connor							
<input type="checkbox"/>	Tabled	Toal							
<input type="checkbox"/>	Withdrawn	Smith							
	Entire Council								
	TOTAL								

PH 3

TOWNSHIP OF CLARK

Ordinance No. 25 - 24

Adopted _____

Introduced: July 7, 2025 Public Hearing: July 21, 2025

CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$200,000 FOR THE INSTALLATION OF FIRE ALARM SYSTEMS AT THE MUNICIPAL BUILDING AND RECREATION CENTER, FIRE HEADQUARTERS AND FIRE STATION NO. 2 IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township") is hereby authorized to install fire alarm systems at the Municipal Building and Recreation Center, Fire Headquarters and Fire Station No. 2 in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$200,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Effective Date: August 13, 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

WILLIAM F. SMITH
 Council President

ANGEL ALBANESE
 Mayor

Ord25/7-7 25-24CapitalOrd-FireAlarmsMunBldgs200K

		Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
	Hoff								
	Hund								
<input checked="" type="checkbox"/>	Adopted	Mazzarella							
<input checked="" type="checkbox"/>	Adopted as Amended	Minniti							
<input type="checkbox"/>	Defeated	O'Connor							
<input type="checkbox"/>	Tabled	Toal							
<input type="checkbox"/>	Withdrawn	Smith							
	Entire Council								
	TOTAL								

TOWNSHIP OF CLARK
Ordinance No. 25 - 25
Adopted _____

INTRO 4

Introduced: July 21, 2025 Public Hearing: August 18, 2025

**ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY
ADOPTING THE AMENDED AND RESTATED WESTFIELD AVENUE
REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED AS BLOCK 91, LOT
21 (A/K/A 81 WESTFIELD AVENUE, CLARK, NEW JERSEY), AND BLOCK 105,
LOTS 1.01 (A/K/A 56 WESTFIELD AVENUE, CLARK, NEW JERSEY), 2.01 (A/K/A 52
WESTFIELD AVENUE, CLARK, NEW JERSEY) AND 26.01 (A/K/A BROADWAY
NEAR THE INTERSECTION OF JOSEPH STREET, CLARK, NEW JERSEY) AS
SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK HAVING
BEEN DESIGNATED AS AN AREA IN NEED OF CONDMENATION
REDEVELOPMENT**

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

WHEREAS, the Township adopted Ordinance No. 19-12 on May 6, 2019, effective May 30, 2019 (the "Prior Ordinance"), pursuant to which it adopted a certain redevelopment plan entitled "Westfield Avenue Redevelopment Plan," prepared by Shamrock Enterprises, Ltd., dated April 4, 2019 (the "Prior Redevelopment Plan"); and

WHEREAS, the Township desires to amend, modify and restate the Prior Redevelopment Plan without changing the previous designation of Block 91, Lot 21 (A/K/A 81 Westfield Avenue, Clark, New Jersey) on the official tax map of the Township, as an area in need of condemnation redevelopment; and

WHEREAS, accordingly, pursuant to N.J.S.A. 40A:12A-6 of the LRHL, the Municipal Council ("Township Council") of the Township of Clark (the "Township") directed the Township Planning Board on July 15, 2024 to conduct a preliminary investigation to determine whether the property designated as Block 105, Lots 1.01 (A/K/A 56 Westfield Avenue, Clark, New Jersey), 2.01 (A/K/A 52 Westfield Avenue, Clark, New Jersey) and 26.01 (A/K/A Broadway near the intersection of Joseph Street, Clark, New Jersey) on the official tax map of the Township (the "Proposed Condemnation Redevelopment Area") meets the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Proposed Condemnation Redevelopment Area did not include Block 91, Lot 21 (A/K/A 81 Westfield Avenue, Clark, New Jersey) because that property was already designated as an area in need of condemnation redevelopment, which designation was to remain unchanged; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-3, the Proposed Condemnation Redevelopment Area may include such lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary, with or without change in their condition, for the effective redevelopment of the Proposed Condemnation Redevelopment Area (herein, such lands, buildings, or improvements are collectively called the “Additional Areas”); and

WHEREAS, the Township of Clark Planning Board (the “Planning Board”), at a public Planning Board hearing on May 1, 2025, reviewed the Redevelopment Study and Preliminary Investigation Report, dated March 22, 2025 (the “Preliminary Investigation”) and testimony of the Township’s planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the Proposed Condemnation Redevelopment Area property satisfies the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as applicable, N.J.S.A. 40A:12A-3) to be designated as a condemnation area in need of redevelopment; and

WHEREAS, the Planning Board gave due notice of the proposed boundaries of the Proposed Condemnation Redevelopment Area and the date of the hearing in accordance with the LRHL to any persons who are interested in or would be affected by a determination that the Proposed Condemnation Redevelopment Area delineated in the notice is a condemnation redevelopment area; and

WHEREAS, at the hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Proposed Condemnation Redevelopment Area is a condemnation redevelopment area; and

WHEREAS, there were no objections to a determination that the Proposed Condemnation Redevelopment Area is an area in need of condemnation redevelopment; and

WHEREAS, the Planning Board found that the Proposed Condemnation Redevelopment Area was investigated and met the statutory criteria for an area in need of condemnation redevelopment as described in the Preliminary Investigation; and

WHEREAS, after conducting its investigation, preparing a map of the Proposed Condemnation Redevelopment Area, and completing a public hearing at which no objections to the designation were received, the Planning Board moved to recommend to the Township Council that it should designate the Proposed Condemnation Redevelopment Area and the Additional Areas collectively as a condemnation area in need of redevelopment; and

WHEREAS, on May 1, 2025, the Planning Board adopted a Resolution memorializing its decision to recommend that the Township Council designate the Proposed Condemnation Redevelopment Area and the Additional Areas collectively a condemnation area in need of redevelopment, which Resolution was duly forwarded to Council; and

WHEREAS, on May 19, 2025, the Township Council, having reviewed the Preliminary Investigation and in consideration of the information presented to Township Council, together with the Planning Board’s recommending Resolution, declared the Proposed Condemnation Redevelopment Area and the Additional Areas collectively as an area in need of condemnation redevelopment (herein collectively called the “Condemnation Redevelopment Area”); and

WHEREAS, to stimulate redevelopment within the Condemnation Redevelopment Area, the Township Council desires to adopt the redevelopment plan entitled “Amended and Restated Westfield Avenue Redevelopment Plan”, prepared by Kevin O’Brien, PP, AICP of Shamrock Enterprises, Ltd., April 4, 2019 and revised by Paul Ricci, AICP, PP of Ricci Planning on July 14, 2025 (“Amended and Restated Westfield Avenue Redevelopment Plan”), a copy of which is attached to and made a part of this Ordinance; and

WHEREAS, the Township Council finds that the Amended and Restated Westfield Avenue Redevelopment Plan will diversify the use and development of and on the Condemnation Redevelopment Area, which will stimulate greater interest in redevelopment there.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Clark, County of Union, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7(e) the Township Council hereby adopts the Amended and Restated Westfield Avenue Redevelopment Plan; and

BE IT FURTHER ORDAINED, that Section 195-112 of the Code of the Township of Clark titled “Designation of zoning districts”, the subsection titled “Redevelopment Zones” be and hereby is amended to state “Westfield Avenue Redevelopment Zone-Westfield Avenue Redevelopment Zone-Block 91, Lot 21 and Block 105, Lots 1.01, 2.01 and 26.01”; and

BE IT FURTHER ORDAINED, that Section 195-113 of the Code of the Township of Clark titled “Zoning Map” is amended to provide that the Zoning Map be and hereby is amended by designating Block 91, Lot 21 and Block 105, Lots 1.01, 2.01 and 26.01 as the Westfield Avenue Redevelopment Area, as depicted on “Map 1 Redevelopment Area Boundary Map, Clark, New Jersey” in the attached Amended and Restated Redevelopment Plan; and

BE IT FURTHER ORDAINED, that the Township of Clark Clerk be and hereby is directed to refer this Ordinance to the Township of Clark Planning Board for a determination pursuant to N.J.S.A. 40A:12A-7d that all of the provisions of the Amended and Restated Westfield Avenue Redevelopment Plan are either substantially consistent with the Township of Clark Master Plan or designed to effectuate the Township Master Plan, and the Township of Clark Planning Board shall transmit its report to the Township of Clark Council within forty (45) days of the referral pursuant to N.J.S.A. 40A:12-7e; and

BE IT FURTHER ORDAINED, that the Township of Clark Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Union County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63, if required; and

BE IT FURTHER ORDAINED, that the Prior Ordinance be and hereby is repealed in its entirety and replaced with this Ordinance and attached Amended and Restated Redevelopment Plan; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance be and hereby are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that, to the extent that any portion of the Amended and Restated Westfield Avenue Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township’s development regulations, the Amended and Restated Westfield Avenue Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township’s zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Effective Date: September 10, 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

WILLIAM F. SMITH
 Council President

ANGEL ALBANESE
 Mayor

Ord25/7-21 25-25AdoptWestfieldAvenueRedevelopmentPlan

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



AMENDED AND RESTATED WESTFIELD AVENUE REDEVELOPMENT PLAN

BLOCK 91 – LOT 21 AND BLOCK 105 – LOTS 1.01, 2.01 and 26.01

Prepared for:
The Township of Clark
Union County, New Jersey

April 4, 2019
Revised on July 14, 2025

**Prepared by: Shamrock Enterprises, Ltd.
Kevin O'Brien, PP, AICP - N.J. License #5348
Revised by Paul Ricci, AICP, PP - N.J. License #5570**

Township of Clark

Mayor Angel Albanese
Council President Bill Smith
Council Vice President &
Council Member at Large, Jessie Hoff
Ward 3 Council Member, Steven Hund
Ward 1 Council Member, Frank Mazzarella
Council Member at Large, Jimmy Minniti
Ward 2 Council Member, Patrick O'Connor
Ward 4 Council Member at Large, Brian Toal

Planning Board

Class I Member, Mayor Angel Albanese
Class II Member, James Ulrich
Class III Member, James Minniti
Class IV Member, Kevin Koch, Chairman
Class IV Member, Michael Triola, Vice-Chairman
Class IV Member, Michael Altman
Class IV Members, Joseph Arancio
Class IV Member, Carmen Brocato
Class IV Member, Lance Steinberg
Alternate I, William Grzyb

Donna Mazzucco, Board Secretary
Albert Cruz, Esq., Board Attorney
Rich O'Connor, P.E., Board Engineer
Paul Ricci, AICP, PP, Board Planner

Prepared by:

Kevin O'Brien, PP, AICP
License # 5348
Shamrock Enterprises, Ltd.

Revised by:

Paul Ricci, AICP, PP
License # 5570
RicciPlanning, LLC

Table of Contents

SECTION	Page
I. INTRODUCTION	4
II. BOUNDARIES	4
III. REDEVELOPMENT PLAN OBJECTIVES	5
IV. GENERAL ADMINISTRATIVE PROVISIONS	6
V. PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE LAW	7
VI. DESIGN STANDARDS	9
VII. SPECIFIC LAND USE REGULATIONS	11
VIII. INCLUSIONARY HOUSING REQUIREMENTS	14
IX. BOUNDARY MAP	15

I. INTRODUCTION

On June 4, 2018, the Township of Clark Municipal Council directed the Township Planning Board to undertake a preliminary investigation to determine whether the Westfield Avenue Study Area (Block 91, Lot 21 (81 Westfield Avenue) and Block 105, Lots 2 (now consolidated into Lot 2.01 located at 52 Westfield Avenue) & 26.01 (Broadway and Joseph Street) met the statutory criteria to be designated as a “Condemnation Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (LRHL).

The Township Planning Board completed a preliminary investigation report for the study area and held a public hearing on August 2, 2018. At the completion of the public hearing, the Board recommended that the Township of Clark Municipal Council designate the area as a “Condemnation Area in Need of Redevelopment” pursuant to the LRHL. The Municipal Council, on September 17, 2018, determined that the Westfield Avenue Study Area (Block 91, Lot 21 and Block 105, Lots 2 & 26.01) met the Statutory Criteria to be designated as a “Condemnation Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (LRHL) On May 1, 2025, the Planning Board held a public hearing and recommended to the Township Council to expand the redevelopment area to include Block 105, Lot 1.01 located at 56 Westfield Avenue. On May 19, 2025, the Mayor and Council officially expanded the redevelopment area to encompass Block 105, Lot 1.01.

This Redevelopment Plan (Redevelopment Plan or Plan) shall govern the redevelopment of the Westfield Avenue Redevelopment Area. The Plan establishes permitted land uses, bulk and area requirements, and design standards for any development within the redevelopment area.

II. BOUNDARIES

The Redevelopment Area consists of four (4) tax lots within the Township of Clark: Tax Lots 1.01, 2.01 and 26.01 on Tax Block 105 and Tax Lot 21 on Tax Block 91. See chart below:

Block	Lot	Location	
91	21	81 Westfield Avenue	
105	1.01	56 Westfield Avenue	
105	2.01*	52 Westfield Avenue	
105	26.01	Broadway and Joseph Street	

* Former Lots 21 and 22 on Block 105 have been merged into Lot 2.01. The current Tax Map shows the three lots (2, 21 and 22), but the Assessor's records now list the one combined Lot as Lot #2.01. References to Lot 2.01 in this Redevelopment Plan include the entire area of the combined lots.

See Map #1 – Boundary Map.

III. REDEVELOPMENT PLAN OBJECTIVES

- A. To encourage the redevelopment of the property within the Redevelopment Area with residential uses (including inclusionary housing) within mixed-use buildings consistent with the recommendations of the Master Plan.
- B. To encourage the development of active commercial uses on the ground floor, such as retail and restaurant uses, to activate the streetscape and encourage pedestrian activity; especially along the Westfield Avenue street frontage.
- C. To discourage residential development on the ground floor of buildings fronting on Westfield Avenue.
- D. To encourage additional commercial uses that do not rely on pedestrian traffic (such as office uses) on the upper floors of mixed-use buildings in order to create new job opportunities and increased economic vitality in the downtown district.
- E. To encourage lesser front setbacks along street frontages where commercial uses are provided in order to create a better relationship with the pedestrian environment and activate the streetscape; while at the same time providing sufficient sidewalk widths in order to accommodate street trees, decorative lighting, and other decorative street furniture, including the possibility of sidewalk cafes.
- F. To provide for the construction of residential apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside of units within such developments for affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.
- G. To encourage well planned, mixed-use development, consistent with the recommendation of the Master Plan, in a comprehensive manner integrating the needs of pedestrians, vehicles and the general public.
- H. To facilitate the removal of vacant and underutilized commercial facilities and vacant land, the redevelopment of such properties in conformance with this Redevelopment Plan and the Master Plan.
- I. To encourage housing diversity to accommodate the needs of people of various ages and income levels in the community in accordance with State requirements and local/regional need.
- J. To provide for improved site design, landscape design, street trees, paving materials and other decorative and functional design features to improve pedestrian and vehicular safety and the aesthetics of the Redevelopment Area and surrounding area, thereby creating a more pleasant, safe and vibrant area.
- K. To promote the principles of Smart Growth and Traditional Town Development through sustainable economic and social development by providing a variety of housing choices, minimizing pedestrian / automobile conflicts by providing pedestrian friendly streets and public rights-of-way, encouraging mixed-use development and creating a livable community with convenient access to commercial facilities.
- L. To encourage the use of green building techniques.

IV. GENERAL ADMINISTRATIVE PROVISIONS

- A) In order to implement the Plan consistent with the objectives herein, the designated Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. This Plan supersedes the underlying use, bulk, and design standards of the Township's Land Use and Development Ordinance as they relate to the area governed by this Redevelopment Plan. However, the standards, terms, definitions and requirements of the Township of Clark Land Use and Development Ordinance shall continue to apply in any instance where they have not been altered or addressed by the standards and requirements of this Redevelopment Plan.
- B) Redeveloper's Agreement: All developers of property within the Redevelopment Area shall enter into a Redeveloper's Agreement with the Township of Clark. The Agreement shall include the responsibilities of the Township and the developer relative to affordable housing, off-site and on-site improvements, infrastructure improvements, roadway improvements, traffic-signalization, etc. (if any); and such other requirements as mutually agreed to by the developer and Township to effectuate the Redevelopment Plan.
- C) Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the Township of Clark for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.
- D) As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the Township in a form approved by the Planning Board Attorney and Engineer. The amount of any such performance guarantees shall be determined by the Planning Board Engineer and shall be sufficient to assure completion of on and off-site improvements within one (1) year of any certificate of occupancy or temporary certificate of occupancy.
- E) Traffic impact studies may be required by the Township of Clark and shall incorporate, as part of the study, all projects approved or proposed in the immediate area.
- F) No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.
- G) Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this plan and the Ordinances of the Township of Clark.
- H) Upon the demolition of any existing structures, the site shall be graded and planted or covered with a durable dust free surface in the interim period prior to construction of new buildings.
- I) Deviation Requests: The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a

specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. Any deviation that would otherwise constitute a "d" type variance or deviation constitutes a request for a legislative plan amendment cognizable only by the Governing Body.

J) INTERIM USES: Interim uses may be established, subject to agreements between the developers and the Planning Board, that such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board, which may establish an interim use period of between one (1) year and three (3) years in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above.

K) PROCEDURE FOR AMENDING THE PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of \$5,000.00 plus all costs for copying and transcripts shall be payable to the Township of Clark for any request by a private entity to amend this plan. The Township of Clark reserves the right to amend this plan solely at its discretion.

V. OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE LAW

A) The Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. requires that a Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1) Its relationship to definitive local objectives: This Redevelopment Plan achieves the stated objectives of the 2010 Township of Clark Master Plan Reexamination Report and Master Plan Update, and the 2017 Housing Element and Amended Land Use Element of the Master Plan.

a) The 2010 Master Plan Re-examination Report and Master Plan Update in the Recommended Changes section states in recommendation # 9: "Several of the larger properties in the Downtown Village (DTV) district should be considered as potential redevelopment areas in order to encourage new development and investment in this area." This Redevelopment Plan is consistent with that recommendation.

b) In 2017, the Township of Clark adopted a new Housing Element of the Master Plan. Section F. the Land Use Plan Amendment, contained Updated Land Use Goals and Objectives.

- Goal #2 of the Land Use Amendment is: "Continue to encourage housing diversity to accommodate the needs of people of various ages and income

levels in the community in accordance with State requirements and local/regional needs”. This Redevelopment will help to achieve this goal.

- Goal #3 of the Land Use Amendment is: “Create opportunities for very low, low and moderate income housing in fulfillment of the Township’s constitutional obligation to satisfy its fair share of the regional need for affordable housing....”. A specific Objective within Goal # 3 is to identify sites that are suitable, developable and approvable for inclusionary residential development and rezone such sites at densities that warrant requiring a set-aside of very low, low and moderate income housing. In furtherance of this objective the Master Plan specifically calls out the DTV Zone area as being suitable to include mixed-use commercial and inclusionary residential development with a required set-aside for affordable housing. This Redevelopment Plan is consistent with these goals and objectives.
 - Similarly, in the Fair Share Plan, Section G. calls out the DTV zone as being suitable for an affordable housing set aside and specifically calls out lots 2.01 (52 Westfield Avenue) and 26.01 (Broadway and Joseph Street) to be placed in the affordable housing zone.
- 2) Proposed Land Uses: This Redevelopment Plan provides for a list of permitted principal uses, as well as accessory uses, within the redevelopment area. The plan also provides for maximum height limits, bulk standards, setbacks and various design controls.
 - 3) Adequate provision for relocation. The property currently contains only vacant land and/or buildings. There will be no displacement of existing business or residents.
 - 4) The Redevelopment Plan proposes no acquisition or condemnation of private property for private redevelopment purposes at this time.
 - 5) Relationship of the Redevelopment Plan to the Master Plan of Contiguous Municipalities, the County Master Plan and the State Development and Redevelopment Plan.
 - a) Master Plan of Contiguous Municipalities – The subject Redevelopment Area is in close proximity to the City of Rahway. The Rahway B-1 Neighborhood Business Zone allows small retail facilities which provide goods and services at the intersection of Westfield Avenue and Madison Hill Road, and extends to Broadway on the north. The Redevelopment Plan is consistent with the Rahway B-1 Zone goals.
 - b) Union County Master Plan – this Redevelopment Plan is consistent with the Goals and Objectives of the Union County Master Plan, and specifically those found in the Housing and Development portions of the Master Plan.
 - i. The Master Plan states as its Goal under Housing: *Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock and through the construction of new housing units.* Within this Goal, this Redevelopment Plan is also consistent with certain objectives of the County Master Plan, including:
 - Encourage municipalities to zone for a variety of housing types and densities.

- Encourage the construction of multi-family apartment and townhouse units in either rental, condominium or fee simple ownership for all age groups, household types and income levels.
 - Encourage the expansion of existing public, non-profit and inclusionary low-income and senior housing opportunities.
- ii. The Master Plan states as its Goal under Development: *To facilitate the development of Union County by directing growth to environmentally suitable area that can be provided essential infrastructure and support facilities and to revitalize urban centers and corridors within the County.*

Within this Goal, this Redevelopment Plan is also consistent with certain objectives of the County Master Plan, including:

- Identify land areas suitable for residential, commercial and industrial development sufficient to accommodate reasonable projections of future needs.
 - Promote new development and redevelopment that is consistent and compatible with existing settlement patterns.
- c) State Development and Redevelopment Plan – The Township of Clark is within the PA-1 planning designation. The intent of this planning area is to provide for much of the State’s future development and redevelopment. The redevelopment of the subject area is consistent with this policy. Another intent is to revitalize existing cities and towns, which this Redevelopment Plan will accomplish through the redevelopment of underutilized properties.

VI. DESIGN STANDARDS

A) GENERAL STANDARDS

- 1) The design standards provided in Article XVI of Chapter 195 – the Land Use and Development Ordinance of the Township of Clark shall apply to all development applications.
- 2) All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk.
- 3) Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
- 4) Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points. Exterior façade materials shall be high quality materials such as brick, metal panels, stone, wood clapboard, cedar shingles, cultured stone or other similar materials. Lesser quality materials such as vinyl and aluminum siding, artificial brick, thin veneers and stone veneers, and CMU size/type block shall be prohibited. Exceptions require Planning Board approval.
- 5) Access by the elderly, physically handicapped and/or disabled shall meet barrier free design regulations as specified in the New Jersey and Federal ADA Standard Uniform Construction Code.

- 6) All utility distribution lines, including multi-media telecommunication lines and utility service connections from such lines to the project area's individual use shall be located underground to the extent practicable.
- 7) Roof treatment, Mechanical Screening and Electrical Equipment
 - a) All mechanical equipment located on any roof of a building shall be screened from view, or located in such a way as to limit the visibility of such equipment.
 - b) All electrical communication equipment shall be located in such a way that minimizes their appearance on the building.
 - c) Transformers and primary and back-up generators shall be located to limit their visibility or screened with decorative fences, walls or landscaping.

B) STREETSCAPE DESIGN STANDARDS

- 1) All buildings shall be designed to have an attractive appearance when viewed from the public right-of-way so as to contribute to the appearance of the surrounding area.
- 2) Entrances shall be designed to be attractive and functional; and shall be designed to reduce or eliminate conflicts between pedestrian and vehicular traffic.
- 3) Sidewalks shall be improved within the Redevelopment Area to enhance the pedestrian environment and to create a pleasant and safe pedestrian environment.
- 4) Sidewalks shall be adequately sized to provide adequate width to accommodate street trees, decorative lighting, street furniture, sidewalk cafes, etc.; while at the same time providing for adequate area for pedestrian circulation.
- 5) All new sidewalk pavement shall conform to municipal standards.
- 6) Street trees shall be provided along the curb line or within the property line along the sidewalk. Additional decorative planting areas containing deciduous and evergreen shrubs, trees, ground covers, rain gardens, etc. are strongly encouraged to enhance the appearance of the property and the streetscape.
- 7) Street and site furniture such as benches and trash receptacles are required. Selection of such furniture shall take into consideration issues of durability, maintenance and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors and details of buildings on the site.
- 8) Streetscape improvements shall be clearly indicated on site plan submittals, and shall be in compliance with the standards found in the Clark Land Use and Development Ordinance; Section 195-131 – Paragraph G. Streetscape Standards.

C) OPEN SPACE LANDSCAPING AND LIGHTING STANDARDS

- 1) Landscaping shall be required for those portions of the property not used for buildings, off-street parking, sidewalk and plaza areas, loading zones, etc. The landscaping shall include lawn and ground cover areas, flowering and evergreen trees and shrubs, shade trees, annual and perennial flowers, decorative grasses, etc. The developer's landscape plan shall indicate the location, size and quantity of the various species to be used.
- 2) All plant material used must be able to withstand an urban environment. All screen planting shall be a minimum of 5 feet high and shall be planted, balled and burlapped as established by the American Association of Nurserymen. Ground cover shall be used in place of mulch. A planting schedule shall be provided by the developer and approved by the Planning Board. Screen plantings are not required along the Westfield Avenue frontage.

- 3) All new trees shall be of a species and gender so as to minimize nuisance fruits and pollen.
- 4) Any landscaping which dies within 2 years of planting shall be replaced by the developer.
- 5) Underground watering facilities are recommended for all on-site landscaped areas.
- 6) Appropriate active and passive recreation facilities shall be provided for the resident population and conveniently located on the site. If dogs are permitted then a dog park for the off-leash exercising of dogs is encouraged.
- 7) Lighting within the site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset, in order to prevent dark corners and promote pedestrian safety.
- 8) All site lighting shall conform to municipal standards.
- 9) All lighting sources must be adequately shielded to avoid any off-site glare.

D) SIGNAGE REQUIREMENTS

- 1) Signage shall be as regulated by the Township of Clark Land Use and Development Ordinance.
- 2) All signage shall be designed in a manner consistent with the architectural theme and design of the structure. The signage shall be located within a sign band that is integrated into the architectural style of the building so as to provide a uniform design and appearance.
- 3) Sign illumination shall not be flashing or moving. Indirect lighting, halo lighting or other similar forms of lighting are encouraged so as to reduce light glare and other nuisance effects of sign illumination.
- 4) All signage shall be clearly indicated on site plans and architectural plans submitted and shall be subject to approval by the Clark Planning Board.

E) GREEN BUILDING STANDARDS

- 1) Green building and energy efficiency construction techniques are encouraged to be incorporated into all new construction. Energy Star and LEED (Leadership in Energy and Environmental Design) are two of several certifications that may be pursued. However, such certifications are not required by this plan. Practices endorsed by the Department of Energy, The Environmental Protection Agency and the U.S. Green Building Council are also encouraged. All energy saving measures and green building features shall be identified in the site plan application. These may include but are not limited to: Energy Star appliances, Low Flow Plumbing Fixtures, Low VO Paints, LED lighting, High Efficiency HVAC, On-demand Hot Water, car charging stations, shared car parking, use of recycled materials, utilization of solar or geothermal technologies.

VII. SPECIFIC LAND USE REGULATIONS

Development on the property at Lot 21 on Block 91 (81 Westfield Avenue) shall be governed by development regulations found in the Downtown Village (DTV) Zoning District. The properties on Block 105 shall be governed by the Land Use Regulations below.

A) Permitted Principal Uses

- 1) Retail Sales of Goods and Services; such as groceries, baked goods, pharmacy, jewelry, office supplies, florists, dog grooming, barber shops, hair salons, tailors.
 - 2) Taverns and Restaurants; including full service restaurants offering table service and those establishment offering counter service and takeout, but excluding drive throughs.
 - 3) Banks and other similar financial institutions.
 - 4) Health Clubs; including yoga studios, gyms, fitness centers, etc.
 - 5) Offices; including business, administrative and professional offices.
 - 6) Museums, Art Galleries, Theaters, Music and Dance Studios, and other similar cultural uses.
 - 7) Child Care Centers.
 - 8) Governmental Uses; including offices, public parks, and municipal parking facilities.
 - 9) Residential Apartments, except that residential uses shall not be permitted on the ground floor or first floor fronting onto Westfield Avenue. Inclusionary affordable housing is required pursuant to Section VIII of this Redevelopment Plan.
 - 10) Mixed-Use of two or more of the above uses is permitted.
- B) Permitted Accessory Uses
- 1) Off-street Parking and Loading.
 - 2) Outdoor Dining / Sidewalk Cafes
 - 3) Signs.
 - 4) Indoor and Outdoor Recreation Facilities such as exercise rooms, resident lounge areas, play rooms, swimming pools, tennis courts, basketball courts, seating areas, and other similar active and passive recreation facilities.
 - 5) Other uses customarily associated with, incidental and subordinate to a permitted use, and located within the same property.
- C) Prohibited Uses - Any use or structure not permitted in paragraphs A) and B) shall be prohibited. In addition, the following uses shall be expressly prohibited:
- 1) Any business conducted outside the confines of a building, except those temporary activities permitted by special permission from the Township Mayor and Council or allowed elsewhere in the Ordinance;
 - 2) Gasoline filling stations, gasoline service stations, public garages, automobile body repair or painting shops;
 - 3) Lumberyards or building material yards;
 - 4) Sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid-fuel engines;
 - 5) Dry-cleaning establishments where the dry cleaning is done on the premises;
 - 6) Warehouses and any business which does not sell directly to the general public;
 - 7) Public or private schools;
 - 8) Funeral services, undertakers, crematories and morticians;
 - 9) All aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by permit. Aboveground or basement storage of up to 530 gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;

- 10) Any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and
- 11) Private commercial parking lots as a principal use.

D) Development Standards

- 1) Minimum Lot Dimensions:
 - a) Lot Area: 80,000 SF
 - b). Lot Frontage: 150 ft.
- 2) Minimum Yards:
 - a) Front Yard – All street frontages shall be treated as a front yard. There shall be minimum front yard requirements in order to encourage commercial uses to be more closely oriented to the street; including a minimum sidewalk width of 20 feet as measured from the face of the curb shall be required along Westfield Avenue and 10 feet along other streets. Two foot articulations are allowed along the Westfield Avenue frontage providing a minimum of 18 feet of sidewalk as measured from the curb face. Buildings shall be set back at least that distance to achieve these sidewalk widths. Parking is allowed in the front yard.
 - b) Side Yard – A 12 foot setback is required,
- 3) Lot Coverage:
 - a) Maximum Building Coverage: 85%
 - b) Maximum Impervious Cover: 95%
 - c) Minimum Landscaped Area: 5%
 - d) On properties over 80,000 sq. ft. more than one principal building may be constructed.
- 4) Maximum Building Height:
 - a) Four Stories and 52 feet.
 - b) Building height shall be measured from the finished ground floor elevation to the top of roof; not including parapets, rooftop equipment and appurtenances, gables and other similar decorative features.
- 5) Maximum Density:
 - a) 63 dwelling units per acre, with a maximum of 140 dwelling units inclusive of a 15% affordable housing set aside.
- 6) Parking Requirements:
 - a) Residential Uses: 1.7 spaces shall be provided for each residential unit. A minimum of one off-street parking space shall be bundled with the rent, i.e., there shall be no additional charge for off-street parking.
 - b) Non-Residential: . No off-street parking is required. Rather, angled parking improvements shall be made on the eastern side of the Joseph Street right-of-way and the southern side of the Broadway right-of-way. A minimum of 11 on-street angled spaces shall be provided on Joseph Street and 14 angled on-street spaces on Broadway for public use.
 - c) Tandem spaces are permitted and shall be counted as two parking spaces if both spaces are assigned to the same residential unit or if a valet service is provided.
 - d) No off-street parking shall be located within the front yard along Westfield Avenue. Front yard and side yard parking is allowed on other street frontages.
 - e) All off-street parking shall be surfaced in accordance with Township standards.

- f) All ingress and egress to the site, and all interior drives and drive-aisles shall be located and designed to reduce traffic conflicts and promote pedestrian safety to the greatest degree practicable and conform with Township standards. No curb cuts are permitted along Westfield Avenue.
- 7) **Buffers and Screening:** Front yard parking along Broadway and Joseph Street shall be screened along the lot line. Such screen shall be a minimum five foot wide planting strip consisting of shrubs or evergreens at least 3 feet high. Such planting or hedge shall be maintained in good condition. In addition, adequate building screening shall be provided along the Broadway frontage. No screening is necessary along the Westfield Avenue frontage. Such screening shall be indicated on the site plan and subject to review and approval by the Clark Planning Board.

VIII. INCLUSIONARY HOUSING REQUIREMENTS

- A) A minimum of 15% of the total units constructed on any site within the Redevelopment Area shall be provided as affordable housing units to families and persons of low and moderate income. The specific number of affordable housing units, the distribution of units by low and moderate income, and other details of the developer's affordable housing obligation shall be more fully described in the required Redeveloper's Agreement. (see Section IV.B. of this Plan)
- B) Consistent with Round 3 affordable housing rules, inclusionary housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of very low, low and moderate income. The affordable housing units shall be deed restricted to ensure that they remain affordable to very low, low, and moderate-income families: 13 percent of the affordable units affordable to very low-income families; 37 percent affordable to low-income families; and 50 percent affordable to moderate-income families. If it is determined that a 40-year deed restriction is necessary to ensure that the units are creditworthy, then the period of restriction shall be 40 years.
- C) **Definitions.** As used in this section, the following terms shall have the meanings indicated:
 - 1) LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.
 - 2) MODERATE-INCOME HOUSEHOLD
A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.
 - 3) VERY-LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.
- D) Affordable units in this district shall not be age-restricted.
- E) Affordable units in this district shall be architecturally similar to the market-rate units and shall be distributed among the market-rate units rather than isolated.

TOWNSHIP OF CLARK
 Resolution 25-139
 July 21, 2025

5

WHEREAS Christie Vieira has served as the Acting CMFO to ensure the continued oversight and management of municipal financial operations for the Township of Clark since March 26, 2025; and

WHEREAS in accordance with N.J.S.A. 40A:9-140.10 in every municipality there shall be a Certified Finance Officer appointed by the Governing Body of the municipality; and

WHEREAS Christie Vieira has successfully completed the required financial coursework through Rutgers, The State University of New Jersey, with the approval of the Division of Local Government Services, and has passed the State Certification Examination; and

WHEREAS, by fulfilling these requirements, Christie Vieira has met all the qualifications necessary for the position of Certified Municipal Finance Officer, in accordance with N.J.S.A. 40A:9-140.2.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Township Council of the Township of Clark, County of Union, New Jersey hereby appoint Christie Vieira to serve as the Certified Finance Officer for the Township of Clark, commencing July 21, 2025 until December 31, 2025.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/7-21 139AppointCFOVieira

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
<input type="checkbox"/> Adopted	Mazzarella						
<input type="checkbox"/> Adopted as Amended	Minniti						
<input type="checkbox"/> Defeated	O'Connor						
<input type="checkbox"/> Tabled	Toal						
<input type="checkbox"/> Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-140
July 21, 2025

6

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE TOWNSHIP OF CLARK TO THE UNION COUNTY PRESERVE UNION COUNTY PROGRAM FOR THE PRESERVATION OF THE ROBINSON PLANTATION OWNED BY THE TOWNSHIP OF CLARK

WHEREAS, the Township of Clark ("Township") is the owner in fee of the Robinson Plantation, located at 593 Madison Hill Road in Clark Township; and

WHEREAS, the Township has been the steward of the Robinson Plantation with the assistance of the Clark Historical Society in an ongoing effort to preserve and interpret the historic site; and

WHEREAS, The Seventeenth Century Clark House, also known as the Dr. William Robinson Plantation House in Clark, New Jersey, was officially listed on the New Jersey Register of Historic Places under designation number 2651 on July 1, 1974.

WHEREAS, the Township desires to maintain the Robinson Plantation in good and well-preserved condition and continue its long-term preservation efforts; and

WHEREAS, the Township intends to apply to the 2025 Union County "Preserve Union County Grant" Program to support preservation efforts at the Robinson Plantation; and

WHEREAS, a public meeting to discuss and authorize the submission of the Union County grant application will be held on **July 21, 2025**;

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

1. The Township hereby authorizes the submission of an application to the 2025 Union County Preserve Union County Grant Program to support the costs associated with the preservation and restoration of the Robinson Plantation, including the preparation of a Historic Preservation Plan, restoration of the wood shingle roof, related carpentry work, and improvements to roof drainage.
2. All work funded through the grant shall be performed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. The Township will be requesting \$75,000 through the grant application, and the Township will provide a match of \$75,000 utilizing the Capital Fund Balance.
4. This Resolution shall be submitted as part of the 2025 Union County Preserve Union County grant application package.

5. The Mayor and Township Clerk are hereby authorized and directed to execute the application and all related documents and, together with all other officers, professionals, and employees of the Township, to take any and all steps necessary to effectuate the purposes of this Resolution.
6. This Resolution shall take effect immediately.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/7-21 140SubmitPreserveUCGrant

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

TOWNSHIP OF CLARK
 Resolution 25-141
 July 21, 2025

7

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby accepts the Service Contract to maintain the equipment at the Clark Senior Fitness Center, with Universal Fitness Services, LLC in the amount of \$300.00 per call and authorizes the Business Administrator to execute the contract effective September 1, 2025 to December 31, 2025.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/7-21 141AuthUniversalFitnessServiceContract - SeniorCenter

		Motion	Second	Aye	Nay	Abstain	Absent
	Hoff						
	Hund						
<input type="checkbox"/> Adopted	Mazzarella						
<input type="checkbox"/> Adopted as Amended	Minniti						
<input type="checkbox"/> Defeated	O'Connor						
<input type="checkbox"/> Tabled	Toal						
<input type="checkbox"/> Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 25-142
July 21, 2025

CA 8

WHEREAS Resolution 25-121 adopted June 16, 2025 authorized the Clark Township Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72 due to the late adoption of the State Budget, and the subsequent delay in the Union County Board of Taxation’s ability to certify tax rates throughout Union County, resulting in the Tax Collector’s inability to mail the Township’s 2025 tax bills on a timely basis; and

WHEREAS the Division of Local Government Services has since prepared levy certifications for counties and municipalities that have adopted their budgets and made all required submissions to the Division; and

WHEREAS the Director of the Division of Local Government Services began releasing certifications to County Boards of Taxation on June 30, 2025, and said County Board has certified the tax levy, as required; and

WHEREAS the Tax Collector of the Township of Clark received the tax rate on July 7, 2025 permitting regular tax bills to be mailed within the proper statutory limits, with no need to extend the grace period.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union and State of New Jersey that it hereby rescinds Resolution 25-121

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/7-21 142RescindEstTaxBills

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

TOWNSHIP OF CLARK
Resolution 25-143
July 21, 2025

CA 9

RESOLUTION OPPOSING THE REDIRECTION OF AFFORDABLE HOUSING TRUST FUND MONIES IN THE PROPOSED FY2026 STATE BUDGET

WHEREAS, the Township of Clark, like many municipalities throughout New Jersey, is committed to meeting its constitutional obligation to provide affordable housing opportunities for its residents; and

WHEREAS, the Affordable Housing Trust Fund (AHTF) has historically served as a vital funding source for municipalities to advance 100% affordable and special needs housing projects, which both expand housing opportunity and reduce the scale and burden of large-scale inclusionary development; and

WHEREAS, these funds have allowed municipalities to undertake smaller, community-based affordable housing projects that generate bonus credits, thus avoiding the need for high-density developments and preserving local planning discretion; and

WHEREAS, Governor Phil Murphy's proposed FY2026 budget includes provisions that would reduce or eliminate funding from the AHTF and reallocate those monies for broader affordability assistance programs that are not targeted to the development of municipal affordable housing obligations; and

WHEREAS, such a reallocation threatens to undermine municipal compliance with fair housing requirements, further strain limited local resources, and force reliance on large-scale, developer-driven inclusionary developments that often generate local opposition and increase infrastructure burdens; and

WHEREAS, this proposed shift in funding priorities is yet another example of Trenton eroding home rule, ignoring the nuanced needs of municipalities, and prioritizing short-term affordability optics over long-term housing compliance strategies; and

WHEREAS, the League of Municipalities, housing advocates, and municipal professionals have voiced strong concerns about the diversion of AHTF funds, as reported in *The Record* and *NorthJersey.com*, noting that "if the funds are used for anything other than housing production, the state will undermine its own progress and push towns into untenable positions";

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

1. The Township of Clark hereby strongly opposes the redirection, repurposing, or diminution of the Affordable Housing Trust Fund as outlined in Governor Murphy's proposed FY2026 State Budget.
2. The Township urges the Governor and State Legislature to restore and fully fund the AHTF for its intended purpose: to enable municipalities to fulfill their constitutional housing obligations through locally guided, flexible, and scalable approaches.
3. The Township Clerk is directed to forward a copy of this Resolution to Governor Phil Murphy, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, State Senator Joseph Cryan, Assemblyman Reginald Atkins, Assemblywoman Linda Carter, the New Jersey League of Municipalities, and the Fair Share Housing Center.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/7-21 143OpposingtheRedirectionofAffordableHousingFunds

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

TOWNSHIP OF CLARK
Resolution 25-144
July 21, 2025

CA 10

WHEREAS Vin Bella Homes, LLC has requested release of the Performance Bond in the amount of One Thousand Dollars (\$1,000) for Permit Application for 8 Ivy Street; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the Performance Bond.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Engineer and authorizes release of the Performance Bond as stated herein for the abovementioned project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/7-21 144RefundofPerformanceBond-8IvySt

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