

Planning & Real Estate Consultants

December 4, 2020

Planning Board
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, NJ 07922

**Re: Block 4102, Lot 1 and Block 4301, Lots 1.011, 1.012 & 1.02
Proposed Rezoning Ordinance Master Plan Consistency Review**

Dear Chairman Johnson and Members of the Board:

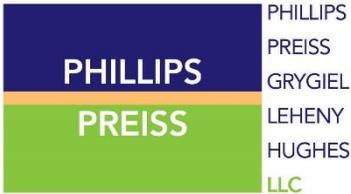
In accordance with the New Jersey Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-64, the Township Council of Berkeley Heights has presently referred to this Board for review a proposed zoning ordinance entitled "An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending *The Code of the Township of Berkeley Heights*, Appendix A ("Municipal Land Use Procedures Ordinance") to replace the current OR-A and OR-A1 Zones with a new Mixed-Use Zone." Pursuant to N.J.S.A. 40:55D-26a, the Board shall make and transmit to the governing body a report identifying if any provisions in the proposed ordinance are inconsistent with the master plan along with recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. Our office has reviewed the proposed ordinance and found it to be consistent with the Master Plan and subsequent Reexamination Reports.

Summary of the Proposed Ordinance

As you may recall, the Planning Board reviewed a prior version of the proposed ordinance in May 2020. The Board adopted a resolution finding that the ordinance was consistent with the Township of Berkeley Heights Master Plan, including the recommendations of the Master Plan Reexamination Report adopted by the Planning Board in April 2020.

The revised ordinance includes the following changes from the version reviewed by the Planning Board in May 2020:

- Total amount of retail was reduced from 250,000 to 190,000 square feet.
 - Amount of permitted new construction retail was reduced from 185,000 to 155,000 square feet.
 - Amount of permitted retail space located within existing office buildings was reduced from 65,000 to 35,000 square feet.



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- The minimum floor area for retail stores is 1,200 square feet to prevent an assortment of smaller shops that might compete with downtown. This is a new requirement.
- The maximum floor area for retail stores was reduced from 50,000 square feet to 45,000 square feet. This will still provide sufficient space for a potential specialty grocer.

Master Plan Recommendations for the Property

The property under consideration for rezoning is part of the Connell Corporate Park, which has been the focus of recent Master Plan Reexamination Reports. The March 2017 Reexamination Report was prepared in direct response to the Township’s affordable housing Settlement Agreement with the Fair Share Housing Center, which included Block 4102, Lot 1 for a 328-unit inclusionary project. In accordance with the recommendation in the Reexamination Report, the OR-A1 zone was subsequently created for this parcel to allow an inclusionary multifamily project as well as retail and entertainment uses.

As a result of the creation of the OR-A1 zone in 2017, the Connell Corporate Park property was effectively split in three zoning districts – OR-A, OR-A1, and OR-B – all with differing use and development standards. The most recent April 2020 Master Plan Reexamination sought to rectify this condition, which “prevents the creation of an integrated open space system and interconnected mixed-use center,” by recommending the creation of a new Mixed-Use (MU) Zone.

Consistency Evaluation

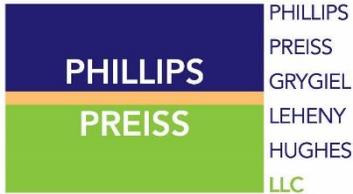
The proposed ordinance under consideration directly advances the recommendation of the April 2020 Master Plan Reexamination Report to create a new Mixed-Use (MU Zone). The Reexamination Report also provided specific recommendations for permitted uses, bulk, parking, and other requirements within the envisioned MU Zone. Consistency of the proposed ordinance with these specific recommendations are evaluated as follows:

Permitted Uses

The permitted land uses in the proposed ordinance is wholly consistent with those recommended in the Reexamination Report.

Multifamily Residential Uses

The proposed ordinance limits the maximum number of multifamily dwelling units within the MU Zone to 328 units as provided in the Reexamination Report. Additionally, the proposed ordinance includes specific provisions regarding affordable housing



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pursuant to existing affordable housing agreements, which is also recommended by the Reexamination Report. All affordable housing must be constructed within the MU Zone.

Retail and Entertainment Uses

The Reexamination Report also recommended establishing a cap on gross floor area of retail and entertainment venue uses available to the public, as well as a requirement for minimum square footage reserved for entertainment uses. The proposed ordinance sets forth clear regulations for both items. Further, the proposed ordinance adheres to the recommendation to prohibit big box retail stores.

Standards for Open Spaces

As recommended by the Reexamination Report, the proposed ordinance requires minimum of 5 acres of open spaces within the zone, and further requires the open spaces to be constructed as part of the initial phase of development.

Recommended General Development Requirements

The proposed ordinance establishes a Maximum Buildable Area limit within the zone of 2,250,000 square feet, which is consistent with gross building area recommended in the Reexamination Report.

Recommended Bulk Requirements

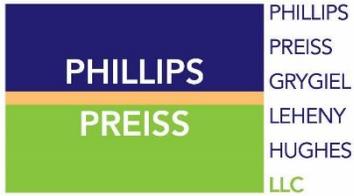
The Reexamination Report recommended that bulk requirements be calculated based on the entire land area within the zone. This language has been incorporated into the proposed ordinance. Further, the building height and impervious coverage limitations in the proposed ordinance were developed in consideration of existing zoning as recommended by the Reexamination Report.

Recommended Parking Requirements

Parking standards for multifamily units are reduced from RSIS standards as recommended while standards for office and other non-residential uses directly adopt those suggested in the Reexamination Report. Further, in response to the Reexamination Report's encouragement of a flexible approach to parking, the proposed ordinance strongly encourages shared parking and provides detailed requirements for review and approval of a Shared Parking Plan.

Conclusion

In summary, the proposed ordinance directly advances the long-held Master Plan objective to develop the Connell Corporate Park property as a mixed-use center with inclusionary multifamily housing and a variety of office, commercial, entertainment, and other uses. The new Mixed-Use (MU) zone created by the proposed ordinance and related requirements are consistent with the affordable housing agreements cited by



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the Master Plan Reexamination Reports and the specific use, bulk, and other development standards recommended within these reports. Pursuant to the criteria enumerated in N.J.S.A. 40:55D-26a, there are no items in the proposed ordinance that are inconsistent with the master plan, and no recommendations to remediate inconsistencies are made at this time.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Keenan Hughes, AICP, PP