

**RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF BERKELEY HEIGHTS, REGARDING MASTER PLAN
CONSISTENCY REVIEW OF PROPOSED LAND USE ORDINANCE AMENDING
APPENDIX A (“MUNICIPAL LAND USE PROCEDURE ORDINANCE”) TO REPLACE
THE CURRENT OR-A AND OR-A1 ZONES WITH NEW MIXED-USE ZONE**

WHEREAS, the Berkeley Heights Township Council has introduced a proposed Ordinance amending Appendix A of the Township Code (“Municipal Land Use Procedures Ordinance”) to replace the current OR-A and OR-A1 Zones with a new Mixed-Use zone; and

WHEREAS, the Township Council on November 24, 2020, referred the proposed amended Ordinance to the Berkeley Heights Township Planning Board for Master Plan consistency review and recommendation in accordance with NJSA 40:55D-26(a); and

WHEREAS, NJSA 40:55D-26a provides that “[P]rior to the adoption of a development regulation, revision or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days of the referral, a report, including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other item the board deems appropriate.”; and

WHEREAS, the proposed Ordinance would re-zone Block 4102, Lot 1 and Block 4301, Lots 1.011,1.012 and 1.02 to be included in a new Mixed-Use zone; and

WHEREAS, the April 2020 Master Plan Reexamination Report recommended the rezoning of the majority of the Connell Park property to a new Mixed-Use Zone along with specific recommendations regarding permitted uses, bulk, parking and other requirements within the zone; and

WHEREAS, by Resolution dated May 6, 2020, the Planning Board adopted the recommendations of the April 2020 Master Plan Reexamination Report; and

WHEREAS, the Planning Board has reviewed and considered a report prepared by Berkeley Heights Planner Keenan Hughes, AICP, PP, dated December 4, 2020, opining that the proposed ordinance directly advances the objectives of the Master Plan and that the new Mixed-Use Zone and related requirements are consistent with the 2017 and 2020 Master Plan Reexamination Reports. The specific use, bulk and other development standards in the proposed Mixed-Use Zone Ordinance are also consistent with the recommendations of the April 2020 Master Plan Reexamination Report and there are no items in the proposed Ordinance that are inconsistent with the Berkeley heights Township Master Plan; and

WHEREAS, the Planning Board has considered the proposed Ordinance and the December 4, 2020 Report from Mr. Hughes, which is incorporated herein by reference, and concludes that the proposed Ordinance is consistent with the Township Master Plan and there are no inconsistencies with the Master Plan.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Berkeley Heights, Union County, New Jersey, that the Planning Board concludes that the proposed Land Use Ordinance amending Appendix A of the Township Code to replace the current OR-A and OR-A1 Zones with a new Mixed-Use (MU) Zone is consistent with the Master Plan and that there are no inconsistencies or recommendations unless noted on Appendix A attached hereto;

IT IS FURTHER RESOLVED, that the Planning Board shall transmit this resolution and report to the Township Council pursuant to NJSA 40:55D-26a

Dated
December 9, 2020

Connie Valenti, Secretary
Berkeley Heights Planning Board

APPENDIX A