

# 2018 Master Plan Reexamination & Master Plan Amendment

February 2018

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# 2018 Master Plan Reexamination & Master Plan Amendment

Borough of Totowa

Passaic County, New Jersey

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Maser Project No. TOT-007A

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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## 1) Introduction

The Borough of Totowa is located in Passaic County and encompasses roughly four square miles. Totowa is suburban in character and has a small-town feel. The Borough has excellent access with two interchanges (Exit 54 and 55) along I-80 and two interchanges along Route 46. New Jersey Transit bus service connects the Borough to surrounding municipalities as well as the Port Authority Bus Terminal in New York City. Totowa is surrounded by Wayne Township, Haledon Borough, Paterson City, West Paterson Borough and Little Falls Township as shown by the map on page 4.

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq. stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-8g states:

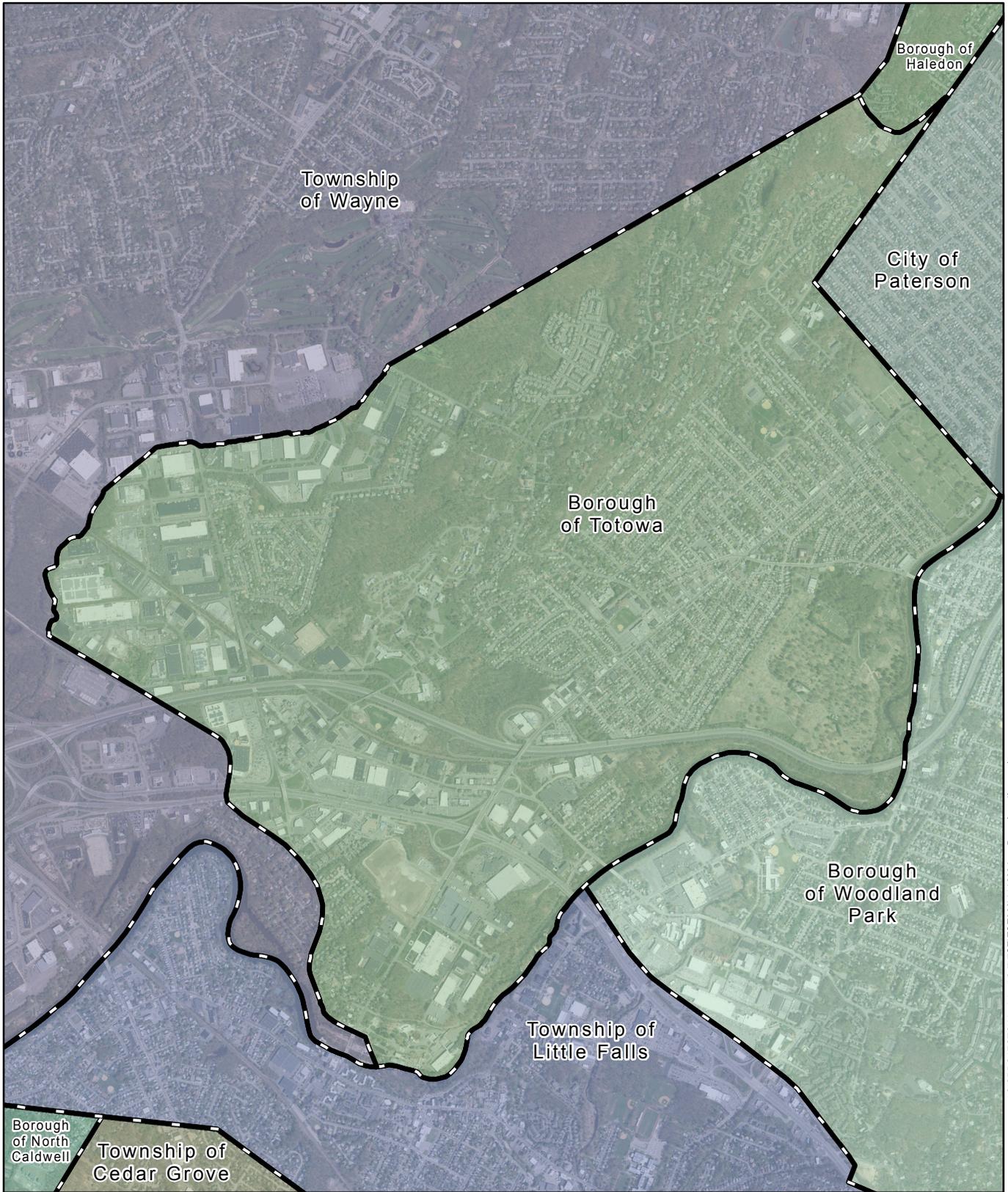
*"The governing body shall, at least every ten years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent 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."*

This reexamination of the Borough of Totowa Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-8g by including 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 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 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.

While the Municipal Land Use Law requires a general reexamination of the Master Plan and development regulations every ten years, reexaminations can be more frequent than once every ten years. It can be as frequent as an individual municipality believes it to be warranted.

It is important that a Master Plan be kept up to date and flexible so that it can respond to changing conditions and reflect the best current thinking on land use issues. The Master Plan should be a document that is easily amended so that it can respond to both concerns and opportunities. A review once every ten years is adequate in some communities, while for other municipalities more frequent review is called for.



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1 inch = 2,200 feet

**BOROUGH LOCATION  
AERIAL MAP**

**BOROUGH OF TOTOWA  
PASSAIC COUNTY, NEW JERSEY**



A review of Totowa’s master planning documents reveals that the Borough’s last reexamination report was adopted on April 14, 2016 but was entitled 2016 Master Plan Reexamination and Master Plan Amendment (“2016 Report”). The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow.

## 2) Problems & Objectives Related to the 2016 Reexamination

This chapter of the 2018 Master Plan Reexamination and Master Plan Amendment report examines the major problems and objectives relating to land development in Totowa Borough that were included in the 2016 Report. Problems and objectives noted in 2016 are as follows:

### 1. Zoning Amendment, R-AH District.

Article XVIII of the Zoning Code entitled “R-AH Affordable Housing District” provides guidelines for inclusionary housing development. The District contains two properties, Block 133 Lots 10 and 11, both of which are located on Riverview Drive just south of Interstate 80.

a. The Borough should add the following properties to the R-AH District.

- i. Block 1, Lot 1
- ii. Block 2, Lots 1, 2, 3 and 4
- iii. Block 3, Lots 1, 1.01, 3, 4, 5, 6, 7 and 8
- iv. Block 4, Lots 1, 3, 4, 4.01, 5, 5.01, 6 and 6.01
- v. Block 5, Lots 1, 2 and 3
- vi. Block 6, Lots 1, 2, 4, 5 and 12
- vii. Block 9, Lots 1, 1.01, 3, 4, 5, 6 and 7
- viii. Block 179, Lot 4

b. The R-AH District should be amended to include two development options:

- i. An inclusionary housing development with for-sale units developed at a maximum density of 12.5 units per acre with a 20% affordable housing set aside.
- ii. An inclusionary housing development with rental units developed at a maximum density of 15 units per acre with a 20% affordable housing set aside.

c. Principal permitted in the R-AH District should include:

- i. Multi-family dwellings.
- ii. Townhouse dwellings.
- iii. Stacked townhouse dwellings.
- iv. Utilities and other essential services.

d. Bulk requirements to facilitate inclusionary housing development should include:

- i. A minimum lot size of four acres.
- ii. A minimum lot frontage of 200 feet.
- iii. A maximum building height of 35 feet and 2.5 stories for townhomes and 52 feet and four stories for multi-family development and stacked townhomes.

### 2. Zoning Amendment, R-AH-2 District

Create a new zone called the Affordable Housing-2 (hereinafter R-AH-2) District. This District would include Lot 7.01 and 9.01 of Block 11 located along Shepherds Lane. The District would permit the same development options and principal permitted uses as the R-AH District. However, the following bulk requirements are recommended for the R-AH-2 District:

a. Minimum lot size: 5 acres

- b. Minimum lot frontage: 200 feet
- c. Building height is recommended to be 35 feet and 2.5 stories for townhomes and 45 feet and 3 stories for multi-family and stacked townhome development.

### 3) Extent That Problems & Objectives Have Changed Since 2016

This chapter looks at the extent to which problems and objectives have been reduced or increased since 2016. The two issues listed in Section 2 are summarized below, along with a 2018 status evaluation.

1. **Zoning Amendment, R-AH District.** Rezone the R-AH District to include two inclusionary housing development options and additional principal permitted uses, such as multi-family dwellings and stacked townhomes. The amended R-AH District would also add new properties, which include parcels in Blocks 1, 2, 3, 4, 5, 6, 9 and 179.

Current Status: On May 10, 2016, the Governing Body adopted Ordinance No. 08-2016. Ordinance No. 08-2016 replaced the existing R-AH District regulations located in Chapter 415, Article XVIII with new R-AH District regulations that include all recommendations from the 2016 Report.

2. **Zoning Amendment, R-AH-2.** Create a new zone called R-AH-2 District. The new R-AH-2 District would permit multi-family dwellings and stacked townhomes. This new zone would have similar bulk requirements as those in the R-AH District. The R-AH-2 District would include Lots 7.01 and 9.01 of Block 11.

Current Status: On May 10, 2016, the Governing Body adopted Ordinance No. 09-2016. The new Ordinance abolished the regulations for the AHD Adult Housing District, found in Chapter 415, Article XIX, Sections 148-164, and replaced them with all recommendations from the 2016 Report and created the new R-AH-2 District and its associated standards.

### 4) Extent of Changes in Policies & Objectives Forming the Basis of the 2018 Reexamination Report

The third step in the reexamination process, known as Section "C", reviews the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or changes in State, County and municipal policies and objectives. Since the 2016 Report, there has been one change at the State level that impacts the policies and objectives that form the basis of the Borough's Master Plan and Zoning Ordinance.

#### Demographic Changes

See the 2016 Report for demographic information.

#### State Changes

##### Affordable Housing

On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing ("COAH") failed to act and as a result, the Courts will be assuming jurisdiction over the Fair Housing Act. The Order divided

municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The Order permitted towns to file a Declaratory Judgment during a 30-day window (approximately June 8 – July 8, 2015) to alert the Court that the municipality wishes to comply with its constitutional mandate to provide affordable housing. Totowa was proactive and filed its Complaint for Declaratory Judgment on July 7, 2015. The Borough's case was assigned to Judge Brogan, who sits in Paterson. On September 11, 2015 Judge Brogan issued an Order Granting Totowa Temporary Immunity. This was followed by a second Order Granting Temporary Immunity and Appointing a Special Master on October 21, 2015. On December 22, 2015 the Borough met with Special Master Christine Cofone to discuss the draft Housing Element and Fair Share Plan ("HEFSP") that had been submitted to the Court. During the meeting Ms. Cofone requested additional information from the Borough and gave Totowa six weeks to provide said information. On January 21, 2016 the requested information was sent to Ms. Cofone. Subsequently, a third Order was issued on February 3, 2016 granting an extension of temporary immunity through April 29, 2016.

During the remainder of 2016, the Borough attended four Case Management Conferences and adopted two inclusionary housing ordinances at the direction of the Judge and Special Master. The Borough's immunity was extended throughout 2016.

In 2017 Totowa attended a series of Case Management Conferences and even provided two tours of the Borough to the Special Master and a representative from Fair Share Housing Center. During the most recent Case Management Conference on January 18, 2018, the Borough agreed to implement additional zone changes at the direction of the Special Master. The Judge extended Totowa's immunity through March 9, 2018, which is the date of the next Case Management Conference.

The Borough is awaiting Judge Brogan to make a decision regarding methodology, obligations and compliance mechanisms. A date has not yet been set for a trial on these issues. Until these decisions are made, the Borough cannot adopt its HEFSP that has been drafted.

### Pending Legalization of Marijuana

Currently pending before the State Legislature are two bills, S830 and identical bill A1348, which propose to legalize the possession and personal use of small amounts of marijuana for persons age 21 and over. The bills also permit the manufacture, possession, or purchase of marijuana paraphernalia or the sale of marijuana paraphernalia to a person who is 21 years or older. The cultivation, harvesting, processing, testing, packaging and transportation of marijuana would become a permissible activity to licensed entities.

The draft legislation allows municipalities one year following the effective date of the bill to enact land use ordinances that may govern:

- The time, place, manner and number of marijuana establishment operations;
- The procedures for the issuance, suspension and revocation of a license issued by the local governmental entity;
- The schedule of annual operating, licensing and application fees for marijuana establishments; and
- The civil penalties for violation of an ordinance or regulation governing the time, place and manner of a marijuana establishment.

The bill indicates that a municipality can prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or marijuana retailers through the enactment of an ordinance.

## County Changes

Since the 2016 Report was adopted, the County has not prepared or adopted any planning documents.

## Municipal Changes

As noted above, the Borough has been entrenched in affordable housing litigation since July of 2015. The Borough has mediated several times and is now being required to create a new overlay zone and permit inclusionary housing in the B-2 District as a conditional use. These required changes have triggered the need to amend the Master Plan.

There is one other change at the municipal level that impacts the Master Plan and the Land Use Ordinance. This concerns the zoning of Block 11, Lot 7.01. In May of 2016 the Borough created a new inclusionary multi-family residential zone called R-AH-2 or Affordable Housing – 2 District via Ordinance 09-2016. The new zone encompassed two lots – Block 11, Lots 7.01 and 9.01. Lot 9.01 was vacant at the time and Lot 7.01 was an empty warehouse/industrial building. Because of the building's vacant status, the Borough believed it would be appropriate to add Lot 7.01 to the vacant site to create a sufficiently-sized zone to accommodate the envisioned inclusionary development.

However, in early 2017, an application was filed by Coronet, Inc. to utilize 90,776 square feet or approximately 50% of the building for the development, design and assembly of custom lighting fixtures. Coronet indicated at their hearing that the facility was expected to employ roughly 120 workers. The Board approved the application on March 23, 2017.

Then, in mid-2017, an application was filed by United Food Brands, LLC to utilize 46,000 square feet of the building for warehousing and distribution. The Board approved the application on October 12, 2017. Most recently an application was filed by Advanced Self-Storage to occupy approximately 54,000 square feet of the building. The status of Lot 7.01 has changed dramatically since May of 2016 when Ordinance 09-2016 was adopted. This has triggered the need for the Borough to amend the official Zoning Map and rezone Block 11, Lot 7.01 from R-AH-2 District to I-1 Restricted Industry District.

## 5) Changes Recommended for the Master Plan or Development Regulations

This chapter of the 2018 Master Plan Reexamination and Master Plan Amendment looks at specific changes that are recommended for the Master Plan or existing development standards, which can include the underlying objectives, policies and standards. The following recommendations are made:

### Forman Mills and Bomont Place Properties

A new inclusionary overlay district is recommended for the Forman Mills property and two lots on Bomont Place to permit the construction of multi-family residential development that would contribute to the Borough's affordable housing obligation. These sites are known as Block 176, Lot 2 and Block 133, Lots 2 and 2.01. The Forman Mills property is currently zoned B-3 Highway Business District and the Bomont Place properties are zoned I-3 Restricted Industry District. The map on page 10 shows the location of the proposed overlay zone. A new district, called Multi-family Residential Overlay (MRO) District should be created to permit the development of affordable housing units. The MRO District should:

- Permit a maximum of 15 units to the acre for sale developments
- Permit a maximum of 20 units to the acre for rental developments
- Require a 20% affordable housing set-aside for each of the above unit types

- Permit a maximum building height of 52 feet and four stories
- Require a minimum tract size of at least four acres

The new overlay district should also include standards that address bulk parameters, buffers, landscaping, signage, etc. The ordinance should also include permitted accessory uses for the overlay zone.

## B-2 Local Business District

The Borough's Court-appointed Special Master has also recommended, and the Court has supported the amendment of the B-2 Local Business District (which is situated along Union Boulevard) to permit inclusionary housing. The Borough has agreed to do this in a limited manner due to the lack of parking along the Union Boulevard corridor and in order to protect the character of the adjoining residential neighborhoods. Therefore, to provide opportunities for the creation of affordable housing within the community, it is recommended that the B-2 District be amended to conditionally permit multi-family residential units above permitted ground floor uses. Conditions required to be met in order to permit this type of use should include the following:

- Require a minimum lot size of 20,000 square feet
- Require frontage on Union Boulevard (see the map on page 11 for the properties that meet this requirement)
- Permit a maximum of 20 units to the acre
- Require a 15% affordable housing set-aside for rental units and a 20% set-aside for sale units
- Permit a maximum building height of 35 feet and three stories
- Ensure all required parking is provided on-site

Additional conditions to consider include bulk parameters, buffers and parking requirements, especially to protect any adjacent single-family homes.

## Hickory Hill

In 1998 a builder's remedy lawsuit was filed against the Borough of Totowa insinuating that the municipality had failed to meet its constitutional obligation to provide affordable housing. In September of 1999 the Borough and the builder reached a mutual settlement. The settlement permitted the builder to construct 214 residential units on approximately 52 acres of land east of Totowa Road. The builder was required to pay an affordable housing in-lieu fee of \$650,000 to the Borough. As per the settlement, the development was to contain 85 single-family detached homes and 129 townhomes.

The development was subsequently built and is referred to as Hickory Hill. When the Borough updated its zoning map in 2015, the development was called out as "AHCD Affordable Housing Contribution District". It has come to the Borough's attention that the municipality's zoning ordinance was never amended to create zoning parameters reflecting the settlement agreement. Therefore, the Borough wishes to create a new section within Chapter 415 to encompass the standards for the Affordable Housing Contribution District. The zone should permit a maximum of 85 single-family detached homes and 129 townhomes. The ordinance text should also

Legend

 Proposed Overlay District

 Blocks

 Lots



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0 90 180  
Feet

1 inch = 180 feet

**PROPOSED MULTI-FAMILY  
RESIDENTIAL  
OVERLAY DISTRICT**  
BOROUGH OF TOTOWA  
PASSAIC COUNTY, NEW JERSEY



**LEGEND**

-  Totowa Borough
-  Borough Parcels
-  Properties Zoned B-2 on Union Blvd

**B-2 DISTRICT  
PARCELS  
FRONTING  
UNION BLVD**

**BOROUGH  
OF  
TOTOWA**

PASSAIC COUNTY  
NEW JERSEY



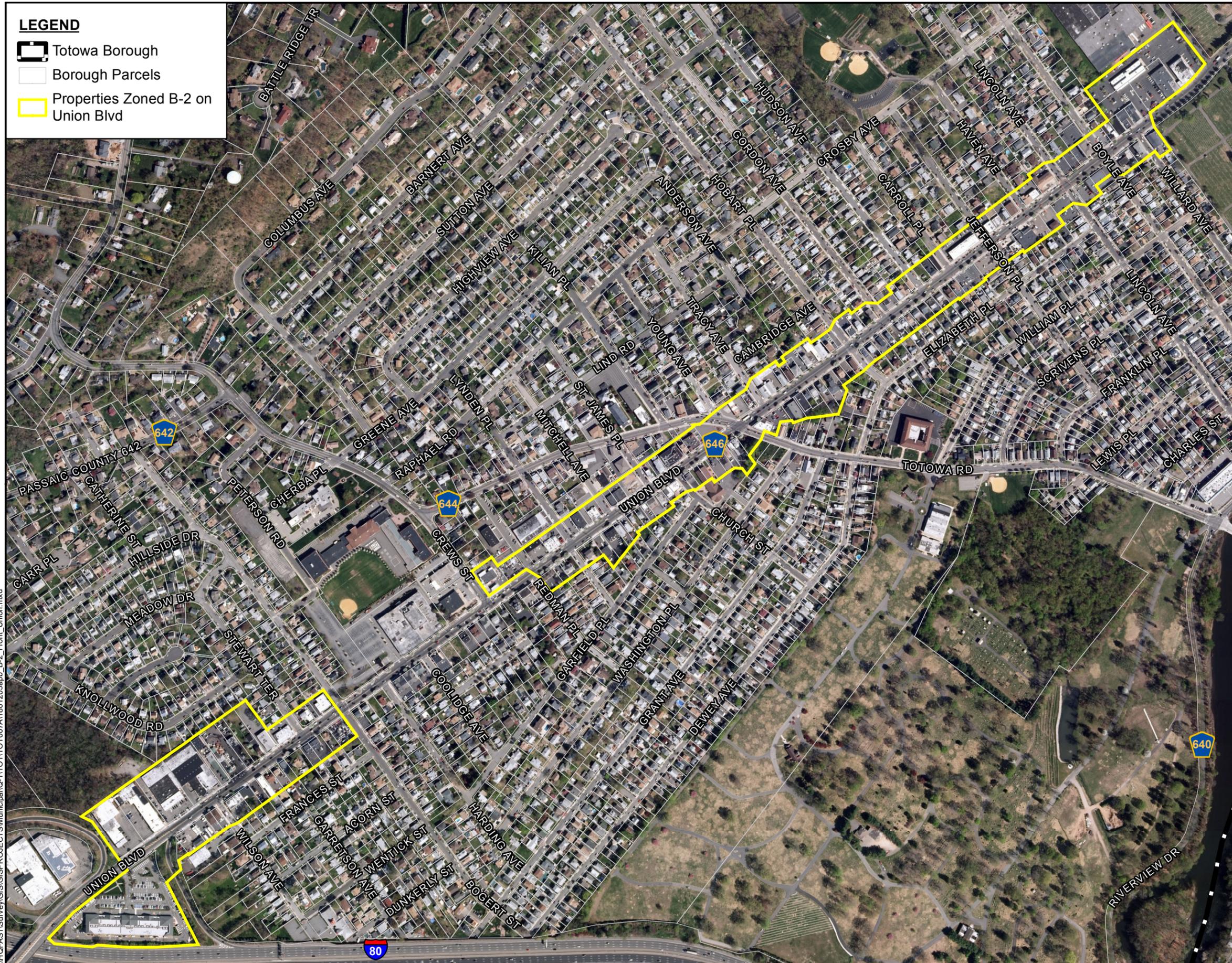
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1 inch = 500 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



February 2018

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define the permitted accessory uses. Furthermore, the Bulk Schedule, known as 415a or 415 Attachment 1, should be amended to add the AHCD District and the following bulk standards:

- Single-family detached:
  - Area (square feet) – 6,500
  - Width (feet) – 70
  - Depth front (feet) – 90
  - Front setback from property line (feet) – 25
  - Side – one side (feet) – 7.5
  - Side – one side (feet) – 7.5
  - Rear setback (feet) – 25
  - Side/rear abutting a street (feet) – 25
  - Maximum height exposed (feet) – 35
  - Floor area ratio (percent) – 56%
- Townhomes:
  - No change permitted from approved development.

## Marijuana and Related Land Uses

As noted in Chapter 4, there is pending legislation to permit marijuana cultivation, manufacturing, testing and sales in the State of New Jersey. The Borough of Totowa is concerned about the safety and general welfare surrounding businesses that cultivate, manufacture, test and/or sell recreational and/or medicinal marijuana as well as land uses that sell or manufacture related paraphernalia. The Borough desires to protect its citizens, both young and old, from any safety and general welfare issues regarding these types of land uses. Marijuana and its related land uses are not suitable land uses to be within walking distance of a school, daycare, church or playground. Based on concerns for public safety and the general welfare, the Borough of Totowa desires to prohibit the cultivation, manufacturing, testing and sales of marijuana as well as land uses that sell or manufacture related paraphernalia.

## Block 11, Lot 7.01

As noted in Chapter 4, the status of Block 11, Lot 7.01 has changed dramatically in the last two years. At the beginning of 2016 the building sat empty and idle. (See map on page 13.) It was for that reason that it was included in the rezoning of Block 11, Lot 9.01, which changed both lots zoning designation from I-1 Restricted Industry District to R-AH-2 or Affordable Housing – 2 District. This rezoning occurred in May of 2016.

As a result of the 2017 Board approvals and pending application, the building will be close to full occupancy. Therefore, the building has reverted from an empty shell to an active facility. Due to this transformation, the site should be rezoned back to its former designation, I-1 District. This report recommends the immediate rezoning of Block 11, Lot 7.01 to its previous zoning designation I-1 District.

## 6) Recommendations Concerning the Incorporation of Redevelopment Plans

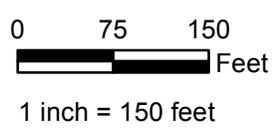
This section contains recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law”, P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Legend

-  Block 11, Lot 7.01
-  Blocks
-  Lots



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**AERIAL OF  
BLOCK 11, LOT 7.01**  
BOROUGH OF TOTOWA  
PASSAIC COUNTY, NEW JERSEY



There are no new recommendations for redevelopment areas or plans currently. However, it should be noted that the [2016 Report](#) recommended an Area in Need of Rehabilitation Study for the Lower Borough and the subsequent preparation of a Redevelopment Plan. Following the adoption of the [2016 Report](#), the Planning Board found that the study area satisfied the statutory criteria to be designated as an Area in Need of Rehabilitation. Then, on June 14, 2016, the Mayor and Council adopted Resolution #86-2016, which designated the Lower Borough as an Area in Need of Rehabilitation.

A Redevelopment Plan is presently being drafted for the Rehabilitation Area. As noted in the [2016 Report](#), any future redevelopment plan for the area should consider permitting senior housing, townhomes and condominiums at an increased density. The minimum lot size for this type of development would be much larger than the current minimum lot size of 7,000 square feet for the Single-Family Residence District (which is the current zoning of the majority of the Lower Borough area). Additionally, the use of properties along Elizabeth Place for parking for the commercial uses that line Union Boulevard should be considered.

## 7) Master Plan Amendment

This chapter seeks to amend the Borough's Master Plan with regard to specific topics. The first section analyzes the goals and objectives while the second section amends the Land Use Plan Element.

### Goals and Objectives

The [2016 Master Plan Reexamination and Master Plan Amendment](#) provided the following goals and objectives:

1. To maintain the stability of established residential neighborhoods and the quality of the existing and old housing stock through a program of property maintenance and rehabilitation.
2. To ensure that rental properties are not overcrowded and meet all building and fire codes.
3. To plan for selective infill development in established residential neighborhoods that will be beneficial to both the Borough and the neighborhood in which the development occurs.
4. To provide for the Borough's fair share of low and moderate income housing as defined by the Court.
5. To encourage selective redevelopment of older industrial and commercial properties that have become run down or become the victim of disuse.
6. To monitor the effects development and age has had on the exiting infrastructures within the Borough.
7. To encourage the redevelopment of the B-2 Local Business Zone and the B-4 Borough Business District along Union Boulevard that is in keeping with the scale of the commercial corridor.
8. To encourage redevelopment along Union Boulevard between Wilson Avenue and the Paterson border that reinforces the street's downtown character and creates a welcoming pedestrian environment.
9. To create off-street parking opportunities along Totowa Road and Elizabeth Place to support the B-2 Local Business Zone.
10. To regulate the types of industries permitted in the industrial zones to those which will provide minimum negative impacts on the Borough facilities.
11. To encourage the redevelopment of the North Jersey Developmental Center property in keeping with the adopted Redevelopment Plan and ensure appropriate traffic improvements are implemented.

The Borough acknowledges and affirms these eleven goals.

### Land Use Plan Element

This section focuses on two recommendations that impact the Borough's Land Use Plan Element. As discussed on page 7, the affordable housing litigation is ongoing and the Borough desires to resolve the litigation and provide its

fair share of affordable housing in a manner that respects the scale and character of Totowa. The following two sections describe the recent changes to the Land Use Plan Element.

### **Forman Mills and Bomont Place Properties**

The Forman Mills site (Block 176, Lot 2) is in the B-3 Highway Business district and the Bomont Place parcels (Block 133, Lots 2 and 2.01) are both located in the I-3 Restricted Industry District. The Forman Mills site contains one retail building and is surrounded by roadways on three sides. To the south of the site are commercial uses. The Bomont Place lots contain what appears to be an office/warehouse building and storage yard. The properties have frontage on both Bomont Place and the Lackawanna Drive / Union Boulevard interchange. The rear of the lots abut Interstate 80. To the east of the site is an office/manufacturing/warehouse facility.

As described in Chapter 5, the Borough seeks to create a new overlay zone to be placed on these three lots to allow for the potential construction of inclusionary housing. It is recommended that a new district, called Multi-family Residential Overlay (MRO) District be created that would allow the following:

- Permit a maximum of 15 units to the acre for sale developments
- Permit a maximum of 20 units to the acre for rental developments
- Require a 20% affordable housing set-aside for each of the above unit types
- Permit a maximum building height of 52 feet and four stories
- Require a minimum tract size of at least four acres

The ordinance should include additional standards that address parking, lighting, landscaping, etc. Once the ordinance is adopted, the Zoning Map should be amended to reflect the new overlay zone.

### **B-2 Local Business District**

The B-2 District is mainly located along Union Boulevard and reflects the small downtown that has evolved over time. The B-2 District currently permits a mixture of non-residential uses in buildings up to 35 feet in height. To the north and south of the B-2 District are primarily single-family detached homes.

As outlined in Chapter 5, the Borough seeks to amend the zone and permit inclusionary multi-family above permitted non-residential uses as a conditional use. The conditions would include, but not be limited to, the following:

- Require a minimum lot size of 20,000 square feet
- Require frontage on Union Boulevard
- Permit a maximum of 20 units to the acre
- Require a 15% affordable housing set-aside for rental units and a 20% set-aside for sale units
- Permit a maximum building height of 35 feet and three stories
- Ensure all required parking is provided on-site

The ordinance should include bulk standards to protect adjacent neighbors and design standards as needed.

### **Hickory Hill**

As noted in Chapter 6, the Borough's zoning ordinance was never amended to create zoning parameters reflecting the Hickory Hill residential development. Furthermore, the Land Use Plan Element of the Master Plan appears to be silent on this change as well. This Master Plan Amendment seeks to incorporate the parameters of the settlement agreement for Hickory Hill and the resulting 214-unit development into the Land Use Plan Element. The

“AHCD Affordable Housing Contribution District”, which is indicated on the 2015 Zoning Map reflects the boundaries of the Hickory Hill development.

The Borough wishes to create a new section within Chapter 415 to encompass the standards for the Affordable Housing Contribution District. The zone should permit a maximum of 85 single-family detached homes and 129 townhomes. The ordinance text should also define the permitted accessory uses. Furthermore, the Bulk Schedule, known as 415a or 415 Attachment 1, should be amended to add the AHCD District and the following bulk standards:

- Single-family detached:
  - Area (square feet) – 6,500
  - Width (feet) – 70
  - Depth front (feet) – 90
  - Front setback from property line (feet) – 25
  - Side – one side (feet) – 7.5
  - Side – one side (feet) – 7.5
  - Rear setback (feet) – 25
  - Side/rear abutting a street (feet) – 25
  - Maximum height exposed (feet) – 35
  - Floor area ratio (percent) – 56%
- Townhomes:
  - No change permitted from approved development.

### **Marijuana and Related Land Uses**

Chapter 4 explains the pending legislation that, if adopted, would legalize the possession and personal use of small amounts of marijuana for persons age 21 and over. The proposed bills would also permit the manufacture, possession, or purchase of marijuana paraphernalia or the sale of marijuana paraphernalia to a person who is 21 years or older. The cultivation, harvesting, processing, testing, packaging and transportation of marijuana would also become a permissible activity to licensed entities.

Totowa does not believe that marijuana and the above-mentioned related land uses are suitable land uses to be located within the Borough due to potential safety and general welfare issues. The Borough believes that marijuana and its related land uses are not suitable land uses to be within walking distance of a school, daycare, church or playground. Based on concerns for public safety and the general welfare, the Borough of Totowa desires to prohibit the cultivation, manufacturing, testing and sales of marijuana as well as land uses that sell or manufacture related paraphernalia.

### **Block 11, Lot 7.01**

As described in Chapter 4, Block 11, Lot 7.01 is a property located along Shepherds Lane. The site contains a 170,000+ square foot building. In May of 2016 the Borough created a new inclusionary multi-family residential zone called R-AH-2 or Affordable Housing – 2 District via Ordinance 09-2016. The new zone encompassed two lots – Block 11, Lots 7.01 and 9.01. Lot 9.01 was vacant at the time and Lot 7.01 was an empty warehouse/industrial building. Because of the building’s vacant status, the Borough believed it would be appropriate to add Lot 7.01 to the vacant site to create a sufficiently-sized zone to accommodate the envisioned inclusionary development.

However, in early 2017, an application was filed by Coronet, Inc. to utilize 90,776 square feet or roughly 50% of the building for the development, design and assembly of custom lighting fixtures. Coronet indicated at their hearing that the facility was expected to employ roughly 120 workers. The Board approved the application on March 23, 2017.

Then, in mid-2017, an application was filed by United Food Brands, LLC to utilize 46,000 square feet of the building for warehousing and distribution. The Board approved the application on October 12, 2017.

Most recently an application was filed for a self-storage facility to occupy approximately 54,000 square foot. The status of Lot 7.01 has changed dramatically since May of 2016 when Ordinance 09-2016 was adopted. This has triggered the need for the Borough to amend the official Zoning Map and rezone Block 11, Lot 7.01 from R-AH-2 District to I-1 Restricted Industry District.

As a result of the 2017 Board approvals and pending application, the building is almost fully occupied. Therefore, the building has reverted from an empty shell to an active facility. Due to this transformation, the site should be rezoned back to its former designation, I-1 District. The Land Use Plan Element of the Master Plan is hereby amended to reflect this recommend land use designation. Furthermore, upon adoption of this 2018 Master Plan Reexamination & Master Plan Amendment a zoning ordinance should be introduced amending the designation of Block 11, Lot 7.01 from R-AH-2 District to I-1 District. Once that zoning ordinance is adopted, the official Zoning Map of the Borough of Totowa should be updated to reflect the parcel's new zoning designation.

### Summary

The proposed Multi-family Residential Overlay District and the conditionally-permitted inclusionary development in the B-2 Local Business District will create new housing opportunities within the Borough. Future developments within these areas have the ability to provide affordable housing in keeping with the request of the Court-appointed Special Master. The aforementioned zoning changes will advance the Borough's goal of selective infill (Goal #3) and provide an appropriate location for Totowa's fair share of affordable housing (Goal #4). These recommended changes also have the ability to encourage redevelopment of older commercial properties (Goal #5) and promote the redevelopment of the B-2 District along Union Boulevard (Goal #7).

This amendment to the Master Plan is necessary to implement the recommendations of the Special Master and to establish a foundation for the suggested ordinance changes.

The changes recommended that are related to Hickory Hill will correct an oversight by the Borough and finally recognize the land uses that are permitted by the settlement agreement within the Affordable Housing Contribution District. It is important to rectify this omission and amend Chapter 415 to include the AHCD and the permitted uses and associated bulk standards.

Additionally, the Borough desires to be proactive and prohibit marijuana cultivation, manufacturing, processing, testing and sales as well as the manufacturing and/or sales of marijuana paraphernalia.

Finally, this document sets the stage to reverse the zoning of Block 11, Lot 7.01 to reflect on-the-ground conditions. The changed conditions of this property warrant a rezoning to I-1 Restricted Industry District.