

LAND USE AND DEVELOPMENT

165 Attachment 7

Borough of Wharton

**170 N. Main Redevelopment Plan
[Added 8-17-2020 by Ord. No. O-13-20]**

170 NORTH MAIN STREET
REDEVELOPMENT PLAN
Block 301, Lot 1

Borough of Wharton
Morris County, New Jersey

August 17, 2020



145 Spring Street, Suite E
Newton, New Jersey 07860

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**170 NORTH MAIN STREET REDEVELOPMENT PLAN
BOROUGH OF WHARTON
Morris County, New Jersey**

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AUGUST 17, 2020

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

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INTRODUCTION

The 170 North Main Street Redevelopment Plan ("the Plan") governs a portion of the Area (Block 301, Lot 1) in Need of Redevelopment ("the Plan Area") designated by a resolution adopted by the Council of the Borough of Wharton on October 11, 2005 pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("the Redevelopment Law"). This Plan is proposed to effectuate redevelopment of the Plan Area.



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PLAN CONTEXT

The Plan Area occupies approximately three (3) acres and includes one (1) tax lot (Block 301, Lot 1) located at 170 North Main Street. The Plan Area is bound by North Main Street to the west, the North Main Street Extension to the south, and Ross Street to the north, making the Plan Area triangular in shape. The North Main Street Extension is currently under construction and not shown on the Plan Area map; however, it is slightly north of the location of the Rail Trail on the Area Map. The Plan Area is in the northern half of the Borough and lies just north of the Central Business District. The Plan Area is developed with a vacant industrial building and no residential uses.

The primary goal of this Redevelopment Plan is to promote vibrancy along North Main Street and the Main Street Extension, which is creating a new traffic route to U.S. Interstate 80 and New Jersey State Highway (NJSH) Route 15. This Redevelopment Plan is designed to improve the overall visual appearance of the Plan Area in keeping with design standards for Wharton's Downtown Area.

PURPOSE

The purpose of this Redevelopment Plan is to serve as an Overlay Zone for the Plan Area, which will allow for additional opportunities for development in addition to the existing I-2 Planned Industrial Zone on the site. The Mixed-Use (MU) Zone will provide for retail, office, and residential uses in a mixed-use building or buildings. The MU Zone is designed to provide additional density, an improved streetscape, and interaction with North Main Street.

Development along North Main Street and the Main Street Extension should include an inviting streetscape, wide sidewalks, lighting, street furniture, landscaping, and attractive buildings to create an engaging public realm. The Plan encourages the integration of building, parking, landscape, and signage elements in order to improve the appearance of the streetscape in the Plan Area and to support the specific goals and policy statements set forth in the Borough Master Plan. The majority of parking for the site shall be located underneath and behind buildings (on Ross Street frontage) with minimal parking in front (along Main Street and Main Street Extension frontages) for retail purposes only.

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PLAN CONSISTENCY REVIEW

Consistency with Municipal Master Plan

The Borough of Wharton adopted its Master Plan in 1994 and reexamined it in 2005 and 2015. The Borough's Master Plan incorporates the general purposes of the Municipal Land Use Law. (MLUL) as set forth in section 40-55D-2 and enumerates a number of specific goals and objectives which form the basis for the Plan's land use recommendations. Those objectives that are pertinent to the Redevelopment Area are as follows:

- a) To ensure that traffic and pedestrian circulation issues are affirmatively addressed on a local and regional scale;
- b) To promote the continued redevelopment and adaptive reuse of the Borough's former industrial sites; and
- c) To encourage new development and redevelopment to take into account the aesthetic character of the community in an effort to enhance the visual and aesthetic appearance of the municipality.

The Redevelopment Law requires that the Redevelopment Plan define the relationship of the Plan to the local Master Plan goals and objectives such as appropriate land use, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. This Redevelopment Plan is consistent with these goals and objectives of the Borough's Master Plan. Goal 4 in the Land Use Element of the 1994 Master Plan discusses the importance of maintaining a "broad array of housing" types, densities, and affordability.

Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' Master Plans is also reviewed to determine if any significant relationship exists. The relationship of the Morris County Master Plan and the State Development and Redevelopment Plan must also be reviewed for consistency. The Plan Area is centrally located in the Borough and does not create any potential issues or significant relationships with Master Plans in surrounding municipalities. The proposed Main Street Extension right-of-way, which traverses the Plan Area, is owned by Morris County. The County has been working in conjunction with the Borough for many years to develop the Main Street Extension Project. The project is currently under construction.

The State Development and Redevelopment Plan designated the Borough of Wharton as a metropolitan Planning Area 1 (PA1) and suburban Planning Area 2 (PA2). The Plan Area is in PA1, which is considered an appropriate area for growth including new development and redevelopment. The Borough is also in the Planning Area of the Highlands Region. The Borough has submitted a petition for Plan Conformance to the Highlands Council which designated a large portion of the Borough as a Highlands Center. The Plan Area is included in the Borough's Highlands Center. The Redevelopment Plan is not in conflict with the State Development and Redevelopment Plan or the Highlands Regional Master Plan.

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MIXED-USE (MU) OVERLAY ZONE

This Redevelopment Plan provides for additional uses in the Redevelopment Area. The Plan identifies an overlay zone which focuses on Mixed-Use and residential uses. The Mixed-Use (MU) Overlay Zone is intended to encourage business and residential development and offer a wider array of services to the local area than exist today. The goal is to increase economic vitality in the area and increase the range of uses available for redevelopment.

The purpose of the Mixed-Use (MU) Overlay Zone District seeks to accomplish the following objectives relevant to improvement of the conditions on the Redevelopment Plan:

- A. To encourage the redevelopment of Block 301, Lot 1 pursuant to, and consistent with the recommendations of this Redevelopment Plan;
- B. To facilitate adaptive re-use and new construction on the site with a unified design and approach to the location and relationship of building, access to the surrounding roadway network, vehicular and pedestrian circulation and on-site parking, architectural design elements, recreation amenities and positive open space areas, and consideration of environmental features; and
- C. To create a gateway development to the community that encourages new or expansion of existing businesses in the community that encourages new or expansion of existing businesses in the community, providing jobs and services to the area, enhancing the economy and vitality for Wharton's residents.

With the close proximity of the downtown retail area along Main Street and highway commercial uses along NJSH Route 15, the area is well-poised to provide for additional residential, retail, office and compatible commercial uses. The Plan Area is an important gateway to the Borough and the Redevelopment Plan promotes redevelopment of the site to beautify the area. Additionally, with the close proximity to Main Street and the Borough's Central Business District (CBD), residential uses could increase potential customers to existing businesses in the downtown. This Redevelopment Plan encourages quality design that is compatible with the surrounding area, while improving the area and providing an attractive gateway into the community. Design elements from surrounding buildings, such as 175 North Main Street, should be incorporated into any proposed design to maintain the character of the area.

This Plan does not require the Borough to acquire the property in question. While this could occur, if the Borough seeks to acquire the property and then transfer it to a designated Redeveloper, the Plan could also be implemented by the Redeveloper acquiring the property directly.

The Zone Boundary for the MU Zone shows the current tax lot for Block 301, Lot 1. With the Main Street Extension project, the lot boundary may change due to right-of-way acquisition. It is the intent of this Plan to maintain the Zone Boundary with the lot boundary for Block 301, Lot 1.

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APPLICATION OF REGULATIONS

The Borough will seek a Redeveloper for all or portions of the Plan Area based on developer interest and specialization. The Redeveloper will acquire, or work with the Borough to acquire the property in the Plan Area in order to redevelop the Area according to the following land use regulations.

Principal Permitted Uses – MU Mixed-Use

The following uses are permitted in the Plan Area. A mix of uses as noted below must be proposed. Large single-use developments are not permitted. Uses not identified below are prohibited.

- Retail trade and service establishments;
- Eating and drinking establishments;
- Catering facilities;
- Microbreweries and distilleries;
- Business and professional offices;
- Banks and financial institutions;
- Indoor recreational uses;
- Light industrial uses as provided in Section 165-101C(1); and
- Apartments in conjunction with one or more additional permitted MU uses.

Conditional Uses

- Essential services subject to Section 165-95B;
- Public, private or parochial education licensed by the State of N.J., subject to Section 165-95C;
- Churches, temples or other places of worship, including parish houses, Sunday schools, rectories, parsonages, or convents, subject to Section 165-95A;
- Veterans, civic, and community clubs, subject to Section 165-95E; and
- Home occupations, subject to Section 165-94J.

Accessory Uses

- Signs;
- Accessory storage within a whole enclosed permanent structure for materials, goods and supplies intended for sale or consumption on the premises;
- Child-care centers, subject to Section 165-94H;
- Private garages, subject to Section 165-94C;
- Swimming pools and tennis courts, subject to Section 165-94D;
- Fences and walls, subject to Section 165-94E; and
- Off-street parking, subject to Article X, Design Standards for Site Plans.

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170 North Main Street MU Overlay Zone *



* The Main Street Extension will change the area of Block 301, Lot 1 due to right-of-way acquisition and construction of the roadway. The zone boundary line is intended to follow the lot line of Block 301, Lot 1.

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Area and Bulk Requirements

MU Overlay Zone	
Minimum Lot Area	2.0 acres
Minimum Lot Width	300 feet
Minimum Lot Depth	150 feet
North Main Street Setback	
Minimum	5 feet
Maximum	60 feet
North Main Street Extension Setback	
Minimum	5 feet
Maximum	60 feet
Minimum Ross Street Setback	30 feet
Maximum Building Height	4 stories /55 ft.
Maximum Building Coverage	50%
Maximum Impervious Coverage	85%
Residential Density	35 units/acre

Affordable Housing Requirements

Any residential development within the Plan Area must provide an affordable housing set-aside that provides for a 15% affordable unit set-aside for rental units and a 20% affordable unit set-aside for for-sale units. The affordable units are subject to Section 165-111 through Section 165-123 of the Borough Code.

Parking Standards

The following parking standards apply for the uses listed below. Uses not listed shall comply with Section 165-65. The standards listed below are designed to apply to this Plan Area and do not apply to other zone districts. Residential Parking shall comply with the Residential Site Improvement Standards (RSIS), including but not limited to the minimum number of parking spaces provided, the size of the parking spaces, drive aisle and/or parking aisle width, and any other parking and circulation requirements.

Use	Minimum Space Requirement
Office/ Retail / Retail Services	1 per 400 sq. ft.
Eating Establishments	1 per 4 seats
Residential	RSIS

A. Location of Parking

1. Parking may be located on the ground floor of any proposed mixed-use building and in the rear of such a building (along Ross Street). Any parking located along

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North Main Street or the Main Street Extension must be limited to one row of parking for use by adjacent retail uses and must be screened from view.

2. Parking must be setback at least five (5) feet from the edge of right-of-way and at least five (5) feet from any building.
- B. Size of parking spaces (compact spaces)
1. Each off-street parking space must measure no less than 8.5 feet in width by eighteen (18) feet in length.
 2. If the parking space is less than nine (9) feet in width, it must be labeled a "compact" space.
 3. Compact parking spaces shall not constitute more than 30 percent of the parking provided on any one site.
- C. Pedestrian circulation within parking lots
1. Pedestrian circulation within parking lots must be taken into consideration. Pedestrian crossings and amenities must be installed where deemed necessary by the Planning Board and the Planning Board Engineer and Planner.
- D. Parking Lot Landscaping and Screening
1. Parking lots visible from North Main Street and the Main Street Extension shall be screened by a minimum three and a half (3.5) foot decorative wall with additional hardy, low-maintenance shrub plantings with a minimum of three (3) feet in height or landscaping hedge with a minimum of four (4) feet in height at planting. A berm with screening plantings may be provided as an alternative to the decorative wall.
 2. One (1) shade tree shall be planted for every ten (10) parking spaces within or surrounding the parking area.
 3. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct views of parked vehicles from the North Main Street Extension right-of-way and sidewalks, and to avoid spillover light, glare, noise or exhaust fumes onto adjacent properties. Parking lots exposed to view from any adjacent street shall be screened by a decorative wall or landscape screen.

North Main Street / Main Street Extension Parking Buffer Standards	
Minimum Height	3.5 feet
Maximum Height	5 feet

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Buffer and Screening Requirements

- A. The Redeveloper shall buffer or screen property lines adjacent to existing residential properties.
- B. A combination fence and landscape buffer shall be provided along the site's frontage on Ross Street. The buffer shall be planted with a mix of evergreen and deciduous trees and shrubs to provide a year-round natural looking screen for the residential areas on the north side of Ross Street.
- C. Fences and walls shall not exceed eight (8) feet in height above ground level.
- D. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.
- E. Dumpsters located in parking lots must be fully screened from view with a screening fence or wall from both the parking lot and adjoining residential properties.

Landscaping Requirements

Landscaping must be provided to promote a desirable and cohesive natural environment for residents, downtown patrons and employees, and passing motorists and recreators. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. Ornamental trees should be provided throughout the Plan Area, particularly at key locations such as site entrances and along existing roadway frontages;
- B. Hedges, shrubs, and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs; and
- C. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.

Street Trees

- A. Street trees shall be required along roadway frontages spaced a minimum distance of 40 feet on center. Flowering trees consistent with other street trees along Main Street shall be provided by the builder or developer.
- B. All landscape must have a two-year maintenance guarantee. If any planting material dies within two years of planting, they must be replaced the following planting season.
- C. All trees shall have a minimum caliper of 2.5 to 3 inches measured 5 feet from grade in accordance with standards established by the American Association of Nurserymen. Trees shall be nursery-grown, free of disease substantially uniform in size and shape and have straight trunks. The minimum branch height at planting shall be 6 feet, except where planting is on a sight triangle in which case no branches shall be below 8 feet.

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Mobility Regulations

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

- A. Access and automobile circulation
 - 1. Access configurations shall be designed to meet projected vehicular traffic and circulation needs of the area.
 - 2. Primary access points shall be from Main Street and/or the Main Street Extension as approved by Morris County. Ross Street shall be used for emergency access only.

- B. Pedestrian and bicycle access and circulation
 - 1. Sidewalks must be provided along all streets and must be a minimum of six (6) feet wide (including a two-foot paver strip) to provide safe and convenient movement for pedestrians.
 - 2. Pedestrian-only walkways must be at least four (4) feet wide and constructed according to section 165-68 of the Borough Code.
 - 3. A brick paver buffer shall be provided between the curb and sidewalk with a minimum width of two (2) feet is required along all sidewalks adjacent to streets. The paver strip shall be red clay brick as approved by the Borough Engineer.
 - 4. All building entrances must provide pedestrian access to adjacent streets and parking areas.
 - 5. Crosswalks shall be provided on North Main Street and the Main Street Extension intersection. Crosswalks shall be constructed according to requirements as defined in section 165-68 of the Borough Code. The Planning Board may require brick crosswalks to be installed if it deems them necessary for pedestrian safety and to improve the visual appearance of the area.

Building Design Standards

- A. Buildings fronting onto North Main street or the Main Street Extension shall have their main entrances facing North Main Street, the Main Street Extension or the intersection of the two streets.
- B. Those buildings sited at the intersection of North Main Street and the Main Street Extension form an important gateway point for Wharton Borough. Buildings at this location should attempt to maximize bulk and massing opportunities and shall incorporate distinctive design features to form a gateway and focal point at the intersection.
- C. Secondary entries, such as a side or rear entry, must not be more architecturally prominent or larger than the front entry and must be architecturally related to the front entry.

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- D. Side and rear facades shall receive architectural treatments comparable to front facades when abutting a public street or when public access and parking is provided next to the building.
- E. Buildings shall feature articulated roof design in the form of cornices, dormers, flared eaves, clock towers, or other appropriate design features. Peaked roof elements on the exterior shall be three (3)-dimensional so that they do not appear flat from the side.
- F. Exterior mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projection shall be the same color as the roof and screened from view.

Lighting

- A. Street lighting is required along North Main Street and the North Main Street extension. Street lighting and streetscape amenities shall match the standards of the Borough Master Plan and the standards of the 2007 Main Street Study and Improvement Plan.
- B. A lighting plan providing a minimum 0.5 foot-candle for streets, sidewalks and parking areas shall be provided and consistent with the Borough Lighting Standards in Code Section 165-74.
- C. Lighting shall be shielded to prevent glare and off-site light pollution.
- D. The use of creative lighting schemes to highlight building facades and related areas of a site is encouraged.

Signage

- A. Ground Sign: Project Identification / Tenant Identification Sign:
 - 1. Each site plan proposal in the Plan Area may have up to (2) ground signs, with one at each entrance to the site. The ground signs shall be no larger than thirty-six (36) square feet with a maximum height of ten (10) feet.
 - 2. The base of each ground sign shall be landscaped.
 - 3. Up to two (2) downlight or up-light sources are permitted per ground sign.
 - 4. Ground signs shall be set back a minimum of three (3) feet from any right of way and shall not be in a location as to block any line of sight for the vehicles entering or existing the site.
- B. Façade Signs/Projecting (Blade) Signs:
 - 1. Each business is permitted one façade (1) sign and one projecting (1) sign per street frontage. The building may also have one façade sign per street frontage providing the name of the building and/or address of the building.
 - 2. Permitted façade signs include wall signs, canopy signs and projecting signs.
 - i. Wall signs shall be regulated by Section 165- 105B of the Borough Code.
 - ii. Canopy signs shall be regulated by Section 165-109G of the Borough Code.
 - iii. Projecting signs shall be regulated by Section 165-105B of the Borough Code.
- C. General Sign Regulations
 - 1. No sign shall be placed in any required sight triangle.

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2. No billboard signs shall be permitted.
3. No signs placed above the roofline shall be permitted.
4. No sign shall be erected, painted or comprised of fluorescent, phosphorescent or similar material.
5. No sign shall be, in whole or part, flashing, mobile or revolving.
6. Any signs not regulated by this Plan shall be regulated by the Section 165-105 of the Borough Code.

Design Standards for Site Plans

Features of the site design not addressed by the Redevelopment Plan shall be regular by Article X, Design Standards for Site Plans, of the Wharton Borough Land Use and Development Ordinance.

Submittal Requirements

The Redeveloper(s) will submit a site plan for all, or a portion of, the Plan Area. The site plan approval process will occur as per the Borough's site plan review requirements.

LEGAL PROVISIONS

The Validity of the Plan

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will be adjudged valid and effective.

Zoning Map Revisions

Upon final adoption of this Redevelopment Plan by the Borough Council, the Zoning Map of the Borough of Wharton is hereby amended and must be revised to show the boundaries of the 170 North Main Street Redevelopment Area and identify the district as the "170 North Main Street Redevelopment Area." All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Borough Council, this Redevelopment Plan will supersede all provisions of the Wharton Zoning Ordinance for the Plan Area. Any zoning-related issue that is not addressed herein will refer to the Wharton Zoning Ordinance for guidance. No variance from the requirements herein will be cognizable by the Zoning Board of Adjustment. The Planning Board alone will have the authority to grant deviations from the requirements of this Plan, as provided herein.

Amendment to the 170 North Main Street Redevelopment Plan

The 170 North Main Street Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment & Housing Law.

As development occurs within the Plan Area, development priorities and market demands may change. This Plan should have the adaptability to meet the changing needs of market demand,

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the Borough of Wharton, and its citizens. Amendments may be required in order to accommodate these changes.

Variations in Site Plan Design

Modifications from standards that are expressly stated to be “mandatory” under the Land Use Regulations of this Plan, may be approved by the Planning Board only by formal grant of a deviation as provided.

The Planning Board may grant deviations from the regulations contained within this 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 Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure not permitted in this Plan;
2. An expansion of a nonconforming use; and
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in this Plan.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above may apply to the Governing Body to request an amendment to this Plan.

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ACQUISITION PLAN

There is no property acquisition by the Borough of Wharton anticipated by this plan.

RELOCATION PLAN

There is no property acquisition by the Borough of Wharton anticipated by this plan and no residential or occupied uses on the site, so no Relocation Plan is necessary.