

Art Bernard and Associates, L.L.C.

Housing and Land Use Planning

PLANNING REPORT IN SUPPORT OF VARIANCE RELIEF BLOCK 116, LOT 13

OCTOBER 21, 2020

PREPARED FOR
ORLANDO HEIGHTS REALTY, L.L.C.

PREPARED BY


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INTRODUCTION

I have prepared this report on behalf of Riverview at Raritan's use variance application, involving the redevelopment of Block 116, Lot 13. The property is located east of the Mill Street/Orlando Drive intersection and extends north from Orlando Drive toward the Raritan Borough central business district. There are currently two vacant, obsolete manufacturing buildings on the subject property.

Raritan at Riverview is seeking a use (d(1)) variance that will allow the property to be redeveloped as 70 apartment units within a four (4) story building, similar in scale to the adjacent Lena Apartments. This report will demonstrate that the site is particularly suited for the proposed use. It will also demonstrate that the proposal advances the 2003 Master Plan's vision for the area and also advances various purposes of the Municipal Land Use Law.

CREDENTIALS

I am a licensed professional planner and the managing member of my own firm. Over the past 25 years, I have served as a consulting planner for 27 municipalities. As a private sector consultant, I have testified before Boards of Adjustment all over New Jersey. I have qualified as an expert witness in most of the State's vicinages; and I have served the Court as a Special Master in 7 municipalities. I have provided my curriculum vitae as Exhibit 1.

DOCUMENTS REVIEWED

In preparing this report, I reviewed the Raritan Borough 2003 Maser Plan and the Borough's zoning ordinance. I have reviewed the applicant's plan for the property. I have also reviewed DEP records and have performed several visits to the subject property.

EXISTING LAND USE

Block 116, Lot 13 (Exhibit 2) is 2.215 acres and is known as the Zeus property, based on the abandoned manufacturing use on the property. The property includes a paved parking area toward

the southern end of the property, a one story vacant manufacturing building and a two-story vacant manufacturing building.

The site has approximately 300 feet of frontage along Orlando Drive. However, the site's frontage lies in the flood plain of the Raritan River. Thus, DEP will require an emergency access to provide adequate ingress and egress to and from the site. Also, due to the mapped flood areas, parking on the site must be elevated above the area impacted by flooding and/or moved to the back of the property. The applicant has provided for an emergency access to John Street and proposes compliance with the DEP parking requirements.

DEP records indicate that Lot 13 has groundwater contamination. The property is currently undergoing ground water monitoring.

The lot, as it exists, provides an unsightly gateway as one looks north from the Raritan River to the Borough's central business district. The difference in appearance between the subject property and the adjacent Lena Apartments is striking.

Putting the site in the context of surrounding land uses, the property lies between a four story multi-family community (the Lena Apartments), a commercial fuel and energy use, a laundromat and a two story apartment building. To the north, the subject property is adjacent to a parking area for the St. Joseph's Church. The property is within walking distance of the B-1 Central Business District and the commercial and service uses in the downtown area. It is also in close proximity to the scenic and recreational opportunities associated with the Raritan River.

THE MASTER PLAN

The 2003 Master Plan includes a land use vision statement and land use goals that are relevant to properties which span an area between the Raritan River and the Central Business District. The vision statement (Page 9 of the Master Plan) tells the reader what the Borough hopes to achieve for the area. It states:

The Borough has also made significant progress in implementing its planning agenda and is known for its lively downtown central business district, expanded Raritan River Greenway, revitalized former industrial areas and upgraded train station. Raritan's success is measured by increased private sector employment, new tax revenues, high occupancy rates in the downtown central business district, new parks and community facilities as well as the construction of several miles of bicycle/pedestrian friendly greenways.

In order to move toward the vision statement, the Master Plan (at Page 10) recommendations include:

- Preserve and enhance the residential character of the Borough by protecting established neighborhoods, maintaining a balance of housing choices, providing for compatible infill housing and planning for appropriate residential development in targeted redevelopment areas where land uses are in transition.
- Encourage appropriate redevelopment in transitional focus areas that will return underutilized land to productive use, improve quality of life, enhance community character, create new employment opportunities and strengthen the municipal tax base.
- Continue the revitalization of the Central Business District as a mixed-use destination and support other commercial districts through selective redevelopment, compatible infill development, infrastructure improvements, updated zoning, public-private partnerships and increased regional cooperation.

When the Master Plan was being prepared, the focus of the redevelopment area was the Raritan Woolen Mills property. The Woolen Mills property has since been redeveloped into the Lena Apartments, which are immediately adjacent to the subject property. The language in the Master Plan (at pages 12-14) is as true today for the subject property as it was at the time for the Woolen Mills property. Specifically, the site is strategically located between the central business district along Somerset Street and the Raritan River Greenway planned by Somerset County. Like the Raritan Woolen Mills site, the vacant Zeus property is underutilized in its current condition. As with the Raritan Woolen Mills site, much of the subject property is contaminated and is constrained by the flood hazard zone of the Raritan River.

Like the Woolen Mills property, the subject property:

- Is strategically located between the central business district and the planned Raritan River Greenway.
- Can establish a new residential community in a downtown setting that will provide needed multi-family housing and support the continued revitalization of the central business district. In addition, the multi-family housing will support the struggling shopping center to the east of the Lena Apartments.
- Can help establish an attractive Gateway to the Borough that will create a sense of arrival in the downtown, reinforce community character/design, increase the visibility of the central business district and enhance the visual environment.

The Master Plan was adopted in 2003. It recommended (at page 14) that the Woolen Mills site be rezoned to permit the greater of four stories or 60 feet. Since then the Raritan Woolen Mills site has been developed as four (4) story luxury apartments. The properties to the south of Orlando Road have been rezoned to promote the Greenway designed to create a more attractive Gateway to the central business district.

Specifically, the properties are zoned RG (Riverfront Greenway) and RC (Riverfront Commercial) The RG Zone is designed to:

The Riverfront Greenway District is intended primarily for public recreational use including a greenway, and other public uses. This district can also accommodate compatible private uses on public lands such as boat clubs and small marinas, boat and bicycle rentals, festivals, outdoor markets, entertainment venues, and mobile vendors. All such uses shall be subject to applicable licensing and permit requirements either currently in place or developed for such purposes by the Borough. All such uses must be designed, located, and operated so as not to interrupt access to or enjoyment of the riverfront and surrounding green spaces.

The ordinance explains the RC Zone as follows:

The Riverfront Commercial District is intended to accommodate a well-designed mix of hospitality, restaurant, interpretive, heritage, tourism, and recreation uses as well as complementary retail uses. All development in this district shall be compatible with and take advantage of its waterfront location and ensure the continuation of the riverfront greenway.

Thus, the proposed use of the subject property continues the redevelopment of obsolete, unsightly properties into a residential link between the Raritan River Greenway and the central business

district. The multi-family housing proposed on the site will help support the existing business uses in the central business district, the permitted business uses in the RC Zone and the business uses in the shopping center at the corner of Orlando Drive and Route 206. More adjacent shoppers for the Borough's businesses are particularly important in light of the impact on commercial uses resulting from COVID 19 health safety practices. The redevelopment of the subject properties will help create the attractive Gateway to the downtown that the 2003 Master Plan was trying to create.

THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Block 116, Lots 13 is situated adjacent to multi-family housing, various business uses and a church parking lot. It is in close proximity to the retail and service uses within the downtown area and a struggling shopping center located to the east of the Lena Apartments. It is also in close proximity to the scenic and recreation opportunities offered by the Raritan River.

New Jersey has adopted a State Development and Redevelopment Plan (SDRP) that has divided the State into various Planning Areas. Each Planning Area has different goals and objectives. With the exception of the portions of the subject properties that are flood prone, the subject properties are in Planning Area 1. Planning Area 1 is an area where the SDRP encourages growth and redevelopment. It encourages high density housing to promote business activity in centers. The SDRP promotes the concept of being able to walk from high density residences to areas providing shopping, recreation and service uses. The redevelopment of the subject property is clearly consistent with smart growth principles incorporated in the SDRP.

CONCLUSION

Based on the surrounding land uses and the language within the 2003 Master Plan, I conclude that the site is particularly suited for the proposed multi-family housing. I also conclude that the site promotes various purposes of the Municipal Land Use Law, including the following purposes:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;

- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

With regard to Purposes (a), (e) and (g), I have demonstrated how the proposal is compatible with the residential and non-residential uses in the area and that the use and density proposed are consistent with the use and density within the adjacent Lena Apartments. The use and density of the project will benefit the many businesses in close proximity to the site. It will benefit the many younger and older households seeking to live in a rental unit in close proximity to a downtown area. The site's linkage to other residential, business, service and recreational uses is consistent with the smart growth principles articulated in the SDRP (Purpose (d)). In addition, replacing the antiquated, vacant Zeus manufactured buildings with a modern apartment use will promote a desirable visual environment (Purpose (i)).

I find that the proposal will not be a detriment to the Master Plan. In my opinion, the proposal advances the goals of the 2003 Master Plan which supported four story multi-family housing next door to the subject property. In addition, I reconcile the omission of the use from the zoning plan based on the goals of the 2003 Master Plan and the subsequent development of the Lena Apartments. The applicant's proposal addresses the 2003 goals of: providing a productive use for underutilized properties; promoting local businesses and improving the appearance of the Borough's Gateway. In addition, since the Master Plan, the construction of the four story LENA apartments has significantly altered the character of the area in favor of an additional four story community.

Block 116, Lot 13 lies in the OMR zone, permitting office, manufacturing and recreational uses. One would not expect that the bulk standards associated with the OMR Zone would provide standards that are appropriate for a multi-family use. Thus, pursuant to case law, if the Board grants the use variance, the bulk standards would be subsumed by the use variance. The PDRD standards that guided the development of the LENA Apartments provide a more suitable model. However, Block 116, Lot 13 is a much narrower property and requires different standards to redevelop and mitigate the property for multi-family housing.

I look forward to supplementing this report when I testify before the Board.

EXHIBIT 1
CURRICULUM VITAE

Art Bernard and Associates, L.L.C.

Housing and Land Use Planning

ART BERNARD, P.P CURRICULUM VITAE

EDUCATION

Master of City and Regional Planning, Rutgers University, 1974
BA, History, Lafayette College, 1971

LICENSES AND AFFILIATIONS

New Jersey Professional Planners License #02507
American Planning Association
New Jersey Federation of Planning Officials
New Jersey Builder's Association Land Use Committee
New Jersey State Planning Commission Housing Advisory Committee
Highlands Technical Advisory Committee

PROFESSIONAL EXPERIENCE

Private Consultant

1994 to present

Managing Member of Art Bernard and Associates, L.L.C. Provide consulting services related to general land use and affordable housing. Activities include preparation of municipal plans, development ordinances and development reviews. Represent developers before municipal boards and in litigation. Specialize in representing municipalities and developers in exclusionary zoning matters before the Superior Court and the Council on Affordable Housing. Serve the Superior Court as Special Master.

New Jersey Council on Affordable Housing (COAH) Executive Director

1993 to 1994

Developed recommendations to the Governor and Legislature. Negotiated contracts for consulting services as necessary for the proper operation of the Council. Represented the Council before relevant interest groups, governmental bodies and the general public. Acted as a hearing officer in accordance with the provisions of the Fair Housing Act and the rules established by the Council

Deputy Director

1986 to 1993

Responsible for developing all regulatory and policy recommendations for COAH. Managed the review of housing elements and the negotiations between municipalities and parties objecting to municipal housing elements. Developed and supervised a work program pertaining to mediation training, municipal and legislative outreach, housing element review and the production of publications. Negotiated housing settlements involving over 5,000 low and moderate income housing units.

**New Jersey Department of Community Affairs (DCA)
Program Development Specialist**

1982 to 1986

Responsible for developing the rules for the Neighborhood Preservation Balanced Housing Program, a low and moderate income housing grant program designed to supplement the goals of New Jersey's Fair Housing Act. Co-authored the program guidelines, application criteria and review criteria for New Jersey's Small Cities Community Development Block Grant Program.

Project Manager of the New Jersey Model Subdivision and Site Plan Ordinance, designed to provide quality municipal improvements without adding unnecessary costs to the development process.

Project Manager of the New Jersey Class C Boarding House Study. Analyzed the costs associated with operating a boarding house. Assisted in developing New Jersey's Life Safety Improvement Program for boarding homes.

Responsible for representing DCA on the Delaware Valley Regional Planning commission and the New Jersey Clean Water Council. Responsible for providing technical assistance to the Division of Coastal Resources, the Pinclands Commission and the Meadowlands Commission on housing issues.

Principal Planner

1979 to 1982

Provided technical assistance to municipalities on land use and housing issues. Co-authored the *Affordable Housing Handbook* which discussed various means of reducing the cost of housing.

**Hunterdon County Planning Board
Senior Planner**

1974 to 1977

Responsible for subdivision and site plan review and for providing technical assistance at municipal planning board meetings. Prepared the *Hunterdon County Economic Base Study* and the *Hunterdon County Transportation Plan*.

**New Jersey Department of Health
Health Consultant**

1977 to 1979

Surveyed health providers throughout New Jersey and incorporated findings into the *New Jersey Health Master Plan*.

PUBLICATIONS

- "Limits to the Builder's Remedy", New Jersey Municipalities
"COAH and Its Rules: Time to Pay Attention", New Jersey Planning Officials
"Low & Moderate Income Housing in NJ Faces Double Barreled Opposition", Dimensions
"Planning for Affordable Housing", New Jersey Planning Officials
"Planning Update", THP Newsletter
"Strategies for Addressing Low Income Housing Needs", New Jersey Municipalities
Mount Laurel II: Methods of Calculating Fair Share
"The New Jersey Experience: Affordable Housing Seen as a Constitutional Obligation", Trends in Housing
"Mount Laurel II: Revisited Five Years Later", Federation Planner.
"Mount Laurel II: Working Toward Compliance", New Jersey Municipalities
"Looking Beyond COAH's Numbers, New Jersey Municipalities
Requirements of a Housing Element and Fair Share Plan
"COAH Counts Successes Along Road to Affordable Housing", CUPREPORT

LECTURES/AWARDS

- Associate of the Year, New Jersey Builder's Association, 1997 and 2006
New Jersey Federation of Planning Officials Citation of Merit
Edward J. Bloustein School of Planning and Public Policy, Rutgers University
Camden Law School, Rutgers University
American University Law School
Housing Conferences in New York, New Jersey, Rhode Island and Pennsylvania
Colloquium of The Seton Hall University Center for Social Justice

Municipal Clients – Served the following municipalities as municipal planner and/or affordable housing planner.

Allendale Borough, Avon Borough, Bernardsville Borough, Carteret Borough, Cherry Hill Township, Closter Borough, Delanco Township, Hampton Borough, Harrison Township, High Bridge Borough, Marlboro Township, Medford Township, Milltown Borough, Mount Laurel Township, North Plainfield Borough, Piscataway Township, Princeton Township, Ramsey Borough, South River Borough, Tinton Falls Borough, Ramsey Borough, Wall Township, Wanaque Borough, West Caldwell Township.

Court Master Assignments

Burlington City, Cinnaminson Township, Edgewater Park Township, Franklin Lakes Borough, Little Falls Township, Old Bridge Township.

Private Sector Assignments Before Local Boards, COAH and Court.

Atlantic County – Absecon City, Brigantine City, Galloway Township, Egg Harbor Township, Hammonton Town, Northfield City, Somers Point City.

Bergen County – East Rutherford Borough, Fair Lawn Borough, Glen Ridge Borough, Hohokus Borough, Little Ferry Borough, Mahwah Township, Milltown Borough, North Arlington Borough, Oakland Borough, Oradell Borough, Paramus Borough, Park Ridge Borough, Ramsey Borough, Ridgewood Borough, River Vale Township, Rutherford Borough, Tenafly Borough, Upper Saddle River Borough, Verona Borough, Wallington Borough, Woodcliff Lake Borough.

Burlington County – Bordentown Township, Delran Township, Evesham Township, Mansfield Township, Moorestown Borough, Mount Laurel Township, Pemberton Township, Springfield Township, Westampton Township.

Camden County – Berlin Township, Haddonfield Borough, Pine Hill Township, Stratford Borough.

Cape May County – West Cape May Borough.

Cumberland County – Vineland City.

Essex County – Cedar Grove Township, Fairfield Township, Livingston Township, Nutley Borough, Roseland Borough, South Orange Village Township, West Orange Township.

Gloucester County – Clayton Borough, Deptford Township, East Greenwich Township, Logan Township, Newfield Borough, South Harrison Township, Swedesboro Borough, West Deptford Township, Woolwich Township.

Hudson County – Bayonne City, Hoboken City, Secaucus Town.

Hunterdon County – Alexandria Township, Clinton Town, Clinton Township, Delaware Township, East Amwell Township, Lebanon Borough, Milford Borough, Raritan Township, Readington Township, Union Township.

Mercer County –East Windsor Township, Hamilton Township, Hopewell Township, Princeton Borough, Robbinsville Township, Trenton City, West Windsor Township.

Middlesex County – Cranbury Township, East Brunswick Township, Edison Township, Highland Park Borough, Monroe Township, North Brunswick Township, Sayreville Borough, South Brunswick Township, South Plainfield Borough.

Monmouth County – Aberdeen Township, Atlantic Highlands Borough, Avon Borough, Belmar Borough, Eatontown Borough, Farmingdale Borough, Freehold Township, Hazlet Borough, Highlands Borough, Holmdel Township, Howell Township, Keyport Borough, Little Silver Borough, Manalapan Township, Marlboro Township, Middletown Township, Neptune City Borough, Ocean Township, Red Bank Borough, Rumson Borough, Sea Bright Borough, Shrewsbury Borough, Tinton Falls Borough, Wall Township.

Morris County - Chester Borough, Denville Township, Dover Town, East Hanover Township, Florham Park Borough, Hanover Township, Lincoln Park Borough, Long Hill Township, Mine Hill Township, Montville Township, Morris Township, Morris Plains Borough, Morristown Town, Mountain Lakes Borough, Mount Arlington Borough, North Hanover Township, Parsippany Troy-Hills Township, Randolph Township.

Ocean County – Barnegat Township, Berkeley Township, Brick Township, Jackson Township, Little Egg Harbor Township, Manchester Township, Toms River.

Passaic County – Bloomingdale Borough, Clifton City, Elmwood Park Borough, Passaic City, Pompton Lakes Borough, Ringwood Borough, Wanaque Borough, Wayne Township, Woodland Park Borough.

Salem County – Oldmans Township, Pittgrove Township.

Somerset County – Bedminster Borough, Bernards Township, Branchburg Township, Bridgewater Township, Far Hills Borough, Franklin Township, Green Brook Township, Hillsborough Township, Manville Borough, Millstone Borough, Montgomery Township, Raritan Borough, Warren Township.

Sussex County – Frankford Township, Fredon Township, Green Township, Hampton Township, Hardyston Township, Lafayette Township, Newton Town.

Union County – Berkeley Heights Township, Clark Township, Cranford Township, Fanwood Borough, Hillside Township, Mountainside Borough, New Providence Township, Roselle Park Borough, Scotch Plains Township, Springfield Township, Westfield Township.

Warren County – Alpha Borough, Greenwich Township, Hacketstown Town, Harmony Township, Hopatcong Township, Oxford Township.

Pennsylvania – Buckingham Township, Forks Township, Plumstead Township, Tincum Township, Upper Mount Bethel Township, Williams Township.

New Jersey Builders Association

Wrote comments to each iteration of COAH's proposed third round rules.

EXHIBIT 2
AERIAL VIEW OF BLOCK 116, LOT 13

A. Block 116, Lot 13 - Raritan, NJ

Orlando Heights Realty, LLC (Owner)

