

# 2014 REEXAMINATION REPORT OF THE MASTER PLAN

## BOROUGH OF SOUTH PLAINFIELD MIDDLESEX COUNTY, NEW JERSEY

Prepared For:

**Planning Board**  
**Borough of South Plainfield**  
**Middlesex County, New Jersey**

Prepared by:



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**by the**  
**Borough of South Plainfield Planning Board**

*Original Signed and Sealed in Accordance with Law*

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## INTRODUCTION

According to the NJ Municipal Land Use Law (MLUL), “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, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution.” (N.J.S.A. 40:55D-89)

A Master Plan Reexamination Report is a periodic review of the municipal planning documents and the changing circumstances related to planning and development. The date of the last Master Plan Reexamination Report adopted by the South Plainfield Planning Board was June 16, 2006. Prior to the 2006 Reexamination Report, the Planning Board adopted a comprehensive Master Plan on May 9, 2000. A storm water management plan was adopted by the Planning Board in mid-2005 and a revised Housing Plan Element was adopted in December 2005.

The 2014 Reexamination Report is not intended to be a comprehensive review of all of the master plan elements and the Borough land development regulations. South Plainfield Borough by law does not have to perform such a reexamination until 2016. The Borough Council has requested the Planning Board to prepare a review of the Master Plan and render a report concerning automotive gasoline stations; automotive gasoline station repair shops and automotive gasoline station mini-marts and make recommendations to the governing body. This issue and other recommendations made by the South Plainfield Zoning Board of Adjustment in its annual reports are addressed by the Planning Board in this report.

The MLUL requires that the reexamination report address five specific areas. These requirements are set forth below and are followed by the appropriate response statements.

**I. The first provision of N.J.S.A. 40:55D-89 of the Municipal Land Use Law (MLUL) states that the Reexamination Report shall include:**

***“The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.”***

The goals and objectives of the 2000 Master Plan are as follows:

1. Protect the public health, safety and welfare through the proper use and development of all lands in the Borough.
2. Preserve the integrity of existing neighborhoods in the Borough.
3. Provide for a variety of housing types, tenure, and ranges of affordability as needed to accommodate the expected future resident population.
4. Provide adequate commercial uses to serve the needs of the community.
5. Provide adequate park and recreation systems.

6. Provide for adequate community facilities to serve the Borough.
7. Provide adequate light and air around buildings.
8. Promote a desirable visual environment.
9. Preserve historical sites and promote and strengthen the viability of the historic downtown area.
10. Preserve environmentally sensitive areas of the Borough, such as wetlands and flood plains, and continue the preservation and expansion, where possible, of the Highland Woods Preserve.
11. Maintain an adequate amount of industrial land use.
12. Provide an efficient and safe transportation system to move goods and people.
13. Provide adequate open space.
14. Encourage conservation of environmental resources and energy

The 2006 Master Plan Reexamination Report indicated that the goals and objectives of the Master plan had been reduced or increased since 2000 in the following manner:

- Goal 2 (Preserve the integrity of existing residential neighborhoods). The importance of specific sensitive neighborhoods where incompatible land use relationships between developable and potential redevelopment sites was the focus of the Planning and Zoning Boards.
- Goal 3 (Provide a variety of housing types) Working toward compliance with affordable housing objectives, construction of affordable housing and inclusion of age-restricted housing alternative within the Borough zoning have added to the choice of housing types and range of affordability for housing in the Borough.
- Goal 5 (Adequate park and recreation) The Borough continued efforts to expand and improve existing recreational facilities where possible. Acquisition of open space and recreation land were pursued.
- Goal 6 (Adequate community facilities) A new senior center was built, a police substation was established and renovations were made to Borough Hall. Plans for a new library facility were prepared.
- Goal 8 (Desirable visual environment) The image and marketability of the gateway area into the Borough, the Hamilton Avenue corridor between Route 287 and the rail line, were recommended for examination.
- Goal 9 (Promote historical sites and promote and strengthen the viability of the historic downtown area) Zoning regulations for the Historical Downtown District were adopted, a major redevelopment project was approved and a shift in the district boundary was recommended to strength the viability of the southern core of the district.
- Goals 11 and 12 (Adequate amount of industrial land and an efficient and safe transportation system) Traffic safety from the truck traffic resulting from industrial use is a continual concern. The amounts of land area devoted for the M-3 zone were recommended for reviews for reduction where permitted uses present inherent conflicts with adjoin development.

**II. The second provision of 40:55D-89 of the MLUL requires that the Reexamination Report address:**

*“The extent to which such problems and objectives have been reduced or have increased subsequent to such date.”*

Most of the problems and objectives listed in the 2006 Master Plan Reexamination report are still valid and continue to affect planning and zoning decisions in the Borough. A description of the specific goals and objectives that have been reduced or increased is provided below:

**Goal 2 (Preserve the integrity of existing residential neighborhoods).**

The Planning and Zoning Boards review the compatibility of each application for development with respect to compatibility with neighboring development and, when necessary require revisions to the layout, the location of improvements and supplemental landscaping to minimize conflicts and protect the character of the Borough’s existing residential neighborhoods.

**Goal 4 (Provide adequate commercial uses to serve the needs of the community.)**

There has been a trend in the automotive gasoline sales business to consolidate the retail functions of convenience stores with the gasoline sales. The more modern form of the gasoline station is the “mini mart” that includes retail store and gasoline station on the same site. In recent years, the Zoning Board has considered several applications for existing gasoline service to expand to allow the sales of selected retail convenience items and approved a service station with a larger retail mini-mart use. As noted by the Zoning Board in their annual reports, the Borough’s regulation of these uses was out of date. In response, South Plainfield Borough amended its zoning ordinance recently to revise the outdated requirements that previously regulated gasoline sales and automotive repair uses throughout the Borough and to recognize and provide standards for the regulation of combined gas station and retail “mini-mart” uses. The Planning Board reviewed this ordinance amendment and determined it to be consistent with the overall objectives of the Master Plan as described in further detail in Section IV of this report.

**Goal 5 (Adequate park and recreation)**

The Borough continues to seek to expand and improve existing recreational facilities whenever possible. Sources of grant and loan funding are monitored by town officials to increase open space and recreation.

**Goal 6 (Adequate community facilities)**

Construction of an addition to the existing library is anticipated to begin in 2014.

**Goal 8 (Desirable visual environment)**

The recommended rezoning of the M-3 zone in the area along Hamilton Avenue corridor between Route 287 and the rail line was adopted to improve the image and marketability of the gateway area into the Borough

**Goals 11 and 12 (Adequate amount of industrial land and an efficient and safe transportation system)**

Traffic safety from the truck traffic resulting from industrial use is a remains a concern. In November 2013 the Mayor announced the approval by the New Jersey Department of Environmental Protection of permit approval of an alternate truck route. The route is termed the Hollywood Avenue project and provided an alternate path for truck traffic between Route 287 and the warehouse and industrial areas of the Borough. The alternate route removes trucks from residential areas. Based on the permit approval, the Borough can undertake design plans for the construction of the needed road connections. The project will provide benefits to the residential areas will shorten truck travel and help reduce congestion.

**III. The third provision of 40:55D-89 of the MLUL requires that a Reexamination Report address:**

*“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.”*

The assumptions, policies and objectives forming the basis of the South Plainfield Borough Master Plan and the Zoning Ordinance have not significantly changed. The overall land use and development pattern, population density, commercial functions and transportation network are generally similar to the basis upon which the comprehensive master plan was prepared. However while many of the businesses and community facilities keep pace with modern practices, the Borough zoning and regulations are not keeping up with current planning measures. Specifically the Zoning Board noted the zoning ordinance needs to be updated to address telecommunication facilities, solar panels, wind turbines, drive through facilities and gasoline station mini-marts. This Reexamination Report addresses these recommendations, as well as the other recommendations included in the Zoning Board’s annual reports.

**IV. The fourth provision of 40:55D-89 of the MLUL requires that the Reexamination report address:**

*“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.”*

The Borough Zoning Board has adopted annual reports for the past several years to improve the Borough zoning ordinance and zoning process. These annual reports provide a comprehensive list of the Zoning Board’s recommendations to improve the Borough’s zoning ordinance and zoning

process. The recommendations from the most recent report are provided below with the Planning Board's response and recommendation in italics:

1. The Zoning Ordinance and Master Plan do not contain provisions for cell towers, drive-thrus, pole barns (and other metal-skinned facilities), solar panels, wind turbines, or trailers/containers (e.g., Sea Containers). With the exception of solar panels and wind turbines, these issues have been before the Board, some frequently. These uses, the Board believes, should be addressed in the Zoning Ordinance and Master Plan.

*The Planning Board concurs and recommends adoption of ordinance amendments to address these types of facilities. This recommendation is consistent with the goals of the Master Plan to "provide adequate commercial uses to serve the needs of the community" and to "promote a desirable visual environment."*

2. The Board suggests that when looking at pole barns and other metal-skinned facilities, consideration be given to aesthetics (the look of the building architecturally) and to the structural integrity of the buildings (which concededly goes beyond the scope of the Master Plan and Zoning Ordinance but is a concern to Board members).

*The Planning Board is also concerned about the aesthetics of pole barns and other metal buildings and recommends the adoption of architectural design guidelines to promote enhanced exterior designs. This recommendation is consistent with the Master Plan goal to "promote a desirable visual environment."*

3. The Board suggests that the Zoning Ordinance and Master Plan be revised to address landscaping yards and contractor yards. Applications for these uses are on the rise, and they bring along a variety of concerns: aesthetics, road access, proper location, etc. One suggestion would be to consider whether to make these uses a conditional use in a specific zone (possibly the industrial zones). This would allow the Borough to establish consistent standards and reduce ad hoc decision making.

*The Planning Board concurs that conditional use standards are an appropriate method to regulate contractor and landscaping yards and recommends adoption of an ordinance amendment permitting them as a conditional use in industrial zones only. This recommendation is consistent with the Master Plan goal to "protect the public health, safety and welfare through the proper use and development of all lands in the Borough." It is also consistent with Master Plan goal to "promote a desirable visual environment."*

4. The Board suggests that the Zoning Ordinance and Master Plan be revised to include mixed outdoor/indoor seating. Several applicants have sought variances for seating areas that are outdoor in the spring/summer and convert to indoor space in the fall/winter. The Board sees this type of use as generally positive as long as they are properly zoned and regulated.

*The Planning Board agrees with the Zoning Board's suggestion for outdoor /indoor seating for eating establishments and recommends adoption of use and design standards that will facilitate this enhancement. This recommendation is consistent with the goal of the Master Plan to "provide adequate commercial uses to serve the needs of the community."*

5. Based on the frequency of applications for use variances, the Board suggests that the Planning Board and Mayor and Council review the requirements in the HDD zone and the OBC-1 zone off Hamilton Boulevard (West End Avenue, Main Street area).

*The Planning Board recommends the Borough Council authorize a review of the list of permitted uses in the HDD and OBC-1 zones relative to use variance applications and, based on the findings, adopt amendments as appropriate.*

6. The Zoning Ordinance provision in Article X for filling stations and public garages is outdated and needs to be updated. The Board believes the ordinance also should contain a provision addressing snack shops, convenience stores, and other uses related to the primary use (selling gasoline).

Applicants have argued that sale of limited convenience items constitute an accessory use and would be incidental to the use as a filling station (in much the same way that sale of popcorn is incidental to a movie theatre). Other applicants have sought use variances for similar endeavors. This is something that needs clarification. The number of items for sale and the number of uses (sale of gas, repairs, sale of sundry items, etc.) should be addressed.

*The Planning Board is familiar with the provisions of Ordinance 1990 adopted by the Borough Council in 2013 that revised the conditional use standards relating to automotive gasoline stations and automotive service stations. The Planning Board reviewed the ordinance amendment in accordance with statutory requirements, recommended its approval and deemed the ordinance consistent with the South Plainfield Master Plan. Specifically, the Planning Board believes that the new ordinance addresses the following goals and objectives of the Master Plan:*

- *Preserve the integrity of existing residential neighborhoods in the Borough*  
As South Plainfield is an older, developed community, gasoline stations are scattered throughout the commercial areas of the municipality and near existing residential areas. Providing modern standards regulating lighting, signage, circulation, landscaping, setbacks and buffers will better protect existing residential neighborhoods, particularly in areas where these uses are located adjacent to or proximate to residential uses. Differentiating the type of automobile services stations by size, scale, and type of use also will help protect residential neighborhoods by limiting the more intensive gas station use with retail mini-marts to areas where there already is more intensive traffic and commercial uses. The expansion of gas station



and mini-marts into areas proximate to residential neighborhoods would not be appropriate from a land use standpoint. Such uses are more appropriate in proximity to Route 287.

- *Provide adequate commercial uses to serve the needs of the community.*  
Automobiles are a critical to Borough residents to commute to work to provide transportation of students to school, to reach business establishments for necessary and discretionary commercial purchases and for leisure time pursuits. Therefore the ability to obtain fuel, maintain vehicles and performance of repairs require the certain automotive related establishments. It is important that this business sector be allowed to modernize and keep pace with industry trends. By providing different categories of such uses, from gasoline dispensing operations, to gasoline service stations with a repair component, and to larger gas and minimart operations, the Borough will provide a range of uses that will meet the various needs of the community. Allowing a limited retail convenience component to gasoline dispensing and gasoline service stations also will provide further retail choices and efficiencies for the traveling public in the Borough.
  
- *Provide an efficient and safe transportation system to move goods and people.*  
Automotive gasoline and service stations provide the fuel and services for vehicles that move people and goods on the Borough's circulation network. Differentiating the size and scale of these uses ensures that the more intensive gas station and mini-mart use is located proximate to the interstate interchanges where it serves as a way-station for the regional traveling public.

7. Ordinance 1205 allows a temporary use permit. The standards outlined in the ordinance are different than those for granting a use variance. The Board suggests that this ordinance be repealed. An applicant seeking a use variance on a temporary basis should follow the normal procedures for obtaining that variance. *See Goerke v. Middletown Twp.*, 85 N.J. Super. 519 (App. Div. 1964) ("A temporary variance may not be granted in any case where there is no legal basis for the grant of a permanent variance"). The Board can consider the temporary nature of the request in applying the negative and positive criteria.

*The Planning Board agrees with the repeal of temporary use permits.*

8. The checklists for site-plan review and subdivision review need to be updated. Board Engineer Len Miller has put together updated checklists, which the Board believes will streamline the hearing process. The Board urges the Planning Board (which has primary jurisdiction over site-plan and subdivision review) and Mayor and Council to consider these changes as rapidly as possible.

*The checklist for site plans was recently updated; checklists for subdivisions have not yet been addressed and should be updated, as necessary.*

9. Checklists for bulk variances and bifurcated applications (i.e., those where an applicant seeks a use variance before obtaining site-plan approval) should be adopted by ordinance. This is a significant issue and is creating problems at Zoning Board meetings. Currently, there are no set submission requirements for applicants seeking variances, and as a result, the Board frequently hears applications where the information provided by the applicant is inadequate. This often requires the Board to adjourn the hearing so the applicant can provide additional information (which is an inefficient use of the Board's time).

Board Engineer Len Miller has developed checklists that will resolve many of these problems, and the Board urges the Mayor and Council to adopt these checklists via ordinance as expeditiously as possible.

*Checklists for bulk variances and bifurcated applications were addressed in 2013.*

10. The Board suggests that the Mayor and Council revise the fence ordinance (Ord. 508). Under the current system, contractors are erecting nonconforming fences and telling residents that they meet the Borough's requirements. These contractors are typically long gone when the resident is cited for a nonconforming fence, leaving the resident without a remedy. The Board suggests that the Mayor and Council require residents to apply for a fence permit and submit a survey showing the proposed location of the fence.

*The Borough Council adopted a revision in the zoning ordinance (#1996) relating to fence height in early 2014. The Planning Board recommends a fence permit requirement. This recommendation is consistent with the Master Plan goals to "promote a desirable visual environment" and "preserving the integrity of existing residential neighborhoods."*

11. Filing fees, escrow fees, and fees for publishing notices are out of date and need to be updated. It appears that these fees have not been updated since the early '90s.

*The Borough Council updated the schedule of required fees for escrow deposits (Ordinance #1986) in 2013.*

12. There are several enforcement issues the Board would like to bring to the Mayor and Council's attention:

- Residents are using temporary car ports, which many of the Board members believe are blight on the neighborhoods in which they are located.
- Residents avoid the Borough's permit requirements and then come to the Board for "forgiveness," seeking bulk variances for decks, sheds, and other nonconforming structures. Some residents apparently feel it's to their

advantage to wait and see if they get caught than to go through the proper procedures to erect these structures. The Board urges the Council address this situation.

- Board-imposed conditions on applications should be enforced strictly. As part of its efforts, the Board will add timeframes to its resolutions when the members believe conditions are time sensitive and require strict adherence.

*Enforcement issues are not within the jurisdiction of the Planning Board. However, the Planning Board recommends the Borough Council review the enforcement issues raised by the Zoning Board and develop appropriate ordinance amendments to address these issues as may be necessary, including the ordinances defining and regulating sheds, tents, canopies, garages, and similar structures.*

### **Other Recommendations of the Planning Board**

In addition the recommendations related to the suggestions of the Zoning Board, the Planning Board makes the following recommendations:

#### **1. Creation of a new Master Plan**

The Planning Board does not recommend the preparation of a comprehensive Master Plan at this time. Any specific changes can be accomplished by the adoption of an amendment to the Land Use Plan Element of the Master Plan.

#### **2. Unified Zoning and Development Ordinance**

Land development in South Plainfield Borough is primarily regulated by two documents- the Zoning Ordinance and the Subdivision and Site Plan Ordinance. Both ordinances need to be updated to better address current development and planning practice. In addition the entire set of regulations should be combined into one single set of comprehensive development regulations.

### **V. The final provision of 40:55D-89 of the MLUL requires that the Reexamination report address:**

*“The recommendations of the planning board concerning the incorporation of the redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law,’ P.L. 1992, c. 79 (C. 40A: 12A-1 et al. into the land use element of the municipal master plan, and recommend changes, if any in the local development regulations necessary to effectuate the redevelopment plans of the municipality.”*

As recommended in the 2006 Master Plan Reexamination report, the redevelopment plan of the Hamilton Boulevard Industrial Site adopted in April 2002 should be incorporated into the Land Use Plan Element.