

In the matter of the  
Board's Review of a  
Proposed Amendment  
To Ordinance § 03-04  
Regarding the Merchantville  
Town Center East  
Redevelopment Plan

**BOROUGH OF MERCHANTVILLE  
JOINT LAND USE BOARD  
RESOLUTION OF MEMORIALIZATION  
  
RESOLUTION No. 2013-07**

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**WHEREAS**, by Ordinance Number 03-04, the Borough Council adopted a Redevelopment Plan for Block 29, Lots 1 through 17; Block 33, Lots 5, 6, 7, 12, 13 and 13.01; and Block 61 part of Lot 4 as designated on the Tax Map of the Borough of Merchantville and known as the Town Center East Redevelopment Area; and

**WHEREAS**, a request has been made by the designated redeveloper, Fieldstone Associates, L.P., to make certain amendments to the Town Center East Redevelopment Plan (the "Redevelopment Plan") which proposed amendments are attached hereto as Exhibit "A" (the "Amendments"); and

**WHEREAS**, by Resolution dated July 11, 2011, the Borough Council requested and authorized the Joint Land Use Board of the Borough of Merchantville to review the Amendments and report its findings to the Mayor and Borough Council on the appropriateness of the Amendments; and

**WHEREAS**, in connection with the Joint Land Use Board's review of the Amendments Ragan Design Group Planning, LLC ("Ragan") was retained to review the Amendments and analyze the consistency of the Amendments with the Master Plan of the Borough of Merchantville, the Redevelopment Plan and the Parking Management Study previously conducted by Ragan which was adopted as an addendum to the Master Plan (the "Parking Study"); and

**WHEREAS**, thereafter Ragan issued a report dated January 3, 2013 wherein Ragan provided an analysis of the consistency of the Amendments with the Master Plan, Redevelopment Plan and Parking Study which report is attached hereto as Exhibit "B" (the "Ragan Report"); and

**WHEREAS**, Mara Wuebker, P.P., A.I.C.P. from Ragan appeared at the regularly scheduled meeting of the Joint Land Use Board on January 8, 2013 to present the findings of the Ragan Report, was sworn in and testified with respect to the analysis of the Amendments; and

**WHEREAS**, in attendance at the meeting of the Joint Land Use Board of the Borough of Merchantville on January 8, 2013 were the following members: Chairman Patrick Brennan, Vice-Chairman William Lammey, Mayor Frank North, Councilperson Steven Volkert, Steven Selverian, James Kelly, William Watson, Joseph Miraglia, James Uricchio, Marvin Gaskill and Nick DiMatteo; and

**WHEREAS**, Mayor Frank North and Councilman Steven Volkert recused themselves from consideration of and voting on recommendations concerning the Amendments; and

**WHEREAS**, following the presentation by Mara Wuebker, P.P., A.I.C.P., questioning from members of the Joint Land Use Board and thorough consideration of the Ragan Report and the Amendments, the Board conducted a vote with respect to providing the Board recommendation to the Borough Council pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, Mara Wuebker, P.P., A.I.C.P. thereafter issued a supplemental report in light of the previously adopted amendment to Town Center East Redevelopment Plan which was not discussed in the Ragan Report which report is attached hereto as Exhibit "C"; and

**WHEREAS**, said supplemental report has not altered the recommendations contained within the Ragan Report it being Ms. Wuebker's professional opinion that the Amendments are inconsistent with the Master Plan, the Redevelopment Plan and the Parking Study; and

**NOW THEREFORE**, The Joint Land Use Board of the Borough of Merchantville makes the following recommendations:

1. The Joint Land Use Board of the Borough of Merchantville adopts the findings of the Ragan Report in their entirety specifically noting that the Amendments are inconsistent with the Master Plan, the Redevelopment Plan and the Parking Study.

**WHEREAS**, upon Motion duly made by William Lamme and seconded by Joseph Miraglia to recommend that the Joint Land Use Board of the Borough of Merchantville recommend that the Borough Council NOT to adopt the Amendments as proposed. The voting on such recommendation was as follows:

Chairman Patrick Brennan:	Yes
William Lamme:	Yes
William Watson:	Yes
James Uricchio:	Yes
Joseph Miraglia:	Yes
Steven Selverian:	Yes
James Kelly:	Yes
Marvin Gaskill:	Yes
Nick DiMatteo:	Yes

**NOW THEREFORE BE IT RESOLVED** that the Joint Land Use Board adopts the Ragan Report in its entirety and recommends that the Borough Council not adopt the Amendments due to the inconsistency with the Master Plan, Redevelopment Plan and Parking Study.

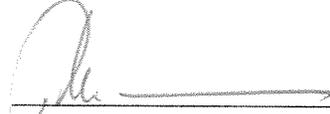
**BE IT FURTHER RESOLVED** that the Joint Land Use Board specifically finds that the Amendments are inconsistent with the Master Plan, Redevelopment Plan and Parking Study, specifically with respect to the proposed alterations to provisions concerning permitted uses, building height and parking.

The foregoing is a true and memorializing resolution adopted by the Borough of Merchantville Planning Board and is in accordance with its decision at its regular monthly meeting of January 8, 2013.

The effective date of this Resolution shall be February 12, 2013.

**BOROUGH OF MERCHANTVILLE  
PLANNING BOARD**

Dated: February 12, 2013

  
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**Patrick Brennan, Chairman**

# EXHIBIT A

EXHIBIT A

BOROUGH OF MERCHANTVILLE, NJ  
PROPOSED AMENDMENT TO  
TOWN CENTRE EAST REDEVELOPMENT PLAN

Block 29; Lots 1-6, 8, 9, 11, 14, 15 and 17 (the "Redevelopment Area")

OVERLAY REDEVELOPMENT STANDARDS TO B-1 CENTRAL BUSINESS DISTRICT

In order to encourage the most appropriate economic and physical opportunities for the Redevelopment Area, a set of regulations which shall be an overlay to the B-1 Central Business District zone, applicable to a redevelopment project application made in furtherance of this Redevelopment Plan is indicated below:

I. Redevelopment Zoning Standards

- A. Overlay: The B-1 Central Business District regulations shall apply to a redevelopment project in the Redevelopment Area, as supplemented and/or modified herein. The following provisions apply to a redevelopment project in the Redevelopment Area, and modify and/or supplement the B-1 Central Business District.
- B. Permitted Principal Uses – Town Center Redevelopment Area.  
Permitted principal uses shall be as follows;
1. All B-1 uses (See Section 94-33)
  2. Residential: Townhomes (attached buildings), Multi-family and Mixed-use buildings.
  3. Non-residential: Rental offices supporting multi-family buildings, provided such offices do not front on Centre Street.
  4. More than one principal use and/or building shall be permitted on a lot.
- C. Permitted accessory uses and buildings: See Section 94-35, plus outdoor cafes and outdoor seating associated with principal use restaurants as noted above.
- D. Bulk Regulation Standards. B-1 Central Business District regulations are supplemented and/or modified as set forth below:
1. Minimums:
    - a. Tract size: 1.0 acre

- b. Rear yard setback: 2 feet; 0 feet for buildings fronting on Centre Street
- c. Setback along property lines of adjacent lots in common ownership shall be 0 feet

2. Maximums:

- a. Dwelling unit density: 35 units per gross acre
- b. Principal building height (multi-family buildings): 48 feet

E. Supplemental Parking Regulations for the Redevelopment Area (Modifying Section 94-52-53):

Shared use of parking spaces for different uses, e.g. retail use would use parking spaces in the daytime that would be available to a residential use during the evening, shall be counted for each such use, if needed to satisfy the parking space requirements for a Redevelopment Project pursuant to this Redevelopment Plan in accordance with accepted standards and methodologies for shared parking analysis.

1. Residential uses:

a. Multifamily buildings:

- i. One bedroom units: 1.5 parking spaces each
- ii. Two bedroom units: 1.75 parking spaces each
- iii. Three bedroom units: 2.0 parking spaces each

b. Mixed use Buildings

- i. One bedroom units: 1.0 parking spaces each.
- ii. Two bedroom units: 1.25 parking spaces each.
- iii. Three bedroom units: 1.50 parking spaces each.

2. Non-residential uses:

- a. Stores for retail purposes, restaurants, personal service shops, businesses, and all office uses: 3.0 parking spaces for every 1,000 gross square feet.

3. General:

- a. Parking requirements for new construction shall be provided through any combination of forms: private garages, private surface spaces (as defined below), common surface spaces, internal parallel spaces, as well as parallel spaces located along existing streets as further defined below.
- b. Private surface spaces, such as exterior driveway spaces located directly in front of individual private garages, shall be permitted.
- c. Garage parking spaces, and their associated exterior driveway spaces, shall be distributed and assigned at the Redeveloper's discretion.

- d. All existing parallel parking spaces located along the southern edge of North Chestnut Street (between Centre Street and Gilmore Avenue); along the northern edge of Park Avenue (between Centre Street and Franklin Avenue); and, along the eastern edge of Center Street (between Park Avenue and North Chestnut Street) can contribute to satisfying a project's overall parking requirements.
- e. All surface parking stall dimensions shall be nine (9) feet in width and eighteen (18) feet in depth, provided that parking stall dimensions as exist on Lot 17 are grandfathered, and may be restored as is in the event of repaving of Lot 17.

# EXHIBIT B

January 3, 2012

Emily Givens, Esq.  
Maley & Associates  
931 Haddon Avenue  
Collingswood, New Jersey 08108

**RAGAN  
DESIGN  
GROUP**  
PLANNING, LLC.

RE: Town Centre East Zoning Amendment

Dear Ms. Givens:

This correspondence is in response to your letter, dated December 18, 2012, requesting Ragan Design Group to review a proposed amendment to the Town Centre East Redevelopment Plan and to analyze its consistency between the documents and the Master Plan. The proposed Amendment creates a zoning overlay for Block 29, Lots 1-6, 8, 9, 11, 14, 15, and 17. Ragan Design Group is familiar with the land use patterns and parking issues in the Downtown. In 2007, we prepared the Borough's Master Plan and in 2008 we conducted a parking management study for the downtown. Respectfully, it is our opinion that there are several aspects of the proposed Amendment that could have unintended consequences that would be inconsistent with the Town Centre East Redevelopment Plan and the Master Plan.

**1. Permitted Uses**

The proposed amendment makes townhomes, multi-family buildings, and multi-family rental offices permitted principal uses. This appears to be inconsistent with the 2004 Redevelopment Plan, as it may result in future development consisting solely of residential uses. The 2004 Redevelopment Plan envisions a mix of land uses and expanded parking opportunities in the Town Centre East Redevelopment Area. It foresees non-residential uses on the ground level and residential uses on upper floors, as well as a mixed-use parking structure. While redevelopment plans can change and evolve, a proposed zoning ordinance amendment that would allow townhouses and multi-family structures to be principal permitted uses seems to be a significant departure from the original plan, as it could potentially allow all future infill development to be solely residential in nature, even along Centre Street, the primary commercial corridor in the Borough.

Similarly, the proposed amendment, as drafted, is inconsistent with the Master Plan. The Land Use Plan Element makes recommendations for the downtown, including enhancing the mix of land uses, increasing street level interest, encouraging more activity, supporting commercial synergy, and making more efficient use of the limited amount of land in the downtown. Specifically, the Land Use Plan Element recommends reserving the first floor of buildings for retail and service uses, rather than permitting residential or office uses on the first floor. [p.13] While office and residential uses can be successful on both the ground level and upper floors, retail use is generally only successful on the first floor. [p. 13] Although residential uses are appropriate uses in the downtown as retailers and service providers want to be located within close proximity to a density of target consumers, the Land Use Plan Element recommends that office and residential uses be reserved for upper floors of buildings in order to support commercial synergy and maintain street level interest [pp. 13, 19] In short, the Master Plan envisions residential uses as ancillary uses to the commercial uses in Downtown. However, the amendment, as written, could potentially result in only residential infill in the Redevelopment Area.

## **2. Building Height**

The proposed amendment seeks to change the maximum building height to 48 feet, which correlates to four stories. Merchantville's downtown currently consists of a variety of building heights, ranging from one to four stories. The proposed amendment is consistent with the 2004 Redevelopment Plan, as the Plan envisions a maximum building of 60 feet [Redevelopment Plan, p.5]. However, a blanket maximum requirement of 48 feet, without any qualifications, would not be consistent with the Borough's Master Plan.

The Design Guidelines in the Land Use Plan Element state:

In order to maintain the historic small town character of Merchantville, no more than three stories should be permitted in the downtown, except along Chestnut and Maple Avenues, which have wider rights of way. Generally, the height of the building façade should relate to the width of the right of way. The wider the public right of way, the taller the street front facade can be. Therefore, it may be appropriate for buildings in the downtown along Chestnut and Maple Avenues to contain four stories if the applicant can demonstrate that the perceived height of a higher structure will be compatible with surrounding buildings and will utilize architectural features to lessen the perceived height of the building." [pp.29-30]

Since the proposed amendment, as written, could allow new infill facing Centre Street or Park Avenue to be more than three stories, it is inconsistent with the Land Use Plan Element.

### 3. Parking

The proposed Amendment seeks to reduce the required number of parking spaces needed for residential uses and allows existing on-street parking spaces around the Triangle to count towards satisfying a project's overall parking requirements. Firstly, the proposed reduction in the number of residential parking spaces is a deviation from Residential Site Improvement Standards (RSIS). This typically requires the applicant to obtain a *de minimis* exception from the RSIS or requires a municipality to obtain a Special Area designation from the Site Improvements Advisory Board.

Secondly, the portion of the amendment that includes existing on-street parking spaces along the eastern edge of Centre Street as parking spaces that could be used to satisfy a project's overall parking requirements is not practical. For a residential project, it is unrealistic to believe that parking along Centre Street would be readily available to residents during the day, as this is the primary commercial corridor in the Borough, is strictly used for short-term metered parking only during the day, and currently has an average occupancy rate of almost 70% according to our parking study. As such, existing metered short-term parking spaces should not be allowed to count towards satisfying the needs of a residential project.

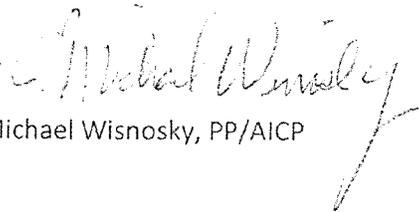
With respect to the proposed amendment's consistency with the 2004 Redevelopment Plan, the proposed amendment has the potential to thwart one of the underlying goals of the Town Centre East Plan, which is to provide expanded off-street parking opportunities. Specifically, one of the five basic goals of the 2004 Redevelopment Plan is "[i]ncreasing off-street parking by redeveloping vacant and under-utilized land." [p.2] The 2004 Plan further states that the Parking and Circulation Element Objective is to "design and construct a downtown mixed-use parking structure to meet existing and future projected parking demands within the downtown area and the demands for additional housing and commercial uses built as part of the parking structure." [p. 2] While a parking structure may or may not be feasible at this time, the Redevelopment Plan clearly wants to make sure that the current commercial parking needs of the downtown are addressed and the needs of future development are taken into consideration. However, multi-family residential infill development has the potential to usurp a large portion of the public off-street parking that services the commercial storefronts on Centre Street for private parking. Therefore, it has the potential of diminishing parking opportunities, rather than expanding parking opportunities in the Redevelopment Area.

With respect to the Master Plan, downtown parking was a major land use issue during the Master Plan process. The Land Use Plan Element recognizes that the provision of adequate parking in the downtown is linked to downtown revitalization and recommends an updated parking study. [p.47] Consequently, Ragan Design Group conducted a parking management study to analyze parking patterns and to make recommendations for maximizing parking opportunities in the downtown. We found that user restrictions, time limitations, convenience expectations, and lack of proper signage play a significant role in the effectiveness of the existing parking supply in the downtown. It is our opinion that it is essential to the economic

viability and success of the retail businesses on Centre Street that some minimum amount of convenient off-street parking located behind Centre Street be available to Centre Street businesses, as nearby parking is needed for delivery of inventory, owner/employee parking, take-out delivery vehicles, and long-term customer parking.

In conclusion, the Ragan Design Group respectfully finds that there are several aspects of the proposed Amendment that, as drafted, are inconsistent with the underlying goals and objectives of the Redevelopment Plan and the Master Plan. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Mara Wuebker, PP/AICP

E. Michael Wisnosky, PP/AICP

C: Patrick Brennan, Joint Land Use Board Chairman

# EXHIBIT C

February 11, 2013

**RAGAN  
DESIGN  
GROUP**  
PLANNING, LLC.

Emily Givens, Esq.  
Maley & Associates  
931 Haddon Avenue  
Collingswood, New Jersey 08108

RE: Town Centre East Zoning Amendment

Dear Ms. Givens:

This is a supplemental report to Ragan Design Group's January 3, 2013 letter. It has been brought to our attention that the Borough of Merchantville adopted an amendment to the 2004 Town Centre East Redevelopment Plan, memorialized in Ordinance 08-08. We were not aware of the 2008 Amendment during our first consistency review. While our overall conclusion remains the same, we want to supplement our analysis, based on this newly provided information. Our review is based on a copy of: Ordinance 08-08 and Exhibit A, which consists of a Planning Board Resolution, dated June 10, 2008, as well as Planning Board Recommended Guidelines to be utilized by Potential Developers, dated June 3, 2008, which were provided by Borough Clerk.

Building Height

Ordinance 08-08 amended the 2004 Town Centre East Redevelopment Plan, by reducing the maximum building height in the Town Centre East Redevelopment Plan from 60 feet to "up to 48 feet" and "no greater than 3 stories in height." However, the proposed zoning overlay amendment does not carry over the maximum "3 stories in height" language from the 2008 Amendment. As a maximum building height of 48 feet has the potential of equating to four stories, this would be inconsistent with the Borough's Master Plan for the reasons set forth in our January 3, 2013 letter.

## Parking

The Planning Board Recommended Guidelines to be utilized by Potential Developers, set forth in the 2008 Amended Redevelopment Plan, bolster our findings that the proposed zoning overlay Amendment, as drafted, is inconsistent with the goals and objectives of the Redevelopment Plan and Master Plan. The Planning Board Recommended Guidelines state, in part:

### Parking Considerations:

- Retain the current level of parking available on the site to include the open/reserved Municipal spaces (including spaces for Emergency personnel), the PNC spaces and other private spaces (i.e. those spaces available at the medical offices and the train station) while providing for all required additional spaces resulting from redevelopment. (*emphasis in original*)

It is clear that the Borough wants to safeguard the downtown parking supply from being diminished as a result of new development in the Redevelopment Area and wants to ensure that any new development will create sufficient parking to meet its needs. However, the proposed zoning overlay Amendment, as drafted, could feasibly allow a redeveloper to utilize all remaining off-street surface parking spaces on Block 29 exclusively for its own needs. See Section E.3 a-c that potentially allows all private parking spaces. This would reduce the current level of parking available on the site, in contravention of the Recommended Guidelines that state “[r]etain the current level of parking available on the site...”

Additionally, the proposed Amendment, as drafted, allows a redeveloper to utilize all existing on-street parking spaces on Block 29 to count towards satisfying its overall parking requirements, even though there may be an incongruity between the type of parking needed for the development and the supply, and even though some of the on-street parking spaces are typically occupied. There is no requirement in the proposed amendment that the existing on-street parking supply be suitable to meet the particular parking needs. Additionally, there is no required offset to take into account the current level of occupancy of the existing parking spaces.

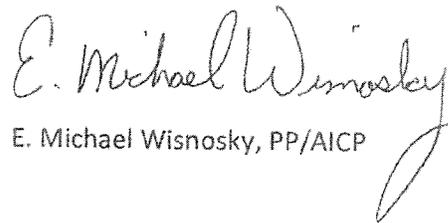
Therefore, as the redeveloper could usurp existing off-street parking spaces for its own use and could count existing typically occupied and/or unsuitable on-street parking spaces towards meeting its parking requirements, this would be contrary to the Planning Board Recommended Guidelines in the Amended Plan that state the redeveloper “retain the current level of parking available on the site.” and “provid[e] for all required additional spaces resulting from redevelopment.”

Additionally, it would be in contravention of the Borough's Master Plan. The importance of having an adequate supply of parking in the downtown is documented in the Borough's Land Use Element (pp. 43-44, 47-48) and Economic Development Plan Element (pp. 9-10), as well as the Parking Study. As noted in our previous letter, it is essential to the viability and success of businesses along Centre Street that there be nearby off-street parking for merchants. In furtherance of this, the Parking Study recommends shared parking to create the most efficient use of the parking resource and recommends the acquisition of additional land (Verizon lot) to help offset any loss of parking on Block 29. (pp.28-30) However, the proposed amendment, as written, could result in only private parking to serve the needs of the redevelopment project, and could result in a reduction of parking, rather than maintaining the same level or expanding parking opportunities in the downtown area, contrary to the underlying philosophy of the Master Plan and Amended Redevelopment Plan.

In conclusion, this letter supplements the analysis and conclusions in Ragan Design Group's January 3, 2013 letter. Respectfully, it is Ragan Design Group's opinion that the proposed maximum building height in the proposed zoning overlay Amendment, as written, is not consistent with the Master Plan for the reasons set forth in the January 3, 2013 letter. Additionally, the parking requirements in the proposed zoning overlay Amendment, as written, are not consistent with the underlying objectives of the 2008 Amended Redevelopment Plan, nor the Borough's Master Plan.

Please feel free to contact us if you have any questions.

Sincerely,

Mara Wuebker, PP/AICP

E. Michael Wisnosky, PP/AICP

C: Patrick Brennan, Joint Land Use Board Chairman