

MASTER PLAN REEXAMINATION REPORT

**Town of Guttenberg
Hudson County, New Jersey**

Prepared for:

**Town of Guttenberg
Joint Planning Board and Zoning Board of Adjustment
Guttenberg, New Jersey**

Jill Hartmann, PP, AICP
21 Sparrowbush Road
Mahwah, New Jersey 07430
201.818.9090
N. J. Planner License No. 4088

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INTRODUCTION

The Town of Guttenberg (the “Town”) last adopted a Master Plan Update in 2003. This Master Plan Update included a Land Use Plan Element and a Housing Plan Element. Subsequently, a master plan reexamination report was adopted on June 15, 2009. The Town of Guttenberg Joint Planning Board and Zoning Board of Adjustment (the “Joint Board”) has prepared this Reexamination Report to be presented to the Town Council and the residents of Guttenberg to fulfill the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which contains the enabling legislation governing planning and zoning in all New Jersey municipalities. The law provides for the periodic reexamination of a municipality’s master plan and development regulations at least every ten (10) years pursuant to the provisions of N.J.S.A. 40:55D-89.

This report constitutes the Reexamination Report of the Joint Board’s on-going review and reexamination of the Town’s land use designations and regulations. The law requires that each municipality’s Planning Board prepare a report covering the following five elements:

- The major problems and objectives relating to land development in the municipality at the time of the adopting of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- 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 reviewed with particular regard to 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 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 recommendations of the Planning Board concerning the incorporation of redevelopment plans pursuant to the *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 to -22, into the land use plan element of the municipal master plan, and recommended changes if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

MAJOR PROBLEMS AND OBJECTIVES OF THE 2009 MASTER PLAN REEXAMINATION

Consistent with the Joint Board's dedicated and on-going commitment to providing the Town with comprehensive planning, the last Town Master Plan Reexamination Report was prepared and adopted by the Joint Board in 2009. The 2003 Master Plan Update recognized the following major problems and objectives as summarized in the 2009 Reexamination Report and as follows:

- One- and two-family development is permitted throughout the Town and reflects the historical development pattern. As such, it was deemed to still be appropriate.
- There had been impacts from the increase of three- and four-family homes, particularly with regard to parking. Many of the 42 residential building permits issued in Guttenberg in 2002 were for multi-family dwellings; none were for one- and two-family dwellings. The 2003 Master Plan Update recommended consideration of "a review of the impacts of such dwelling units on 2,500 square foot parcels."
- Most multi-family residential development in Guttenberg did not fit within the permitted types of residential uses according to the Zoning Ordinance of the Town of Guttenberg, Town Code § 28-1.1 to -31.17 (the "Zoning Ordinance") (i.e., would not be classified as "garden apartments"). Impacts on traffic, parking, and demand for open space from this type of development needed to be considered and balanced with the desire to provide housing options.
- A new zoning district was recommended for the waterfront adjacent to the existing townhouse development, which would reflect the existing development patterns within the immediate area.
- Businesses that draw from the local community were recommended for the Town's neighborhood oriented commercial districts, with professional office and residential uses above the first floor.
- Automobile-business related uses were recommended to be limited to the commercial zone along Kennedy Boulevard, as opposed to throughout the Town where such uses are currently located.
- The long-term value of the light industrial uses scattered throughout the Town was deemed to be in their redevelopment potential, as the number of jobs located in such buildings has decreased.

Detailed objectives and recommendations of the 2003 Land Use Plan Element included the following:

- Modifications to the use and bulk regulations in the existing R-1 Low Density Residential Zone, including allowing multi-family residential in the district at densities up to 80 units per acre on lots with a minimum area of 30,000 square feet.
- Creation of a new “mid-rise residential” district on the west side of Boulevard East with a maximum building height of 100 feet.
- Creation of a new “waterfront residential” district encompassing the portion of the Town on the east side of River Road, with regulations that reflect the existing townhouse development in the area.
- Modifications to the regulations of the existing C zone, such as prohibiting automobile-oriented commercial uses, encouraging mixed-use development, and reviewing sign regulations.
- Creating a new “boulevard commercial” district for the east side of Kennedy Boulevard that would allow automobile-oriented uses as well as those uses permitted in the amended C zone.

EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES IDENTIFIED IN THE 2003 MASTER PLAN UPDATE HAVE BEEN REDUCED OR HAVE INCREASE.

- One- and two-family development is permitted throughout the Town and reflects the historical development pattern. As such, it was deemed to still be appropriate.

This objective remains valid. The Zoning Ordinance has been modified to permit a variety of housing types. One- family and two-family residences are specifically permitted in the R-1 zone.

- There had been impacts from the increase of three- and four-family homes, particularly with regard to parking. Many of the 42 residential building permits issued in Guttenberg in 2002 were for multi-family dwellings; none were for one- and two-family dwellings. The 2003 Master Plan Update recommended consideration of “a review of the impacts of such dwelling units on 2,500 square foot parcels.”

Rather than modifying the use of units on 2,500 square foot parcels, the Zoning Ordinance was amended in 2016 to permit multi-family residential mid-rise buildings as conditional uses in the R-1 and Commercial C zone. The Zoning Ordinance was also amended in 2016 to establish the R-4 Mid-Rise Mixed-Use Zone, which allows mid-rise residential buildings as principal permitted uses.

- Most multi-family residential development in Guttenberg did not fit within the permitted types of residential uses according to the Zoning Ordinance (i.e., would not be classified as “garden apartments”). Impacts on traffic, parking, and demand for open space from this type of development needed to be considered and balanced with the desire to provide housing options.

The Zoning Ordinance has been modified to reflect the changing housing type with new and modified Zoning Ordinance regulations.

- A new zoning district was recommended for the waterfront adjacent to the existing townhouse development, which would reflect the existing development patterns within the immediate area.

The Town has adopted the R-3 Waterfront Residential Zone in 2010, which addresses this issue.

- Businesses that draw from the local community were recommended for the Town’s neighborhood oriented commercial districts, with professional office and residential uses above the first floor.

This remains a valid issue.

- Automobile-business related uses were recommended to be limited to the commercial zone along Kennedy Boulevard, as opposed to throughout the Town where such uses are currently located.

This remains a valid issue. Blocks 1 and 2, located between Kennedy Boulevard and Adams Street, were rezoned to the newly created R-5 High-Rise Residential zone in 2016. That zoning seems contrary to the limitation of automobile-related businesses.

- The long-term value of the light industrial uses scattered throughout Guttenberg was deemed to be in their redevelopment potential, as the number of jobs located in such buildings has decreased.

The Zoning Ordinance does not contain any industrial use zones. Over time a significant number of the scattered industrial uses have been redeveloped with multi-family residential complexes. This trend continues to date.

Detailed objectives and recommendations of the 2003 Land Use Plan Element included the following:

- Modifications to the use and bulk regulations in the existing R-1 Zone, including allowing multi-family residential in the district at densities up to 80 units per acre on lots with a minimum area of 30,000 square feet.

The Zoning Ordinance has been modified to reflect this recommendation, including permitting mid-rise residential buildings as conditional uses in the R-1 (and C) zones, with more appropriate density levels and realistic lot size requirements.

- Creation of a new “mid-rise residential” district on the west site of Boulevard East with a maximum building height of 100 feet.

The Zoning Ordinance was amended to create the R-5 High-Rise Residential zone in 2016. The status of that zone is addressed elsewhere in this report.

- Creation of a new “waterfront residential” district encompassing the portion of the Town on the east side of River Road, with regulations that reflect the existing townhouse development in the area.

The Zoning Ordinance has been modified to reflect this recommendation by the creation of the R-3 zone in 2010.

- Modifications to the regulations of the existing C zone, such as prohibiting automobile-oriented commercial uses, encouraging mixed-use development, and reviewing sign regulations.

This remains a valid recommendation.

- Creating a new “boulevard commercial” district for the east side of Kennedy Boulevard that would allow automobile-oriented uses as well as those uses permitted in the amended C zone.

As per this Reexamination Report, it is recommended that automobile-oriented uses be prohibited throughout the Town, except for parcels fronting Kennedy Boulevard. As discussed in this report, the described area was instead rezoned as R-5 (High-Rise Residential).

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 REVIEWED WITH PARTICULAR REGARD TO DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES, HOUSING CONDITIONS, CIRCULATION, CONSERVATION OF NATURAL RESOURCES, ENERGY CONSERVATION, COLLECTION AND DISPOSITION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS, AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

INTRODUCTION

This section provides a summary of demographic trends in the Town that may impact land use demands. To offer comparison, certain data points and trends in Guttenberg are compared to Hudson County, the State of New Jersey, and the United States.

For all Census data provided below, ACS (American Community Survey) 2019 numbers represent the most current data, with Decennial Census data used for decades past. (2020 Decennial Census data has not yet been released, and 2010 data is, of course, quite outdated.)

POPULATION CHARACTERISTICS

The following section presents a number of vital statistics describing demographic changes in the Town of Guttenberg from 1940 through 2019 estimates. This review assesses, to the extent possible and for the time period available, long-term trends. Changes in population, household types and structures, and income are important to review in the Master Plan Reexamination for their potential impact on the Town in both the short- and long-term. The numbers may provide insight into what to expect going forward, enabling the Town to prepare for anticipated changes.

According to the most recent five-year population estimates for 2019 as released by the U.S. Census Bureau American Community Survey (ACS), the total population of the Town of Guttenberg is 11,317. With a municipal area of only 154 acres (0.24 square miles), this results in a population density of 47,154 persons per square mile.

The Town has experienced significant growth in the last forty years. Specifically, in the 1970s the population grew by 1,586 persons (27.6%) in a single decade. Since then, growth has continued, though at times more robust than others, with some decades growing as much as 9.8% and others slowing to 3.2%. Most recently, between 2010 and 2019 the population of the Town grew slightly (increase of 3.3%).

POPULATION GROWTH			
Year	Population	Change	Percent
1940	6,200	---	---
1950	5,566	-634	-10.2%
1960	5,118	-448	-8.0%
1970	5,754	636	12.4%
1980	7,340	1,586	27.6%
1990	8,268	928	12.6%
2000	10,693	2,425	9.8%
2010	10,960	267	3.2%
2019	11,317	357	3.3%

Source: S010 2010 Age & Sex Estimates

Source: DP05 ACS Demographic and Housing 5-year Estimates 2019

Source: NJ State Data Center, New Jersey Population Trends 1790-2000

The North Jersey Transportation Planning Authority (NJTPA), in their Plan 2050 Forecasts, projects a population of 11,682 residents living in 4,781 households by the year 2050.¹ This means the Town would hypothetically add 722 residents over the course of the next 28 years. From an annual point of view, the Town would only have to grow by roughly 26 residents every year to meet this forecast. Between 2000 and 2010 the population had an annual growth rate of 27 persons, and between 2010 and 2019 growth increased to 40 annually. The projection, therefore, means a decreased rate of growth but with such small numbers the fluctuation is minimal.

PERMANENT POPULATION PROJECTION			
Year	Population	Change	Percent
2000	10,693	---	---
2010	10,960	267	2.5%
2050	11,682	722	6.6%

Source: NJTPA Plan 2050 Forecasts; DP-1: Profile of General Population and Housing Characteristics 2010 & 2000 Census

¹ <https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

Composition of Population

The age of residents in the Town was 36.8 years in 2019, down from 38.4 in 2010. As shown in the following chart, there has been decline in the school-aged population, but the number of young adults and retirees is increasing.

POPULATION BY AGE COHORT			
Age	2010	2019	Percent Change
Under 5 years	412	698	41.0%
5 to 9 years	387	667	42.0%
10 to 14 years	667	449	-48.6%
15 to 19 years	740	435	-70.1%
20 to 24 years	742	882	15.9%
25 to 34 years	1,868	2,146	13.0%
35 to 44 years	1,929	1,668	-15.6%
45 to 54 years	1,665	1,334	-24.8%
55 to 64 years	1,029	1,547	33.5%
65 to 74 years	823	874	5.8%
75 to 84 years	443	479	7.5%
85 years and over	255	138	-84.8%
Total	10,960	11,317	3.2%

Source: DP05: Demographics/Housing, 2019 ACS 5-Year Estimates

Source: B01001 Demographic Profile Data, 2010

The racial composition of the Town has remained predominantly white and Asian, with a slowly decreasing Black population. There are significant numbers identifying as Latinx.

POPULATION BY RACE AND ETHNICITY			
Race	2010	2019	Percent Change
White	7,537	7,094	-6.2%
Black	537	455	-18.0%
American Indian/Alaska Native	102	68	-50.0%
Asian	818	947	13.6%
Native Hawaiian/P.I.	4	0	0.0%
Other	1,593	2,567	37.9%
Two or more races	585	186	-214.5%
Hispanic/Latino	7,868	7,472	-5.3%

Source: DP-05: ACS Demographic and Housing Estimates, 2019 ACS 5-year estimates

Source: P8 - Race: 2010 Decennial Census

Source: P2 - Hispanic or Latino: 2010 Decennial Census

Educational Attainment

The educational attainment of those 25 years of age and older is split between those who received a high school diploma and/or some college (42.8%) and those who have a higher degree (Associate's, Bachelor's, or Graduate degree) (40.4%). The spread of educational attainment is comparable to the national average, with the exception of those with less than a 9th grade education, which is 11.1% in Guttenberg and only 5.1% nationally.

EDUCATIONAL ATTAINMENT (Age 25+)	
Level	2019
Less than 9th grade	11.1%
High school, no diploma	5.8%
High school graduate	30.0%
Some college, no degree	12.8%
Associate's degree	4.1%
Bachelor's degree	24.7%
Graduate or Professional degree	11.6%

Source: S1501: Educational Attainment, 2019 ACS 5-year estimates

HOUSING CHARACTERISTICS

Housing data available between 2000 and 2019 provides valuable insight into and confirmation of some of the socioeconomic and population trends occurring in the Town.

Total Housing Units

A housing unit is “a house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters.”² Between 2010 and 2019 there was a loss of 426 housing units within the municipality from 5,243 to 4,817. This is interesting, considering the population increase of 357 persons, signifying an increase in the number of persons per household. Housing units decreased 8.8% over the past 9 years while the population increased 3.3% during the same period.

Housing Units		
Year	Units	Percent Change
2010	5,243	--
2011	5,076	-3.3%
2012	5,108	0.6%
2013	5,238	2.5%
2014	5,067	-3.4%
2015	4,801	-5.5%
2016	4,817	0.3%
2017	4,800	-0.4%
2018	4,915	2.3%
2019	4,817	-2.0%

Source: DP04: Selected Housing Characteristics; 2019 ACS 5-year estimates

² U.S. Census Bureau, Terms and Definitions

HOUSING TYPE BY UNITS IN STRUCTURE		
Unit Type	Number of Units	Percent
1, Detached	152	3.2%
1, Attached	207	4.3%
2	794	16.5%
3 or 4	810	16.8%
5 to 9	461	9.6%
10 to 19	667	13.8%
20 or more	1,710	35.5%
Mobile Home	16	0.3%
Other	0	0.0%
Total	4,817	100.0%

Source: DP04: Selected Housing Characteristics 2019 American Community Survey 5-Year Estimates

The largest classification of housing unit type in the Town is large multi-family housing with 20 or more units (35.5%), with 2- and 3- or 4-unit buildings coming in second and third. Collectively, buildings with three or more units make up nearly 76% of the housing stock. 34.1% of homes are owner-occupied, and 65.9% are renter-occupied. Notably, these statistics are drastically different than national averages, in which 61.6% of all housing is one-family detached and 64% of housing is owner-occupied. It is not, however, that different from Hudson County, which has one-family detached housing making up only 8.7% of the housing stock and an owner-occupancy rate of 31.2%.

Age of Housing

The Town is an established community, with over 46% of its housing stock predating 1970. Another 24.9% of housing stock was added in the 1970s with an incredible surge in construction, increasing by 1,198 units that decade. Between 1980 and 2009, growth was relatively steady with roughly three to five hundred units per decade. The recession of 2008, however, is evident in the slowdown starting in 2010 which has never rebounded.

AGE OF HOUSING STOCK		
Year Built	Number of Units	Percent
1939 or earlier	901	18.7%
1940 to 1949	442	9.2%
1950 to 1959	308	6.4%
1960 to 1969	565	11.7%
1970 to 1979	1,198	24.9%
1980 to 1989	401	8.3%
1990 to 1999	311	6.5%
2000 to 2009	464	9.6%
2010 to 2013	148	3.1%
2014 and later	79	1.6%
Total	4,817	98.4%

Source: DP04: Selected Housing Characteristics 2019
American Community Survey 5-Year Estimates

Household Composition

Households in the Town are generally family units (61.7%). The number of single-person households (32.4%) is slightly higher than the national average (27.9%). The average household size is 2.49 persons.

HOUSEHOLD TYPE		
Type	Number	Percent
Family Households	2,781	61.7%
Married-couple Family	1,512	33.6%
with children under 18	1,299	28.8%
Male Householder, no spouse	224	5.0%
Female Householder, no spouse	1,045	23.2%
Non-family Households	1,725	38.3%
Housholder living alone	1,460	32.4%
Householder not living alnoe	265	5.9%
Total	4,506	100.0%

Source: S2501: Occupancy Characteristics; 2019 ACS 5-year estimates

ECONOMIC PROFILE

The Town was not completely immune to the impact of the Great Recession, which was largely to blame for a rise in unemployment and loss of industry and jobs across much of

the United States. The recession, which occurred between 2008 and 2012, has had long-lasting effects on employment, the housing market, and other parts of the economy.

Employment

According to the 2019 Census 5-Year American Community Survey (ACS), the unemployment rate³ in Guttenberg was 4.5%. This is the lowest since 2010, which peaked at 7.9% in 2015.

Over one-third of the population (30.2% in 2019) was employed in management, professional and related fields. Service work was the second highest represented classification at 24.5%.

EMPLOYED CIVILIAN POPULATION BY OCCUPATION (AGE 16+)		
Occupation	Total	Percent
Management/Business/Science/Arts	1,911	30.2%
Service	1,548	24.5%
Sales and office	1,438	22.8%
Natural resources, construction, maintenance	377	6.0%
Production, transportation, and material moving	1,046	16.6%
Total	6,320	100.0%

Source: DP03: Selected Economic Characteristics 2019 American Community Survey 5-Year Estimates

The North Jersey Transportation Planning Authority (NJTPA) projects that by 2050, employment in the Town will increase significantly.

EMPLOYMENT PROJECTION			
Year	Jobs	Change	Percent
2015	1,451	---	---
2050	1,794	343	23.6%

Source: NJTPA Plan 2050 Forecasts

³ "All civilians 16 years old and over are classified as unemployed if they (1) were neither "at work" nor "with a job but not at work" during the reference week, and (2) were actively looking for work during the last 4 weeks, and (3) were available to accept a job. Also included as unemployed are civilians who did not work at all during the reference week, were waiting to be called back to a job from which they had been laid off, and were available for work except for temporary illness." The unemployment rate does not, therefore, include the retired population, which is not considered part of the labor force, and comprises a large portion of the population.

Income

The median household income in 2019 in the Town was \$62,450. This, as well as median family income and per capita income, are below the state and county medians. Poverty is above state averages.

INCOME CHARACTERISTICS			
Income Type	Guttenberg	New Jersey	Hudson County
Median Household Income	\$62,450	\$82,545	\$71,189
Median Family Income	\$73,233	\$102,262	\$76,019
Per Capita Income	\$35,893	\$42,745	\$40,740
Poverty Status (Percent of People)	14.4%	10.0%	15.2%
Poverty Status (Percent of Families)	13.1%	7.2%	11.8%

Source: DP03: Selected Economic Characteristics 2019 American Community Survey 5-Year Estimates

THE SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS OR WHETHER NEW PLAN OR REGULATIONS SHOULD BE PREPARED.

- The Zoning Ordinance has had several revisions to comply with the recommendations of the 2003 Master Plan Update and the 2009 Reexamination Report. The following is a list of recommended amendments to the Zoning Ordinance that clarifies or corrects discrepancies:
 - Section 28-2-2 Definitions. This section should be reviewed and words that are not used anywhere in the Zoning Ordinance should be removed. Terms should be reviewed to make sure that they are correctly used elsewhere in the Zoning Ordinance. (For example, “high-rise residential building” is a defined term, but in the Town Code there are references to “high rise apartments.”)
 - Section 28-2.2 Definitions – Signs. An issue before the Joint Board has been whether exterior artwork constitutes a “sign.” Clarification should be provided. It does not appear the intent of the Town Code is to prohibit public art displays, but for some applications, the sign ordinance has been construed to apply to murals. It does not appear the intent of the Town Code is to prohibit public art displays, but for some applications, the sign ordinance has been construed to apply to murals. Clarification should be provided.
 - Section 28-4.8(a) R-4 Mid-Rise Mixed-Use Zone Permitted Uses. Mid-rise residential and retail/service commercial and restaurant are the only permitted uses. The effect of that amendment was to render one- and two-family residences non-conforming uses. There are a significant number of one- and two-family homes in the R-4 zone. The zone’s use regulations should be modified to include one- and two-family dwellings as permitted uses.
 - Section 28-4.8(b) R-4 Mixed-Use Zone Bulk Regulations. In 2020, the conditional bulk regulations for mid-rise residential were amended for the R-1 and C zones. Consideration should be given to amending the bulk regulations in the R-4 zone to match the bulk requirements for the R-1/C zones (see 28-9.3). Those regulations are based the bulk requirements on lot size, with larger lots having greater height allowances. (Note: the R-4 zone already has different bulk requirements based on lot size, but they are largely unworkable. Despite allowing “mid-rise residential buildings” as a principal use, the bulk requirements say for lots under 20,000 feet, maximum height is three stories of residential. With parking, maximum permitted height is four stories; in R-1, a developer can go up to six stories

as of right.) Bulk regulations would also be needed for one- and two-family dwellings in the R-4 zone.

- Section 28-4.8(b) R-4 Mixed-Use Zone Bulk Regulations and Avoidance of Rock Removal. The height of buildings in the R-4 zone depends both on the size of the lot and whether there is a parking story. Lots under 20,000 square feet may have buildings of three stories and 40 feet if no “ground floor parking” is provided; with first story parking, buildings may be three stories above the parking level and 50 feet. That restriction on height may incentivize developers to include a cellar parking level so that there would be two levels of parking, but only one story, thus avoiding a need for a variance to allow two levels of above-grade parking. Town Code § 28-4.8(b)(1)(g) should be amended to allow two levels of above-grade parking so that developers would not propose cellars and rock removal.
- Section 28-5.6 and 28-5.17 Fences and Signs. These sections cover the same topic and should be consolidated.
- Section 28-5.7 Buffer Areas. This section requires a five-foot buffer strip in addition to the setback requirement for commercial sites bordering a residential district. This section may be excessive and not feasible, requiring more variances.
- Section 28-5.11 High-Rise Residential Supplemental Regulations. The heading referring to “apartments” should be changed. This section imposes additional requirements on high-rise residential buildings, and dates back to the original adoption of the Zoning Ordinance in 1987. At the time, high-rises were only allowed in the R-2 High-Density Residential Zone (the Galaxy complex). With the creation of the R-5 district, and its bulk requirements, there are now conflicting bulk requirements for high-rises. It is evident the requirements of this section are, in substance, the bulk requirements for the R-2 zone, and these standards should be clarified as only applying to that zone.
- Section 28-6.5 Off-Street Parking (general). This section should be reviewed to determine if the parking requirements are consistent with current needs.
- Section 28-6.5(a) Off-Street Parking in R-4 Zone. The R-4 zone has its own off-street parking requirements. This section may be redundant and can be reviewed and incorporated into the prior section. (For example, “dwellings” must comply with the State Residential Site Improvement Standard (“RSIS”) standards; other zones allow for local ordinances to supersede the RSIS. The R-4 should be no different.)

- Parking Restrictions. Bulk and conditional use regulations for mid-rise and high-rise residential buildings limits use of the parking spaces to residents of the building and their guests. See, Town Code §§ 28-4.8(c)(3)(a), - 4.11(c)(3)(a), and -9.3(c)(2)(c)(1). The Joint Board has observed that not all tenants have automobiles, and as a result, parking spaces are not being utilized. The Joint Board recommends that the Zoning Ordinance be amended to allow unused parking spaces to be leased by the building owner to non-residents of the building to assist alleviating parking congestion, provided that if a parking space is needed for a tenant, the owner would be required to cancel the parking space lease to provide an on-site parking spot to a tenant who has need of it.
- Section 28-9.3(c) Mid-Rise Residential Conditional Bulk Requirements. This section was amended in 2020. Inconsistencies appear in the Town Code, however. For example, for lots of 5,000 to 7,499 sf and 10,000+ sf, side yard setback is 3’1”. For 7,500 to 9,999 sf, side yard setback is 3’1” *on each side*. This inconsistency should be addressed,
- Section 28-9.3(i) Conditional Use Requirements, Commercial in R-1 zone. The Town Code only allows commercial in the R-1 if the parcel borders Palisade or Park Avenue. Park Avenue is now the C district. (There are no R-1 parcels fronting Park Avenue.) This section should be updated.
- Section 28-28 Fees. The Fees section should be reviewed. Some fees have gone unchanged since 1987, and they should be reexamined in view of current administrative costs of processing applications. (Reference to other municipalities may be useful in determining a reasonable fee schedule.) The Fee schedule attached to the land use application form should be clarified. The application form has a different fee schedule, and requires, for example, fees and escrow deposits based on the type and number of variances requested. Other provisions of the Town Code include conflicting fees.
- Zoning Ordinance. General Comments as follows:
 - Update and Review. The Zoning Ordinance should be reviewed and updated to correct errors and mistakes such as typos, internal inconsistencies, etc. The Zoning Ordinance also pre-dates the consolidation of the two land use boards, and as a result, there are numerous references to the “Planning Board” and the “Board of Adjustment” as separate bodies, sometimes referring matters to each other. The Town has a planning board, which also exercises the jurisdiction of the zoning board of adjustment. A general review should be made for any other matters to address such as consistent use of defined terms.

- Additional Land Use Ordinances. The Joint Board further recommends that additional land use regulations contained in Chapter 26 (Land Use Procedures) and Chapter 27 (Land Subdivision and Site Plan Review) be reviewed as well to ensure consistency of procedures and substance.
- Cannabis Regulation. The Town Council adopted an amendment to the Town Code prohibiting sale of certain cannabis products in any commercial zone. That provision has not yet been codified into the Town Code. Master plan review may provide an opportunity to make recommendations on any changes to this ordinance. Recall it was adopted in 2021 in time for a legislative-mandated deadline. If the Town did not prohibit by the deadline, cannabis sales would have been permitted in all commercial districts.
- Electric Car Charging Stations. Recent legislation has resulted in the DCA promulgating State-wide zoning regulations pertaining to electronic car charging stations. Consideration should be given to incorporating this form ordinance into the Town Code. The model ordinance does apply to the Town, and the Town would be obligated to enforce and comply with its term. Including it in the Town Code may make it easier to reference it and focus attention on it.
- Auto Repair Shops. Auto repair/body shops should be defined as a prohibited or excluded use throughout the Town, except fronting Kennedy Boulevard. See 28-2.2 (definitions for automobile garage, etc.). Note those terms are never actually used anywhere in the Zoning Ordinance. (Other uses may be considered for addition to an “excluded use” category.)
- Rock Removal. The conditional use standards for mid-rise residential buildings in the R-1 and C zone require applicants to obtain a preliminary rock evaluation to address the presence of bedrock on the site within any area to be excavated. The report is required to include a plan for removal and an assessment of any impacts to adjacent properties. Town Code § 28-9.3(c)(2)(f). That section should be deleted and replaced with comparable requirements applicable to all projects throughout the Town that involve significant rock removal.
- Status of R-5 Zone (east). The area between Bellevue Avenue and Boulevard East from 68th Street to 71st Street is presently zoned R-5 High Rise Residential. This zone requires a minimum lot size of 20,000 square feet. Only limited opportunity exists for this type of residential development to occur based on existing lotting and development patterns. It is recommended that the zoning between Bellevue Avenue and Boulevard East be modified to retain the R-5

High Rise Residential Use for Block 40, Lot 1 which contains an existing 11 story multi-family residential complex and for Block 38, Lots 4 and 6, which contains a vacant nursing home (Lot 4) and a 9-story multi-family residential complex. The remaining portions of the existing R-5 Zone should be absorbed into the R-4 Zone which better reflects the existing development and lotting pattern.

- Status of R-5 zone (west). The recommendation to allow auto-related businesses fronting on Kennedy Boulevard is inconsistent with the R-5 zoning. No applications for high-rise development have been pursued. Given the size of the lots and the assembly requirements, it appears unlikely that high-rise development will occur. The R-5 zone in the west part of the Town should be rezoned R-4. Consideration should be made to zoning parcels fronting Kennedy Boulevard for an appropriate mixed use including auto repair shops.

- Maintenance of Lots with Development Approvals. The Joint Board has confronted the issue of parcels with development approvals that lie idle for years after the approval. In some cases, developers remove older improvements and allow the lot to sit vacant. Further, although developers are required to execute developer agreements for certain projects, often times they do not do so for considerable time. Consideration should be given to amending the Town Code to set deadlines for developers to execute developer agreements, and to require developers to screen vacant development lots and to secure their safely and maintenance.

- Potential Redevelopment Sites. Within the Town of Guttenberg are significant number of vacant parcels that have laid fallow for a significant number of years. Revised zoning regulations have not resulted in their development or redevelopment. It is recommended that the Town conduct Redevelopment Investigations to determine if any or all the following parcels meet the statutory criteria necessary to declare any or all of them an “Area in Need of Redevelopment” pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6. The lots are as follows:
 - 6900-02 Adams Street Block 4, Lot 12
 - 6904-06 Adams Street Block 4, Lot 13
 - 6809-11 Jackson Street Block 4, Lot 28.02
 - 6813 Jackson Street Block 4, Lot 28.01
 - 137 69th Street Block 29, Lot 11
 - 216 68th Street Block24, Lot 32
 - 82 70th Street Block 36, Lot 40
 - 15-17 70th Street Block 39, Lot 4

THE RECOMMENDATION OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE "LOCAL REDEVELOPMENT AND HOUSING LAW," P.L. 1992, C. 79 (C. 40A:12A-1 ET AL.) INTO THE LAND USE PLAN ELEMENT OF THE MUNICIPAL MASTER PLAN AND RECOMMENDED CHANGES, IF ANY, IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY.

The Town does not have any adopted Redevelopment Plans. The Town Council recently directed the Joint Board to investigate specific sites for eligibility for in need of redevelopment.