

# ***Epstein 's Rehabilitation Plan***

## **Town of Morristown Morris County, New Jersey**

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and

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for the

**Town of Morristown**

# Table of Contents

<b>SECTION 1.0 INTRODUCTION.....</b>	<b>1</b>
1.1 Public Purpose.....	1
1.2 Rehabilitation Plan Goals and Objectives.....	3
<b>SECTION 2.0 REHABILITATION PLAN.....</b>	<b>4</b>
2.1 Development Regulations.....	4
2.2 Existing Zoning.....	4
2.3 New Rehabilitation Areas and Uses.....	5
2.4 Schedule of Land Use and Development Requirements for Proposed New Rehabilitation Areas.....	7
2.4.1 Permitted Uses .....	7
2.4.2 Development Yard, Bulk, and Related Requirements.....	8
2.4.3 Height and Yield According to Base & Bonus Program.....	10
2.4.4 Bonus Criteria.....	13
2.4.5 Parking and Loading Standards.....	21
2.4.6 Signage Requirements.....	23
2.4.7 Other Design Criteria.....	24
<b>SECTION 3.0 PLAN INTERPRETATION.....</b>	<b>26</b>
3.1 Relationship to Morristown Zoning Ordinance.....	26
3.2 Plans of Adjacent Municipalities.....	26
3.3 Morris County Growth Management Plan.....	26
3.4 New Jersey State Development and Redevelopment Plan (SDRP).....	26
3.5 COAH Obligations.....	27
<b>SECTION 4.0 REHABILITATION MEASURES FOR PUBLIC INFRASTRUCTURE.....</b>	<b>28</b>
<b>SECTION 5.0 AMENDMENTS TO AND DURATION OF REHABILITATION PLAN.....</b>	<b>29</b>
5.1 Amendments to Rehabilitation Plan.....	29
5.2 Certificates of Completion.....	29

# Section 1.0 Introduction

## 1.1 Public Purpose

The Epstein's Rehabilitation Plan is designed to promote mixed-used development which respects the uniqueness and attractiveness of the Central Business District (CBD) and further provides for the development of residential, retail commercial and office uses in appropriate locations. The plan will enhance the area by providing a diversity of residential uses, including condominium and rental apartments, lofts and townhouses, as well as adequate and convenient public parking which will serve and support all of the proposed uses.

By considering the goals, objectives, and specific recommendations put forth in the Town of Morristown Master Plan (adopted by the Morristown Planning Board on August 28, 2003), the Epstein's Rehabilitation Plan was formulated to ensure that the interests of Morristown residents will be served.

### • **Quality of Life Goal:**

To maintain an environment in Morristown that is conducive to attracting and retaining a diverse population and a vibrant business community. (p. 2-2)

#### ***Objective:***

Encourage the private investment and commitment needed to make the Town more pleasant and efficient as a place to live and work. (p. 2-2)

#### ***Objective:***

Preserve and protect the existing Town Green and its environs, which are major elements of the community's identity. (p. 2-2)

### • **Land Use Goal:**

To encourage a balanced and appropriate land use pattern. (p. 2-3)

### • **Circulation Goal:**

To promote efficient and safe pedestrian and vehicular mobility within the Town. (p. 2-3)

#### ***Objective:***

Provide a sufficient amount of off-street parking in appropriate locations (p. 2-3).

### • **Economic Development Goal:**

To retain and enhance Morristown's position as the financial, cultural, business and historical center of Morris County and as one of the premiere business environments within New Jersey. (p. 2-4)

• **Building Compatibility Goal:**

To ensure that heights of buildings are consistent with the role that buildings will play within the neighborhood and the role that the neighborhood plays within the community. (p. 2-5)

• **Historic Preservation Goal:**

To protect the key elements of Morristown's historic architectural fabric so that the unique character of the community is not lost. (p. 2-6)

• **Housing Goal:**

To protect the key elements of Morristown housing opportunities so that a broad spectrum of people will be attracted to Morristown and those here will choose to remain. (p. 2-6)

In addition, under the Land Use Plan section of the master plan, it is stated that residential development should be permitted relating to the density and availability of sufficient parking. (p 2-12)

The main goal of the Epstein's Rehabilitation Plan's is to create a vibrant downtown setting in the Central Business District. This requires that the existing character of the area is protected as new development occurs. This plan strives to accomplish this through design standards that will ensure a visually attractive and appropriate setting around the Green and standards that maintain efficient vehicular circulation. These are concerns for the CBD raised in the master plan and they are specifically addressed through the uses and designs proposed in this plan.

The economic vitality of the properties around the Green is crucial to the economic wellbeing of the Town. Economic growth around the Green will stabilize the tax rate and permit protection of the Town's residential neighborhoods, reducing real estate property tax revenue pressures in those areas. The proposed mixed-use projects will increase revenues to the Town without any appreciable impact on services.

The proposed plan will bolster public parking in this area of the CBD by creating a single consolidated parking facility that will reduce the circling for parking spaces around the Green. This conveniently located parking facility will strengthen the vitality of business uses on the Green and along South Street. The additional public parking that the Plan provides in the CBD, along with the opportunity for shared parking between residential and commercial uses, will enhance the economic viability of the CBD.

In addition, the mixed-use development provides benefits to the Town through reduced traffic compared to office development, and via the generation of additional patrons for local restaurants and shops and diverse parking patrons for existing and proposed parking

facilities. A significant aspect of the Plan is the provision of both home ownership and affordable housing opportunities in the CBD.

## 1.2 Rehabilitation Plan Goals and Objectives

The Rehabilitation Area is unique in the context of downtown Morristown, with three major property owners controlling a number of key sites within several blocks in and around the Morristown Green. These include the various Epstein's holdings located between West Park Place and MacCulloch Avenue (i.e., former department store and parking areas), the Morristown Parking Authority (MPA) lot and deck in the area between Market and DeHart Streets, just west of the Green, and the Simon holdings in the block between Market and Bank Streets just north of Maple Avenue. Many of these buildings or sites are vacant and/or underutilized, such that the opportunity exists to create an integrated mixed-use development that can take advantage of the area's CBD location as well as the resources of the Morristown Parking Authority by effectuating an efficient shared parking arrangement. Accordingly, the Rehabilitation Plan provisions and standards have been devised so that in exchange for certain development bonuses a number of public benefits/amenities can be realized that go significantly beyond what might otherwise be achievable under the existing zoning scheme.

The specific goals and objectives of the Rehabilitation Plan are as follows:

1. To provide for the integrated development of complementary uses and amenities that are designed to strengthen and enhance existing commercial activity within downtown Morristown.
2. To stimulate development of new retail shopping facilities adjacent to or near the Town Green.
3. To provide opportunities for construction of housing within a downtown setting.
4. To promote shared parking and more dispersed traffic patterns by providing for uses with varying peak-hour traffic and parking requirements.
5. To promote development of buildings and parking facilities which are of an appropriate scale and height within the existing downtown context.
6. To foster appropriate relationships between buildings, streets, parking areas, walkways and landscaped areas, both within the development and in the context of the surrounding area.
7. To create a critical mass of stores, restaurants, offices and housing within downtown Morristown.
8. To provide for an increase in the economic base of the rehabilitation area and the town generally by redeveloping underutilized and nonproductive properties.
9. To provide for the creation of affordable housing and ownership housing within downtown Morristown.

## **Section 2.0 Rehabilitation Plan**

### **2.1 Development Regulations**

#### **Definitions**

All terms used herein shall have the same meaning as defined in the proposed Morristown Land Development Ordinance (LDO) unless otherwise specified in this rehabilitation plan.

#### **Design Standards**

All performance and design standards as set forth in the LDO shall be applicable within all rehabilitation plan areas unless otherwise specified in this rehabilitation plan. Where specific provisions for performance and design are stated in the Epstein's Rehabilitation Plan, these plan provisions shall supersede, govern, and control the equivalent standards set forth in the LDO.

#### **Deviation Requests**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Rehabilitation Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Rehabilitation Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

### **2.2 Existing Zoning**

The building that is commonly referred to as Epstein's is actually a combination of buildings on five levels. This space comprises approximately 115,000 square feet, but actually only provides about 70,000 square feet of selling space. The properties that comprise the Epstein's and Morristown Parking Authority (MPA) properties exist on five streets (West Park Place, Market Street, Maple Avenue, De Hart Street and MacCulloch Avenue) in three blocks and in three different land use zone districts. These zones are the Central Business District (CBD), Office Residential Character (ORC) and Residential Transition (RT).

The MPA property is in both the CBD and ORC districts, while the Epstein's Maple Avenue lot is in both the ORC and RT districts. With the properties spanning two •zones, developers are restricted to the different permitted uses in each zone. This arrangement does not permit the use configurations necessary to satisfy the market

demand for goods and services that would occur by increasing residential development in the downtown area.

The parcels known as the Simon properties are located in both the B Business District and the CBD. Existing floor area consists of 29,000 sq. ft. of commercial and retail space. The B Zone does not have the use and bulk standards that allow the types of development that will support the CBD. Given the B Zone parcel’s irregular shape, frontage on two public streets and the change in grade between the two streets, the existing zoning makes it especially difficult to take full advantage of the site’s downtown location.

### 2.3 New Rehabilitation Areas and Uses

The following new rehabilitation areas and uses are proposed for the creation of an area that will support a viable, contiguous CBD. Sections of the existing B (Business), CBD (Central Business District), ORC (Office Residential Character), and RT (Residential Transition) will be changed as a result. Below is a list of rehabilitation plan areas, the existing zones and proposed new areas. The new plan areas are shown in Figure 1. Section 2.4 describes the bulk and use standards required for these new areas. The Rehabilitation Plan envisions the consolidation and resubdivision of a number of lots to provide for appropriate building configurations and site designs. The development regulations in these new areas shall supersede the zoning regulations for the subject parcels.

**Table 1. Subarea Definitions**

<b>Block &amp; Lot</b>	<b>Existing Zone</b>	<b>Proposed New Area</b>
<b>Block 6004; Lots 1, 8, 8.01 (western section), 12 (northwestern section) and 16</b>	<b>CBD</b>	<b>A*</b>
<b>Block 6004; Lot 8.01 (eastern section)</b>	<b>CBD</b>	<b>A*</b>
<b>Block 6004; Lot 12 (southern section)</b>	<b>ORC</b>	<b>A*</b>
<b>Block 5004; Lots 12 (northeastern section), 8.01 (middle section)</b>	<b>CBD, ORC</b>	<b>A*</b>
<b>Block 6005; Lot 10 (northern section)</b>	<b>ORC</b>	<b>B</b>
<b>Block 6005; Lot 10 (southern section)</b>	<b>RT</b>	<b>B</b>
<b>Block 6104; Lot I</b>	<b>RT</b>	<b>C</b>
<b>Block 600I; Lots 13&amp;14</b>	<b>CBD</b>	<b>D</b>
<b>Block 6002, Lot I</b>	<b>B</b>	<b>D</b>

*(Continued with notes on page 7)*





\* Note: Because some of the lot numbers in Area A do not align with the various components of the development program, Area A has been further subdivided into subareas defined by adjacent street frontage, as follows:

Subarea A1 - Any buildings fronting or adjacent to Market Street & West Park Place

Subarea A2 - Any building(s) fronting or adjacent to DeHart Street

Subarea A3 - Any building(s) fronting or adjacent to Maple Avenue

As the Plan's proposed parking structure will be located within the middle portion of Area A, regulations regarding parking garages refer to the entire Area A, and are subject to setback and other requirements.

## **2.4 Schedule of Land Use and Development Requirements for Proposed New Rehabilitation Areas**

### **2.4.1. Permitted Uses**

#### **Subareas A1, A2, and Area D\***

- a. Retail sales, but excluding the sale of building materials, motor vehicles, boats or swimming pools;
- b. Personal and business services;
- c. Restaurants and similar establishments selling food and/or beverages;
- d. Banks and savings and loan institutions, financial services, brokerage agencies;
- e. Publicly or privately-owned open spaces, such as parks and plazas available to the general public;
- f. Health or fitness clubs;
- g. Supermarkets (only in Subarea A1);
- h. Residential uses, except located on the ground floor fronting on a public street.
- i. Office uses, including professional offices, but only within the ground floor of buildings in Area D fronting on Bank Street.
- j. Public or private parking structures owned or operated by a public agency or private entity.

**\*Note:** the Town of Morristown is may adopt a separate redevelopment plan for Area D that would supersede the standards contained herein.

### **Subarea A3**

- a. Guide dog training & associated facilities
- b. Office uses, including professional offices

### **Areas B and C**

- a. Townhouses and townhouse complexes
- b. Publicly or privately-owned open spaces, such as parks and plazas available to the general public;

### **Allowable Uses by Subarea and by Floor and Required Number of Buildings in Subarea A1**

The following special restrictions apply in Subarea A1:

- Street-facing facades of ground floors may only include permitted retail, personal service, banking or restaurant uses. Façades that do not face public streets may include residential uses.
- Second floors may include permitted retail uses, but only if the retail space is an extension of ground-floor retail business(es) with street front entrances. Second floors may not be used for separate retail businesses requiring internal entrances.
- Basement retail space is allowed, however any retail business occupying basement level space must also provide via its own internal connection ground-floor space of a minimum 500 square feet with a street front entrance. Basement space may not be used for separate retail businesses requiring internal entrances.
- No more than 135 residential units shall be permitted in any one building, however this limitation shall not preclude the provision of an underground connection between two buildings with more than 135 total residential units.

#### **2.4.2. Development Yard, Bulk, and Related Requirements**

All setbacks from public streets shall be measured from the curb line.

#### **Area A**

##### Setbacks and Coverage

- For parking garage structures, minimum setbacks shall be as follows:
  - o Market Street: 125 feet
  - o West Park Place: 125 feet
  - o DeHart Street: 100 feet
  - o Maple Avenue: 75 feet

For all other uses, minimum setbacks shall be as follows:

- Market Street: 10 feet
- West Park Place: 19 feet
- DeHart Street and Maple Avenue: 10 feet

Minimum Interior Side Yard — 0 feet

Minimum Rear Yard — 0 feet

Buildings along Market Street or West Park Place shall not exceed 200 linear feet in length, measured along any street-facing façade. Parking garages are excluded from this requirement.

Maximum Lot Coverage — 100 percent

Maximum Impervious Coverage — 100 percent

### **Areas B and C**

#### Setbacks and Coverage

Minimum Front Yard — 10 feet

Minimum Side Yard — 10 feet

Minimum Rear Yard — 20 feet

Minimum Separation Between Buildings or Complexes — 15 feet

Minimum Buffer to Adjacent Uses or Districts — 5 feet

Maximum Lot Coverage — 40 percent

Maximum Impervious Coverage — 80 percent

Maximum Dwelling Units per Townhouse Building — 5

Maximum Building Length for Townhouse Complexes — 160 feet

### **Area D**

#### Setbacks and Coverage

Minimum Setback from Market Street — 8 feet

Minimum Setback from Bank Street — 6 feet

Minimum Interior Side Yard — 0 feet

Minimum Rear Yard — 0 feet

Maximum Lot Coverage — 100 percent

Maximum Impervious Coverage — 100 percent

**\*Note:** the Town of Morristown may adopt a separate redevelopment plan for Area D that would supersede the standards contained herein.

#### Pedestrian Access through Block

Any project located in Area D shall maintain the pedestrian access through the block from Market Street to Bank Street, generally in line with Maple Avenue and Ann Street, so as to

provide access to the Ann Street parking facility and the balance of the Rehabilitation Area. Access shall be open to the public at all hours and shall be well-lit.

### **2.4.3 Height and Yield According to Base & Bonus Program**

The intent of the Rehabilitation Plan is to permit buildings of a base height that in large part mirrors the current zoning, but to also provide certain incentives in the form of additional height and corresponding unit yield or floor area bonuses wherever specific public amenities are provided and/or specific public purposes are met. The bonus provisions are designed to assure that any or all of the following benefits are derived: that development is of the highest quality from the standpoint of building design as well as in respect to the historic character of the area; that a share of the residential dwellings be set aside as affordable units; that a share of the residential dwellings be ownership units; that publicly-accessible open space and/or streetscape improvements be provided; that buildings meet LEED certification as defined by the U.S. Green Building Council (USGBC); and that any parking garage either be hidden or disguised so as to break up its mass and appearance.

Base (without bonuses) allowable building height and densities/floor areas are defined according to Areas or Subareas as shown in Table 2. The criteria for each bonus element, where applicable, are described in Section 2.4.4. Complying with the height and story bonus requirements qualifies the structure for the dwelling unit and/or floor area bonuses outlined in Table 2.

**Table 2, Height and Yield**

Area or Subarea	Maximum Height			Maximum Yield		
	Allowable Base	With First Bonus	With Second Bonus	Allowable Base	With First Bonus	With Second Bonus
AI	56.5 feet, 5 stories	68 feet, 6 stories	79.5 feet, 7 stories	160 units and 110,000 s.f. of retail space	195 units and 110,000 s.f. of retail space	210 units and 110,000 s.f. of retail space
A2	56.5 feet, 5 stories	65 feet, 5 stories	N/A	16 units and 8,000 s.f. of retail space	59 units and 8,000 s.f. of retail space	N/A
A3	40 feet; 3 stories	52 feet, 4 stories	N/A	21,000 s.f. of office space	28,000 s.f. of office space	N/A
Area A—Garage	50 feet, 5 levels	60 feet, 6 levels	70 feet, 7 levels	600 parking spaces	700 parking spaces	800 parking spaces
B	35 feet, 3 stories	42 feet, 3 stories	N/A	20 units	20 units	N/A
C	35 feet, 3 stories	42 feet, 3 stories	N/A	10 units	10 units	N/A
D*	In accordance with current CBD and B zoning	55 feet, 5 stories	65 feet, 6 stories	42 units and 35,000 s.f. of retail	53 units and 35,000 s.f. of retail	64 units and 35,000 s.f. of retail

**\*Note:** the Town of Morristown is may adopt a separate redevelopment plan for Area D that would supersede the standards contained herein.

**Measurement of Building Height**

Building height in Area A for buildings fronting on West Park Place shall be measured in comparison to the grade elevation at the curb line of West Park Place in the center of the frontage of Lot 8. In this area, building height shall be measured to the roof level on a flat roof, deck level on a mansard roof and mid point of the rise of a gable roof.

Building height for all other buildings in Area A, and for buildings in Areas B, C, and D, *including parking garages*, shall be measured according to the definition of “Building Height” in the LDO as follows:

“The vertical distance measured from the average elevations of the finished grades at each side of the building to the highest point of a flat roof, to the deck line of mansard roofs or to the mean height between eaves and ridge for gable, hip and gambrel roofs.”



The following criteria shall apply in Areas A, B, C, and D:

1. Any level of a building or parking structure with a finished floor elevation that is located at or more than 6 feet below the grade elevation at the curb line shall not be not considered a story.
2. Parapet walls, balcony railings, and decorative cornices shall not be included for the purposes of determining the building height, provided such elements do not exceed 4 feet in height.
3. Rooftop structures such as stair towers, elevator towers, water tanks, antennae, HVAC equipment, solar energy panels or cells, *green roof elements*, and other appurtenances shall not be included for the purposes of determining building height provided that such devices are set back from the building façade by a distance equal to their height. Stair and elevator towers for parking garages are not required to meet such setback requirement.

### **Minimum Retail Development Requirements**

At least 70,000 square feet of retail space must be provided **in Area A**, in order to replace the existing sales space in the Epstein's building. Buildings fronting Market Street, West Park Place and DeHart Street shall be required to provide ground-floor retail space of at least 35 feet in depth measured perpendicular to the street.

### **Miscellaneous**

The MPA and Morristown Police Department, in consultation with the Redevelopers, shall determine appropriate security measures for the parking garage(s). The Rehabilitation Plan contemplates simultaneous development of Area A. However, the site plan approval and the commencement of construction for any elements in Area A may proceed simultaneously or independently of each other. Where construction in Area A is contemplated in stages, the redeveloper(s) shall be required to demonstrate that each stage will be self-sustaining in relation to access, internal circulation, parking, sanitary sewer, stormwater facilities, landscaping, off-tract improvements, and any other essential services, and that adequate safeguards are provided to ensure that each individual stage is properly related to every other stage of the redevelopment project.



## **2.4.4 Bonus Criteria**

### **A. Subarea AI: First Bonus Story and Unit Yield Bonus**

Buildings shall meet the following criteria to obtain one bonus story and corresponding unit yield bonus:

1. Meet the requirements for Pedestrian Friendly Building Design and Historic Character as set forth below.
2. Provide 20 affordable housing units.
  - a. At least 50 percent of the affordable units shall be provided on-site.
  - b. The remaining affordable units shall be provided as a \$35,000 per unit contribution to the municipality for the purposes of providing affordable housing.
3. Provide at least one-third (33 percent) of the residential dwellings as ownership units.

Regulations governing the extra story:

- The additional story shall not exceed the height requirement of the area by more than 11.5 feet.
- The additional story shall be set back at least 29 feet from the curb line of West Park Place.
- The additional story shall be set back at least 20 feet from the curb line of Market Street.

### **B. Subarea AI: Second Bonus Story and Unit Yield Bonus**

A structure that first qualifies for one bonus story and unit yield bonus shall qualify for a second bonus story and the corresponding unit yield bonus provided that the following requirements are met:

Either Item 1 OR Item 2; AND Item 3:

1. Set back the main façade plane of the building's first five stories an additional 10 feet along Market Street. The setback space may be used for outdoor dining or café seating.
2. Provide and maintain a public open space in the form of a publicly-accessible plaza or courtyard.
  - a. The space shall be adjacent to, or within 60 feet, of a public street, to provide public accessibility.
  - b. The space shall be at least 35 feet wide and 35 feet deep.
  - c. The space shall be well-lit and attractively landscaped and paved.

3. Provide streetscape design improvements as follows:
  - a. Provide street trees, spaced approximately 30 feet on center, along all sidewalks fronting or closest to the building's outer façades.
  - b. Provide pedestrian-scale streetlamps along all public sidewalks and internal walkways.
  - c. Provide distinctive, high-quality sidewalk paving along Market Street and West Park Place.
  - d. Paving and streetlamp style and spacing shall be in accordance with the Morristown Partnership Standards.

Regulations governing the second extra story:

- The additional story shall not exceed the height requirement with one bonus story in place by more than 11.5 feet.
- The additional story shall be set back at least 54 feet from the curb line of West Park Place.
- The additional story shall be set back at least 35 feet from the curb line of Market Street.

### **C. Subarea A2: Bonus Height and Unit Yield Bonus**

Buildings shall meet the following criteria to obtain the height and unit yield bonus:

1. Meet the requirements for Pedestrian Friendly Building Design and Historic Character as set forth below.
2. Provide tenant accessible open space between façade of building and parking deck.
3. Meet the requirements for Loft Style Residential Building Design standards (Section 2.4.4(K)) as set forth below.
4. Provide streetscape design improvements as follows:
  - a. Provide street trees, spaced approximately 20 to 25 feet on center, along Dehart Street.
  - b. Provide pedestrian scale streetlamps along all public sidewalks and pedestrian walkways. Street lamp fixtures shall be Morristown Partnership 'acorn' style streetlamps with LED lighting or other fixtures that may be approved by the Planning Board. In addition, compliance International Dark Sky standards are required and it is recognized that additional shielding may be required to conform to required standards.
  - c. Provide distinctive, high quality sidewalk paving and 'pedestrian plaza' area along Dehart Street as further described in the Loft Style Residential Building design standards as set forth Section 2.4.4(K) of this Plan.

- d. Maximize openness along the façade that runs between the pedestrian alleyway and the parking facility driveway.
  - e. Meet other streetscape standards contained in the Loft Style Residential Building Design Standards, below.
5. Any additional units constructed pursuant to the bonus criteria shall be subject to Article VIIIA (Affordable Housing Overlay Zone) of the Morristown Land Development Ordinance. Pursuant to LDO §30-8A03, a total of twelve and one half percent (12.5%) of the total number of dwelling units shall be set-aside, restricted, and sold or rented to low and moderate-income households, as defined by the Council on Affordable Housing (“COAH”) in accordance with applicable COAH rules. Furthermore, up to 50% of the required set-aside may be provided off-site in partnership with a third party affordable housing developer or through a financial contribution to the municipality’s Affordable Housing Trust Fund. Bedroom distribution for affordable housing units must comply with the Uniform Housing Affordability Controls. Any deviation from, or refining of, these requirements shall be at the sole discretion of the Town.
  6. Provide sidewalk width of at least 12.5 feet along Dehart street.
  7. Demonstrate sufficient parking and loading facilities exist to accommodate additional units in conformance with standards contained in Section 2.4.5.
  8. Coordinate with the Morristown Parking Authority to establish reasonable safety measures to discourage leaping or jumping from the parking deck onto the façade or roof of Building C.

**D. Subarea A3: Bonus Story and Floor Area Bonus**

Buildings shall meet the following criteria to obtain the bonus story (up to an additional 13 feet of height) and corresponding floor area bonus:

1. Meet the requirements for Pedestrian Friendly Building Design and Historic Character as set forth below.
2. The structure’s design shall receive certification for meeting LEED 2.1 standards as defined by USGBC.

**E. Area A: One Additional Level to Parking Garage**

The intent of the bonus criteria for the parking garage is to hide, disguise, and break up the large mass and appearance of the garage.

Parking structures may contain one additional level above grade up to 10 feet in height, for a total height of 6 levels and 60 feet, provided that the structure meets Item 1 AND either Item 2 or 3, as follows:

1. At least 50 percent of the parking structure perimeter shall be located behind existing or proposed development that is at least four stories in height. A portion

of the garage façade shall be considered “hidden” if it is located behind buildings when measured perpendicular to the building’s adjoining street.

2. Articulate façade(s) that are not *hidden* (as defined in item 1 above) from public streets or publicly-accessible open space using the following standards:
  - a. Break the façade into 20 to 40 feet structural bays, using elements similar to those established for Pedestrian-Friendly Building Design and Historic Character as set forth below.
  - b. Divide façades into a base, middle, and top, using elements similar to those established for Pedestrian-Friendly Building Design and Historic Character as set forth below.
  - c. Visible façades shall use the same type and quality of materials as established for Pedestrian-Friendly Building Design and Historic Character as set forth below.
3. Where ventilation requirements preclude articulating the structural façade of the garage, a separate, freestanding façade screen may be constructed to conceal facades that are not hidden (as defined in item 1 above) from public streets or publicly-accessible open space. The screen shall meet the following standards:
  - a. The screen should be separated from the garage by a horizontal distance sufficient to permit adequate ventilation in the garage. The screen wall may include metal rods to tie back to the garage structure for stability.
  - b. The screen should be as tall as the full height of the garage, including any parapets. Where necessary to prevent oblique views of the garage from any public street, the screen should wrap around garage building corners.
  - c. The screen should be designed to give the appearance of a mixed-use building with more generous ceiling heights commonly associated with adjacent buildings, and to disguise the normally low ceiling heights and sloping levels associated with parking garages.
  - d. The screen should be articulated and broken up into vertical bays and a base/middle/top in the same manner as in item 2 above.
  - e. The screen should use the same type and quality of materials for pedestrian-friendly buildings as set forth below.
  - f. The screen shall not be required where the parking structure is hidden (as defined in Item 1 above) by other buildings.

#### **F. Area A: Second Additional Level to Parking Garage**

Parking structures that qualify for the first level bonus may also contain one additional level above grade, up to an additional 10 feet in height, for a total height of 7 levels and 70 feet, provided that they meet the same bonus criteria set forth for a 6-level garage, plus the following criterion:

1. The structure’s design shall receive certification for meeting LEED 21 standards as defined by USGBC.

### **G. Areas B and C: Bonus Height**

Townhouses in Areas B and C may be constructed up to 42 feet in height provided the following criteria are met:

1. Provide a base for each unit of at least three (3) feet in height. Emphasize the base with substantial materials such as brick and stone that provide a visual grounding and sense of weightiness to the building's base. Base materials should wrap around all visible corners, extrusions and sides of buildings to avoid a "pasted-on" appearance. The ground level of the unit shall be at least 3' above grade.
2. Provide a porch or covered stoop at least six (6) feet wide and four (4) feet deep. Steps leading to the porch or stoop should have a substantial appearance. Porches, stoops and bay windows may project up to five feet into the front yard setback.
3. The top level of the unit shall use a pitched (such as gabled or gambrel) form at the front façade, in order to downplay the additional height. Flat or other roof forms which emphasize the full height of the building at the front façade are prohibited. The front façade of pitched roofs should be accented with dormer windows and/or chimneys. Portions of roofs visible from the front shall use high quality, attractive roofing material.
4. Where two townhouse complexes face each other across a walkway or private green, the minimum separation between the front facades of units shall be 50 feet, in order to preserve sunlight into the front yards.

### **H. Area D: Bonus Height and Unit Yield Bonus**

Buildings within Area D may be constructed up to 5 stories and 55 feet in height and obtain the corresponding unit yield bonus, provided the following criteria are met:

1. Meet the requirements for Pedestrian-Friendly Building Design and Historic Character as set forth below.
2. Enhance the required pedestrian access through the block between Market and Bank Streets so as to provide an improved connection between Ann Street and Maple Avenue, as follows:
  - a. The access way shall be at least 10 feet wide, at least 10 feet clear height at Market Street and at least 20 feet clear height at Bank Street, and be lit with pedestrian-scale lamps.
  - b. The access way shall be flanked by commercial storefronts with floor-to-ceiling windows above a minimum 18-inch base, in order to enhance safety and informal surveillance of the passageway.
3. Provide 6 affordable units.
  - a. At least 50 percent of the affordable units shall be provided on-site.
  - b. The remaining affordable units shall be provided as a \$35,000 per unit contribution to the municipality for the purposes of providing affordable housing.

## **I. Area D: Additional Bonus Height and Unit Yield Bonus**

Buildings within Area D may be constructed Up to 6 stories and 65 feet in height and obtain the corresponding unit yield bonus, provided that, in addition to the bonus criteria for a 5-story building, the following criteria are met:

1. The additional story shall comply with the following street-facing setbacks, which are intended to minimize the apparent bulk of the building, while giving some allowance for the restrictively narrow width of the property.
  - a. Setback from Market Street. At least 70 percent of the additional story shall be set back a minimum 15 feet from the curb line.
  - b. Setback from Bank Street. The additional story shall be set back at least 10 feet from the curb line.
  - c. Setback from Westernmost Property Line. The additional story shall be set back at least 85 feet from the westernmost property line, however trellises and similar ornamental features are exempt from this requirement.
2. Provide all of the residential dwellings (100 percent) on the additional bonus floor as ownership units.
3. Provide streetscape design improvements as follows:
  - a. Provide street trees, spaced approximately 30 feet on center, along Market Street.
  - b. Provide an arcade with a minimum 3-foot internal clear width and 12-foot internal clear height along Bank Street north of the centerline of Ann Street.
  - c. Install a public sidewalk along Bank Street south of Ann Street to match the curb edge of the existing sidewalk north of Ann Street. Such sidewalk shall connect around the corner to the sidewalk along Market Street. The sidewalk linkage from Bank to Market Street may be provided through stairs, to accommodate the grade change.
  - d. Provide pedestrian-scale streetlamps along Market and Bank Streets.
  - e. Paving and streetlamp style and spacing shall be in accordance with the Morristown Partnership Standards.

## **J. Bonus Criteria for Pedestrian Friendly Building Design & Historic Character**

This language applies to bonuses for Areas A and D.

To meet the criteria for this bonus, buildings shall comply with items 1, 2, and 3 as follows.

1. Massing and articulation
  - a. Horizontal façade planes shall be broken into 20 to 40 foot vertical bays.
    - i. Bays should be distinguished through elements such as columns, pilasters, gutters or expansion joints, changes in façade plane, size and rhythm of window spacing, or variation in surface material and pattern.

- ii. The vertical bays should extend through all stories of the building, but may exclude upper “penthouse” stories that are substantially set back from the primary façade plane.
- b. Building facades adjacent to the public street shall provide for a differentiated building mass consisting of a base, middle, and top.
  - i. The base of the building should be defined as the first one or two levels. To define the base, overhangs, light shelves or straight awnings are encouraged along storefronts and over building entrances. The pattern of any storefronts within the base should relate to the building’s vertical bay pattern.
  - ii. The middle of the building should be distinguished from the base and top by horizontal belt courses or cornices or changes in material, masonry, or fenestration pattern.
  - iii. The top of the building should be emphasized with a parapet wall and/or balustrade, deep cornice with a minimum 8 inch projection, or a gabled roof.

## 2) Entries and windows

- a) All entries should be articulated by a change in material, projection or recession of minimum 12 inches, or awning or canopy. Awnings should be straight, not fluted or curved; and should not have side panels or valances.
- b) Primary entries to the residential portions of mixed-use buildings, and to office buildings, should be clearly visible and distinguished through projections, recessions, material changes, overhangs or canopies. The distinguishing features of such entryways should be vertically articulated through all levels of the building.
- c) Primary entries to individual retail businesses shall be provided at-grade on street-facing facades, or at-grade within an open-air entryway lobby along a street-facing facade. Mall-style entries to individual retail business, off an internal corridor, are prohibited.
- d) Residential upper-level units shall have windows occupying at least 25 percent of the residential portion of the façade area. Residential windows should have divided lites and be operable.
- e) Ground-floor retail space shall have storefront-style plate glass windows occupying at least 40 percent of the ground-floor façade area.
- f) Office buildings shall have windows occupying at least 25 percent of the façade area.
- g) Window jambs should be at least 4 inches deep in order to create shadows and texture in the building facade.
- h) All windows should be vertically-proportioned, to harmonize with the historic character of Morristown. Vertically-proportioned windows may be clustered to create larger, horizontally-proportioned expanses of windows within each bay.
- i) Building façades within the same block as and facing a new parking structure shall not be required to have windows.
- j) Awnings should be straight, not fluted or curved, and should not have side panels or valances.

### 3) Materials

- a) Stone, masonry, and brick are required primary façade materials for facades facing public streets, walkways, or open spaces. No more than three primary materials shall be used on any such façade.
- b) Façades facing parking garages may be stucco, concrete or other masonry material.
- c) Stucco, glass block, and metal may only be used as accent materials for facades. Accent materials should not be used on more than 25 percent of the façade.
- d) Building facades adjacent to or easily visible from a public street, walkway, or open space should exhibit the same degree of architectural detailing on each building.
- e) Materials should be extended around corners and extensions in order to avoid a “pasted on” appearance.
- f) Windows on the ground floor shall have clear and non-reflective glass. Windows on upper-level floors may be lightly tinted, but should be non reflective. Stained, translucent, or decorative glass may only be used for transom windows.

## K. Bonus Criteria for Loft-style Residential Building Design

### 1. Architectural Approach & Basis for Design:

#### a. Intent.

- i. *Loft style.* Building C shall be designed in the style of older an, pre-war industrial buildings. While Morristown lacks a history of such buildings, the design of Building C should be guided by adjacent historic district by reintroducing and reinterpreting design themes and decorative elements. Architectural precedents from more active industrial hubs such as Newark, Hoboken, Jersey City and even the SoHo neighborhood in New York City may also provide design direction.
- ii. *Innovation and exemplary design.* The intent of the bonus criteria is to encourage loft-style architectural features into a high-quality mixed-use structure with associated streetscape and pedestrian amenities. The design should be enduring, iconic and representative of Morristown.
- iii. *Balance competing demands.* The design of building C shall address a key design challenge – on one hand the design should feel familiar and contextual, while on the other hand it should be fresh and contribute to Morristown’s contemporary architectural traditions. Mixing architectural styles, reinterpreting historic details, or both, may help address this objective.
- iv. *Shall vs. Should:* The purpose of the guidelines in this Section is to provide direction in the design and implementation of this Plan. The use of the term “should” indicates a preferred and desirable standard. The use of the term “shall” indicates a mandatory standard. The Planning Board may grant relief from a mandatory standard unless otherwise specified in this Plan.

#### b. Contextual Considerations:

- i. *Transitional location.* The requirements below were crafted with the recognition that Building C forms a key edge of the Rehabilitation Area that also signifies a transition in character and scale. The block of Dehart Street between South



Street and Maple Avenue quickly transitions from an urban downtown scale to the two and three story detached structures that are characteristic of the Town's historic district. A successful architectural approach would respond to this context by successfully incorporating appropriate historic references and be of a transitional scale that contributes to the pedestrian experience.

- ii. *Vernacular*. These standards do not require a specific architecture style so long as all historic references are both internally consistent (i.e. do not mix vernaculars) and should draw from architectural traditions present in the surrounding blocks. According to Morristown's Historic District Design Guidelines (2006), the adjacent historic district contains classic examples of Italianate, Second Empire, and Classical Revival structures, the majority of which were constructed in the second half of the nineteenth century. It may not be appropriate to incorporate single-family details or styles into a larger multi-family structure. Therefore, it is encouraged that Building C façade design reference the design of mid-rise building developed in the same era as Morristown's most iconic historic structures.
- iii. *Visual Diversity*. The loft-style design approach should take the opportunity to create visual diversity as it relates to other completed structures in the Epstein's Rehabilitation Area. Diversity may be accomplished by use of materials, façade composition, massing, details, or techniques that are not common to those present in adjacent or nearby facades.
- iv. *No Literal Replication*. Architecture should not be designed to replicate historic elements or provide a false sense of historic development. Historic architectural references are encouraged, but shall be easily distinguished from the surrounding structures and reinterpreted or abstracted in a tastefully unique, inventive and modern way.

**c. Other Considerations & Objectives.**

- i. *Lightness*. Loft-style architecture should be designed to emphasize lightness and transparency. Elements and composition that emphasizes heavy and thick brick horizontal and vertical elements is not encouraged.
- ii. *Multiple Typologies*. Up to two loft-style character typologies per building, so long as the more ornate and detailed façade faces Dehart Street. Façade may be simplified along remaining three facades, but street frontage façade style shall return at least 25 feet along the façade plane perpendicular to Dehart Street. If two typologies is proposed, the two character areas shall relate to or reference one another to create a cohesive building design.
- iii. *Pedestrian Friendly Design*. Meet the same criteria as in Pedestrian-Friendly Building Design (above), as well as the following loft-style exterior architectural design features contained herein. Where standards conflict, loft-style standards shall control.

**2. Massing and articulation.**

**a. Bays & Modulation:**

- i. A design proposal may propose and the Planning Board may grant relief from the

20-40 foot vertical bay requirement listed in the Pedestrian Friendly Design section, above. If the Planning Board determines it will advance the overall goals of the loft style architecture for a design proposal to forgo vertical bays, long interrupted walls shall nonetheless include design features that reduce visual dominance.

- ii. The façades shall generally be uniform with regard to horizontal and vertical proportions. Pilasters shall be designed and dimensioned in proportion with spandrels, with strong linear elements. Horizontal bias is strongly preferred over an emphasis on verticality.
- iii. If “side” facades contain a different modulation strategy than the front façade, the side facades shall incorporate a design similar to the front for a length/depth as may be required to be consistent with the composition or proportions of the front façade.
- iv. Where two architectural styles are incorporated into a single structure, the two styles shall relate to each other by incorporating a consistent façade modulation strategy and/or window opening rhythm.

**b. Upper-Story Standards:**

- i. The façade along Dehart Street shall be characterized as glass-dominant, clear articulation of large metal-framed windows.
- ii. Floor to floor heights shall be a minimum of 10 feet. While 12 feet is encouraged because a reasonable amount of additional floor to floor would advance the purposes of this plan and may justify variance relief from overall building height requirements.
- iii. Balconies visible from any public right of way shall not project away from the façade plane. Where present, inset balconies shall be coordinated and consistent with overall façade composition.

**c. Roofline & Cornices:**

- i. Roofs shall have a simple, flat (not peaked) form.
- ii. Cornices are encouraged to provide a visual “cap” to the building. Where utilized, cornices shall contain appropriate ornamentation such as brackets or dentils. Cornices shall project a minimum of 12 inches, but not more than 5 feet, from the façade.
- iii. Secondary cornices between floors are permitted, but shall not visually compete with primary cornice. It is encouraged that the Dehart Street facade includes a strong second cornice above the first floor to define the base of the structure.
- iv. Design elements, such as pilasters, columns, bands, belt courses or similar details shall project away from the wall at a distance necessary to provide authenticity and cast appropriate shadow lines.
- v. Horizontal elements shall be consistent along all facades and relate to adjacent structures.
- vi. In addition to horizontal, vertical and protruding elements, articulation and visual interest should be created by use of accent colors, surface textures and

architectural lighting, which is encouraged to accentuate key details.

d. **Ground Floor Standards:**

i. *General Standards*

1. Ground floor ceiling heights shall be a minimum of 13'. A ground floor ceiling height of 15' to 20' is encouraged. A reasonable amount of additional floor to floor would advance the purposes of this plan and may justify variance relief from overall building height requirements.
2. Overall ground floor façade composition shall correspond with that of the upper stories.

ii. *Dehart Street Façade.*

1. An arcade or similar covered pedestrian area is permitted along Dehart Street frontage, but the area below shall not count toward minimum setback or sidewalk width. Facades projecting over the ground floor shall meet the following standards:
  - a. Ceiling height below projecting elements (i.e. soffit surface) shall be at least 12 feet clear in height.
  - b. The upper story façade plane shall not project more than 8 feet from the ground floor façade plane.
  - c. The area below projecting element (i.e. soffit surface) shall be clad in a light color or otherwise designed to maximize reflection of natural light. Furthermore, ground floor area below projecting façade plan shall be well illuminated, at least 2.0 foot-candles on average, by thoughtfully selected "high bay" light fixtures.
  - d. If vertical columns are incorporated to support the projecting facade, the ground floor area shall remain at least 70 percent open to the air. Vertical columns, where constructed, shall be clad in a consistent or complementary material as the remainder of the Dehart Street façade.
2. The ground floor shall be broken into a series of bays that frame and organize the individual storefronts. Bays should be 12' to 40' wide. Each storefront bay shall have an individual pedestrian entrance. Proportion of retail bays shall coordinate with modulation strategy in upper stories.
3. Ground floor windows shall be shaded with an awning or trellis located between 8 and 10 feet above the sidewalk. This shall not be necessary where upper stories project beyond the ground floor façade plane.
4. The ground floor shall contain a horizontal sign band, or frieze, located above the storefront display or transom windows and below the second floor windows or upper story projections.
5. Adequate illumination and signage shall be provided along the façade above and around the entrance to the public parking facility.

iii. *Façade along Pedestrian Alleyway:*

1. The façade separating the entry lanes to the public parking garage and the

pedestrian path to the north shall be designed in a way to maximize transparency and visibility between pedestrians and automobiles.

2. The first floor façade adjacent to the pedestrian alleyway shall be designed to maximize openness, while also ensuring adequate separation between pedestrian and vehicular areas. These unobstructed openings shall be detailed in a manner consistent with the upper story window openings (i.e. brick courses, headers, sills, surrounds).
3. The façade shall contain details that contribute to pedestrian comfort and enjoyment, with the understanding that projecting features will be limited by the fact that the alleyway is actively utilized by delivery trucks.

**e. Entries and windows**

- i. Meet the same criteria as in Pedestrian-Friendly Building Design.
  1. Standards for Upper Story Windows:
    - a. Residential units shall have windows occupying at least 40 percent of the façades along Dehart Street and 30% along other facades.
    - b. Upper story windows shall be either clear glass or Low-E (spectral selective glazing) with coatings of blue or green tint.
    - c. All facades shall be consistent or complementary with regard to window rhythm and spacing.
    - d. Casement, double hung or awning windows may be used. If divided light windows are selected, they shall be true divided light or simulated divided light with exterior muntins on both window faces as well as spacers between panes to give the illusion of true divided light. Mullions, muntins and window frames shall be dark (black, bronze or colored) and coordinated throughout the building. Vinyl windows are prohibited.
    - e. Window openings shall be articulated as appropriate given the selection of façade material and architectural character. For example, if brick is used, window opening may be articulated by a soldier course of brick or commentary material such as cast stone.
    - f. Small individual windows for bathrooms or kitchens are prohibited. Windows shall be uniform in size to the extent that it is appropriate given the architectural style of the given façade.
    - g. Windows or other openings shall be recessed into the wall plane enough to provide a shadow effect and provide visual relief, except in the case of projecting bay windows.
    - h. These standards shall pertain to both exterior and courtyard facades that are visible from within the public parking deck.
  2. Standards for Ground Floor Windows:
    - a. The ground floor area on the Dehart Street façade devoted to windows

shall be maximized, with glazing occupying at least 65 percent of the ground-floor façade area.

- b. Ground floor display window sills along Dehart Street shall be no higher than 18 inches. Transom windows are encouraged on the ground level façade. The sill height of ground floor windows of residential units shall be at least 24 inches in height or as necessary to provide sufficient privacy.
  - c. Ground floor windows shall remain transparent and not be obstructed by interior or exterior elements.
3. Ground Floor Entries
- a. The primary building entry to residential units shall be distinguished with a canopy or similar element, which may project up to 6 feet from the façade plane. Canopy materials shall coordinate with materials used in the façade.
  - b. Ground floor main entrance and storefront doors shall be recessed into the façade.
  - c. Loading and utility entrance shall not be visible from the public right-of-way, which includes both Dehart Street and the pedestrian alleyway.
  - d. Pedestrian access from the western façade from the alley way into the covered garage driveway is encouraged so long as it is compatible with the overall design of the parking facility.

### **3. Materials**

- a. Materials and workmanship shall be high in quality, as may be reasonably determined by the Planning Board.
- b. The use of unique and/or innovative façade materials is encouraged. Unique materials shall be defined as those not common or present along adjacent or nearby facades and may include high quality metal cladding (zinc, copper, iron), as well as ceramic, stone or slate. Unique appearance may also be achieved by utilizing less common colors or unit sizes.
- c. If brick is utilized, facades should be clad in Norman or standard size brick with mortar of a complementary color. Utility or jumbo size brick is prohibited. Norman brick is preferred, where appropriate.
- d. If metal cladding is utilized, the selected material shall contain appropriate detailing in the form of incised decorations and reliefs that relate back to referenced vernacular. Details may be simplified into basic geometric forms or interpretations of more ornate details.
- e. Façades facing the public parking garage shall be brick and similar in appearance to perpendicular facades.
- f. Facades should be enlivened with artwork, decorative tiling, or ornamental ironwork where possible, such on as security grates or access panels. Where appropriate, references to historic architectural details should be abstract and playful.
- g. Louvers shall not be located on any façade that is easily visible from a public street,

including along upper-story facades that may be visible above existing adjacent structures. The Planning Board may permit louvers only if required for building operations. In cases where this determination is made, best efforts shall be made to place louvers along the face of bays or protrusions that are perpendicular to the main façade plane and shall be color matched to the surrounding façade materials.

- h. Masonry must be at least 4 inches thick and materials should be extended around corners and extensions in order to avoid a “pasted-on” appearance.
- i. Colors: facades shall have no more than two principle colors. Use of accent color to provide visual interest is encouraged.
- j. Prohibited materials include aluminum siding/cladding, vinyl, EFIS, or similar façade elements. These materials are prohibited on any façade, whether it is public or private facing, including courtyard facades. The Planning Board may consider aluminum trim elements on a discretionary basis. Chain link and vinyl fencing is also prohibited.

#### **4. Interiors & Operations:**

- a. Residential, common and commercial interiors shall complement exterior architecture and character.
- b. Residential unit interiors should have a minimum internal floor-to-ceiling height of 9.5’ feet clear, to create loft-style character.
- c. High quality finishes such as hardwood floors, granite countertops, walk-in closets, stainless steel appliances and in-unit washers and dryers are encouraged.
- d. Open floor plan and hardwood or concrete floors are encouraged.
- e. Exposed ductwork and beams are encouraged.
- f. Internal configuration of residential units and floor plans shall correspond to exterior façade modulation and configuration strategy.
- g. Amenity facilities within the building are encouraged and should be designed to foster social programs and interaction among the residents.
- h. The building shall be designed to meet the minimum efficiency standards of LEED-Mid Rise Silver. Certification with the United States Green Building Council is not required, but encouraged. At minimum, the Planning Board shall be provided with a score sheet completed by a LEED accredited professional that demonstrates satisfaction of the silver criteria.

#### **5. Exterior Lighting**

- a. Warm white LED elements are encouraged.
- b. High pressure sodium, mercury vapor lighting elements are prohibited.
- c. Wall mounted lighting fixtures shall be an integral and complementary part of the architecture of the façade to which it is affixed. Architectural lighting to accentuate design elements is strongly encouraged.
- d. Manufacturer cut sheets shall be provided for all proposed lighting fixtures for review and approval by the Planning Board.

- e. Lighting shall be designed and shielded in a way to avoid glare and light spillage upon the adjacent historic “Sansay House.”

## **6. Public Space & Site Improvements**

### **a. Sidewalk & Plaza (Dehart Street)**

- i. Pedestrian Plaza: a pedestrian plaza or seating area adjacent to the Dehart Street sidewalk is required. The Planning Board shall consider the parameters listed herein when approving a design for the pedestrian plaza.
- ii. Best efforts shall be made to coordinate the sidewalk plaza with the architecture composition and vernacular of the Dehart Street façade.
- iii. This sidewalk plaza shall be designed differently than the public sidewalk. The edges of the plaza and sidewalk shall be carefully designed to create a distinct area that is easily accessed by pedestrians from the sidewalk.
- iv. It is encouraged that the plaza design incorporates a clear sense of entry to the building. The path from the street to the building entrance should be clear, welcoming and integrated with overall design of the sidewalk plaza.
- v. The plaza treatment should return from the eastern facade around to the southern façade. Plaza treatment shall be utilized under any area above which there is an upper-story overhang, as described above.
- vi. Trees: street trees shall be provided at a maximum spacing of 20’ to 25’ on center. Spacing may be wider at building entrances to ensure clear access and pedestrian drop-off areas, as may be the case. Trees shall be a minimum of 3-3.5” caliper width at the time of planting and shall be maintained at a limb height of 7’ minimum.
- vii. Materials: permitted materials include granite or brick pavers and decorative concrete that is consistent with the Morristown Partnership standard.
- viii. ADA compliant tactile pavers shall be used to define the edge of the service drive and driveways used to access the parking deck. They should be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.
- ix. Layout and Design: the Morristown Partnership streetscape standard shall serve as the basis for sidewalk design. The Planning Board may consider modifications to the Morristown Partnership standard that would benefit the pedestrian experience and/or would contribute to a unique identity. Modifications to the Morristown Partnership standard should coincide with the overall design of the façade and continue architecture themes, spacing and/or rhythm along the horizontal sidewalk plane.
- x. Furniture: Sidewalk design shall contain at least four (4) integrated benches spaced evenly along the frontage. Design shall also include at least two (2) bicycle racks.

### **b. Other Open Spaces and Circulation Areas**

#### **i. Southern Driveway**

- 1. A decorative fence and vegetative buffer is required along the southern

property line shared with the historic Sansay House. Proposed fences and plantings shall reinforce existing buffers rather than replace existing improvements that are in sufficient condition. Chain link fences are prohibited.

2. Foundation plantings between the building and southern driveway are strongly encouraged in order to provide privacy and screening for the first floor residences.
  3. The driveway shall be paved in concrete or pavers. Asphalt driveway is not permitted at this location.
- ii. Rear Yard Area
1. Outdoor tenant amenities are permitted and encouraged in the rear area.
  2. Accessory structures that support pedestrian-scale amenities, such as, but not limited to, umbrellas, structural sun-sail, gazebos, or pergolas. In addition, the rear yard is the preferred location for all aboveground utility infrastructure.
  3. Rear yard lighting shall be designed and operated in a way that minimizes off-site impacts upon the adjacent properties
  4. Permitted surface materials include: stone, concrete, pavers, as well as wood or synthetic decking.
  5. Trees and plantings are encouraged so long as the Planning Board is satisfied that plants will receive sufficient light at this location.
  6. At least one secure access-point from the rear yard into the structure shall be provided.

#### **2.4.5. Parking and Loading Standards**

##### **Parking in Areas A and D**

The location and the mixed-use nature of Areas A and D in the rehabilitation area are well-suited for a shared parking approach whereby uses with different peak parking demands at different times of day are combined to limit overall parking space needs and efficiently utilize public parking resources. Each use in rehabilitation Areas A and D shall be required to provide parking in accordance with the parking demand for that use at the peak period of the day, which is approximately 11:00 a.m. to 12 noon.

The required parking for each use in Areas A and D is as follows:

- Residential Uses — For rental units, 0.4 spaces per unit daytime peak shared and 1.4 per unit nighttime peak. For ownership units, 0.6 spaces per unit daytime peak shared and 2.0 per unit nighttime peak.
- Retail and service uses — 2.6 spaces per 1,000 sq. ft.
- Bank, office, and personal service uses — 2.5 spaces per 1,000 sq. ft.
- Restaurant uses — 1 space per 3 seats
- Supermarkets — 2.9 spaces per 1000 sq. ft.
- Health or fitness clubs — 3.5 spaces per 11000 sq. ft.



- In Area A, the nearest point of the parking area for residential units shall be located within 100 feet of an entrance to the building it is intended to serve. The nearest point of the parking area for commercial units shall be located within 400 feet of an entrance to the building it is intended to serve. Such parking area(s) may be either existing or planned as part of this Rehabilitation Plan.

For buildings in Area D, parking spaces may be provided on-site or as part of an existing or proposed public parking facility within 500 feet of Area D.

## **Parking in Areas B and C**

### Unit Parking

Townhouse parking shall be provided consistent with Residential Site Improvement Standards (RSIS). Townhouse unit parking spaces, whether garaged or surface, shall be provided at the rear or side of units. Such parking is not permitted adjacent 10 public streets or internal greens. Adjacent on-street parking may be counted toward required guest parking above the requirement of 2 spaces per dwelling unit. The board may waive the requirement for additional guest parking and grant a de minimus exception from Residential Site Improvement Standards (RSIS) if the applicant can demonstrate the availability of public parking within two hundred and fifty (250) feet of the town-houses or townhouse complex.

## **Loading Areas in Areas A and D**

For mixed-use developments, a modified loading approach to the provision of off-street loading shall be permitted.

In Area A, one loading area shall be provided to serve each subarea that includes at least 20,000 square feet of retail space, and shall be located either on site or within 200 linear feet of the service or loading entrance to the building(s). The loading area shall be a minimum of 12 feet in width and 30 feet in length. Said loading area may be part of the overall off-street circulation system for the development provided that reasonable limitations as to the time of day for the use of the loading area are provided.

In Area D, an on-street loading area with a minimum length of 30 feet shall be designated on Bank Street in consultation with the Morristown Parking Authority. Loading areas are not required on-site in Area D.

In Areas B or C, loading areas are not required.

## **2.4.6 Signage Requirements**

### **Areas A and D**

1. Building signage should be placed so as not to obscure the structural or architectural elements of the building.
2. No sign shall contain exposed neon, blinking, flickering, tracer or sequential lighting. All signs shall remain stationary and constantly lit in intensity and color when turned on. All permitted signage may be internally illuminated or consist of rear lit halo lighting.

3. Internally illuminated signs shall not have a white or light-colored background or signboard.
4. Wiring for permanently illuminated signs shall be installed and maintained so that it is not visible from public sidewalks.
5. Sign illumination shall not cast light into residential windows or above the highest elevation of the front wall of the building.
6. Any permitted use may have one wall sign on each façade facing a public street or public open space with a maximum height of 3 feet and a maximum length equal to the length of the storefront or other occupied area on which said sign is located. The maximum permitted area of the sign shall be equal to 75 percent of the area determined by the product of the permitted height and the permitted length.
7. Any permitted use may have one additional projecting sign on each façade facing a public street or public open space. Said projecting sign shall be installed perpendicular to the building façade, in conjunction with a permitted awning, light shelf or canopy, and may be a maximum of 18 inches in height and 6 feet in height. Any permitted projecting sign shall be installed a minimum of 8 feet above finished grade, and shall not project in front of upper-story residential units.
8. Any permitted use may provide one additional entry sign installed on or painted on the entry door of said permitted use, or installed immediately above the entry door of said permitted use. The maximum permitted area of any entry sign is 3 square feet, and said sign may be of any horizontal or vertical dimension.
9. Any permitted use, other than residential, may provide painted window signs on any window facing a public street or public open space. Said window signs may be of any dimension, but shall not be permitted to cover more than 5 percent of the window area on which said sign is located.
10. Any permitted retail or service use, other than residential, may provide temporary window signs on any window facing a public street or public open space advertising a sale or special promotion. Said window signs may be of any dimension, but shall not be permitted to cover more than 10 percent of the window area on which said sign is located, shall be dated upon their installation, and shall be removed within 10 days of installation. Said temporary window signs are limited to one occurrence every two months.
11. Any permitted building may provide a building directory sign containing the names of tenants within the building on each façade facing a public street or public open space. Said building directory sign may be a maximum of 2 feet in width and a maximum of 3 feet in height.
12. Any permitted parking facility may provide identification, locational, directional, pricing, regulatory, informational and safety signage at any location within the Epstein's Rehabilitation Area. The size, location, design and lighting of such signage shall be at the discretion of the Morristown Parking Authority as provided in any redevelopment agreement implementing this rehabilitation plan. Directional signs associated with a permitted public parking facility may be installed along the Dehart Street façade of Building C and shall not be considered when determined as part of the residential or commercial signage limitations.

13. Any permitted use or building may provide such directional, informational or public safety signage as required by the municipality, county, or state agency with jurisdiction for this rehabilitation area.

### **Areas B and C**

Any permitted residential development may provide one identification sign. Said identification sign shall be a maximum height of 3 feet and a maximum length of 5 feet. The sign may be externally illuminated, or of rear halo-lit letters.

#### **2.4.7. Other Design Criteria**

##### **Building Orientation**

Front facades and entries shall face a public street or internal walkway or green. No primary building entries shall face a parking garage or parking lot. In no case shall the rear of a building face a public street.

##### **Exterior Design Requirements**

All development shall give consideration to the historic character of the area and individual buildings within the area as determined by the State Historic Preservation Office (where it has jurisdiction). The advice of the Morristown Historic Preservation Commission shall also be considered provided it is not inconsistent with the State Historic Preservation Office.

##### **Landscaping and Site Amenities**

All projects within the Areas A, B and D shall adhere to the streetscape design standards as promulgated by the Morristown Partnership. In addition, a landscape architect, licensed by the State of New Jersey, shall prepare a detailed landscape plan for each project. The landscape plan shall utilize a variety of trees, shrubs and any other landscaping materials appropriate for urban settings.

##### **Corner Clearance**

Within the Rehabilitation Areas A, B, and C the required corner clearance shall be determined by using twenty (20) feet of each street line, measured from their intersection, as the two sides, and the diagonal line connecting the two twenty (20) foot points as the third side. Corner clearance shall not be required at corners of signalized intersections. In no case shall the required corner clearance be less than the required American Association of State Highway and Transportation Officials (AASHTO) sight triangle for the street type in question.

Corner clearance shall not be required in Area D.

## **Section 3.0 Plan Interpretation**

### **3.1 Relationship to Morristown Zoning Ordinance**

The standards contained within this Rehabilitation Plan shall supersede any conflicting regulations in the Morristown Land Development Ordinance. In the case where a particular

land use or site standard is not covered in this rehabilitation plan, compliance with the Morristown Land Development Ordinance or other applicable Morristown code or ordinance will be required.

### **3.2 Plans of Adjacent Municipalities**

As stated in the 2002 Town of Morristown Master Plan, the communities that have the most direct relationship with Morristown are Morris Township, Harding Township, Mendham Township, Randolph Township, The Borough of Morris Plains, Hanover Township and the Borough of Madison. Morristown serves the role of a regional center, providing a variety of cultural, financial, and social services lacking in these municipalities. The Epstein's Rehabilitation Plan will strengthen Morristown's position as a regional center continuing to meet the needs of local as well as countywide residents.

### **3.3 Morris County Growth Management Plan**

The Morris County Growth Management Plan provides expansive goals and objectives, without specificity toward any geographic area in the county. This plan, adopted by the County Planning Board, is considered the master plan for the county and provides a framework indicating the desired future growth patterns for Morris County. The policies of the county plan are in conformity with the Epstein's Rehabilitation Plan.

### **3.4 New Jersey State Development and Redevelopment Plan (SDRP)**

Except for federally owned Park and Natural Areas, the SDRP places the entirety of the Town within the Metropolitan Planning Area (PA-I). Morristown is also designated a Regional Center. The PA-I intends to revitalize cities, stabilize older suburbs, redesign areas of sprawl, and protect the existing character of stable communities. The planning area designation of the SDRP is compatible with the goals and objectives of the Rehabilitation Plan.

#### (2) Housing

Provide a full range of housing choices through rehabilitation, new construction, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

#### (3) Economic Development

Promote economic development by encouraging rehabilitation efforts such as in- fill and land assembly, public/private partnerships and infrastructure improvements.

#### (8) Rehabilitation

Encourage rehabilitation at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

### **3.5 COAH Obligations**

The affordable housing provided by the redevelopers shall satisfy any affordable housing obligations imposed under current ordinance referenced herein or any any future ordinance amendment passed by the Town of Morristown.

### **Section 4.0 Rehabilitation Measures for Public Infrastructure**

The Epstein’s Rehabilitation Area was so designated due to deficiencies in the utility infrastructure in the area.

**Potable Water** — The designated redevelopers shall replace and repair potable water utility infrastructure within the area to the extent required to provide for new development in the area as shall be specified in a redevelopment agreement with the Town of Morristown.

**Sanitary Sewer** — The designated redevelopers shall replace and repair sanitary sewer utility infrastructure within the area to the extent required to provide for and support new development in the area as shall be specified in a redevelopment agreement with the Town of Morristown.

#### **Stormwater Management**

The Rehabilitation Area suffers from deficiencies in the storm water management system that causes excessive ponding at curb lines and crosswalks creating hazardous conditions for pedestrians. The rehabilitation of the system will consist of the extension of a large diameter reinforced concrete pipe from MacCulloch Avenue toward West Park Place along Market Street. This pipe will serve as the backbone of the new drainage improvements by providing adequate conveyance capacity for the system.

Additional inlets will be provided along curb lines on West Park Place, Market Street, Bank Street, Maple Avenue and DeHart Street to minimize ponding along the curb and to provide adequate inflow capacity to the system.

All new parking areas will have adequate inlet structures and connections to the storm water system to limit or eliminate overland flow to the public street system. All new structures, including the new parking facility, will provide direct connections to the storm water system, eliminating overland “sheet flow” across paved surfaces and improving drainage conditions and water quality for ultimate discharge.

New development in Areas B and C will incorporate Best Management Practices to the extent feasible to improve water quality from surface parking areas.

### **Section 5.0 Amendments to and Duration of Rehabilitation Plan**

#### **5.1 Amendments to Rehabilitation Plan**

This plan may be amended from time to time in accordance with the procedures of the Local Redevelopment and Housing Law, except that amendments affecting a rehabilitation parcel

addressed in an agreement, duly executed by a redevelopers and the Town of Morristown's rehabilitation entity, shall be contingent on the written approval of such redevelopers. Procedures for amending the plan shall be as regulated in the "Local Redevelopment and Housing Law". (N.J.S.A. 40A:12A-7).

## **5.2 Certificates of Completion**

Upon the inspection and verification by the Town of Morristown's redevelopment entity that the rehabilitation of a parcel subject to a Redeveloper's Agreement has been completed, a Certificate of Completion shall be issued to the redevelopers and such parcel shall be deemed no longer in need of rehabilitation.

This Rehabilitation Plan shall remain effective indefinitely until modified or amended by the Town Council of the Town of Morristown.