

Below please find a synopsis of public comments received by the Newark Planning Office in response to the 10/21/13 draft of Newark's Zoning & Land Use Regulations (NZLUR), and responses with regard to the revised draft NZLUR released 6/24/14. Thank you to all that submitted comments and questions. For more information, email newarkplanningoffice@gmail.com, or call (973) 733-3917.

Page # (10/21/13 revision)	Topic	Author	Comment	Response (page numbers refer to 6/25/14 revision)
General	Why if the revised zoning is ignored?	Joseph Nardone	What is the use all the hard work of revising the zoning if the planning board & the zoning board arbitrarily ignore the law? Why can't members of these boards be elected in a supposedly democratic society? The members make it up as they go along and ignore all the studies.	While the New Jersey Municipal Land Use Law designates the power to appoint the Planning and Zoning Boards to the Mayor and Municipal Council, it lays out a process whereby the public has the opportunity and responsibility to watchdog this process. For a fuller explanation, see the diagram "Who makes decisions about what gets built in Newark?" at http://planning.ci.newark.nj.us/who-makes-the-rules-for-building-in-newark/ .
General	Used Clothing Bins	Public meeting	Used clothing bins - who regulates? Can they be prohibited?	Used clothing bins are included under "Donation Bin" defined as "any enclosed receptacle or container made of metal, steel, plastic or a similar product and designed or intended for the donation through a slot in the receptacle and the temporary storage of clothing, eyeglasses or other materials" (page 56) and standards for their placement and use may be found on page 92.
General	Zoning Districts	Marvin Walton, Newark Housing Authority	The revision has refined and enhanced its zoning districts, making them much clearer, and more realistic for current and future development. It has added the Airport/Seaport Zones (EWR/EWR-S) Port, Mixed Use, Residential/Commercial and Special Redevelopment districts. This is beneficial as these new specific zones have nuances that render them different from the standard categories of "Commercial", "Industrial", and "Mixed".	Glad you like them.

General	Dayton Neighborhood	Marvin Walton, Newark Housing Authority	<p>There is concern regarding the provision of access between Dayton and EWR/EWR-S along the two routes of McClellan and Haynes. All west to east travel must go over or under the Northeast rail corridor and access or cross route 1&9. For planning purposes (as opposed to strict land use regulation) the Dayton corridor should be considered with the City of Elizabeth and Port Authority initiatives.</p>	<p>Agreed that future planning for the Dayton corridor should be considered with the City of Elizabeth and Port Authority initiatives.</p>
General	Affordable artist live/work spaces	Jorge A. Sánchez, Esq.	<p>We should look into requesting a percentage for affordable artist housing and/or work spaces as well as other artist uses within new developments larger than an agreed upon size or expenditure. This could be modeled after Boston and/or Jersey City; however, we are not certain whether it makes sense to develop an artist overlay district or disperse these spaces throughout the city. Those that cannot provide physical space on site would be required to set aside monies for a to-be-established arts fund that is directed toward creating more affordable art spaces throughout the city.</p> <p>The city of Newark should establish a commission to support the arts programming of the city, including a certification program for artists to be recognized and qualify for special programs and grants from the city.</p> <p>Explore and scope out public properties owned by the city of Newark that are vacant and/or underutilized and could be put to use by the artist community. This could help to establish art hubs throughout the city without causing unfair hardship to existing private owners. The artists could rent/manage these properties to the benefit of the city.</p>	<p>As discussions continue of new mechanisms to fund artist housing and arts facilities in Newark, such provisions may be incorporated in the NZLUR in the future.</p>

General	Flooding	Joseph Della Fave, Ironbound Community Corporation	How will the City use the latest FEMA flood zone maps to alter the allowable uses or conditions for facilities and homes in flood zones. Will increased impermeable surfaces be required for new developments, will certain chemical storage and hazardous materials processing be allowed in flood zones? Can you require the submission of an Oil Spill Prevention Plan or Emergency Preparedness Plan for any industrial facilities in flood zones?	While future finalized FEMA maps may require additional action, 40:15-8-6. Major Site Plan Drawing Requirements includes a “Statement of whether or not the site is located in a flood hazard area and if so how mitigated” (page 258). We will request information on NJDEP’s Oil Spill Prevention Plan requirements and consider for future revisions.
General	Inclusionary Zoning & Density	Joseph Della Fave, Ironbound Community Corporation	We would like to see the city pilot an inclusionary zoning overlay for any housing developments proposed within a 10 block radius from Penn Station in the Ironbound. Affordable units can and should be a part of any additional height or density increases allowed in this zone. One example of where this strategy might be possible is the area currently proposed as an R-5 zone near Penn Station (Union Street, Ferry Street, Railroad Avenue, Green Street). R-5 does not currently allow commercial establishments on the first floor, which may add to safety concerns and we believe certain types of commercial activities should be allowed in this zone to keep the area vibrant. We recommend the city consider a different classification for this area so as to allow for up to 5 story heights with an allowance for up to 8 stories with the addition of more affordable units.	As discussions continue of new mechanisms to provide affordable housing in Newark, such provisions may be incorporated in the NZLUR in the future.
General	State/City Jurisdiction	Public Meeting	Why are state institutions not bound by city zoning laws?	In New Jersey, municipalities are creatures of the state and the state is not subject to municipal regulation.

7-31 & 32-47	Consistency: "Redevelopment/Special Districts"	Marvin Walton	The color coded maps on page 7-31 delineating each neighborhood and its specific zoning districts dramatically improves the current regulations, however: 1) one of the prominent districts is the light grey shaded "Redevelopment/Special Districts" but unlike the other zoning district delineations, this district is not defined in the Draft; 2) pages 32-47 give a one page synopsis of each particular district, there is no synopsis for "Redevelopment/Special Districts. The draft would be more uniform, and more defined, if a synopsis for this particular district was included.	The revised zoning maps (pages 7-31) are updated with labels for specific Redevelopment Plan Areas, all of which refer to previously adopted Redevelopment Plans. For that reason, "Redevelopment Plans" are not included in the zone-by-zone synopses.
22	Zoning maps	Ada Caro, architect	The general area bounded by Green Street, Union Street, Ferry Street, and NJ Railroad Avenue currently shown as R-5 should be zoned MX-1 because R-5 does not permit ground-floor retail, office or service uses. These uses would guarantee activity, and therefore safety, at street level when most of the residents are away. MX-1 would allow for this.	We agree that ground-floor uses are important in this area, so "Ground Floor Retail, Office or Service Uses" are now permitted in all buildings in R-4, R-5, and R-6 zones (page 80). Also, to create "eyes on the street," apartment buildings in these zones must have 50% transparent windows and a primary entrance on their primary street-facing facade,
22	Zoning maps	Ada Caro, architect	The general area bounded by Green Street, Union Street, Ferry Street, and NJ Railroad Avenue currently shown as R-5 should be zoned MX-1, a more flexible zoning option since it allows for both services and residential uses and would attract new residents, like active and passive recreation parks, community gardens, child care centers (conditional) and primary and secondary schools (conditional).	R-5 now permits active and passive recreation parks, community gardens, child care centers (with conditions) and primary and secondary schools (with conditions) (page 80).

22	Zoning maps	Ada Caro, architect	Allowing 8 stories in the general area bounded by Green Street, Union Street, Ferry Street, and NJ Railroad Avenue currently shown as R-5 would impose a greater load on the infrastructure than a building of only 4 stories. Our existing schools are already overcrowded and might not be able to serve an extreme increase in population.	A very small portion of the city is zoned to allow 8-story buildings (page 36). The area near Penn Station is zoned to allow 8 stories in recognition of the value and benefit of denser development near this transportation hub. As any development would happen over time, schools and infrastructure would need to be enhanced as necessary: every specific development proposal must present testimony regarding water, sewer, stormwater, and other infrastructure systems.
22	Zoning maps	Ada Caro, architect	I recognize the need to prohibit single, two- and three- family dwellings in the general area bounded by Green Street, Union Street, Ferry Street, and NJ Railroad Avenue currently shown as R-5. Maybe some blocks could remain R-5, while the majority is changed to MX-1.	MX-1 allows single, 2-, and 3-family houses because it is designed for a larger area of the Ironbound where these kinds of houses mix with retail and service establishments (pages 87-89). Because of the special location of the area you describe, the draft zoning prohibits lower-density development like single, 2-, and 3-family houses and allows apartment buildings of four units and up as well as ground-floor retail and service uses.
22	Zoning Maps	Joseph Della Fave, Ironbound Community Corporation	The draft would benefit from greater sensitivity and attention to the borders of the Ironbound community where industrial and residential uses often meld together. In these boundary zones we would strongly urge that there be meaningful step-downs that buffer and phase in the industrial uses gradually from the residential areas. Were possible we would like to see the gradual phasing from MX-1 to MX-2 to I-1 and then I-2 rather than abrupt and adjacent industrial and residential uses.	We agree and have made many changes to the southernmost area of the Ironbound (page 22) to create buffers and gradual phasing without zoning out large numbers of existing businesses.
22	Zoning Maps	Joseph Della Fave, Ironbound Community Corporation	South Ironbound intersections along Miller, Emmet, and Wright Streets and Avenue A & B - allow for adjacent blocks that go from MX-2 to I-2 without any transition or buffer zone, there should be a zone of I-1 or MX-2 zones before allowing I-2 zones.	I-1 has been mapped to act as additional transition zone between MX-2 and I-2 (page 22).

22	Zoning Maps	Joseph Della Fave, Ironbound Community Corporation	Area along Rome Street starting at Wilson Avenue going north to St. Charles Street is absent any buffer between low rise residential on one side and I-1 facilities on the opposing side. The side of Rome that is currently I-1 should be MX-2. All industrial zone uses should begin on the other side of the Route 1&9 corridor beginning on Paris Street. The first few blocks of Rome Street on the south side of Routes 1&9 should be I-1 and gradually stepped down to I-2	I-1 has been extended to Avenue L north of Wilson Avenue to act as additional transition zone between R-4 and I-3 (page 22).
22	Zoning Maps	Joseph Della Fave, Ironbound Community Corporation	The Island area bordered by Chapel and Lockwood Streets north of Raymond Boulevard should be the same designation as the area south of Raymond Boulevard - MX-2.	This area has been mainly mapped as I-1, so as not to encourage additional residential construction in this area.
22	Zoning Maps	Joseph Della Fave, Ironbound Community Corporation	Why is the C-3 zoning (regional retail) allowed in the middle of the Ironbound residential core along Niagara and Ferry Streets? This should be stepped down to C-2 designation to conform to the rest of the community and existing uses.	C-3 accommodates the existing automobile-oriented large-format development that exists on these blocks.
23	Zoning maps	Ada Caro, architect	Create transitions between zones in industrial districts. I recommend that a stretch of land from Chapel to Lockwood and from Raymond to Euclid be rezoned I-1. This would be more compatible and serve as a buffer. Also would be a more welcoming entrance to the city from the east.	Agreed. This general area is now mapped as I-1 (page 23).
23	Zoning maps	Ada Caro, architect	To create a better transition, can zones in the Newark Industrial district be rezoned I-2 instead of I-3? This might also help transition use from heavy industry, a source of pollution.	I-3 areas are generally located away from residential zones, while maintaining sufficient I-3 land area to support the city's industrial sector and jobs.
27	Zoning Maps	Marvin Walton, Newark Housing Authority	The west side of Frelinghuysen Avenue, which is within the scope of the Choice Neighborhood Initiative (CNI), and contains the Seth Boyden footprint, remains fairly consistent with a mix of R-2, R-3, R-4, C-3 and MX-2 uses. While currently there are MX-2 uses in that neighborhood, various community meetings and studies indicate that the removal of those MX-2 uses would be beneficial to that residential community. As such, while	Agreed. The formerly MX-2 areas on the west side of Frelinghuysen Avenue between Carrington and Center Terrace have been remapped as MX-1.

			current uses would be grandfathered the MX-2 delineation in that neighborhood should be changed to MX-2 for a better residential/retail mix in the future.	
27	Zoning Maps	Marvin Walton, Newark Housing Authority	The portion of Meeker Ave that borders the north side of Weequahic Park is zoned I-1. This describes the current use of the neighborhood. Newark should make an effort to transform that neighborhood to eventually enhance the part and its surroundings. it should be changed to mix of C-1, C-2 and MX-1, as appropriate surrounding for a main entrance for a major park	This area includes many active light industrial uses.
27	Zoning Maps	Marvin Walton, Newark Housing Authority	The C-3 district on the west side of Frelinghuysen Avenue includes methadone clinics as a conditional use. This zone should be characterized as a C-2 zone, grandfathering clinics but preventing additional methadone clinics from establishing in the neighborhood.	This area will be mapped to C-2 in future revisions.
50	Definitions	N'dela Costley	Add "Automobile Repair" and definition.	Added in Use Tables as "Automobile Repair and Tire Repair" (page 82, 84, 87). Definition will be added to future draft.
53	Definitions	N'dela Costley	Add "Colocation" and definition	Added as "Colocation site" (page 53).
53	Definitions	Elizabeth Reynoso, Food Policy Director	Coldframe should be separated from City Clerk.	Amended (page 53).
54	Definitions	Elizabeth Reynoso, Food Policy Director	In this definition, the Court Street Urban Farm would be considered a "community garden" because of the one-acre trigger. There is talk of increasing the garden's acreage because of available NHA land but it may be best to identify a smaller square footage to keep Court Street as an "Urban farm". Market Garden could apply to Court Street Urban Farm, that is if it is fine to say that a non-profit sells produce for profit.	The size limit of one-acre for Community Gardens and Market Gardens allow for only these smaller urban agriculture uses in some areas of the city while larger uses are permitted in others. If an existing garden under the "Community Garden" use designation (one acre or less) acquired additional property and wished to expand beyond one acre, an amended site plan approval would be required. The "Market Garden" use designation also be an acre or

				less in area, but allows sales of produce while “Community Garden” does not.
59	Definitions	Elizabeth Reynoso, Food Policy Director	“Food Pantry” and “Fresh Food Market” should be separated.	Amended (page 59).
64	Definitions	Elizabeth Reynoso, Food Policy Director	“Government Use,” “Greenhouse,” and “Ground Mounted Installation” should be separated.	Amended (page 60).
64	Definitions	N'dela Costley	Add “Motorcycle Club” and definition.	Motorcycle clubs have been explicitly incorporated in the “Private Club” conditional use (page 184-5).
70	Definitions	N'dela Costley	Add “Social Club” and definition.	The former use “Social Club” has been renamed “Private Club” (page 68).
71	Definitions	Elizabeth Reynoso, Food Policy Director	<p>“Supermarket” and “Fresh Food Market” definitions. I realize for zoning purposes we need to identify square footage but industry goes by sales and variety of what is sold. Conflicting definitions could affect potential funding sources and food retail attraction work that rely on sales and depth of stock vs. square footage. Can we align our definitions with industry definitions used by USDA, NJ Food Council and Food Retail World, i.e.:</p> <p>“Grocery Store”: Any retail store selling a line of dry grocery, canned goods or nonfood items plus some perishable items.</p> <p>“Supermarket”: Any full-line self-service grocery store generating a sales volume of \$2 million or more annually</p> <p>“Convenience Store”: Any full-line self-service grocery store offering limited line of high-convenience items. Open long hours and provides easy access. The majority sell gasoline with an annual sales of \$2 million or more.</p> <p>“Convenience Store (Traditional)”: A small, higher-</p>	<p>We support aligning NZLUR definitions to the greatest extent possible with definitions used by other agencies and industries. At the same time, building sizes of various uses involving food sales is of primary importance for context-appropriate development, rather than annual sales or other metrics, as the size of a building, in addition to the items they carry, influence planning impacts such as truck and other traffic, odor generation, and waste management. For example, a store over 10,000 square feet is expected to generate greater traffic and garbage impacts than one with less than square footage. Also, a greengrocer carrying only vegetables is expected to generate less offensive odors than a meat and fish market. Thus, the NZLUR uses the following categories for food markets:</p> <p>“Fresh Food Market” shall mean an establishment in which the sale of fresh fruits and vegetables to the general public occupies at least 50% of the gross floor area and is less than ten thousand (10,000) square feet of gross floor area.</p>

			<p>margin store that offers an edited selection of staple groceries, non-foods, and other convenience food items, i.e., ready-to-heat and ready-to-eat foods. The traditional format includes those stores that started out as strictly convenience stores but might also sell gasoline.</p> <p>“Independent” - An operator of fewer than 11 retail stores.</p> <p>“Chain” - An operator of 11 or more retail stores.</p> <p>“Other” - The small corner grocery store that carries a limited selection of staples and other convenience goods. These stores generate approximately \$1 million in business annually.</p> <p>References to market definitions can be found here: http://www.ers.usda.gov/amber-waves/2011-december/data-feature-mapping-food-deserts-in-the-us.aspx http://njfoodcouncil.com/page.asp?content=industry_information&g=nj_fc http://www.foodretailworld.com/Definitions.htm ?</p>	<p>“Convenience Retail” shall mean a retail sales establishment offering prepackaged food products, toiletries, household items, tobacco products, newspapers and magazines, flower arrangements, and freshly prepared foods for off-site consumption. Such use includes bodegas. Such uses do not include prepared food shops or take-out food establishments, as defined herein, or any other establishment where the primary use is the retail sale of food. Convenience retail establishments shall not include any commercial cooking appliances for heating or cooking food which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through an independent exhaust system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbeques; rotisseries; and similar appliances.</p> <p>“Supermarket” shall mean a self-service retail sales establishment specializing in food and household merchandise, with at least ten thousand (10,000) square feet of gross floor area.</p> <p>“Prepared Food Establishment” shall mean an eating and drinking establishment with or without seating that is primarily engaged in the sale of prepared food, non-alcoholic beverages, or desserts. A prepared food shop has a service counter where all customers pay for their ordered items before consumption and may have accessory drive-through windows. A prepared food shop shall not include any commercial cooking appliances for heating or cooking food which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through an independent exhaust system.</p>
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				“Fish, Meat and Poultry Market” shall mean a retail food store supplying meat, poultry, fish and seafood products intended for home preparation, consumption, and use; and where meat processing is limited to making cuts of meat from preprocessed carcasses. The use shall include butcher shops but shall not include on-site slaughtering. See “Animal Market, Live.”
72	Definitions	N'dela Costley	Add “Tire Repair/Sales” and definition	Added in Use Tables as “Automobile Repair and Tire Repair” (page 82, 84, 87). Definition will be added to future draft.
72	Definitions	Elizabeth Reynoso, Food Policy Director	Adding language to “Urban Farm” definition because farms can qualify based on size as well as revenue, e.g., the state requires 5 acres and/or \$50K revenue “Urban Farm” shall mean an establishment one (1) acre or larger where legal plants are grown for the legal sale of the plants or their products, or revenue thereof equals \$25,000 or more	We support aligning NZLUR definitions to the greatest extent possible with definitions used by other agencies and industries. At the same time, clearly distinguishing between urban agriculture facilities of various sizes is of primary importance for preventing nuisances and promoting harmoniously scaled development. Thus, the NZLUR divides urban agriculture into smaller uses (“Community Gardens” and “Market Gardens”) and larger uses (“Urban Farms”).
78	Use Tables	Ada Caro, architect	List the conditions for “Ground Floor Retail, Office or Service Uses,” which is conditional use for zones R-4, R-5, and R-6.	“Ground Floor Retail, Office or Service Uses” are now permitted in R-4, R-5, and R-6 and no longer conditional (page 80).
78	Artist Live/Work - Residential & Commercial Districts	Jorge A. Sánchez, Esq., Newark Arts Collective	Artists live/work spaces are confined to the Industrial Light districts which are removed from downtown and access to Penn Station. There should be a clear presence of the artist community in the downtown area and in other areas not necessarily identified as industrial. Many of the special overlay districts are ideal for artists. Regulating artist live/work spaces to only this zone could result in the alienation of the artist community as currently those types of spaces, albeit unauthorized, are speckled throughout the city. Why not work with the	Making art that produces no nuisances such as strong smells, chemicals, or noises is permitted in all residential uses. You don’t need zoning permission to watercolor! In the 6/25/14 draft, we have tried to clarify regulations by renaming the “Artist Live/Work Studio” use as “Artist Live/Work Studio (Nuisance Producing),” defined as “a place designated to be used as both a dwelling place and a place of work by artists and craftspersons for the production of (a) paintings, drawings, jewelry,

82	Animal Crematoria	Ana Baptista	Why are animal crematoriums allowed in industrial zones and not limited to cemeteries?	<p>Animal crematoriums are generally not found in cemeteries but are used by animal-related businesses. Because of their nuisance potential, they are only permitted conditionally in I-3 zones (page 84), the heaviest industrial areas in the city. The conditions with which animal crematoria must comply are as follows (page 166):</p> <ol style="list-style-type: none"> 1. Location. No animal crematorium shall be permitted within one thousand (1,000) feet of a residential use. 2. Condition of Approval. The applicant shall agree as a condition of approval that the proposed facility shall: <ol style="list-style-type: none"> a. Be associated with a veterinarian licensed in the state of New Jersey. b. Screen from public view through fencing, landscaping or buildings, all activity relating to the deceased animals, including delivery and storage of the corpse. d. Not store deceased animals outside the facility. e. Limit the storage of deceased animals to no more than forty-eight (48) hours. f. Place solid waste associated with the animal crematorium on an impervious area and store in a covered container within the building. g. Shall restrict activities to the preparation and cremation of small animals only. No animals that were used for research or were not considered a pet will be allowed.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Why are childcare centers allowed in I-2?	Childcare Centers are now prohibited in I-2 zones (page 84).
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Why are animal crematoriums allowed in EWR Support Zone? Should only be allowed in Cemetery zone, prohibited elsewhere.	Animal crematoriums are now prohibited in EWR-S zones and only permitted conditionally in I-3 zones (page 84), the heaviest industrial areas in the city.

82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Why are exterminators allowed in I-1 and I-2 but not I-3, they should not be in I-1.	<p>“Exterminator” now is included as “Pesticide Application Business / Exterminator” and is permitted only conditionally in I-1, I-2, and I-3. The conditions with which exterminators must comply are as follows (page 184):</p> <p>1. Condition of Approval. The applicant shall agree as a condition of approval:</p> <p>a. Obtain a license from the New Jersey Department of Environmental Protection pursuant to NJAC 7:30-1.1 et seq., the Pesticide Control Code. A copy of all licenses shall be placed on file with the Newark Office of Uniform Construction Code (UCC) prior to the issuance of a certificate of occupancy.</p> <p>b. Comply with all rules and regulations pursuant to NJAC 7:30-1.1 et seq., the Pesticide Control Code.</p> <p>c. All storage shall be located internal to a building.</p>
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Why are food service establishments not allowed in I zones or port zones?	<p>“Food Service” has been removed from the 6/25/14 draft as an ambiguous term. The following food-related uses are permitted or permitted conditionally in these zones:</p> <p>Convenience Retail (I-1, I-2, I-3, EWR-S) Emergency Food Distribution Facility (I-2, I-3) Fish, Meat and Poultry Markets (I-1) Live Animal Market (conditional I-1, I-2, I-3) Wholesale Bakeries (I-1, I-2, I-3, EWR-S)</p> <p>Other non-retail food-related uses are permitted under “Manufacturing, Light,” “Manufacturing, Medium,” and “Manufacturing, Heavy.”</p>
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	“Live Animal Markets” should be in I-2 not I-1 zones due to their odor and other nuisance issues.	<p>“Live Animal Markets” are only conditionally permitted in I-1, where most residential uses are prohibited. Further, the conditions for “Live Animal Markets” require that “No live animal market shall be permitted within one thousand five hundred</p>

				(1,500) feet of a residence.” See this and other conditions on pages 181-182.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Medium and Heavy Industrial uses should be conditional based on cumulative impacts issues and should be subject to an environmental checklist that lists the federal, county and state permits they require, the amounts of chemicals stored on site or transported, the level of truck traffic associated with their operations, and the demographics and existing businesses within their surrounding census tracts. Some of these reporting provisions are required as conditions for uses such as chemical storage facilities, animal shelters, and autobody shops, why are they not similarly required for manufacturing uses	<p>Uses classified as “Manufacturing, Heavy” are only permitted in I-3 and Port zones, both of which are located at a distance from residential uses. Uses classified as “Manufacturing, Medium” are only permitted in I-3, Port, and I-2 zones (page 85).</p> <p>These general manufacturing categories have been constructed to exclude specific noxious or potentially dangerous processes. For example, see definition of “Manufacturing, Heavy” on page 62: “The following processes are not permitted under Heavy Manufacturing: Vitrification, Plasma Gasification, Pyrolysis, Cement Kilns, Automobile Shredder Residue (ASR), Medical Waste Autoclaving & Shredding, Animal Rendering, Electronic De-Manufacturing, Computer & Circuit Board Recycling, Thermal Depolymerization, Sludge Processing and Incineration, Sewage Disposal, Sediment Treatment Plants (i.e. Thermal/Chemical Processing, Cement Lock Technology, Sediment Washing, Biogenesis, Sediment Dewatering, Tire Derived Fuel Plants, Biomass Incineration, Chrome Plating and Metals Plating Facilities, Hazardous or Medical Waste Processing (autoclaving, crushing, preparing, or treating), Outdoor Scrap Metal Yards (shredding, processing, sorting), Oil and Gas Refineries, and Power Plants over 150 megawatts using coal, natural gas, waste or waste byproducts including tires, sludge, cement, and biofuels.”</p> <p>Finally, while discussions continue of how cumulative impacts might be regulated in Newark, such provisions may be incorporated in the NZLUR</p>

				in the future.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Power generation should be conditional and should be distinguished so as to not include incineration processes in various forms (see new definitions list particularly TDR, Biomass, sludge, ASR, etc.)	<p>“Power Generation Facilities” are permitted only in I-3 zones located at a distance from residential uses. (page 85). “Wind Energy Systems, Large” are permitted in I-1, I-2, and I-3 zones (page 85). As you suggest, many incineration processes are prohibited by the definition of “Manufacturing, Heavy” on page 62: “The following processes are not permitted under Heavy Manufacturing: Vitrification, Plasma Gasification, Pyrolysis, Cement Kilns, Automobile Shredder Residue (ASR), Medical Waste Autoclaving & Shredding, Animal Rendering, Electronic De-Manufacturing, Computer & Circuit Board Recycling, Thermal Depolymerization, Sludge Processing and Incineration, Sewage Disposal, Sediment Treatment Plants (i.e. Thermal/Chemical Processing, Cement Lock Technology, Sediment Washing, Biogenesis, Sediment Dewatering, Tire Derived Fuel Plants, Biomass Incineration, Chrome Plating and Metals Plating Facilities, Hazardous or Medical Waste Processing (autoclaving, crushing, preparing, or treating), Outdoor Scrap Metal Yards (shredding, processing, sorting), Oil and Gas Refineries, and Power Plants over 150 megawatts using coal, natural gas, waste or waste byproducts including tires, sludge, cement, and biofuels.”</p>

82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Sewage disposal should be a conditional use or prohibited due to the large sewage disposal facility we already host – does sewage disposal include sludge treatment and processing operations	“Sewage Disposal Facility” is only permitted in I-3 zones, the heaviest industrial areas of the city (page 85). A definition will be added in future NZLUR drafts.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Sexual businesses are allowed in I2 but not I3 – this should only be allowed conditionally in I3 or ports area	“Sexually Oriented Establishments” are not permitted in I-3 as these intensive industrial zones are generally reserved for heavy industrial uses and do not permit non-industrial businesses that are open to the public. Such businesses are only permitted in I-2 zones on a conditional basis, the conditions for which are listed on pages 186-187.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Do truck terminals include dispatch operations? Where would a truck stop go under?	<p>“Truck Terminal” is defined as: “premises for the fueling, loading and unloading of trucks, where storage of cargo is incidental to the primary function of motor freight shipment, and where minor maintenance and repair of these types of vehicles are performed. Such facilities shall be designed to accommodate five (5) or more trucks” (page 73).</p> <p>A truck stop would be included under “Commercial, Industrial Truck & Bus Services,” defined as “those establishments which repair, install or maintain the mechanical components or bodies of; or provide for the sale and rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Commercial, industrial truck and bus services include truck stops and fueling facilities. Such uses may have as an accessory use facilities for washing the vehicles” page 53).</p>

82	Use Tables	<p>Joseph Della Fave, Ironbound Community Corporation</p> <p>Ana Baptista</p>	<p>“Warehousing, Wholesaling and Distribution” should be decoupled and warehousing and distribution facilities should be conditional based on their truck intensity in the area and their relative size in terms of square footage. Warehouses or distribution centers greater than 50,000 square feet should not be allowed in I-1 zones and no warehouses or distribution centers should be allowed in MX-2 zones.</p> <p>Warehousing, Distribution and Wholesale facilities should NOT be permitted in MX2 zones. First because the allowable height is currently listed at 10 stories which should be lowered so that these facilities have heights starting at 4 stories in I-1 zones and can be higher gradually stepped up in I-3 zones to 8 stories. But these facilities should be restricted in some ways based on their size because their size will dictate the relative impacts on surrounding areas. Warehouses and distribution centers over 100,000 square feet should only be allowed for example in I-3 zones only (p.86). Again it is important to make a distinction here between warehouses and distribution centers.</p> <p>Warehousing, Wholesaling and Distribution Centers. No conditions? And permitted in I-1 & MX-2 near residential zones? Should not have to have 10 story warehousing with tucking near residences. This needs conditions for parking, delivery, unloading, height, set backs, drainage, etc.</p>	<p>Because of sensitivity to impacts from commercial trucking, the definition of “Warehousing, Wholesaling and Distribution” states “This use shall not include ‘truck terminals and truck repair’ or ‘manufacturing, heavy, medium, or light’ as defined herein” (page 74). Also, under both drafts to date, the new I-1 zone is dramatically reduced in area and redefined as a truly industrial zone which prohibits all residential uses except for “Artist Live/Work Studio (Nuisance-Producing)” (page 84), which should decrease negative impacts on residences from these uses. As MX-1 is mapped in the core of the Ironbound neighborhood and meant as a mixed residential-commercial zone, this use is prohibited. In the MX-2, meant as a mixed residential-commercial-industrial zone, this use is permitted, but this only permits in transition zones between non-industrial and industrial zones.</p>
82		<p>Joseph Della Fave, Ironbound Community Corporation</p>	<p>Cold-storage warehouses often have very different building requirements which have the potential to create air pollution. Ammonia and Freon compressors are commonly used in cold storage warehouses to maintain the temperature. Also warehouses that store and refrigerate fresh produce can use toxic chemicals such as methyl bromide to ripen fruit and would require proper chemical storage and ventilation systems to protect workers and nearby residences</p>	<p>We will explore further distinctions within the definition of “Warehousing, Wholesaling and Distribution” based upon nuisance-producing or hazardous processes.</p>

82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Waste transfer stations should be PROHIBITED IN ALL DISTRICTS!!! We have more than our share and we don't need any more of these types of facilities	"Waste Transfer Station" is permitted only in I-3 zones (page 84), the heaviest industrial areas in the city. New Jersey state law prevents banning them outright.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	The same goes for Sewage treatment and disposal – PROHIBITED	"Sewage Treatment" is not permitted by the NZLUR. "Sewage Disposal Facilities" are permitted only in I-3 zones (page 84), the heaviest industrial areas in the city.
82	Use Tables	Joseph Della Fave, Ironbound Community Corporation	How would childcare centers be accessory uses for all industrial zones	"Childcare Center" is now prohibited as a primary or accessory use in I-2 and I-3 (page 84 and 86).
82	Airport Support Zone	Marvin Walton, Newark Housing Authority	The east side of Frelinghuysen Ave is part of the Airport District meaning the heavily industrialized area will not change significantly in the future. While industry equates with employment it often has a pejorative impact on the other facets of the neighborhood. It would be helpful if the new Land Use Regulations expressed a concern for allowing industrial uses while keeping the environmental impact as low as possible. Having one Airport Support Zone without further demarcation could lead to uses right across Frelinghuysen Avenue that would have a negative impact on the residential neighborhood. We should have "buffer" uses along Frelinghuysen Avenue. This could be achieved by creating separate levels within the Airport Support District, i.e., EWR-1, EWR-2, EWR-3	Permitted uses in the EWR-S zone have been amended to reduce the number of nuisance-causing industrial uses. For example, "Materials Salvage or Junk Facility" is not permitted, and animal crematorium has been removed (page 85).

82	Use Tables	Jorge A. Sánchez, Esq.	Add definitions in every table regarding words like galleries, maker shops, printing shops, etc. to incorporate many other types of creative professions and expand the definition of "artist" or "artist live/work" spaces.	Galleries and other uses that involve primarily the non-nuisance producing sale of art is regulated like similar retail operations under “Retail Sales, General.” Maker shops and printing shops would also be permitted under this category unless these processes produce negative impacts.
85	MX-1 & MX-2	Ana Baptista	What are the permitted uses, bulk & design standards for MX-1 & MX-2?	Permitted uses in MX-1 and MX-2 may be found in the Use Tables on pages 87-89. For bulk and design standards, first see “Table 5.1 Building typologies permitted by zone” on page 96 and following use and design standards for each building type on pages 97-109 (tabular) or pages 110-165 (diagrams). Other design standards may be found in Chapter 8. Design Requirements for Off-Street Parking And Loading Areas beginning on page 202 and in Chapter 16. Site Plan Zoning & Design Standards beginning on page 276.
85	MX-1 & MX-2	Ana Baptista	What is the rationale for MX-1 & MX-2?	<p>The new mixed-used zones introduced in the NZLUR, MX-1 and MX-2, are meant to correct the confusions of the existing First Industrial zone, which permits residential, commercial, and light industrial, by creating explicitly mixed-use zones. MX-1 permits a mix of residential and commercial uses, as exhibited by large sections of the Ironbound neighborhood. MX-2 permits a mix of residential, commercial, and industrial uses, and is located to serve as transition zones between residential areas and industrial uses.</p> <p>From pages 44-45: Mixed Use 1: Residential & Commercial (MX-1) zoning allows for a blend of residential and commercial uses within the same building or district, fostering communities with diverse but</p>

				<p>integrated uses. These are the kinds of places where residents live over shops that offer everyday services, places to work, shop and play. MX-1 zoning allows for moderately dense residential development, permitting single-, two- and three-family homes and town homes up to three stories high as well as low-rise multi-family housing up to four stories high. Commercial development in MX-1 zones allows for ground-floor commercial with commercial or residential above.</p> <p>MX-1 zoning is applied in areas where there is already a well-integrated mix of residential and commercial uses, such as along Verona Avenue in North Broadway/Woodside; along Broadway in Mount Pleasant; along Morris and Central Avenues in University Heights; along Broad Street in Lincoln Park and throughout large sections of the Ironbound.</p> <p>Mixed Use 2: Residential, Commercial, Industrial (MX-2) zoning allows for a blend of residential, commercial, and appropriate industrial uses within the same building or district, fostering flexible, working communities with integrated and innovative uses. These are the kinds of places where homes and businesses mix with industry in creative and productive ways. MX-2 zoning allows for moderately dense residential development, permitting single-, two- and three-family homes and townhomes up to three stories high as well as low-rise multi-family housing up to four stories high. Commercial development in MX-2 zones allows for ground-floor commercial with commercial or residential above. MX-2 also allows for industrial development, encouraging lighter industrial uses. MX-2 zoning is applied in areas where there is already a well-integrated mix of residential, commercial and industrial uses, such as along</p>
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				Verona Avenue in Forest Hill; along Broad Street in Lower Broadway; around Central Avenue in University Heights; in small sections of Upper Clinton Hill; along the many of the edges of the Ironbound; and along Route 27 in Dayton.
85	Medical Uses in MX-1	Ada Caro, architect	Please add medical offices for MX-1. They are necessary without transportation and already exist.	Agreed. "Medical Offices" are now permitted in MX-1 (page 88).
85	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Why is Passive and Active Recreation not permitted in MX-2? This should be included in MX-2.	MX-2 is mapped to a very small area of the city and parks construction is not foreseen.
85	Use Tables	Joseph Della Fave, Ironbound Community Corporation	Automobile Repair is Permitted in MX2 with no conditions – should be conditional to ensure spray booths and vents, etc do not negatively impact adjacent residences	"Automobile Paint & Body Repair" is not permitted in MX-2 due to the nuisances you mention. Only "Automobile Repair & Tire Repair" is permitted, which is meant to allow only less-nuisance-producing activities.
86	Use Tables	Joseph Della Fave, Ironbound Community Corporation Ana Baptista	Make a separate category for upcycling, product repurposing and remanufacturing uses which is low intensity and can be allowed in I-1 or I-2 zones vs. waste recycling and processing that is chemical or energy intensive (i.e. ASR, Electronics remanufacturing, gasification, pyrolysis, etc.) What about more on waste handling and treatment facilities like incineration, gasification, vitrification, sediment treatment operations, etc?	Many waste recycling and processing processes are prohibited by the definition of "Manufacturing, Heavy" on page 62: "The following processes are not permitted under Heavy Manufacturing: Vitrification, Plasma Gasification, Pyrolysis, Cement Kilns, Automobile Shredder Residue (ASR), Medical Waste Autoclaving & Shredding, Animal Rendering, Electronic De-Manufacturing, Computer & Circuit Board Recycling, Thermal Depolymerization, Sludge Processing and Incineration, Sewage Disposal, Sediment Treatment Plants (i.e. Thermal/Chemical Processing, Cement Lock Technology, Sediment Washing, Biogenesis, Sediment Dewatering, Tire Derived Fuel Plants, Biomass Incineration, Chrome Plating and Metals Plating Facilities, Hazardous or Medical Waste Processing (autoclaving, crushing, preparing, or treating), Outdoor Scrap Metal Yards (shredding,

				<p>processing, sorting), Oil and Gas Refineries, and Power Plants over 150 megawatts using coal, natural gas, waste or waste byproducts including tires, sludge, cement, and biofuels.”</p> <p>The Sustainability Office is working to devise definitions and policies for upcycling, product repurposing and remanufacturing uses, which may be incorporated into future drafts.</p>
86	Urban Agriculture	Reynoso, Elizabeth	There is the Garden State Urban Farms operating in Branch Brook Park right now. Does that mean they require a waiver or because it's a county park it does not?	Essex County is not subject to Newark zoning.
88	Nonconforming Uses	Joseph Della Fave, Ironbound Community Corporation	City should adopt an Amortization Ordinance that allows for the phasing-out of non-conforming uses over time. There should also be an increased inspection of these non-conforming uses that are particularly noxious to ensure that they are in compliance with existing city codes and have not illegally expanded or modified their operations without proper permitting and planning board review	New Jersey state law does not permit municipalities to phase-out or amortize non-conforming uses.
92	Building Bulk & Design	Joseph Della Fave, Ironbound Community Corporation	Industrial use heights up to 10 stories should be stepped down progressively from 4 stories in I-1 zones to 6 stories in I-2 zones to eight stories or more in I-3 zones.	Redefined I-1, I-2, and I-3 zones all prohibit residential uses except for “Artist Live/Work Studio (nuisance producing),” making it unclear the goal of step-downs unclear.
106	Conditional Use Standards	Joseph Della Fave, Ironbound Community Corporation	Location. No animal crematorium shall be permitted within one thousand (1,000) feet of a residential use. – this should be increased to 2000 feet.	Because of their nuisance potential, “Animal Crematoriums” are only permitted conditionally in I-3 zones (page 84), the heaviest industrial areas in the city. As no residential uses are permitted in I-3, additional buffer distance is not necessary.

106	Conditional Use Standards	Joseph Della Fave, Ironbound Community Corporation	To include: manufacturing, autobody shops, waste related facilities, warehouses and distribution centers, truck depots, scrap metal yards, power plants, refineries, animal rendering, markets and processing plants, etc. Many regulated industries are required to prepare an Oil Spill Prevention Plan which is submitted to NJDEP and the City should include this plan as a condition of approval.	We will request information on NJDEP's Oil Spill Prevention Plan requirements and consider for future revisions.
106	Conditional Use Standards	Joseph Della Fave, Ironbound Community Corporation	Animal kennels Noise. Applicants for such uses shall demonstrate compliance with all NJ Department of Environmental Protection (NJDEP) State Noise Control Regulations (NJAC 7:29) The approving board may require additional information and studies as necessary to demonstrate compliance	These conditions are included under "Animal Boarding or Kennel, Pound or Shelter" on page 166.
107	Conditional Use Standards	Joseph Della Fave, Ironbound Community Corporation	FENCE BUFFERS for "Automobile Car Washes" should be at least 6-8 feet in height and should include green buffering along the fence to mitigate noise and dust	The conditional use standards for "Automobile Car Washes" require a "fence of five feet maximum" and "adjacent to residential uses, a buffer shall be provided." We feel that fences of greater height than 5 feet are visually distracting and sometimes present security concerns. Adjacent to residential uses, car washes must provide a buffer "planted with a combination of evergreens, deciduous trees and shrubs of such species and sizes which will produce within two (2) growing seasons a living screen at least six (6) feet in height. Buffers shall be of a density so as to obscure throughout the full course of the year the glare of automobile headlights or other bright sources of illumination emanating from the premises" (page 277).
122	Conditional Use Standards	Public Meeting	Live Animal Markets (p.122): viii. "No live animal market shall be permitted within one thousand five hundred (1,500) feet of a residence." This provision should be changed from 1500 feet to 5,000 feet of a residence and this provision be extended to include any animal processing and rendering plant as well. The City should consider prohibiting animal markets altogether	Some Newark residents have traditionally patronized such markets, so the NZLUR attempts to accommodate these uses while preventing nuisances to others. These uses are only permitted in the I-1, I-2, and I-3 zones (page 85), and subject to detailed conditions (page 181).

134	Off-street parking and loading	N'dela Costley	40:7-2-6 - #2 the sentence is incomplete. The rest of the sentence is on page 139.	Corrected (page 194).
170	Central Planning Board	Joseph Della Fave, Ironbound Community Corporation	The rules of the planning board should include the following provisions: 1. Require electronic notifications to be posted on city website at the same time as the publication takes place in the newspaper. 2. Notify ward city councilman, Branch library, ward non-profits of applications within that ward by sending the notice to them, at the same time that homeowners are notified - or the same time it is posted electronically. 3. Prepare the agendas earlier. Agendas sent to ward city councilman and non-profits as well as to the affected homeowners at least one week prior to the meeting. 4. If an application is postponed, require re-notice to all affected property owners. Limit the number of postponements allowed for zoning/planning board applications to two postponements. 5. Require notice to "residents residing in", as well as to property owners.	The City is exploring expanding notice requirements beyond the requirements of the New Jersey Municipal Land Use Law to be incorporated into future revisions.
174	Typos/Edits	N'dela Costley	40:12-1-1 - should state "Zoning Board of Adjustment" and not "Board of Adjustment"	Corrected (page 232).
174	Zoning Board	Joseph Della Fave, Ironbound Community Corporation	Add the Cumulative Impacts Environmental Review Checklist as a requirement for Zoning Board applications for industrial zone applicants	As discussions continue of how cumulative impacts might be regulated in Newark, such provisions may be incorporated in the NZLUR in the future.
219	Buffer Areas	Joseph Della Fave, Ironbound Community Corporation	The buffers for these areas where residential and non-residential are abutting be made more stringent – Taller buffers of 6-8 feet and green buffers when possible for example?	We agree. Buffer regulations include "The Buffer areas shall be planted with a combination of evergreens, deciduous trees and shrubs of such species and sizes which will produce within two (2) growing seasons a living screen at least six (6) feet in height. Buffers shall be of a density so as to obscure throughout the full course of the year the

				glare of automobile headlights or other bright sources of illumination emanating from the premises” (page 277).
232	Storm Drainage	Adriana Caldarelli, NJDEP Division of Water Quality, Bureau of Nonpoint Pollution Control	Section 40:17-4-6, in 1(b) the ordinance states that all of Newark is in the Urban Redevelopment Area; however, under the definition of the term on page 229 of the same document, the urban redevelopment area is defined as "the previously developed portion of areas..." What this means is that only previously developed portions of sites are exempt from recharge; areas that were once cleared of vegetation are not considered previously developed if woody vegetation has been reestablished. I don't know how many areas of Newark have trees, but there are probably some, and if these areas are on a project site, they would be subject to the recharge requirement. As such, the language on 1(b)iii on page 232 that states "if stormwater recharge is desired and allowed" is inconsistent with the groundwater recharge standards in NJAC 7:8	The current draft of Chapter 17. Storm Drainage includes verbatim the City of Newark’s current code for storm drainage. Your comment will be referred to the Department of Water and Sewer.
		Joseph Della Fave, Ironbound Community Corporation	Simplify the stormwater rules so that they are easy to follow and give a standard format for ensuring compliance and enforcement with the provisions of the law	
249	Enforcement	Public Meeting	What is the penalty for disobeying zoning laws? What type of enforcement is there for repeat offenders, can fines be increased?	Penalties for zoning violations may be found on page 307.