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Executive conclusion

Maplewood should not continue deciding the future of Newark Way and Boyden Avenue and surrounding area one variance application at a time. The repeated approvals demonstrate that the market, property owners, and—in several cases—nearby residents are seeking uses the C-I and NB zones do not contemplate. But immediately rezoning the entire area for unrestricted retail, restaurants, and multifamily housing would be equally shortsighted.

The best path is a **Planning Board-led Newark Way–Boyden Avenue Subarea Plan**, followed by a tailored zoning amendment—probably a new district or overlay—supported by independent traffic, parking, infrastructure, affordability, and displacement analysis.

This would move the discussion away from personalities, businesses, campaign disputes, politics, and individual variance applications. The governing question is:

What combination of employment, small business, housing, arts, production, mobility, and neighborhood protections best serves this part of Maplewood over the next ***twenty years***?

What the record shows

The existing districts now operate very differently

The Neighborhood Business zone along Boyden Avenue already permits:

- Retail;
- Restaurants, excluding fast food;
- Apartments over stores;
- Offices; and
- Multifamily housing.

It allows buildings up to 50 feet, subject to upper-story setbacks above 30 feet.

The C-I zone along Newark Way, by contrast, primarily permits:

- Offices;
- Warehousing and light manufacturing;
- Research and laboratory uses;
- Indoor agriculture and food production;
- Indoor commercial recreation;
- Breweries and distilleries;

- Makerspaces; and
- Artist and artisan studios and galleries.

Retail is limited principally to products manufactured on site. General restaurants, ordinary retail, and residential uses are not permitted. The zone nevertheless allows buildings as high as 50 feet and up to 90% lot coverage, meaning that it allows considerable physical development while sharply limiting what may occupy it. Township of Maplewood, NJ

The Township already broadened the C-I zone—but only partially

Ordinance 3148-25, adopted in April 2025, added indoor agriculture, food production, makerspaces, artist/artisan studios and galleries, limited associated retail, and temporary art and craft events. granicus_production_attachments.s3.amazonaws.com

That ordinance implemented much of the 2023 Master Plan's recommendation to foster arts-supportive, food-production, maker, and light-manufacturing enterprises. It did not address general restaurants or housing.

The action was therefore not meaningless, but it was largely responsive to uses already emerging and did not resolve the area's fundamental land-use question.

The 2023 Master Plan is not old—but its Newark Way assumptions have been overtaken

It would be difficult to characterize a Master Plan adopted in August 2023 as generally "outdated." The better and more credible position is that **conditions in this particular subarea have evolved more rapidly than the plan anticipated**.

The plan recommended broader arts, maker, food-production, and limited retail uses, but also stated that:

- Standard retail and restaurants should be carefully controlled;
- New uses should not displace industrial activities or compete with established business districts;
- New housing generally should not be allowed, other than artist live/work units; and
- Existing residences in the C-I zone should be rezoned residential or incorporated into a redevelopment area. maplewoodnj.gov

Since then, restaurants, galleries, a brewery, retail establishments, live/work proposals, and mixed-use housing have established a different development trajectory. That is a legitimate reason for a focused Master Plan amendment; it is not necessary to repudiate the entire 2023 plan.

The Zoning Board has been making policy by necessity

The documented approvals include:

- Artie's at 13–15 Newark Way;
- A live/work artist studio and residence at 36 Newark Way;
- Mixed-use development at 17–21 Newark Way, consisting of two ground-floor retail spaces and three apartments, including one affordable unit.

Five Zoning Board members subsequently asked the Township to address the policy question legislatively rather than continuing to require applicants to seek use variances. The most recent press account reports that six members found the benefits of 17–21 Newark Way substantially outweighed the detriments and that no member of the public opposed that application. The Village Green

The 36 Newark Way record similarly shows how poorly the existing bulk standards fit historic Newark Way parcels: the C-I zone requires a 40,000-square-foot lot and 150 feet of width, while that property contains approximately 5,482 square feet and only 19.35 feet of width. ecode360.com

Variances are a lawful safety valve, but use variances are intended for particular cases involving "special reasons" and require five affirmative Zoning Board votes. They are not a sound substitute for legislative planning across an entire district. lis.njleg.state.nj.us

Parking impacts are real—but they should be measured, not presumed

Complaints from Hughes Street residents about blocked driveways, employee and customer parking, difficult driveway access, and high-impact event nights deserve a concrete response. The Village Green

But parking complaints alone do not answer the land-use question. They may indicate:

- Inadequate enforcement;
- Poorly located loading and pickup activity;
- Employee parking on residential streets;
- Event operations exceeding normal business patterns;
- Insufficient curb regulation;
- An actual area-wide supply shortage; or
- Some combination of these.

Each problem has a different remedy. The Township should not use anecdotes as a substitute for counts, nor dismiss lived experience merely because a technical study finds theoretical capacity.

The governing legal framework

Under the Municipal Land Use Law:

- The **Planning Board** prepares, adopts, and amends the Master Plan after a public hearing. A Master Plan may be divided into subplans, making a Newark Way–Boyden Avenue subarea amendment entirely appropriate. pub.njleg.state.nj.us

- The **Township Committee** possesses the legislative authority to adopt and amend zoning.
- Zoning amendments generally must be substantially consistent with or designed to effectuate the Master Plan. The Township Committee can adopt an inconsistent ordinance, but only by a majority of its full authorized membership and a resolution explaining its reasons. pub.njleg.state.nj.us
- Before a development regulation is adopted, it must be referred to the Planning Board, which has 35 days to identify inconsistencies and make recommendations. lis.njleg.state.nj.us
- A zoning classification or boundary change requires enhanced notice to affected owners and owners within 200 feet, subject to the statutory exceptions. lis.njleg.state.nj.us

The cleanest sequence is therefore:

Planning Board subarea plan → zoning framework → Planning Board consistency review → Township Committee ordinance.

Recommended process

Phase 1: Establish the process and neutral principles

The Township Committee should adopt a resolution requesting that the Planning Board prepare a focused subarea study and Master Plan amendment covering:

- The Boyden Avenue Neighborhood Business corridor;
- The Newark Way C-I frontage;
- Hughes Street and other immediately affected residential blocks;
- The relevant portions of Burnett Avenue and Rutgers Street; and
- Any adjoining portions of Redevelopment Area 2.

Before debating permitted densities or individual businesses, the resolution should establish public objectives:

1. Protect existing residents and housing affordability;
2. Preserve viable employment and production uses;
3. Encourage locally owned small businesses and adaptive reuse;
4. Identify appropriate opportunities for housing, including affordable housing;
5. Manage parking, loading, traffic, noise, and events;
6. Improve walking, cycling, transit access, stormwater management, lighting, and streetscape conditions;
7. Avoid displacement and land speculation; and
8. Create clear rules so similarly situated applicants are treated consistently.

Phase 2: Commission one area-wide factual record

A neutral planning consultant, working with an independent traffic engineer, should prepare:

- A parcel-by-parcel inventory of zoning, existing use, ownership, lot dimensions, building condition, vacancies, nonconformities, tax assessment, and environmental constraints;
- A history of relevant variances and conditions of approval;
- Weekday, evening, and weekend traffic and parking counts;
- Parking-duration and turnover data;
- Employee, resident, customer, delivery, rideshare, and event-parking patterns;
- Driveway obstruction and parking-enforcement records;
- Pedestrian, bicycle, school-route, and transit conditions;
- Sewer, stormwater, fire-access, sanitation, loading, and utility capacity;
- Existing rents, home values, business tenancies, and indicators of residential or commercial displacement; and
- The fiscal implications of retaining the existing zoning versus alternative development scenarios.

Applicant-prepared studies can inform the record but should not substitute for an area-wide municipal study.

Phase 3: Create a genuinely representative public process

A temporary **Eastside Land Use Advisory Group** should include:

- Newark Way residents;
- Hughes Street and adjoining residents;
- Boyden Avenue residents;
- Existing industrial, service, and trade businesses;
- Restaurants, retailers, artists, and newer businesses;
- Tenants as well as property owners;
- Affordable-housing and fair-housing representatives;
- Pedestrian, bicycle, disability, and transit advocates;
- A Planning Board representative;
- A Zoning Board liaison; and
- Township planning, engineering, public-safety, health, and economic-development staff.

The group should be advisory. It should not negotiate private deals or replace the Planning Board and Township Committee.

To protect the process from charges of favoritism:

- Use an open application for community seats;
- Disclose financial and property interests;
- Publish all data and draft materials;
- Have the municipal planner—not a property owner or applicant—draft the ordinance;
- Hold meetings at different times and offer hybrid participation;
- Provide residents with visual development scenarios rather than abstract zoning language; and
- Adopt evaluation criteria before selecting a preferred alternative.

Phase 4: Test three public alternatives

At minimum, the public should be able to compare:

Alternative A: Industrial preservation

Retain the current C-I framework, improve enforcement and infrastructure, and continue requiring variances for restaurants and housing.

Alternative B: Mixed transition district

Permit production, makerspaces, food manufacturing, studios, galleries, carefully controlled restaurants and retail, and upper-floor live/work or limited housing while protecting ground-floor employment space.

Alternative C: Mixed-use neighborhood district

Permit broader retail, restaurant, and residential development with affordability, design, parking, loading, and neighborhood-transition standards.

For each alternative, the Township should show likely building form, housing yield, affordable units, commercial space, parking demand, fiscal effect, and displacement risk.

Probable substantive outcome

Based on the current record, **Alternative B—a mixed-transition district or overlay—is the strongest starting point**.

It would recognize what Newark Way is becoming without converting the entire corridor into an unrestricted restaurant and apartment district.

The ordinance could include:

- Express protection for existing industrial, production, repair, storage, and service uses;
- Restaurants and general retail as permitted or conditional uses only where performance standards are satisfied;
- Housing primarily above active commercial, production, studio, or community-oriented ground-floor uses;
- Live/work units;
- Moderate height and density, with stepbacks toward residential properties;
- Affordable-housing requirements or incentives consistent with the Township's housing ordinance and state law;
- Incentives for adaptive reuse rather than wholesale demolition;
- Limits on curb cuts;
- Shared rear access where feasible;
- Required loading, waste-storage, grease, ventilation, odor, and noise plans;

- Defined standards for amplified sound, outdoor activity, private events, and hours of operation;
- Landscaping and residential buffers;
- Pedestrian-oriented frontage and transparent ground floors;
- Public-realm or infrastructure contributions where legally supportable; and
- Administrative review for minor compliant changes, reserving board hearings for projects with material impacts.

Because the existing C-I bulk standards bear little relationship to the small historic lots on Newark Way, the new district also needs realistic lot, frontage, setback, and parking standards. Otherwise, even newly permitted uses will continue requiring extensive variance relief.

Parking and neighborhood protections

The Township should create an area parking-management plan at the same time as the zoning amendment—not afterward.

Potential measures include:

- Residential permit or time-limited parking on the most affected blocks;
- Strict driveway, hydrant, corner, and overnight enforcement;
- Designated commercial loading and short-term pickup spaces;
- Employee-parking plans for larger businesses;
- Shared-parking agreements with underused private or institutional lots;
- Event-management plans when anticipated attendance exceeds an established threshold;
- Wayfinding to Springfield Avenue public lots;
- Bicycle parking and safe walking connections;
- A weekend circulator or restaurant-loop pilot if demand supports it;
- Demand-based paid parking where occupancy data justify it; and
- A six- and twelve-month monitoring program with predetermined adjustment triggers.

Parking requirements should be calibrated to actual demand. Requiring every small adaptive-reuse property to accommodate all parking independently could make the desired small-business and housing pattern physically impossible.

Redevelopment law: useful, but is it the first move?

Part of the larger Burnett–Boyden–Newark Way–Rutgers superblock is already within Redevelopment Area 2. ecode360.com A redevelopment-plan amendment may therefore be useful for parcels already inside that boundary.

For additional properties, however, does the Township declare a redevelopment area? A redevelopment plan will then supersede ordinary zoning or operate as an overlay. pub.njleg.state.nj.us

My recommendation:

- Use ordinary Master Plan and zoning authority as the default;
- Use the existing Redevelopment Area 2 plan where it already applies;
- Consider a **non-condemnation** redevelopment investigation only if particular parcels demonstrably satisfy the statutory criteria and redevelopment powers are genuinely needed for infrastructure, financing, assemblage, or affordable housing;
- Make clear at the outset that no occupied home or successful local business is being targeted for acquisition.

Invoking redevelopment law merely to obtain more flexible zoning would add political anxiety when the MLUL already provides adequate tools.

Immediate actions while planning proceeds

The Township cannot predetermine or politically direct pending applications. The Planning and Zoning Boards must continue applying the law to the records before them.

The governing body can nevertheless act immediately by:

1. Directing consistent enforcement of driveway, loading, noise, occupancy, fire, and event regulations;
2. Creating temporary loading and pickup areas;
3. Conducting parking and traffic counts;
4. Convening businesses to develop voluntary employee- and event-parking plans;
5. Publishing a plain-language map showing current zoning and existing approvals;
6. Beginning the Planning Board subarea process; and
7. Avoiding further isolated zoning amendments until the subarea recommendations are ready, except where health, safety, affordable-housing compliance, or another urgent public interest requires action.

Proposed timeline

- **Month 1:** Township Committee adopts the planning resolution; consultant scope and advisory-group process approved.
- **Months 2–3:** Parcel inventory, infrastructure review, traffic and parking studies, interviews, and public listening sessions.
- **Month 4:** Three alternative scenarios released with visualizations and impact comparisons.
- **Month 5:** Community workshop and preferred-framework selection.
- **Month 6:** Draft subarea Master Plan amendment and design standards.
- **Month 7:** Planning Board hearing and adoption.
- **Months 8–9:** Zoning ordinance introduction, statutory referral, enhanced notice, public hearing, and adoption.
- **Months 15 and 21:** Six- and twelve-month performance reviews after implementation.

Bottom line

Maplewood does not need to choose between freezing Newark Way in an industrial past and allowing unchecked development. It can preserve useful employment space, welcome entrepreneurship, add appropriately scaled housing, protect affordability, and address parking and neighborhood impacts at the same time.

But it will require replacing the current project-by-project debate with a public planning process grounded in evidence and driven by the community surrounding it.