

**Ord.#9-2022** An Ordinance to Amend the Mount Olive Zoning Map to Correct Zone Boundary for Lot 4 in Block 102 To Situate Entire Parcel Within R-5 Zone District and to Adjust the Zone Boundary For Lot 4.02 in Block 102 to Situate Entire Parcel Within C-1 Commercial Zone District.

**CLERK:**

Delivered to Mayor:

Date: 4/6/2022

Time: 9:00 am

Signed: \_\_\_\_\_

Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

Approved: ✓

Date: 4/6/22

Vetoed: \_\_\_\_\_

Date: \_\_\_\_\_

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: \_\_\_\_\_

Mayor

**CLERK:**

Returned:

Date: 4/6/22

Time: 9:07 am

Not returned with in (10) days

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Township Clerk

AN ORDINANCE TO AMEND THE MOUNT OLIVE ZONING MAP TO CORRECT  
ZONE BOUNDARY FOR LOT 4 IN BLOCK 102 TO SITUATE ENTIRE PARCEL  
WITHIN R-5 ZONE DISTRICT AND TO ADJUST THE ZONE BOUNDARY FOR  
LOT 4.02 IN BLOCK 102 TO SITUATE ENTIRE PARCEL WITHIN C-1  
COMMERCIAL ZONE DISTRICT

WHEREAS, the Village Green residential garden apartment complex located on what is currently known as Lot 4 in Block 102 on Township Tax Map 1.01 received site plan approval from the Mount Olive Planning Board on or about May 1970 for property then known as Lot 8 in Block 152; and

WHEREAS, the site plan comprised a total of 1,168 apartment units contained within a total of 73 buildings as set forth on plan approved by the Planning Board on May 26, 1970, subsequently amended to show 1,172 apartments, and further modified for 1,173 units collectively within 74 residential buildings; and

WHEREAS, the zoning in effect at the time of initial approval was the GA-2 Garden Apartments zone district requiring a minimum tract area of ten acres with a permitted maximum density of twelve units per acre and the GAC Commercial Garden Apartment zone district situate between the GA-2 district and Route 46 having a depth of 400 feet wherein both residential apartment buildings and commercial uses were permitted; and

WHEREAS, the garden apartment complex with accessory open space and recreational facilities utilized all of Lot 8 except for a semi-circular area comprising approximately eight acres situate in the GAC zone district having frontage along Route 46 which was subsequently developed as the Village Green Shopping Center; and

WHEREAS, approximately a nine-acre portion of Lot 8 at the time of the 1970 approvals comprised the westerly edge of the development including a NJP&L power line easement 100 feet in width and within said acreage were located the 370,000 gallon water tank serving Village Green, open space including several putting greens, a portion of Golf Edge Circle roadway serving the apartment complex and numerous parking spaces associated with adjacent residential buildings; and

WHEREAS, notwithstanding the utilization of the aforementioned westerly nine acres to calculate permitted density, situate the water tank and recreational facilities, the Township's Zoning Map in effect on or about May 1970 appeared to identify the powerline easement as the westerly boundary for the GA-2 and GAC zone districts thus placing the nine acres in question in what was the C-Commercial zone district and is currently the C-1 Commercial zone district; and

WHEREAS, both Plate 1 entitled "Existing Land Use – 1974" and Plate 16 entitled "Land Use Plan" of the 1975 Master Plan did designate the entire property that was Village Green, including the nine westerly acres, as "Residential – Multi Family" and did designate the semi-circular eight acres fronting upon Route 46 in the as "Commercial"; and

WHEREAS, in accordance with the recommendations set forth in the Township's 1975 Master Plan, the Mount Olive Township Council adopted Township Ordinance No. 15-78 on May 24, 1978 implementing significant changes to the municipality's zoning scheme including the replacement of the GA-2 zone with the R-5 multifamily zone district and the C-Commercial district with the C-1 Commercial district; and

WHEREAS, the new zoning designations set forth in Ordinance No. 15-78 classified the residential portion of Village Green up to the aforementioned NJP&L power line easement as R-5 and the remaining westerly portion of Village Green along with the eight-acre retail area in the C-1 Commercial district as presented on the May 1978 Zoning Map adopted with the aforementioned Ordinance; and

WHEREAS, The Mount Olive Zoning Board of Adjustment granted a use variance as memorialized in the Board's Resolution adopted September 8, 1980 to permit commercial development on the 1.38 acre portion of Village Green situate to the east of the eight acre commercial center which at that time was still located in the R-5 zone district and which did subsequently receive site plan approval for what became known as the Annex building; and

WHEREAS, Plate 3 entitled "Existing Land Use 1986" of the August 1986 Master Plan depicts the majority of Village Green within the "Multi Family Residential" classification, it did depart from the 1975 Master Plan by showing the nine westerly acres signifying open space and also introduced the red "Commercial" category on the aforementioned 1.38 portion of Village Green that was the subject of the September 8, 1980 use variance; and

WHEREAS, Plate 19 entitled "Land Use and Housing Plan" of the same 1986 Master Plan proposed the 1.38 acre highway frontage portion of Village Green to be henceforth considered "Commercial" while showing all land area west of the power line easement on the westerly side to likewise be considered "Commercial"; and

WHEREAS, the 1987 Zoning Map did implement the recommendations regarding Village Green however in doing so the zone boundary to the west was established coterminous with the utility easement and the zone boundary separating the C-1 portion was established to the north (rear) of the Annex building in such a way as to align with adjacent Lot 3 to the east and in so doing inadvertently placed the zone boundary directly through a portion of the apartment building immediately to the northeast; and

WHEREAS, the "Land Use Plan" as presented on Map 11 of the 2003 Master Plan and Master Plan Reexamination report continued to show Village Green in the same fashion as the aforementioned 1986 Master Plan; and

WHEREAS, the Township Council has determined that in light of the history concerning Village Green as set forth herein it is in the interests of sound land use planning to align the current zone boundaries such that the westerly nine acres are reclassified to the R-5 zone district and the C-1 zone boundary be situate along the northerly i.e., the rear boundary of Lot 4.02; and

WHEREAS, no properties other than lots 4 and 4.02 in Block 102 will be affected by this change.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive, County of Morris and State of New Jersey that the Township's Zoning Map be amended to place Lot 4 in its entirety within the R-5 Multi-family zone district and to adjust the C-1 Commercial zone boundary to be coterminous with the northerly boundary of Lot 4.02 as depicted on Exhibit 1

**Section 1.**

The Zoning Map established pursuant to § 550-78, entitled "Interpretation and General Provisions" of Article VI, entitled "Zoning" shall be amended to incorporate Lot 4 in its entirety in the R-5 Multifamily zone district and to adjust the C-1 Commercial zone boundary to be coterminous with the northerly boundary of Lot 4.02

**Section 2.**

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

**Section 3.**

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

Attest 4/5/2022

  
Michelle Masser Township Clerk

  
Joe Nicastro, Township Council President

**Certification**

I, Michelle Masser, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on February 22, 2022 and adopted by the Township Council at a regular meeting of the Township held on April 5, 2022.

  
Michelle Masser, Township Clerk