

Ordinance No. 2026-10

AN ORDINANCE TO AMEND THE “PHASE 1 AMENDMENT TO THE STATION AREA REDEVELOPMENT PLAN,” DATED AUGUST 2016

WHEREAS, pursuant to N.J.S.A. 40A:12A-5, the Borough Council of the Borough of Netcong (hereinafter “Borough Council”) adopted Resolution #2004-67 on June 10, 2004, finding that property contained within the delineated area as set forth in that Resolution was an area to be in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by Ordinance of the Municipal Governing Body; and

WHEREAS, on January 13, 2005, the Borough Council adopted Resolution #2005-21 forwarding the “Borough of Netcong Station Area Redevelopment Plan” (hereinafter “Plan”) to the Netcong Borough Planning Board (hereinafter “Planning Board”) for review of consistency with the Borough of Netcong Master Plan (hereinafter “Master Plan”); and

WHEREAS, on March 28, 2005, the Planning Board adopted Resolution #2005-08 determining that the Plan was consistent with the Master Plan; and

WHEREAS, the Borough Council on April 14, 2005 adopted Ordinance #2005-2 establishing the Plan dated February 2005; and

WHEREAS, the Borough Council retained Paul Phillips, P.P. of Phillips Preiss Shapiro Associates, Inc. to review the Plan and prepare an amendment to address a number of economic and demographic changes that have occurred since 2005, which changes have altered planning and development throughout New Jersey; and

WHEREAS, Paul Phillips, P.P. prepared an amendment to the Plan to address the above-noted changes and capitalize on New Jersey Transit’s desire to sell its 4.5-acre property adjacent to the Train Station; and

WHEREAS, the amendment entitled, “Phase 1 Amendment to the Station Area Redevelopment Plan,” and dated August 2016 provided for a phased approach to the build out of the Station Area and address the economic and demographic changes that have taken place over time; and

WHEREAS, the Borough Council adopted the “Phase 1 Amendment to the Station Area Redevelopment Plan,” on October 13, 2016;

WHEREAS, in January 2025, the Borough filed a resolution of participation in the Affordable Housing Dispute Resolution Program and a declaratory judgment action pursuant to the Fair Housing Act;

WHEREAS, the Borough adopted a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) in June 2025. Fair Share Housing Center (“FSHC”) filed a challenge regarding the Borough’s HEFSP in September 2025;

WHEREAS, the Borough and FSHC agreed to amicably resolve the issues set forth in the challenge and reached a mediation agreement in December 2025;

WHEREAS, as a condition of the mediation agreement, the Borough agreed to address a portion of its Fourth-Round unmet need by amending the Station Area Redevelopment Plan to allow for greater density that could provide additional affordable housing units; and

WHEREAS, the Borough Council retained Elizabeth Leheny, AICP, P.P. of Phillips Preiss Grgyiel Leheny Keller LLC to prepare the “Amended Phase 1 Amendment to the Station Area Redevelopment Plan,” which increase the maximum permitted density permitted in the Phase 1 area from 32 dwelling units per acre in the 2016 Phase 1 Plan to 36 dwelling units per acre so as to create a realistic opportunity for the development of additional affordable housing units; and to ensure that

those affordable housing units comply with the most recent amendments to the Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

Section 1. The Phase 1 Amendment to the Station Area Redevelopment Plan dated August 2016 is hereby amended as follows:

“I. Intent and Purpose of the Phase 1 Amendment

I. Introduction

In 2005, the Borough of Netcong adopted the Station Area Redevelopment Plan following a multiyear community visioning and planning initiative. Although the Station Area Redevelopment Plan was well conceived from a planning and design standpoint, its implementation was to a large extent dependent upon a developer or developers gaining control of all of the key land holdings within the Plan Area. After its adoption in 2005 there was no progress in assembling the properties within the Station Area to implement the street layout and land use plan originally envisioned by the Redevelopment Plan. Progress remains stymied by current ownership patterns and certain plan requirements.

In 2016, the Borough adopted *Phase 1 Amendment to the Station Area Redevelopment Plan* (the “2016 Amendment”) for a 4.5-acre portion of the Station Area redevelopment effort adjacent to the train station and owned by NJ Transit to allow for a phased approach to the build-out of the Station Area. The 2016 Amendment to the Station Area Redevelopment Plan was intended to facilitate the redevelopment of the NJ Transit property as “Phase 1” of the overall redevelopment project. The Phase 1 Area consists of Block 19, Lots 35, 36, 38 and 39, along with a portion of Lot 37 (as delineated in Figures 1 and 2). The entirety of the Phase 1 Area is owned by NJ Transit. It was anticipated that a subsequent amendment(s) to the Redevelopment Plan would be necessary in order to specify the land use, building and infrastructure requirements for the remainder of the overall Station Area Redevelopment Area. The standards in the 2016 Amendment were intended

to provide flexible development requirements for the Phase 1 Area in order to catalyze investment in the Station Area and effectuate the goals and objectives of the original Redevelopment Plan.

In January 2025, the Borough filed a resolution of participation in the Affordable Housing Dispute Resolution Program and a declaratory judgment action pursuant to the Fair Housing Act. The Borough adopted a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) in June 2025. Fair Share Housing Center (“FSHC”) filed a challenge regarding the Borough’s HEFSP in September 2025. The Borough and FSHC agreed to amicably resolve the issues set forth in the challenge and reached a mediation agreement in December 2025. As a condition of the mediation agreement, the Borough agreed to address a portion of its Fourth Round unmet need by amending the Station Area Redevelopment Plan to allow for greater density that could provide additional affordable units.

Pursuant to the mediation agreement, this *Amended Phase 1 Amendment to the Station Area Redevelopment Plan* amends the 2016 Amendment by increasing the maximum permitted density from 32 units per acre to 36 units per acre to provide a realistic development potential of affordable housing units. Aside from the maximum permitted density, all other standards in the 2016 Amendment remain. Additionally, the original Station Area Redevelopment Plan remains in full force and effect for the balance of the Station Area Redevelopment Area until such time as it is further amended by the Borough of Netcong.

II. Development Standards for Phase 1 Area

A. Overview

The Phase 1 Area is envisioned to include a mixed-use development with a significant multifamily residential component to create a critical mass of new residents adjacent to the train station. The design of new development within the Phase 1 Area should emphasize the train station as a focal point and include pedestrian-oriented retail uses with outdoor seating to enliven the area adjacent to the station and provide a welcoming entrance to downtown Netcong.

B. Permitted uses

The following land uses shall be permitted within the Phase 1 Area.

1. Multifamily residential dwellings (for-sale or for-rent)
2. Retail
3. Office
4. Surface and structured parking

C. Maximum density

The maximum permitted density within the Phase 1 Area shall be 36 units per acre.

The maximum permitted density shall be increased to 40 units per acre if structured parking is included within the Phase 1 Area.

It is further understood that the above densities are intended for only those lands adjacent to the train station and that for the remainder of the Station Area Redevelopment Area (i.e., outside the limits of the Phase 1 Area) lower densities will be prescribed as part of any future amendments to the Redevelopment Plan.

D. Retail requirement

A ground floor retail component shall be included in the development of the Phase 1 Area.

E. Affordable housing

Twenty percent of the total housing units within Phase 1 shall be affordable units and shall comply with all standards in the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).

F. Parking requirements

All new development within the Phase 1 Area shall be subject to the following parking requirements.

1. Residential parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards, however the developer may request the Planning Board to entertain a reduction in the parking requirement based on local conditions, such as adjacency to the train station, and the characteristics of the proposed development.
2. Parking for commercial uses shall be 4 spaces per 1,000 square feet.
3. The developer shall have the right to count on-street parking spaces located within the boundaries of the Phase 1 Area towards commercial parking requirements.
4. The replacement of existing commuter parking spaces within the Phase 1 Area shall be subject to an agreement between the developer and NJ Transit.
5. A determination of the actual parking requirement for Phase 1 may be based upon the shared parking opportunities provided by the mix of uses in the project. The developer is encouraged to submit a shared parking analysis prepared by a qualified parking expert or licensed professional planner based on the anticipated hours of operation and specific operational characteristics of the users of the proposed development. The shared parking analysis shall be subject to the review of the Borough’s professional staff and consultants, and the review and approval of the Planning Board.

III. Building Bulk and Design Guidelines

A. General Intent

The Phase 1 Area is envisioned as the highest-density core of the Station Area due to its adjacency to the train station. Development within the Phase 1 Area should achieve a “sidewalk-oriented, pedestrian-friendly architectural form at the street level” as envisioned by the original Redevelopment Plan.

B. Building Height

The maximum building height within the Phase 1 Area shall be 4 stories or 50 feet, whichever is less.

C. Setbacks

Buildings should be located within 10 feet of the public right-of-way.

D. Other

Consistent with the original plan, all other bulk requirements including side and rear yards, lots sizes and other standards have been intentionally left flexible to allow for creativity in development proposals for the Phase 1 Area.

E. Public Realm

This Amendment for Phase 1 supersedes the Public Realm Requirements in the original Redevelopment Plan. Creative and innovative approaches to modifying the street grid and open space plan depicted in the original 2005 Redevelopment Plan will be entertained by the Planning Board. However, future development within the remainder of the Plan Area (i.e., outside the limits of the Phase 1 Area) should be anticipated as part of the Phase 1 development. As such, any proposed revisions to the street grid shall ensure adequate circulation and connectivity is provided within the overall redevelopment area upon completion.

F. Building Design

a. General Intent

New buildings within the Phase 1 Area should adhere to the following four design principles:

1. Place buildings to frame streets and the station area, creating intimate, pedestrian-scaled public spaces and emphasizing important visual corridors.
2. Use architectural massing of buildings to create a friendly, active relationship to public spaces in terms of location of main entries and transparency of windows.
3. Encourage high-quality form and application of materials that are in keeping with the local vernacular architectural style.
4. Use a unified design approach among buildings to create a strong sense of place and neighborhood.

b. Building Material and Form

Buildings in the Phase 1 Area are encouraged to make use of materials and forms that reflect the historic and vernacular building styles in Netcong and Morris County.

c. Parking Facilities

As part of the goal of encouraging pedestrian-friendly design in the Plan Area, the visibility of off-street parking areas from streets, sidewalks and other public areas should be minimized.

IV. Relationship to Station Area Redevelopment Plan and Zoning Ordinance

This Amendment to the Station Area Redevelopment Plan sets forth the development standards for the Phase 1 Area. As such, the requirements set forth herein shall supersede the requirements applicable to the Phase 1 area as described in Chapters 1, 3 and 7 of the Station Area Redevelopment Plan, as well as the Borough's zoning ordinance. The balance of the Redevelopment Plan shall remain as previously adopted. The Borough of Netcong reserves the right to further amend the Redevelopment Plan in order to achieve its goals and objectives for the Station Area.”

Section 2. This Ordinance may be renumbered for codification purposes.

Section 3. The Borough Clerk is hereby authorized and directed to provide a copy of this Ordinance to the Netcong Borough Planning Board in accordance with the requirements of N.J.S.A. 40A:12A-7 for a determination of consistency with the Borough's Master Plan. The Planning Board shall issue a report to the Governing Body containing its recommendations within forty-five (45) days after referral.

Section 4. The Borough Clerk is hereby authorized and directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to public notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 5. All ordinances of the Borough of Netcong, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

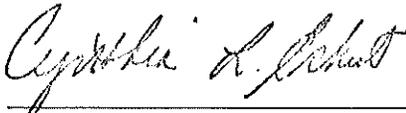
Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 12th day of February, 2026 introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 12 day of March, 2026 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

BOROUGH OF NETCONG

ATTEST:



Cynthia Eckert, Clerk

By: 

Elmer Still, Mayor

Introduced: 02/12/2026
Adopted: 3/12/26
Published: 3/13/26