

ORDINANCE 25-12

AN ORDINANCE OF THE BOROUGH OF MATAWAN IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY TO AMEND CHAPTER 34, ENTITLED “DEVELOPMENT REGULATIONS,” TO CREATE THE 160 MAIN MIXED-USE DISTRICT ON BLOCK 27, LOT 2 IN THE BOROUGH OF MATAWAN AND PROVIDE APPROPRIATE DEVELOPMENT REGULATIONS THEREFORE

WHEREAS, on February 9, 2022, the Borough of Matawan (the “Borough”) filed a Declaratory Judgment action captioned In the Matter of the Application of the Borough of Matawan for a Declaratory Judgement, Docket No. MON-L-410-22, whereby it sought a declaration that, having satisfied its constitutional obligation to provide its fair share of the regional need of moderate- and low-income housing for the period of affordable housing obligations known as the “Third Round,” it was in compliance with the Mount Laurel doctrine and *Fair Housing Act of 1985*, N.J.S.A. 53:27D-301 et seq. (hereinafter the “**Declaratory Judgment**”); and

WHEREAS, on February 18, 2022, 160 Main, LLC filed a Builder’s Remedy Action against the Borough of Matawan asserting claims to develop property known as Block 27, Lot 2 on the Borough’s Official Tax Map, more commonly known as 160 Main Street (the “Property”), as an inclusionary development for providing affordable housing in connection with the Borough’s Third Round affordable housing obligation; and

WHEREAS, in order to meet the Borough’s mandated constitutional affordable housing obligations and provide the opportunity for the construction of affordable housing, the Borough negotiated a Settlement Agreement with 160 Main, LLC to resolve the Builder’s Remedy Action; and

WHEREAS, the Borough adopted Resolution 24-11-18 on November 12, 2024 authorizing the execution of a Settlement Agreement with 160 Main, LLC regarding the property located at 160 Main Street (the “Settlement Agreement”); and

WHEREAS, the Borough executed the Settlement Agreement with 160 Main, LLC on November 12, 2024; and

WHEREAS, pursuant to the Settlement Agreement, an inclusionary development is permitted to be constructed at the Property, which shall include eight (8) affordable rental units; a maximum of thirty-eight (38) market-rate residential units, and a maximum 3,040 square feet of ground floor retail space; and provide a total of eighty-five (85) parking spaces and related site improvements; and, pursuant to the terms of the Settlement Agreement at Section I(A), be built in substantial accordance with the architectural drawings and elevations provided in Attachment 4 of Chapter 34, entitled “Architectural Concept Plans and Elevations for 160 Main Mixed-Use District,” (the “Architectural Plans”), which includes but is not limited to consistency with the style, design, colors, materials, and overall architectural character shown in the Architectural Plans, as well the minimum gross floor area of each residential unit type (i.e., 1-bedroom, 2-bedroom, 3-bedroom) as shown on the floor plans incorporated in the Architectural Plans; and

WHEREAS, pursuant to the Settlement Agreement, the Borough of Matawan is required to amend its development regulations to facilitate the development identified in the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Matawan as follows:

SECTION 1. New Section 34-69A, entitled “160 Main Mixed-Use District,” is hereby adopted as follows:

§ 34-69A – 160 Main Mixed-Use District

- a. Purpose. The purpose of the 160 Main Mixed-Use District is to implement the terms of a Settlement Agreement between the Borough of Matawan and 160 Main, LLC, which was executed by the Borough on November 12, 2024. The 160 Main Mixed-Use District provides for mixed-use development with a combination of multifamily residential development and ground floor retail uses.
- b. Permitted Principal Uses.
 - 1. Mixed use developments containing multifamily residential development and ground floor retail uses, subject to the limitations described herein.
- c. Permitted Accessory Uses.
 - 1. Other uses and structures customarily incidental to the principal permitted use.
 - 2. Structured parking areas.
 - 3. Surface parking areas.
- d. Prohibited Uses.
 - 1. Adult entertainment uses. See Section 34-61A.
 - 2. Smoke shop. See Section 34-61B.
 - 3. Vape shop. See Section 34-61B.
- e. Off-Street Parking and Loading.
 - 1. Parking Requirements.
 - (a) Residential: Minimum of one and one-half (1.5) spaces per residential unit.
 - (b) Retail: Minimum of one (1) space per two hundred (200) square feet of gross floor area.
 - (c) A maximum of eighty-five (85) parking spaces, combined in both structured and surface parking, shall be permitted.
 - 2. Loading Requirements.
 - (a) One (1) loading space shall be required provided total gross floor area of retail space exceeds 3,000 square feet and is less than 20,000 square feet.
 - 3. Additional Requirements.
 - (a) A maximum of eight (8) surface parking spaces may be provided.
 - (b) Minimum Drive Aisle Width: Twenty-three (23) feet for parking stalls provided at 90 degrees.
 - (c) Minimum Parking Space Dimensions: Nine (9) feet by eighteen (18) feet.
- f. Signs.
 - 1. Permitted Quantity of Signs.
 - (a) Retail: No more than one (1) façade sign per retail tenant with a maximum of four (4) signs in total. When a retail tenant occupies a unit with frontage on more than one public right-of-way, one (1) façade sign facing each frontage shall be permitted, provided that the maximum of four (4) signs in total is not exceeded.
 - (b) Residential: No more than one (1) façade sign per street frontage to identify the name of the development, with a maximum of three (3) signs in total.
 - (c) Address: No more than one (1) façade sign per street frontage to identify the building address, with a maximum of three (3) signs in total.
 - 2. Maximum Area of Signs.
 - (a) Retail: Maximum of ten (10) percent of façade area designated to each retail tenant. No retail tenant shall have a façade sign of more than one hundred (100) square feet.
 - (b) Residential: Any sign used to identify the name of the development shall have a maximum area of one hundred (100) square feet.
 - 3. Maximum Height of Signs.
 - (a) Signage at First Floor: Maximum height of thirty (30) inches.
 - (b) Signage on Upper Floors: Maximum height of nine (9) feet.
- g. Lot Area and Yard Requirements. See Section 34-60.
- h. Building and Architectural Requirements.

1. Maximum Number of Residential Units. Multifamily residential development shall include no more than a total of forty-six (46) units.
 2. Size and Location of Retail Component. The maximum gross floor area of retail space in a mixed-use development shall be 3,040 square feet. All retail uses shall be located on the ground floor of a mixed-use building in conformance with the Concept Plan attached herein.
 3. Minimum Façade Articulation. Façades shall be articulated to mitigate large expanses of blank wall space. Articulations shall be a minimum of one (1) foot deep for a minimum of twelve (12) percent of the overall square footage of each façade that faces a public right-of-way.
 4. Minimum Gross Floor Area of Residential Units.
 - (a) One-Bedroom Units: Seven hundred (700) square feet.
 - (b) Two-Bedroom Units: Nine hundred (900) square feet.
 - (c) Three-Bedroom Units: One thousand two hundred (1,200) square feet.
 5. Proposed development in the 160 Main Mixed-Use District shall be substantially in accordance with the architectural concept plans and elevations provided in Attachment 4 of Chapter 34, entitled “Architectural Concept Plans and Elevations for 160 Main Mixed-Use District,” (the “Architectural Plans”) which includes but is not limited to consistency with the style, design, colors, materials, and overall architectural character shown in the Architectural Plans. It is intended that review by the Unified Planning Board/Zoning Board of Adjustment will permit only reasonable, limited refinement of architectural design that is substantially consistent with said Architectural Plans. Any deviations shall be limited to reasonable and necessary refinements that do not materially alter the style, design, or intent depicted in the Architectural Plans.
- i. Affordable Housing Requirements.
1. Set-Aside Requirement. A minimum affordable housing set-aside of approximately seventeen (17) percent is required for any multifamily residential development within the 160 Main Mixed-Use District.
 - (a) Notwithstanding the above, a minimum of eight (8) affordable units shall be provided within any multifamily residential development within the 160 Main Mixed-Use District.
 - (b) In the event that the total number of residential units onsite is less than the permitted 46 units, no less than seventeen (17) percent of the total number of units shall be set-aside as affordable units.
 - (c) When the calculation of seventeen (17) percent results in a fractional affordable housing obligation pursuant to subsection (b) above, the resulting affordable housing number shall, in all instances, be rounded upwards.
 2. Rental Requirement. All affordable units shall be rental units.
 3. The affordable units shall not be age-restricted or otherwise restricted or limited to a certain population.
 4. Compliance with Universal Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) Required. All affordable development within the 160 Main Mixed-Use Overlay District shall conform with applicable provisions of N.J.A.C. 5:80-26.1 et seq., including, but not limited to, the following:
 - (a) Deed-Restrictions. All affordable units shall be deed-restricted for a period of not less than thirty years and shall be in conformance with the provisions of N.J.A.C. 5:80-26.11.
 - (b) Affordability Average. All affordable units shall conform to the affordability average requirements of N.J.A.C. 5:80-26.3.
 - 1) In addition to the above, a minimum of thirteen (13) percent of all affordable units shall be affordable to very low-income units in accordance with P.L. 2008, c. 46.
 - 2) In conformance with the above, and as stipulated in the Settlement Agreement, of the eight (8) affordable units, four (4) shall be moderate income units, three (3) shall be low income units, and one (1) shall be a very low income unit.
 - (c) Bedroom Distribution. All affordable units shall conform to the bedroom distribution requirements of N.J.A.C. 5:80-26.3.
 - (d) Integration of Units. All affordable units shall be integrated throughout the development so as to be mixed with any market-rate units.

- (e) Restrictions on Rents. Compliance with requirements provided at N.J.A.C. 5:80-26.12 shall be required.
 - (f) Tenant Income Eligibility. Compliance with the tenant income eligibility requirements of N.J.A.C. 5:80-26.13 shall be required.
 - (g) Affirmative Marketing. All affordable units shall be marketed in a manner that is consistent with N.J.A.C. 5:80-26.15.
5. The developer of affordable units in the 160 Main Mixed-Use District shall have the option to self-administer the rental of affordable units or contract with an experienced administrative agent for the rental administration of affordable units. In either case, the developer shall have the obligation to pay all costs associated with such administration for the entire validity of deed-restriction. Where there is a conflict between this provision and the Universal Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), this provision shall prevail.
- j. All other provisions of Chapter 34, entitled “Development Regulations,” that are not in direct conflict with the provisions this Section and/or the provisions of the Borough’s Settlement Agreement with 160 Main, LLC executed on November 12, 2024, shall remain applicable.

SECTION 2. New Attachment 4, entitled “Architectural Concept Plans and Elevations for 160 Main Mixed-Use District,” is hereby added to Chapter 34, entitled “Development Regulations.” A copy of Attachment 4 is provided in Appendix 1 of this Ordinance.

SECTION 3. Section 34-3 is hereby amended to include the following new definition:

Parking, Structured. Structured parking means an off-street parking area with one or more levels that is located underneath or enclosed within a structure. Structured parking areas may include underground parking or parking at grade and shall be sufficiently ventilated by active and/or passive means. Structured parking areas do not include surface parking lots, residential garages, or carports.

SECTION 4. Schedule A, entitled “Schedule of Lot, Yard and Building Regulations,” of Chapter 34, entitled “Development Regulations,” shall be amended as shown in Appendix 2 of this Ordinance to include entries for the 160 Main Mixed-Use District.

SECTION 5. Section 34-61A, entitled “Adult Entertainment Use,” is hereby amended as follows (text to be deleted is ~~bold and stricken through~~, text to be added is **bold and underlined**):

§ 34-61A – Adult Entertainment Use

An adult entertainment use shall be prohibited in any residential zone ~~and~~, in the downtown preservation district, **and in the 160 Main Mixed-Use District**. In addition, an adult entertainment use shall be prohibited in any zone consistent with the following:

- a. Within 300 feet of any residence, residential use and/or residential zone; or
- b. Within 300 feet of the following uses:
 - 1. Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores or any religious use.
 - 2. Schools, both public and private, up to and including the 12th grade, and their adjunct play area.
 - 3. Public playgrounds, public swimming pools, public parks and public libraries.

SECTION 6. Section 34-61B, entitled “Smoke and Vape Shops,” is hereby amended as follows (text to be deleted is ~~bold and stricken through~~, text to be added is **bold and underlined**):

§ 34-61B – Smoke and Vape Shops

A smoke shop or vape shop use shall be prohibited in the Downtown Preservation District ~~and, the~~ General Business District, **and the 160 Main Mixed-Use District**.

SECTION 7. The Zoning Map of the Borough of Matawan is hereby amended as shown in Appendix 3 to establish the 160 Main Mixed-Use District within the area of Block 27, Lot 2.

SECTION 8. Section 34-58, entitled “Zoning Map,” is hereby amended as follows (text to be deleted is ~~bold and stricken through~~, text to be added is **bold and underlined**):

§ 34-58 – Zoning Map

- a. The boundaries of all zone districts set forth in this chapter shall be shown on a map bearing date of adoption. The map shall be filed in the office of the Borough Clerk and shall hereafter be the Official Zoning Map of the Borough. Such map is hereby declared a part of this chapter and shall be duly certified by the Borough Clerk.
- b. Amendments to Zoning Map. The Zoning Map is amended to change the zoning district designation of new Block 120, Lot. 5.01 (formerly Block 120, Lot 5 and part of Lot 6) to "R-C Residential Cluster Multifamily."
- c. Amendment to Zoning Map. The Zoning Map is amended to change the zoning district designation of Block 40, Lots 6 and 7 to MUD, Mixed Use Development.
- d. Amendment to Zoning Map. School Free Drug Zone Map adopted by Ordinance by the Borough and re-affirmed as applicable to the within changes as well as a map of the official zoning Map of the Borough of Matawan.
- e. Amendment to Zoning Map. The Zoning Map is amended to change the zoning district designation of Block 6, Lot 1 to RID, Railroad Improvement District.

f. Amendment to Zoning Map. The Zoning Map is amended to create the 160 Main Mixed-Use District on Block 27, Lot 2.

SECTION 9. Section 34-57, entitled “Zone Districts,” is hereby amended as follows (text to be deleted is ~~**bold and stricken through**~~, text to be added is **bold and underlined**):

§ 34-57 – Zone Districts

In accordance with the purpose and intent of this chapter, the Borough of Matawan is hereby divided into the following zone districts:

Designation	Description
R-100	Single-Family Residential District
R-75	Single-Family Residential District
R-50 I	Single-Family Residential District
R-M	Multifamily Residential District
SC	Senior Citizen Residential District
R-C	Residential Multifamily District
GB	General Business District
SB	Special Business District
DPD	Downtown Preservation District
HI	Highway Improvement District
IND	Industrial District
RID	Railroad Improvement District
GO	General Office District
MUD	Mixed Use Development District
<u>MUD-160</u>	<u>160 Main Mixed-Use District</u>

SECTION 10. All other parts, portions, and provisions of Chapter 34, entitled “Development Regulations,” are, hereby, ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 11. The terms of this Ordinance are hereby declared to be severable. Should any part, portion of provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

SECTION 12. This Ordinance shall take effect immediately upon final passage and publication according to law.

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Arlan Feiles		X	X			
Deana Gunn	X		X			
Brian Livesey						X
Suzanne Reynolds				X		
Charles Ross				X		
Steven Russell			X			

CERTIFICATION OF ORDINANCE

I, Karen Wynne, Municipal Clerk of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Council of the Borough of Matawan on June 3, 2025.

IN WITNESS WHEREOF, I have hereunder set my hand and seal of the Borough of Matawan this 3rd day of June, 2025.

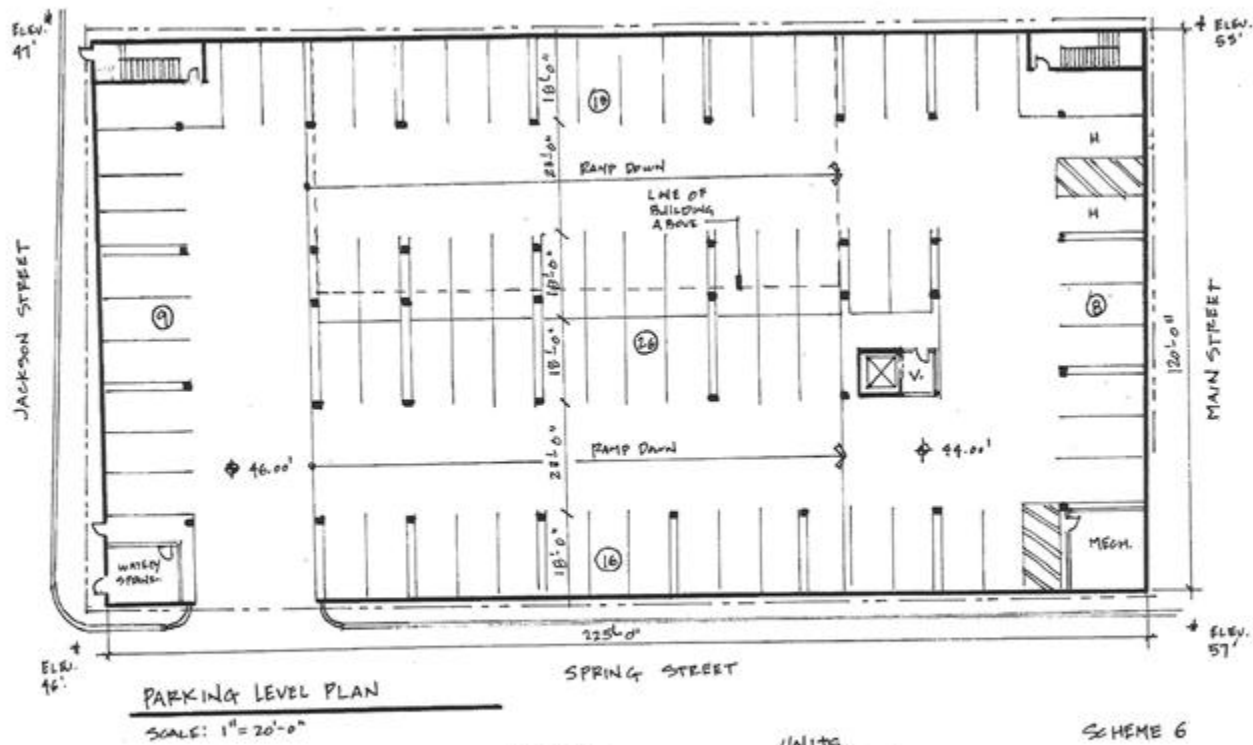
Karen Wynne

Karen Wynne, RMC
Municipal Clerk

APPENDIX 1:

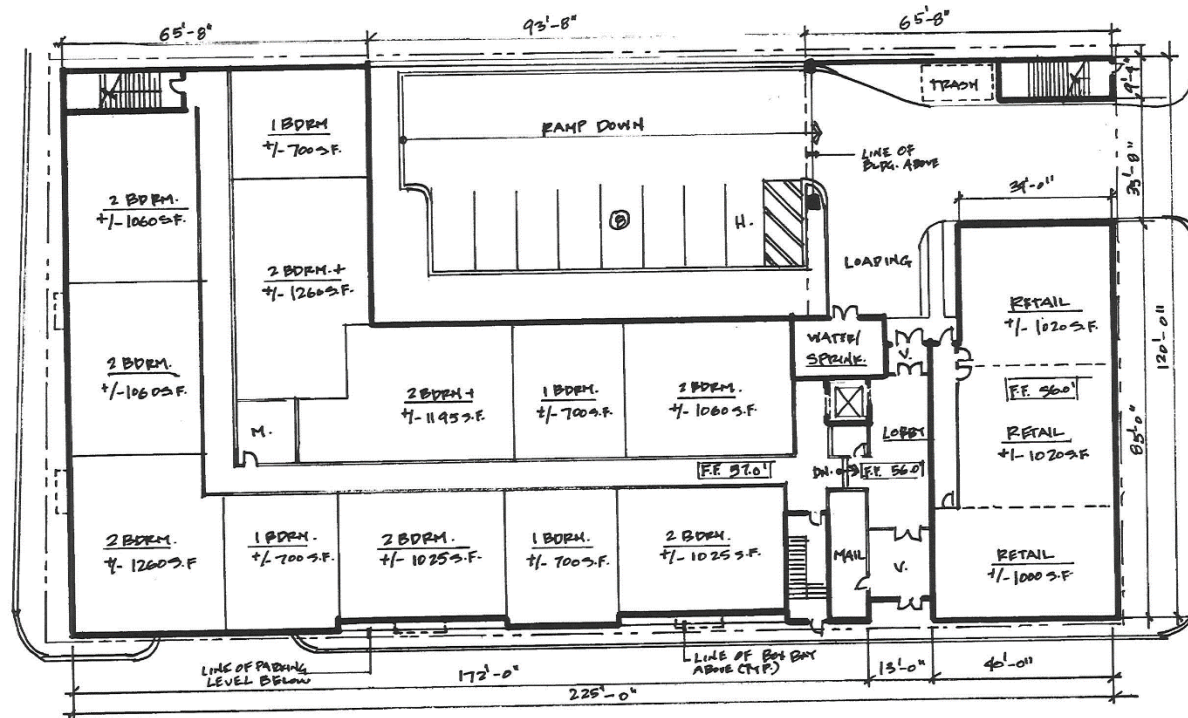
New Attachment 4, entitled “Architectural Concept Plans and Elevations for 160 Main Mixed-Use District” to be Added to Chapter 34, entitled “Development Regulations”

Architectural Concept Plans and Elevations for 160 Main Mixed-Use District



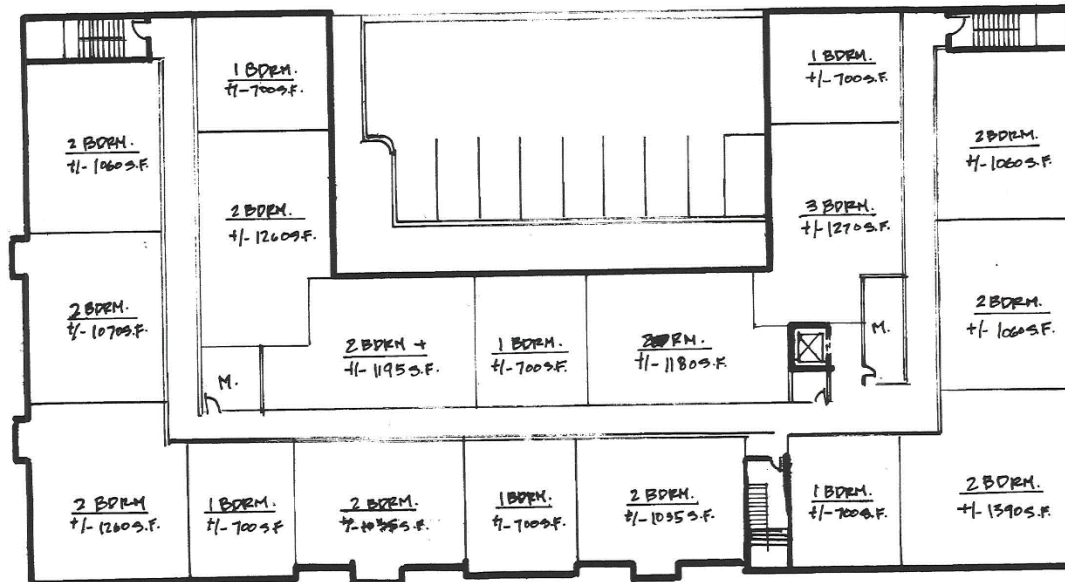
<u>PARKING</u>	<u>4 UNITS.</u>
77 STRUCTURED PARKING SPACES	18 (1) BDRM.
8 SURFACE PARKING SPACES	26 (2) BDRM.
<u>85 TOTAL</u>	<u>2 (3) BDRM.</u>
	46 TOTAL

SCHEME 6
160 MAIN, L.L.C.
MATAWAN, N.J.
S+T ARCHITECTS
3/2/2023



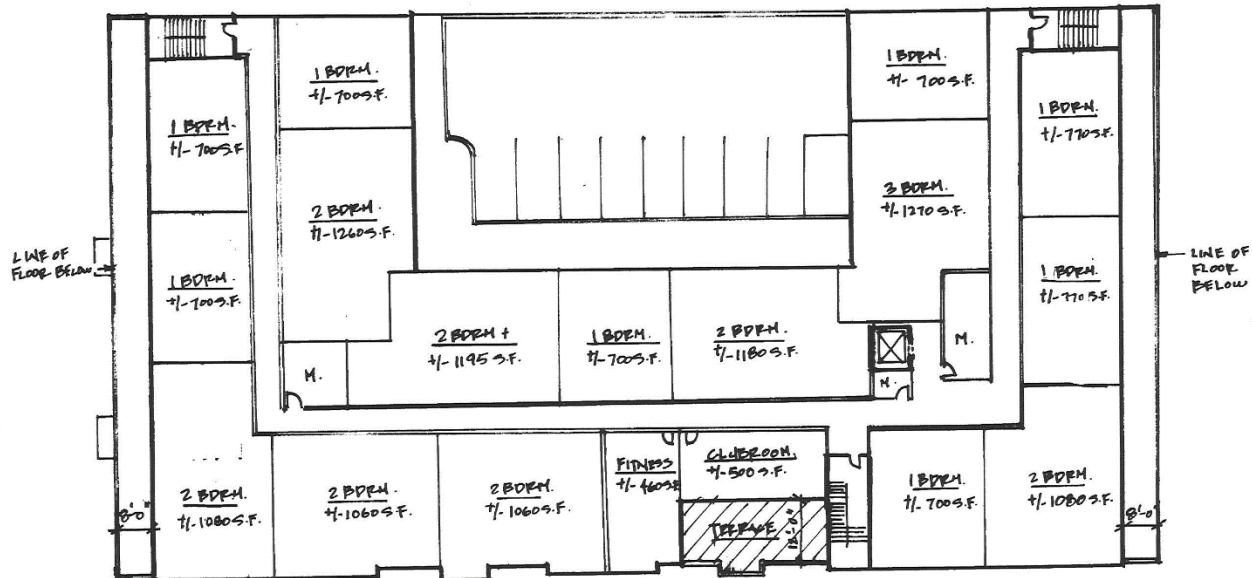
GROUND FLOOR PLAN
SCALE: 1" = 20'-0"

SCHEME 6
160 MAIN, LLC.
MATAWAN, N.J.
S+T ARCHITECTS.
3/2/2025



SECOND FLOOR PLAN.
SCALE: 1"=20'-0"

SCHEME G
160 MAIN, L.L.C.
MATAWAN, N.J.
OJT ARCHITECTS.
3/2/2023

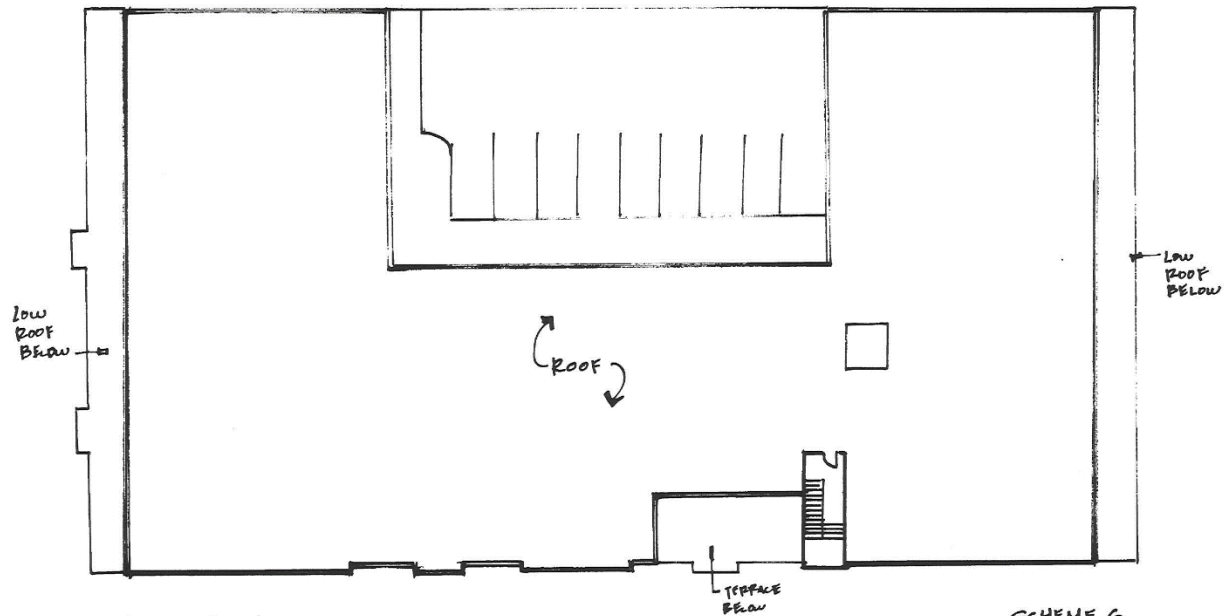


THIRD FLOOR PLAN

SCALE: 1"=20'-0"

SCHEME G

160 MAIN, L.L.C.
MATAWAN, N.J.
S+T ARCHITECTS
3/2/2023



ROOF PLAN
SCALE: 1"=20'-0"

SCHEME G
160 MAIN, L.L.C.
MATAWAN, N.J.
STI ARCHITECTS.
3/2/2023



SONNENFELD + TROCCHIA

ARCHITECTS, P.A.

53 Main Street, Holmdel, NJ | 732.946.7777 | www.st-architects.com

160 MAIN, LLC. | MATAWAN, NJ

15 MARCH, 2023



MAIN ST. ELEVATION
SCALE: 1/8" = 1'-0"



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160 MAIN, LLC. | MATAWAN, NJ

15 MARCH, 2023

APPENDIX 2:

Additions to Schedule A, entitled "Schedule of Lot, Yard and Building Regulations"

Additions to Schedule A, entitled “Schedule of Lot, Yard and Building Regulations”

Minimum Lot Size				Minimum Yard Dimensions ¹						Maxi- mum Lot Coverage (percent)	Height		Minimum Gross Floor Area	
				Principal Building				Accessory Building			Maxi- mum Number of Stories	Maxi- mum Height (feet)	Total (square feet)	First Floor (square feet)
Zone	Area	Width (feet)		Front * (feet)	Rear ** (feet)	Side *** (feet)	Total Side	Rear (feet)	Side (feet)					
160 Main Mixed- Use District	21,780 sq. ft.	100		0.0	0.0	0.0	0.0	N/A	N/A	100	4	55.0	--	--
	* Main Street													
	** Jackson Street													
	*** Spring Street and Interior Lot Line													
	¹ Front, rear, and side yard setback measurements shall be measured from property line to the building at ground floor. Building overhang of any floor above ground level shall not count towards the required setback.													

APPENDIX 3:

Proposed Revisions to Zoning Map

Proposed Revisions to Zoning Map

