

TOWNSHIP OF PEQUANNOCK

MASTER PLAN
REEXAMINATION REPORT

Prepared for:

**Pequannock Planning Board
530 Newark Pompton Turnpike
Pompton Plains, New Jersey 07444**

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INTRODUCTION

The Township of Pequannock is located in the northeastern portion of Morris County. It has a total area of 4,618 acres within its boundary area. Historically, development has been concentrated in the area west of the Pequannock River, in the Valley area along the Boulevard, Newark Pompton Turnpike and west of Route 23. Today, access to major regional employment centers is Route 23 which has direct connections to Route I-287 to the north and Routes 46 and I-80 to the south.

The municipality's boundary is conterminous with five different communities and one other county. The bordering communities include Lincoln Park, Pompton Lakes, Riverdale and Kinnelon all in Morris County and Wayne, located in Passaic County.

The purpose of the municipal master plan document is to "guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare" (N.J.S.A. 40:55D-28a). The key elements in a reexamination of the master plan and development regulations for a municipality focus on an analysis of the land use plan and development regulations to determine whether they are designed to effectuate the goals of the Planning Board in guiding the use of lands within the municipality. A comprehensive master plan is both a statement of policy and of physical plan, as well as a long range plan which sets forth the future, or vision, for the Borough.

When the Municipal Land Use Law (N.J.S.A. 40:55D- I et seq.) was adopted in August, 1976, the enabling legislation which governed municipal planning and zoning in all New Jersey municipalities was completely revised. One of the major changes was a provision that required the reexamination of master plans and development regulations every six years pursuant to the provisions of N.J.S.A. 40:55D-89. This report constitutes the Master Plan Reexamination mandated by the New Jersey Municipal Land Use Law, specifically N.J.S.A. 40:55D-89. The law requires that each municipality's Planning Board prepare a report covering the following five elements:

- The major problems and objectives relating to land development in the municipality at the time of the adopting of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

- The recommendations of the Planning Board concerning the incorporation of redevelopment plans pursuant to the *Local Redevelopment and Housing Law*, "P.L. 1992, C. 79(C.40A: 12A- I et al.) into the land use plan element of the municipal master plan, and recommended changes if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The reexamination report serves as a basis for discussion, representing that planning is a continuous and ever changing process. A discussion and reexamination of goals and objectives is an important component of any reexamination report. Value is derived from the process of preparing the report/plan and from the use of the Plan after it is completed.

AN OVERVIEW OF THE TOWNSHIP OF PEQUANNOCK'S MASTER PLANNING PROCESS

The Township of Pequannock has a long history of planning which began in 1940 with the Township Council's adoption of its first zoning ordinance and the creation of the first Board of Adjustment. The Township Council established the Planning Board in 1949 followed by the first adopted master plan in 1950. Over the past 60 years, the Township of Pequannock has periodically and systematically continued the planning process through master plan program initiations, zoning ordinance additions and revisions and historic preservation planning.

The Township's interest in this reexamination report is not only to satisfy the statutory requirements of the reexamination process, but to use the process as a starting point for further analysis and refinement of the Township's master plan and zoning ordinances. It is anticipated that the Township will be augmenting and revising its plan in order to chart a clearly identified course for the future development of the community.

The Major Problems and Objectives relating to Land Development in the Township at the Time of the Adoption of the last Reexamination Report.

The 1994 Master Plan Revision addressed the problems, as enumerated in the 1990 Reexamination Report and did not specify or propose any new 1994 problems or objectives. The 1995 Master Plan, adopted shortly after the 1994 Reexamination Report included new goals and objectives, a land use element, a housing element, a utilities element, a community facilities element and a circulation plan element. These objective and polices are as follows:

1. Preserve the tree lined streets throughout the Township.
2. Insure the preservation of the existing residential character along the Township's roadways, particularly the Newark Pompton Turnpike, the Boulevard and West Parkway.
3. Protect the views of the mountains by locating development in areas on or around the mountains so as not to disturb these views.
4. Promote a Path and Trail System that will utilize existing trails and, with new links, will connect the Township's parks and open spaces.
5. Preserve all lakes and wetlands.
6. Limit development along rivers, streams and ditches and around lakes so as to create buffers, and where possible, greenways and paths. Coordinate the conservation of these areas with adjacent communities utilizing conservation easements and other land protection mechanisms.
7. Preserve and protect the area of confluence of the Pequannock and Wanaque Rivers which include numerous islands and coordinate these efforts with adjacent communities.
8. Encourage programs and projects to clean up refuse places in the rivers and along the banks and discourage such disposal of refuse.
9. Protect areas of steep slopes and scenic stream corridors of the Waughaw Mountains.
10. Promote clean air.
11. Support programs, policies and site designs that provide and promote noise abatement.
12. Promote and maintain the vegetative buffers that provide screening and the separation of different land uses.

13. Insure that any development on steep slopes, slopes that exceed fifteen percent, occur without erosion and unnecessary loss of vegetation.
14. Establish procedures for Historic District Commission's review of development applications involving designated historic properties.
15. Permit a limited range of professional uses in the residential zones along the Newark Pompton Turnpike between the C-1 commercial districts so that the residential character is preserved and parking and signage is accommodated on site with minimum impact to the neighborhoods.
16. Discourage flag lots and limit their creation to those locations where, due to curvilinear street patterns, the flag lot will not disrupt the neighborhood pattern and there is adequate area to allow for privacy and access by emergency vehicles.
17. Designate transitional areas between commercial and residential districts where enhanced buffering is required.
18. Control and manage the development of Route 23 so as to reduce the diverted traffic from Route 23 and minimize the impact on internal roadways serving the residential and downtown business districts.
19. Specify kinds of retail uses in the C-1 Business Districts for the purpose of encouraging neighborhood shopping.
20. Allow residential uses above commercial uses where there is adequate parking and buffering of the commercial activity.
21. Establish guidelines and standards for solid waste disposal facilities.
22. Establish guidelines for signage and outdoor displays that will assist the retail business community and contribute to commercial zone and corridor aesthetics.
23. Develop standards for lighting that provides for safety and enhance commercial district aesthetics and, within the C-1 district, encourage pedestrian use.
24. Promote the location of parking areas under structures, or in rear and side yards.
25. Continue to limit the kinds or uses permitted in the industrial zone along West Parkway to those that pose no danger of contamination to the aquifer recharge areas.
26. Encourage the enforcement of zoning regulations, floodplain management and property maintenance standards in industrial zones so as to further protect environmentally sensitive areas.

27. Insure that all new industrial development is adequately buffered from residential uses and districts and that new uses within the industrial zones are associated with adequate and appropriate safeguards to insure the protection of the environment and the surrounding area.
28. Implement the Final Judgment with regard to requirements for housing as to the Township and provide a realistic opportunity for the provision of the Township's fair share of housing that is affordable to low and moderate income families.
29. Continue to seek opportunities to assist low and moderate income families in rehabilitating existing deteriorated structures and flood proofing floodplain dwellings.
30. Support the implementation of the recommendations of the Department of Parks and Recreation regarding additions and improvements to park facilities.
31. Seek the implementation of a path and trail system through a variety of land protection mechanisms and public access programs.
32. Seek the creation of a parking area that would provide access to the northern portion of Mountain Park.
33. Protect and safeguard the aquifer recharge areas and wells through appropriate zoning and enforcement.
34. Continue to monitor stormwater management practices and facilities so as to protect the ground water quality and reduce the incidence of artificially induced flood damage to downstream property owners. Maintain the adequacy of existing and proposed culverts, bridges, dams, and other water structures.
35. Continue to implement floodplain management policies, regulations and programs aimed at promoting safety and preventing flood damage.
36. Continue to seek financial support for the purchase of residential properties within the floodway of the Pequannock and Pompton Rivers and to conserve these properties, once improvements are demolished, for passive recreation uses.
37. Continue to provide information to the public regarding flood plain hazards, flood emergencies and planning and procedures, and site specific flood plain determinations.
38. Preserve the Pio Costa tract's floodwater retention capability.
39. Insure that commercial buildings in flood areas have an advance warning system for employees and patrons.
40. Continue the policy of requiring utilities to be placed underground with all new construction and seek funding opportunities to place existing above ground utilities underground.

41. Recommend that additional park and ride lots be established within the Township. One potential site for a new facility is the vacant land at the southwest corner of West Parkway as it intersects with Route 23.
42. Coordinate traffic management plans with suburban transit initiatives developed by Morris County and the Morris County Transportation Management Association ("Mc Rides").
43. Investigate the use of Transportation Enhancement funds, available under the Intermodal Transportation Efficiency Act, to provide pedestrian and bicycle paths.
44. Provide, if needed, a connection between the northern portion of West Parkway and the Boulevard, after review of changes in traffic patterns due to the completion of Route 287 and other residential development.
45. Revise the Township's cartway width and parking space requirements in lieu of revised standards promulgated by the American Association of Highway and Traffic Officials and the Center for Urban Policy Research's Subdivision and Site Plan Handbook.
46. Support the Army Corps of Engineers Passaic River Dual Inlet Tunnel project to eliminate potential flooding along sections of Route 23.
47. Recommend improvements of intersection configuration and roadway design at high accident locations on Route 23 at Jackson Avenue and Alexander Avenue, and along Lincoln Park Road at the sharp bend.
48. Support the reactivation of passenger rail service on the New York, Susquehanna and Western Railroad.

Extent to which such problems and objectives have been reduced or have increased.

A number of the goals and objectives, as well as the planning problems highlighted in the prior master plans have been addressed, while others remain unchanged.

It is important to note that some issues have been partially addressed, while others remain issues that must be addressed, as follows:

1. Preserve the tree lined streets throughout the Township.

This continues to be an objective of the Township through a program to redevelop tree lined streets with sustainable trees, an initiative to locate land on which to create a municipal tree farm and the possible reactivation of the Shade Tree Commission.

2. Insure the preservation of the existing residential character along the Township's roadways, particularly the Newark Pompton Turnpike, the Boulevard and West Parkway.

The Township Zoning Ordinance has been revised, from time to time, to restrict non-compatible commercial uses on Newark Pompton Turnpike. Such Ordinance controls include regulations regarding signs, yard setbacks, coverage, height restrictions, off-street parking and permitting only residential uses on the Boulevard and West Parkway.

3. Protect the views of the mountains by locating development in areas on or around the mountains so as not to disturb these views.

The purchase of the remaining undeveloped mountain area continues to be an objective of the Township with an emphasis on collaborative work with the Borough of Kinnelon to help preserve this scenic area.

4. Promote a Path and Trail System that will utilize existing trails and, with new links, will connect the Township's parks and open spaces.

The Township is actively pursuing this objective through seeking an ANJEC grant to help convert the railroad right-of-way into a bike path that will connect to various areas of the Township. In addition, as one of the Morris Conservancy's Partners for Greener Communities, the Conservancy is involved in a number of trail initiatives that Pequannock Township is involved with. The recent adoption of an Open Space Recreation Plan, by the Township, addresses the path and trail system needs in detail. Specifically, the Plan identifies potential bike lanes.

5. Preserve all lakes and wetlands.

This continues to be an objective of the Township. Strict enforcement of wetland laws remains a priority of the Township and its enforcement departments.

6. Limit development along rivers, streams and ditches and around lakes so as to create buffers, and where possible, greenways and paths. Coordinate the conservation of these areas with adjacent communities utilizing conservation easements and other land protection mechanisms.

Aquatic Park along the Pequannock River provides a greenway and path along the Pequannock River. Along the length of the river corridor, the severity of the wetlands and floodplains has caused the area to experience limited development. In order to protect and enhance the river, its banks, and the floodplains, an overall plan for riverfront access and community use should be created. This continues to be an objective of the Township. In addition, the Township restricts development of environmentally sensitive lands by restricting construction in flood plains and enforcing wetland protection laws.

7. Preserve and protect the area of confluence of the Pequannock and Wanaque Rivers which include numerous islands and coordinate these efforts with adjacent communities.

This continues to be an objective of the Township and the potential for protection of these areas is discussed in detail in the Township Open Space and Recreation Plan. Similarly, the Township strictly enforces all State and local wetland and floodplain regulations.

8. Encourage programs and projects to clean up refuse places in the rivers and along the banks and discourage such disposal of refuse.

This continues to be an objective of the Township. The Township supports the Clean Communities Act with volunteers that devote their leisure time to removing debris along the river banks, stream corridors and shores of the Township lakes.

9. Protect areas of steep slopes and scenic stream corridors of the Waughaw Mountains.

This continues to be an objective of the Township.

10. Promote clean air.

This continues to be an objective of the Township and is supported by the Township Zoning Ordinance which prohibits pollution causing industries as part of the performance standards of the Code.

11. Support programs, policies and site designs that provide and promote noise abatement.

This continues to be an objective of the Township. The Township continues to actively seek the construction of a sound barrier between the open gap along Route 287 and mountain Avenue.

12. Promote and maintain the vegetative buffers that provide screening and the separation of different land uses.

This continues to be an objective of the Township and has been incorporated into the Township Zoning Ordinance buffer requirements for the separation of different land uses and zones.

13. Insure that any development on steep slopes, slopes that exceed fifteen percent, occur without erosion and unnecessary loss of vegetation.

This continues to be an objective of the Township.

14. Establish procedures for Historic District Commission's review of development applications involving designated historic properties.

The Township Zoning Ordinance has an established Historic Landmark District Zone which provides the criteria for designation, the application procedure, standards, public hearing requirements and establishes the Historic District Commission.

15. Permit a limited range of professional uses in the residential zones along the Newark Pompton Turnpike between the C-1 commercial districts so that the residential character is preserved and parking and signage is accommodated on site with minimum impact to the neighborhoods.

This continues to be an objective of the Township and regulations have been incorporated into the Township Zoning Ordinance that address this objective.

16. Discourage flag lots and limit their creation to those locations where, due to curvilinear street patterns, the flag lot will not disrupt the neighborhood pattern and there is adequate area to allow for privacy and access by emergency vehicles.

This continues to be an objective of the Township. Subdivision requirements have been modified to permit flag lots only in larger lot zones. Specifications regarding lot size, setbacks and access have been established in the Township Subdivision Ordinance as well.

17. Designate transitional areas between commercial and residential districts where enhanced buffering is required.

This continues to be an objective of the Township and has been incorporated into the Township Zoning Ordinance buffer requirements for the separation of different land uses and zones.

18. Control and manage the development of Route 23 so as to reduce the diverted traffic from Route 23 and minimize the impact on internal roadways serving the residential and downtown business districts.

Along West Parkway a 100 foot buffer transition area was created to separate the residential uses from the industrial uses.

19. Specify kinds of retail uses in the C-1 Business Districts for the purpose of encouraging neighborhood shopping.

This objective has been achieved through changes in the Township Zoning Ordinance.

20. Allow residential uses above commercial uses where there is adequate parking and buffering of the commercial activity.

This objective has been achieved through changes in the Township Zoning Ordinance. The Township Zoning Ordinance strictly regulates residential uses above commercial uses and requires adequate parking and buffering.

21. Establish guidelines and standards for solid waste disposal facilities.

This continues to be an objective.

22. Establish guidelines for signage and outdoor displays that will assist the retail business community and contribute to commercial zone and corridor aesthetics.

The Township Zoning Ordinance has sign regulations that have been modified from time to time to reflect contemporary signage needs and desires. Additionally, all signs must be submitted to the Planning Board for review and approval.

23. Develop standards for lighting that provides for safety and enhance commercial district aesthetics and, within the C-1 district, encourage pedestrian use.

The Township has a streetscape plan and program that provides a uniform design for the commercial areas within the C-1 District. This plan is designed to incorporate a variety of sidewalk and pavement surfaces, as well as landscaping, to encourage pedestrian use and to enhance the aesthetics of the commercial areas.

24. Promote the location of parking areas under structures, or in rear and side yards.

This continues to be an objective of the Township. Where appropriate, the Planning Board encourages such parking arrangements.

25. Continue to limit the kinds or uses permitted in the industrial zone along West Parkway to those that pose no danger of contamination to the aquifer recharge areas.

This continues to be an objective of the Township. The industrial zone regulations, of the Township Zoning Ordinance, continue to reflect this objective in the permitted and prohibited use sections of the regulations pertaining to industrial uses.

26. Encourage the enforcement of zoning regulations, floodplain management and property maintenance standards in industrial zones so as to further protect environmentally sensitive areas.

This continues to be an objective of the Township. Through the regulatory agencies of the Township, zoning regulations, floodplain regulations and property maintenance regulations are enforced.

27. Insure that all new industrial development is adequately buffered from residential uses and districts and that new uses within the industrial zones are associated with adequate and appropriate safeguards to insure the protection of the environment and the surrounding area.

This continues to be an objective of the Township. The Township Zoning Ordinance provides buffer requirements between industrial and residential uses. Permitted uses in the industrial zones do not permit any uses that would jeopardize the environment, the aquifer or the surrounding area.

28. Implement the Final Judgment with regard to requirements for housing as to the Township and provide a realistic opportunity for the provision of the Township's fair share of housing that is affordable to low and moderate income families.

The Township has a Fair Share Plan in place that implements the Final Judgment and provides for a realistic opportunity for the provision of affordable housing. As part of the Plan, the Township retains a Housing Specialist to administer the program and provide technical support to the Affordable Housing Committee that oversee its operation.

29. Continue to seek opportunities to assist low and moderate income families in rehabilitating existing deteriorated structures and flood proofing floodplain dwellings.

The Morris County Community Development Block Grant Program has a rehabilitation program for low and moderate income households that provides funds for the repair and maintenance of housing units. Through the Township's public awareness program and affordable housing staff, qualified individuals are directed to apply for funds from this program.

30. Support the implementation of the recommendations of the Department of Parks and Recreation regarding additions and improvements to park facilities.

This continues to be an objective of the Township. The Township of Pequannock has an Open Space Tax for the purchase of open space/recreation lands, recreation upgrades of existing facilities and purchase of equipment.

31. Seek the implementation of a path and trail system through a variety of land protection mechanisms and public access programs.

This continues to be an objective of the Township. Progress in this area can be seen in the Township's ANJEC grant application and the priorities of the Open Space and Recreation Plan.

32. Seek the creation of a parking area that would provide access to the northern portion of Mountain Park.

This is no longer an objective of the Township

33. Protect and safeguard the aquifer recharge areas and wells through appropriate zoning and enforcement.

This continues to be an objective of the Township. The Township Zoning Ordinance provides zoning safeguards to protect the aquifer recharge areas and wells of the Township through its regulation of permitted and prohibited uses.

34. Continue to monitor stormwater management practices and facilities so as to protect the ground water quality and reduce the incidence of artificially induced flood damage to downstream property owners. Maintain the adequacy of existing and proposed culverts, bridges, dams, and other water structures.

This continues to be an objective of the Township. The Township Department of Public Works maintains the existing culverts, bridges, dams and other water structures. Township stormwater management requirements, associated with development, continue to require state of the art facilities to insure ground water quality and appropriate drainage.

35. Continue to implement floodplain management policies, regulations and programs aimed at promoting safety and preventing flood damage.

This continues to be an objective of the Township. The continued implementation of the Township floodplain ordinance and application procedure further promoted safety and prevents flood damage.

36. Continue to seek financial support for the purchase of residential properties within the floodway of the Pequannock and Pompton Rivers and to conserve these properties, once improvements are demolished, for passive recreation uses.

While this continues to be an objective of the Township, funding for this program has presently run out.

37. Continue to provide information to the public regarding flood plain hazards, flood emergencies and planning and procedures, and site specific flood plain determinations.

This continues to be an objective of the Township. The Township Office of Emergency Management provides up to date information with regard to flood emergencies, planning and procedures.

38. Preserve the Pio Costa tract's floodwater retention capability.

This continues to be an objective of the Township.

39. Insure that commercial buildings in flood areas have an advance warning system for employees and patrons.

This continues to be an objective of the Township.

40. Continue the policy of requiring utilities to be placed underground with all new construction and seek funding opportunities to place existing above ground utilities underground.

This continues to be an objective of the Township. The Township Site Plan Ordinance requires that all utilities, related to new construction, be placed underground.

41. Recommend that additional park and ride lots be established within the Township. One potential site for a new facility is the vacant land at the southwest corner of West Parkway as it intersects with Route 23.

This is no longer an objective of the Township. The West Parkway site is no longer available because it is developed with an industrial building.

42. Coordinate traffic management plans with suburban transit initiatives developed by Morris County and the Morris County Transportation Management Association ("Mc Rides").

This continues to be an objective of the Township.

43. Investigate the use of Transportation Enhancement funds, available under the Intermodal Transportation Efficiency Act, to provide pedestrian and bicycle paths.

This continues to be an objective of the Township. The Township received a grant for pedestrian and bike paths. However, due to the restrictions imposed on street parking, the Township declined to accept the grant.

44. Provide, if needed, a connection between the northern portion of West Parkway and the Boulevard, after review of changes in traffic patterns due to the completion of Route 287 and other residential development.

This was investigated by the Township and found not to be feasible. It no longer is a valid objective.

45. Revise the Township's cartway width and parking space requirements in lieu of revised standards promulgated by the American Association of Highway and Traffic Officials and the Center for Urban Policy Research's Subdivision and Site Plan Handbook.

This continues to be an objective of the Township.

46. Support the Army Corps of Engineers Passaic River Dual Inlet Tunnel project to eliminate potential flooding along sections of Route 23.

Presently, the Army Corps of Engineers (ACOE) has determined not to pursue this course of action. It is the ACOE's objective to acquire lands outside the floodway, but within the 100 year flood plain. In Pequannock Township, the ACOE is looking to protect Aquatic Park, the NJDOT property adjacent to it, and the Carl Bauer property next to the Pompton River. Additional downstream properties are also sought for protection, by the ACOE

47. Recommend improvements of intersection configuration and roadway design at high accident locations on Route 23 at Jackson Avenue and Alexander Avenue, and along Lincoln Park Road at the sharp bend.

Presently, the Township Traffic Safety Officer recommends the incorporation of traffic calming devices at these locations.

48. Support the reactivation of passenger rail service on the New York, Susquehanna and Western Railroad.

This is no longer an objective of the Township.

49. *Since the last Master Plan Reexamination Report, the Township has rezoned a site off of Mountain Avenue and Route 23 for an adult community. This site received site plan approval and is presently under construction. Known as Cedar Crest Village, the community, when completed, will contain 1,400+ residential units and 400+ extended care units on 150 landscaped acres.*

Extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection and disposition and recycling of designated recyclable materials; and changes in State, county and municipal policies and objectives.

There are a number of substantive changes at the state and local level which were not considered at the time of the preparation and adoption of the 1992 Master Plan Revision, which require the Township's attention.

LOCAL LEVEL

The Township, in 2003 adopted an Open Space Recreation Plan. The purpose of this Plan is to provide the Township with a list and description of all open space, both public and private and an Action Plan for acquisition of open space and upgrading of existing parking facilities.

A Sewer Master Plan was prepared in 2003. This Plan describes the wastewater collection system plan that will serve the current and future needs of the Township. The Township has acquired a total of 1.1 million gallons per day (mgd) of waste water flow allocation at the Two Bridges Sewerage Authority (TBSA) treatment plant. This 1.1 mgd is divided between two sanitary trunk sewers; the Greenview trunk sewer at Meter M-13 and the Pequannock River Basin Regional Sewerage Authority (PRBRSA) constructed trunk sewer at Meter M-14. All areas of the Township that are in need of sewers were ranked by priority to be served. In the Greenview trunk sewer area, the highest priority was assigned to the Munson Drive area, with lesser priority assigned to Jacksonville Avenue and Sunset Road. The study identified, in the trunk sewer at Meter M-14, seven priority areas, primarily in the residential and commercial areas south of Jackson Avenue and east of Newark-Pompton Turnpike. The study concluded that there is not enough available reserve capacity to serve all the priority areas, which means that only a small portion of the priority areas will be able to be served. Allocation of sewage treatment, for specific projects, should be made by a case-by-case basis by the Council, after Planning Board or Board of Adjustment recommendation.

STATE LEVEL

The State Development and Redevelopment Plan

Since the Township last prepared a master plan, there have been a number of substantive changes at the state and local level which were not contemplated at the time of the preparation of the 1995 Master Plan Revision.

In June of 1992, New Jersey became one of the few states in the nation to adopt a State Development and Redevelopment Plan (SDRP). The process sought input for the development of the plan from all levels of municipal and County government in a process called cross acceptance. This historic and idealistic document's intent was to assess all of the resources of the state as a guide for the development of the state in a fashion that will protect its natural resources, efficiently utilize its fiscal resources and direct development into appropriate areas of the state.

Local Redevelopment and Housing Law

The Local Redevelopment and Housing Law (LRHL) provides the statutory authority for a municipality to designate areas in need of redevelopment, to prepare and adopt redevelopment plans and to implement these plan through redevelopment projects. Specifically, the Township Council has the authority to:

- Initiate a preliminary investigation to determine if an area is in need of redevelopment.
- Determine that an area is in need of redevelopment.
- Adopt a redevelopment plan.
- Determine that an area is in need of rehabilitation.

Residential Site Improvement Standards Act

The Residential Site Standards Act, P.L. 1993, c. 32, created a Site Improvement Advisory Board (SIAB) and provided the SIAB with the authority to recommend to the Commissioner of the Department of Community Affairs (DCA) mandatory statewide site improvement standards that are to be applicable to residential development in New Jersey. The SIAB promulgated regulations establishing residential site improvement standards in 1996. These regulations went into effect on June 3, 1997 and were subsequently amended on November 1, 1999.

The adopted rules establish technical standards for streets and parking, water supply, sanitary sewers and stormwater management relating to residential development. The standards are the minimum requirements for site improvements that must be adhered to by all applicants for residential subdivision and site plans before planning boards and zoning boards of adjustment. They also represent the maximum that such boards can require of an applicant.

Wetlands Legislation

The State, effective July 1989, enacted wetlands legislation to protect this sensitive and valuable resource. The Act requires those proposing to engage in various activities in and around wetlands to apply to the DEP for a permit. The Act establishes a presumption that there is a practicable alternative to the proposed activity that would result in a lesser impact on wetlands and requires the applicant prove there are no alternative locations, sites, configurations or designs that would serve the project purpose and result in less impact on wetlands.

To protect the overall health of the wetlands ecosystem and to reduce the impacts of adjacent upland development on wetlands, the Act establishes criteria to review activities proposed adjacent to most wetlands and provides for transitional (buffer) areas. A transitional buffer area of 50 feet, is required, adjacent to wetlands classified as an intermediate resource value and a 150 foot transitional buffer area, is required, for a wetland classified as an exceptional resource value.

Housing Issues

In 1986, the State of New Jersey established the Council on Affordable Housing (COAH). COAH's was mandated to prepare a comprehensive planning and implementation response to the

constitutional obligation to provide, through municipal land use regulations, a realistic opportunity for the construction of low and moderate income housing to accommodate the needs of the State's lower income households. Every municipality is obligated, by virtue of a 1987 amendment to the Municipal Land Use Law, to prepare and adopt a Housing Plan Element as part of its master plan. Municipalities have the discretionary authority to seek substantive certification of its Housing Element and Fair Share Plan from COAH. The major benefit of achieving certification is the protection it offers municipalities in the event of a Mount Laurel lawsuit.

Pequannock has addressed its fair share housing obligation consistent with the New Jersey Supreme Court's Mount Laurel decisions and the provisions of the State's Fair Housing Act. The Plan addresses the Township's 1993 to 1999 cumulative adjusted obligation of 0 units of new affordable housing. COAH certification of the Plan is eminent as this has been an ongoing process for the last few years and all changes/additions required by COAH have been submitted.

Residential Site Standards Act

The Residential Site Standards Act, P.L. 1993, c. 32, created a Site Improvement Advisory Board (SIAB) and provided the STAB with the authority to recommend to the Commissioner of the Department of Community Affairs (DCA) mandatory statewide site improvement standards that are to be applicable to residential development in New Jersey. The SIAB promulgated regulations establishing residential site improvement standards in June 1996. These regulations went into effect on June 3, 1997.

The adopted rules establish technical standards for streets and parking, water supply, sanitary sewers and stormwater management relating to residential development. The standards are the minimum requirements for site improvements that must be adhered to by all applicants for residential subdivision and site plans before planning boards and zoning boards of adjustment. They also represent the maximum that such boards can require of an applicant.

Pursuant to the Act, the adopted standards supersede any local standards established for these systems. However, they do not supersede local ordinances regulating the use, height, bulk, density or design of residential development. The standards also do not include requirements for landscaping, shade trees, transit stops, noise barriers, snow removal guarantees or assessments for off-tract improvements. These issues remain the purview of the local reviewing agencies. The regulations also provide for special planning areas where the municipality may adopt standards that recognize existing local conditions.

The Township should implement the adopted residential site standards as required by the statute. It should also be noted that these standards govern residential development only. Any local standards governing nonresidential development are not affected.

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Environmental Controls

- With the Manalapan Builders Alliance, Inc. v. Township Committee of the Township of Manalapan (appl div. 1992) and Crow - New Jersey 32, Ltd. v. Township of Clinton (D. N.J. 1989) the central assumption that a zoning ordinance may control density or floor area ratio (FAR) through the process of factoring out environmentally sensitive areas such as wetlands, flood hazard zones or steep slopes was abolished. While density or FAR may be affected by environmental constraints ordinances, these ordinance can no longer eliminate development on environmentally sensitive lands.
- Brownfields Program - The Site Remediation Program, sponsored by the New Jersey Department of Environmental Protection, was created to identify contaminated sites and provide loans and grants for site reuse and remediation.
- Industrial Site Recovery Act - Adopted in 1993, ISRA streamlines the remediation process of contaminated sites and ensures timely and efficient remediation of brown fields before the transfer or closing of an industrial establishment.
- Brownfields and Contaminated Site Remediation Act - Enacted in 1998, this act provides new provisions for brown fields reuse and redevelopment as part of a comprehensive urban redevelopment program.

The Specific Changes Recommended for the Master Plan or Development Regulations, if any, including Underlying Objectives, Policies and Standards or whether New Plan or Regulations should be prepared.

This periodic reexamination report points out a number of factors influencing the planning process and its implementation in the Township of Pequannock. Careful review of past Zoning Board of Adjustment Annual Reports and in-depth discussions with the Township Zoning Officer, Township Construction Official and the Board of Adjustment Planner suggest that specific changes to the Township's Zoning Ordinance and application review process would improve the overall development within the Township. The following recommendations are the result of the Annual Report review and discussions with the above noted Township personnel.

1. A comprehensive review of the Township Zoning Ordinance should be undertaken. Such review should look toward the codification of the Township Zoning Ordinance to be consistent with contemporary ordinances. To a degree, the Township Zoning and Township Planners recommend the following changes to the Zoning Ordinance:
 - a. Total number of accessory structures should be limited to one (1) exclusive of a detached garage and pool equipment. The Township Ordinance should define accessory structures to include detached garages and pool equipment.
 - b. Accessory structures in addition to sheds shall include detached garages, personal/decorative greenhouses and gazebos, and pool equipment.
 - c. Central air conditioning equipment/unit shall be permitted in the front, side and rear yards. Front and side yard location setback shall, at a minimum, be equal to the required front and side yard setback of the district in which the site is located. Such equipment/units shall be properly screened with a evergreen hedge, at a minimum, equal to the height of the proposed equipment/unit. Rear yard setback location, at a minimum, shall be equal to the required setback of an accessory structure. Appropriate screening of the equipment should be provided.
 - d. Section 189.07.020(A) entitled, "home occupations," should be reviewed by the Board to be consistent with the general expectations of the Planning Board and to provide more specifications as to what type of uses constitute a home based business, total number of employees, total amount of interior space devoted to the home based business, etc.
 - e. Applications for all change of use/occupancy should be required. A minor site plan application, at the discretion of the Zoning Officer, may be required if no site plan is on record or improvements are required that may trigger site plan review.. This allows the Township to seek site plan approval for sites that have no site plan or require upgrading/maintenance.

- f. Permitted uses in the I-2 District should include the assembling of a product that will not result in any contamination or use any hazardous chemicals.
 - g. All residential districts should require at least two (2) off-street parking spaces, one (1) of which must be provided in an enclosed garage.
 - h. The checklists, for completeness review, should require the submission of a survey showing current conditions, for all applications for variances, development and subdivisions.
 - i. Decorative and/or personal greenhouses should be permitted as accessory structures in all single family residential districts. Such greenhouses should not exceed 900 square feet, should be located in the rear yard and should meet all accessory structure setback requirements.
 - j. Section 189.07.020(C) entitled, "keeping animals," should be amended to state that all acreage requirements are exclusive of the area dedicated to the residence. The area dedicated to the residence should meet or exceed the district, in which the site is located.
 - k. Section 189.11.040(D) should provide a section that requires a Zoning Certificate, on the re-sale of all residences, should be required to ensure that no illegal conversion of a residence has occurred.
2. The Sign Ordinance, Swimming Pool Ordinance, Special Sales Ordinance and the flag lot requirements should be moved into the Township Zoning Ordinance. This will give greater force and authority to the standards required for signs, special sales, swimming pools and flag lots than presently exists. Any deviation from zoning ordinance requirements would necessitate variance approval from the Planning Board or Board of Adjustment, accordingly. Presently a deviation from these ordinances/requirements needs only a waiver. Waiver requests do not have to meet the same strict standards of the Municipal Land Use Law that requested variances must meet.
3. A review of the Township Site Plan Ordinance should be undertaken to ensure consistency with the Municipal Land Use Law requirements. Amendments to the Township's Site Plan Ordinance should be made accordingly.
4. Performance Guarantee Ordinance requirements should be amended to be consistent with the requirements of the Municipal Land Use Law (40:55D-53, 53(a), 53 (b) and 53.1.

5. Pequannock Township is critically situated in a plain at the base of the New Jersey Highlands at the confluence of the Pompton, Pequannock, and Ramapo Rivers. The community is ideally located and is important for the linkage and transition it provides between the rural Highlands communities and suburban Passaic/Morris County communities. The area is environmentally significant for the flood plain and water resources it affords, but also for the extensive wetlands, and wildlife habitat and linkages adjacent to the river that it provides. Pequannock Township must make it a priority to protect these areas, expand open space opportunities and provide essential linkages to Township and regional trails through improvements to Aquatic Park and along the river.

The river and lands adjacent to the river also offer a unique opportunity to both the community and the region. Areas such as Aquatic Park along the Pequannock River are ideally located, but have no parking, signage or improvements. Along the length of the river corridor, the severity of the wetlands and floodplains has caused the area to experience limited development. In order to protect and enhance the river, its banks, and the floodplains, an overall plan for riverfront access and community use should be created. Such improvements to consider include property acquisition, trail linkages, and possible playfield.

The Recommendation of the Planning Board concerning the Incorporation of Redevelopment Plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12A-1 et al.) into the Land Use Plan Element of the Municipal Master Plan and Recommended Changes, if any, in the Local Development Regulations necessary to effectuate the Redevelopment Plans of the Municipality.

The Township of Pequannock has no approved/adopted Redevelopment Plans, therefore, this section is not applicable.