

**2010 MASTER PLAN
REEXAMINATION REPORT
NEW MILFORD, NEW JERSEY**

June 7, 2010

**Prepared for:
The Borough of New Milford Planning Board**

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This copy conforms to the original copy of this report which is stamped and signed by Michael F. Kauker, Professional Planner's License Number 993; in accordance with *N.J.S.A. 45:14A* regulating the practice of Professional Planning in the State of New Jersey.



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INTRODUCTION

The New Jersey *Municipal Land Use Law (M.L.U.L.)* grants substantial power to local planning boards to regulate land use and development. The foundation of this power is the ability to adopt a master plan, as is stated at *N.J.S.A. 40:55D-28*:

The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

The master plan documents the current conditions of the municipality and addresses those issues that may have an impact on the community. According to section 40:55D-28b(1) of the statutory section, the plan must include “A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.”

A master plan also must include land use and housing plan elements and may include a number of other plan elements addressing topics such as circulation and community facilities. These elements may be divided into subplan elements and may be prepared and adopted in sequences. Other required components of a master plan are policy statements indicating the master plan’s relationship to the master plans of contiguous municipalities, to the county master plan, to the *State Development and Redevelopment Plan* and to the county’s district solid waste management plan.

The *M.L.U.L.* requires that a master plan be revised periodically. *N.J.S.A. § 40:55D-89* states that at least once every six years a general reexamination of a municipality’s master plan and development regulations shall be prepared by the planning board. The Borough of New Milford’s most recent Master Plan was adopted in 2004. The 2010 New Milford Master Plan Reexamination Report is in response to the requirements of the *M.L.U.L.* and includes the following five sections in accordance with *N.J.S.A. § 40:55D-89 a through e*:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. 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 revised, with particular regard to the 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 the State, county, and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives and standards or whether a new plan or regulations should be prepared.
- e. The recommendations 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 remainder of this report is comprised of these five elements.

A. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN NEW MILFORD AT THE TIME OF THE LAST MASTER PLAN

New Milford's Overall Master Plan Goals

The last Master Plan prepared in 2004 provided separate goals and objectives for each of the Master Plan's elements. This reexamination report includes the following planning and zoning objectives:

1. Maintain and enhance sound residential neighborhoods through implementation of neighborhood planning principles such as provision of needed neighborhood facilities, routing through traffic around residential neighborhoods, and reduction and eventual elimination of incompatible uses where present.
2. Provide for the upgrade of housing within existing neighborhoods, while maintaining the present community character through good subdivision design and neighborhood planning principles.
3. Maintain the quality of housing and non-residential buildings in regard to safety, health, and appearance through administrative measures such as property maintenance code enforcement and design control.
4. Provide for continued establishment of small shops and preferred service facilities compatible with residential neighborhoods.
5. Provide for improved facilities for neighborhood businesses by grouping such businesses in areas that will have a minimal adverse impact on residential areas.
6. Provide adequate educational, cultural, and recreational facilities and open space for the Borough's changing population.

7. Provide for adequate sewage, storm water disposal and an adequate water supply for homes and businesses.
8. Provide for safe and efficient movement of all modes of transportation throughout the Borough.
9. Preserve the Borough's historic and scenic sites.
10. Maintain the quality of the environment especially with respect to open space, noise, and air and water quality.
11. Encourage senior citizen housing consistent with the character of the Borough.

New Milford's Major Planning and Zoning Problems

The purpose of this reexamination report is to address the following planning needs and to maintain the existing goals of the Borough:

1. To maintain and upgrade retail and service commercial facilities as an important part of the Borough's tax base.
2. To provide for a balanced housing supply and secure substantive certification from the Council on Affordable Housing (COAH) for the Borough's Round Three Application.
3. To continue to address the need for flood mitigation in areas adjacent to the Hackensack River, Hirshfeld Brook, French Creek and their tributaries.
4. To take proactive measures to provide for additional recreation facilities.

B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED SUBSEQUENT TO THE LAST MASTER PLAN IN 2004

Since the passage of the 2004 New Milford Master Plan the following actions have been taken to implement various recommendations contained within the Master Plan.

Land Use & Zoning

1. Acquisition of Carlton Place Property (Mount Laurel Suit Settlement)

In November of 2005, the Borough Council authorized a \$1.285 million Bond Issue, which was subsequently reduced by \$600,000 from a County Open Space Grant, to purchase Lot 46 in Block 1402. This purchase settled a Mount Laurel housing suit brought by the property owners.

This property is adjacent to the Borough-owned parcel located at the intersection of Boulevard and Main Street. These properties are currently preserved as passive open space and should be added to the updated Master Plan Map. They total 2.39 acres in area.

2. Status of Old New Bridge Road County / State Project

This project is being managed and implemented by the Department of Environmental Protection. This State-owned property is located on Block 101, Lot 1 on Old New Bridge Road. The DEP recently demolished the saw repair shop and it intends to preserve the property for natural and historic purposes.

3. Farmland Preservation Projects

The 2004 Master Plan identified two (2) properties, located at 563 and 575 River Road respectively, for farmland preservation. To date, each property has received a Deed of Easement Conservation designation. The Perrone Farm located at 563 River Road

(Block 904, Lot 44), received \$1,218,000 for its development rights, and the Klinger Farm at 575 River Road received \$326,000.

4. Holding Status for United Water Company Property

Over the last two years the United Water Company property, located in the northwestern section of the Borough, has been undergoing an environmental cleanup in accordance with New Jersey Department of Environmental Protection guidelines and requirements.

When the process is completed, the Planning Board will make recommendations for the preservation and / or development of the property consistent with the current Master Plan adopted in 2004 and the broad goals and objectives established in this reexamination report.

5. Status of River Road Condo Project; The Gramercy

The Gramercy, a thirty-eight (38)-unit multi-family residential project was approved by the Planning Board in 2007. Thirty-four (34) units are to be market rate units and four (4) one-bedroom units are to be affordable rental units. The construction on this project has not yet begun. This project was enabled by a zoning amendment.

6. Ordinance Amendments – Building Coverage Requirement

The Borough amended its zoning ordinance for building coverage from 25% to 20% for lots under 10,000 square feet and from 25% to 18% for lots 10,000 square feet or more. This amendment was implemented after many hours of work and discussion by the Planning Board and Borough Council.

7. Approved Subdivision and Commercial Property Development

The existing Shop Rite commercial center, located along the west side of River Road in central New Milford, has been considered for redevelopment, which may include a new Shop Rite, structured parking, and a bank.

8. Approved Planning Board Applications

The following table displays the number of applications before the planning board since 2004 and is broken down by type (major subdivision, minor subdivision, and site plan).

Planning Board Applications

	Total	Major Subdivision	Minor Subdivision	Site Plans
2004	5	2	2	1
2005	4	2	1	1
2006	8	3	0	5
2007	3	2	0	1
2008	7	1	1	1
2009	7	0	2	0
Total	34	10	6	9

(Please note that the discrepancy in total applications is due to other applications not related to the three listed types).

9. Approved Zoning Board of Adjustment Applications

The following table displays the number of applications before the Zoning Board of Adjustment since 2004 and is broken down by type (residential, commercial and miscellaneous.)

Zoning Board of Adjustment Applications

	Total	Residential	Commercial	Misc. Expansion
2004	14	12	1	6
2005	21	19	2	9
2006	12	12	0	6
2007	12	10	2	6
2008	8	6	2	4
2009	11	7	5	2
Total	78	66	12	33

(Please note that the discrepancy in total applications is due to the miscellaneous expansion category not being included in the total).

10. Housing Stock Composition

In accordance with the 2000 Census data entitled *Number of Units in Structure*, 37% of all housing units were classified as one-family attached or greater. Single-family detached housing comprised 67% of the total number of housing units within the Borough. According to the proposed legislation (Senate Bill #1 of 2010), a community that has more than 33% of its housing stock in the form of multiple family dwellings would meet the criteria necessary for affordable housing.

C. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE MASTER PLAN

There have been a number of significant changes that affect the assumptions, policies and objectives of the 2004 Master Plan. These changes are as follows:

1. Population Change Since 2004

Since 2000, the Borough's population has decreased slightly from 16,400 to 15,947. According to the interim 2008 Census, the estimated population decreased 2.76%. This minor decrease shows that the population is relatively stable as the community is a fully built out community that has had a relatively small amount of new development over the past decade.

2. Limited Development Activity since 2004

According to New Jersey Construction Officials records, there has been a net growth of 34 new single family homes developed in the Borough since 2004. In addition to the modest development of new homes, 51 homes have been torn down and rebuilt. This is evidence of a renewal of the older housing stock taking place in many developed / established communities within Bergen County.

3. Ordinance Changes since 2004

The following is a list of development-related Borough Ordinance changes that have occurred since 2004 (each identified by resolution number):

- 2004:01 – Amends Historical Preservation Commission membership (subsection 2-34.1)
- 2004:08 – Adds Shade Trees, Shade Tree Commission (Chapter XXVIA, Section 2-32)

- 2004:09 – Wireless Telecommunications Towers and Antennas (Chapter XIXA)
- 2004:23 – Amends appearance of exterior premises and structures; residential (subsection 10-2.47)
- 2004:24 – Amends parking of commercial, other vehicles, and boats in residential districts (subsection 30-28.9)
- 2005:04 – Adds improper disposal of waste into storm water systems (Section 29-3)
- 2005:08 – Adds vehicle storage; certificate (subsection 3-2.5)
- 2005:13 – Amends basis for establishing areas of special flood hazards (subsection 25-3.2)
- 2005:19 – Amends storage and garage facilities fees (subsection 4-15.9)
- 2005:25 – Amends Land Use Regulations – amends definitions, zones established; adds Residential E/Multi-Family Townhome (MFTH) District (Section 30-20.4, Section 30-24A)
- 2005:26 – Amends Land Use Regulations – definitions, maximum building coverage / impervious coverage, area yard height, building and impervious coverage provisions, add projections into required yards; general exceptions (Section 30-2; subsections 30-21.4, 30-22.2, 30-28.15)
- 2006:14 – Amends municipal parking lots (subsection 8-5.1)
- 2006:15 – Amends height restrictions in the Residential A Zone (subsection 30-21.6)
- 2008:06 – Amends Land Use Regulations – definitions; height in Residential A Zone (Section 30-2; subsection 30-21.6)
- 2008:13 – Amends Land Use Regulations – Schedule of Limitations
- 2008:19 – Adds Affordable Housing development fees (Section 32-2)
- 2009:02 – Amends Land Use Regulations – side yards and lot coverage in the B-1 zone (subsections 30-25.4, 30-25.9)
- 2009:09 – Amends Land Use Regulations – prohibited use of certain temporary structures (subsection 30-28.16)

4. Council on Affordable Housing's (COAH) Revised Third Round Regulations and Senate bill #1 (S-1)

The Senate bill is currently being reviewed by the State Legislature.

D. 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

In order to address the major planning issues of the 2004 Master Plan and the significant changes to the assumptions, policies and objectives of the Borough since the adoption of the aforementioned plan, specific changes need to be recommended for the Master Plan and Development Regulations of the Borough, which are as follows:

1. Update of the Master Plan Map (multiple changes)

The following sites will be updated on the current Land Use Plan Map to reflect what has occurred since the 2004 Master Plan and as identified in Section B of this reexamination report.

Carlton Place Property

The Carlton Place property, Block 1402, Lot 46, acquired by the Borough as a result of a Mount Laurel settlement, shall be changed from Single-Family Residential to Open Space / Recreation on the Land Use Plan.

Old New Bridge Road County / State Project

The Old New Bridge Road County / State Project property, Block 101, Lot 1, is a project being managed by the NJ DEP and their intention is to preserve the property for National and Historical purposes. The property shall be changed from Single Family Residential to Open Space / Recreation on the Land Use Plan.

Perrone Farm

The Perrone Farm located at 563 River Road, Block 904, Lot 44, has a Deed of Easement Conservation designation from the Borough and shall be changed from Residential to a new land use category, Farmland Preservation.

Klinger Farm

The Klinger Farm located at 575 River Road, Block 904, Lot 43, has a Deed of Easement Conservation designation from the Borough and shall be changed from Residential to a new land use category, Farmland Preservation.

E. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE PLAN ELEMENT AND RECOMMENDED CHANGES IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY

The Borough has not designated any areas “in need of redevelopment” pursuant to the Local Land Redevelopment and Housing Law, P.L. 1992, c. 79 (C:40A:12 A-1 et al.).