

**Township of West Milford
Passaic County, New Jersey**

**2010
PERIODIC REEXAMINATION
REPORT OF THE MASTER PLAN
AND
DEVELOPMENT REGULATIONS**

Prepared by the West Milford Planning Board

&

Banisch Associates, Inc.
111 Main Street
Flemington, NJ 08822

Charles T. McGroarty, PP, AICP
License No. 4145

The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

Township of West Milford Planning Board – 2010

Andrew Gargano, Chairman

Geoffrey Syme, Vice Chairman

Mayor Bettina Bieri

Councilman Philip Weisbecker

Douglas Ott

Steven Castranova

Linda Connolly

Christopher Garcia

Michael Siesta – Alternate 1

Thomas Harraka– Alternate 2

Thomas J. Germinario, Esq
Paul Ferriero, PE, PP, CME, LEED AP
Chuck McGroarty, PP, AICP
Tonya E. Cubby, Planning Board Secretary

West Milford
Master Plan Reexamination Report
October 28, 2010

1.0	INTRODUCTION	1
2.0	FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN.....	1
3.0	THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.....	2
4.0	THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.....	5
5.0	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	5
5.1	HIGHLANDS REGION	6
5.2	AFFORDABLE HOUSING	8
5.3	TOWN CENTER.....	8
6.0	THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS.....	10
6.1	ADOPT NEW COMPREHENSIVE MASTER PLAN	10
6.2	REZONE UNDEVELOPED LANDS IN R1/PN ZONE DISTRICT	11
6.4	WASTEWATER MANAGEMENT PLANS.....	11
6.5	STREETSCAPES PROJECT	11
6.6	WEST MILFORD OPEN SPACE PLAN	12
6.7	EVALUATION OF THE LAKESIDE RESIDENTIAL ZONE DISTRICT.....	12
7.0	THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS.....	13
7.1	REDEVELOPMENT.....	13
7.2	HIGHLANDS REDEVELOPMENT.....	15

West Milford
Master Plan Reexamination Report
October 28, 2010

1.0 INTRODUCTION

The Municipal Land Use Law at N.J.S. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.

The most recent **Reexamination Report** was adopted by the Planning Board on May 28, 2003. This report was preceded by the **Reexamination Report of the Master Plan**, adopted by the Planning Board on October 27, 1999 and a previous **Reexamination Report** adopted in November 1993. The last comprehensive Master Plan for West Milford was the **Master Plan for the Township of West Milford**, dated May 1987.

The 1987 Land Use Plan identified goals and objectives which included, but are not limited to, preserving the semi-rural character of the Township, preserve the pristine nature of the forests, waterways, and sensitive areas, encourage growth that will minimize impacts on air and water quality, encourage a pattern of land use that will provide reasonable development consistent with the character of the Township, promote recreational opportunities, encourage energy conservation and improve circulation and municipal services.

The 1993 and 1999 Master Plan Reexamination Reports reiterated the sentiment of the 1987 Master Plan, retaining the goals and objectives and underscoring the desire of the Township to protect environmental resources and allow for appropriate development. The Township's 2003 Reexamination report recommended provisions for new Master Plan goals and objectives based on the more recent studies and reports on environmental and resource protection and NJDEP regulations.

2.0 FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN

The Municipal Land Use Law sets forth the following five areas of inquiry to be addressed in preparing the Reexamination Report:

- | | |
|----------------------|--|
| <u>C. 40:55D-89a</u> | The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. |
| <u>C. 40:55D-89b</u> | The extent to which such problems and objectives have been reduced or have increased subsequent to such date. |

West Milford
Master Plan Reexamination Report
October 28, 2010

C. 40:55D-89c

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 State, county and municipal policies and objectives.

C. 40:55D-89d

The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.

C. 40:55D-89e

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 seq.) 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.

Each of the above is addressed in detail in the following sections of this Master Plan Reexamination Report.

3.0 THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.

The West Milford Master Plan Reexamination Report dated May 28, 2003 and adopted on that same date by the Planning Board identified the major problems and objectives related to land development to be a combination of issues from earlier Master Plan reports and current (2003) concerns. Departing from the more conventional format the 2003 Master Plan Reexamination Report approached the question regarding major problems and objectives by revisiting issues raised in the 1987 Master Plan and the Reexamination Reports of November 1993 and October 1999.

Problems concerning septic capabilities and potable water supply cited in the 1987 Master Plan were judged to have grown worse due to increased development pressure. A loss of tax revenues attributed to the purchase of land by the State of New Jersey was cited in the 1999 report and determined to continue as a problem. Objectives identified in the 1987 Master Plan and subsequent Reexamination Reports were likewise evaluated. These are summarized as follows:

Continued priorities:

- Preserving the "semi-rural character" and "pristine nature" of the Township

West Milford
Master Plan Reexamination Report
October 28, 2010

- Encouraging growth that will “decrease impacts on air and water quality”
- Encouraging land use patterns that will provide appropriate balance of residential, commercial and industrial land uses consistent with character of Township

In response the 2003 Reexamination Report noted that a review of land use patterns was under review in anticipation of a new Master Plan and also noted the commencement of construction of the Lincoln Hill senior housing project.

- Promote active recreation opportunities on both public and private lands

In response the 2003 Reexamination Report noted that the Township had acquired West Brook Park with no active recreation facilities and the construction of a PAL building as a recreation facility.

- Improve circulation patterns for through and local traffic

In response the 2003 Reexamination Report noted that problems have been reduced with construction of Warwick Turnpike third lane, improvements to various intersections (Marshall Hill Road, Union Valley and Ridge Road, Morsetown Road and Cahill Cross Road). The 2003 Reexamination Report also noted that the other road improvements listed in the 1987 Master Plan were still pending completion (a specific list was not provided)

- Provide municipal and social services to meet existing and future population and to achieve efficiency in administration of such services

In response the 2003 Reexamination Report noted that discussions concerning a new library site would continue. The 2003 Reexamination Report established a set of goals and objectives described as having been “preliminarily” accepted by the Planning Board. These were as follows:

Goal I

Preserve and protect the semi-rural and environmentally sensitive character of the Township

Objectives

1. Preserve scenic, cultural, historic, and environmentally sensitive land.
2. Encourage aesthetic, energy efficient and environmentally sensitive site design.
3. Promote farmland preservation through appropriate zoning.
4. Prevent sprawl type development.

Goal II

Preserve contiguous open space

Objectives

1. Limit growth in and protect lands with major physical constraints and critical habitats.
2. Provide suitable land uses on sensitive lands through zoning.

West Milford
Master Plan Reexamination Report
October 28, 2010

3. Protect existing lakes and waterways from deterioration.
4. Encourage open space by the use of appropriate land use techniques.
5. Identify and implement a greenway network linking privately and publicly preserved lands.

Goal III

Protect water resources

Objectives

1. Consider alternative and technological advancements in wastewater treatment.
2. Provide for methods of reducing storm water runoff and its impact through best stormwater management practices.
3. Appropriately zone vacant land adjacent to open bodies of water for minimal development impact.
4. Protect areas of high groundwater recharge value.
5. Protect stream corridors.

Goal IV

Land/Use and Growth Management

Objectives

1. Focus growth around existing business districts, encouraging infill and mixed land use.
2. Provide a range of housing opportunities that will encourage "least cost" housing and housing geared toward municipal needs.
3. Encourage commercial and industrial growth on suitable land in appropriate areas recognizing the existing roadway system
4. Promote recreational opportunities.
5. Provide for zoning standards that are consistent with existing neighborhoods.

Goal V

Regulate circulation patterns throughout the Township for through traffic and local traffic demands to residential and commercial land uses.

Objectives

1. Improve roadways in response to traffic needs.
2. Encourage the continuation of the private road improvement program so that these residential communities can be serviced properly.
3. Encourage and plan for the use of mass transportation uses through additional park and ride facilities and bus services.
4. Encourage the development of multi-modal pathways.

Goal VI

Preserve character of existing lake communities

Objectives

1. Permit limited "infill" growth in existing lake communities consistent with the character of those communities.

West Milford
Master Plan Reexamination Report
October 28, 2010

2. Establish septic maintenance program.
3. Protect lake vistas.
4. Establish fertilizer, pesticide, and herbicide standards.
5. Minimize shoreline deforestation.

Goal VII

Encourage economic vitality of community business districts

Objectives

1. Promote a functional physical environment consisting of streetscapes, pedestrian improvements, shared parking and building design criteria.

The 2003 Reexamination Report also devoted attention to the Township's previous efforts to secure "center designation" status from the State Planning Commission in accordance with the parameters set forth in the State Development and Redevelopment Plan. It would appear from the brief presentation offered in the 2003 Reexamination Report that differences emerged between the Planning Board and Township Council with regard to process, if not actual policy yet there was no mention of the fact that the governing body withdrew its intention to seek "center designation" in 2001. This was a significant change in policy particularly as it would alter the Township's previous vision of a higher density core wherein the majority of the municipality's affordable housing would be located.

4.0 THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.

Despite concern expressed regarding potential adverse environmental impacts from continued development there were no recommendations to adjust the permitted residential densities in any of the existing zone districts in the 2003 Reexamination Report. Progress has occurred with the objective to locate a new library with recent efforts to secure Highlands Redevelopment Area status for the existing Municipal Building complex and an adjacent parcel to enable this project to move forward notwithstanding the restrictions imposed by the Highlands Act.

The decision by West Milford not to pursue "Town Center" designation from the State Planning Commission, which actually predated the 2003 Reexamination Report, is perhaps the most significant change with regard to land use objectives and is discussed in detail in Section 5 of this Report.

5.0 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 STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

West Milford
Master Plan Reexamination Report
October 28, 2010

5.1 Highlands Region

The most significant change in land use policy affecting West Milford since the 2003 Reexamination Report was the enactment of the Highlands Water Protection and Planning Act (Highlands Act) by the New Jersey Legislature on August 10, 2004. Signed into law by Governor McGreevey the following day, August 11, the Highlands Act placed 88 municipalities – including West Milford – within the Highlands Region and thus subject to stringent development controls in an effort to preserve and protect present and future water supplies for “...one-half of the State’s population...”¹. The Highlands Act also created a body known as the Highlands Water and Planning Protection Council, which has become known by the abbreviated title, Highlands Council, to draft and adopt a master plan for the entire Highlands Region. In August 2008 the Highlands Council approved the **2008 Highlands Regional Master Plan** (RMP) leading to its formal adoption on September 8, 2008.

The Highlands Region consists of some 859,358 acres, divided between the Planning Area (444,399 acres) and the Preservation Area (414,959 acres). West Milford is one of five municipalities located entirely within the Preservation Area and, as such, is required to bring both its master plan and development regulations into alignment with the policies of the RMP.

West Milford is located entirely within the Preservation Area of the Highlands Region wherein compliance with the Highlands Act is mandatory. The distinction has particular importance for West Milford in that: “*The fundamental distinction between the Preservation and Planning Areas is that municipal and county conformance with the Regional Master Plan is required in the Preservation Area and is voluntary in the Planning Area.*”²

Municipalities located within the Preservation Area of the Highlands Region are required by the Highlands Act to “...submit to the council such revisions of the municipal master plan and development regulations, as applicable to the development and use of land in the preservation area, as may be necessary in order to conform them with the goals, requirements, and provisions of the regional master plan.”³ West Milford completed this process known as “basic plan conformance” in accordance with the December 8, 2009 deadline and, as of this Reexamination Report, is working to refine the planning and regulatory mechanisms that will be implemented as part of final plan conformance.

The RMP includes what is known as the *Land Use Capability Zone Map* which is designed to “...address the requirements of the Highlands Act and provide regional guidance for the implementation of the policies contained in the Regional Master Plan.”⁴ This Map creates what are known as “*overlay zones*” each having a number of policy objectives that will affect how the Township addresses the issue of consistency.⁵ The vast majority of West Milford falls within the Protection Zone which comprises 43,758 acres or 84.3 percent of the land area in the Township. The RMP describes this zone as follows:

¹ Highlands Water Protection and Planning Act, P.L. 2004, c.120, C.13:20-2

² Highlands Regional Master Plan – 2008, page 1.

³ Highlands Water Protection and Planning Act, P.L. 2004, c.120, C.13:20-14.

⁴ Highlands Regional Master Plan – 2008, page 110.

⁵ Ibid. Pages 111-112.

West Milford
Master Plan Reexamination Report
October 28, 2010

The Protection Zone consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

The Existing Community Zone consists of 2,146 acres or 4.1 percent of the Township's land area. This zone includes many, but not all of the developed residential and commercial sections of the Township. The ECZ is defined as follows:

The Existing Community Zone consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

A subset of the Existing Community Zone is the Lake Community Sub-Zone which, as the name suggests, covers the area in proximity to the various lakes within West Milford. (Actual lake area approximates 3,786 acres or 7.3 percent of the Township's surface area.) The Lake Community Sub-Zone applies to the lands adjacent to the bodies of water affecting approximately 1,831 acres or 3.5 percent of the Township's land area and is defined as follows:

The Lake Community Sub-Zone consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This zone has unique policies to prevent degradation of water quality, and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Finally, the Existing Community Zone – Environmentally Constrained Sub-Zone which is another subset of the Existing Community Zone covers some isolated pockets of land within the ECZ totaling 387 acres or 0.7 percent of the Township's land area. The RMP describes this sub-zone as follows:

The Existing Community Zone – Environmentally Constrained Sub-Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat ‘stepping stones’ to larger

West Milford
Master Plan Reexamination Report
October 28, 2010

contiguous Critical habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

5.2 AFFORDABLE HOUSING

West Milford submitted a Housing Element and Fair Share Plan (HE/FSP) along with all requisite documents including a Spending Plan with a petition for substantive certification to the Council On Affordable Housing (COAH) in accordance with the June 8, 2010 deadline established for Highlands Region municipalities. The HE/FSP addresses West Milford's prior and third round affordable housing obligation as determined by COAH's third round substantive rules (N.J.A.C. 5:97).

On October 8, 2010 the Appellate Division decision issued its decision [In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing] which invalidated the "growth share" methodology along with a number of other provisions in COAH's third round rules and directed COAH to revise its third round rules within five months. Concurrently the New Jersey Legislature is considering several bills which might abolish COAH while simultaneously restructuring the degree of affordable housing obligations imposed at the municipal level. Depending on the outcome of each scenario, West Milford may need to revise its affordable housing plan in 2011.

5.3 Town Center

The concept of creating a "Town Center" was first introduced in the Township's 1987 Master Plan, described, in part, as follows:

The Town Center area extends from the south shore of Greenwood Lake to Apshawa and includes many of the smaller lake communities as well as the more recent subdivisions and developments. It includes Industrial, Commercial, Higher, Moderate, and Low densities, Special Economic and Special Housing Districts.⁶

Later, on July 10, 1996, the West Milford Planning Board adopted the **Town Center Report** as an amendment to the Township's Master Plan. West Milford continued this endeavor by seeking an official designation for the "Town Center" from the New Jersey State Planning Commission culminating in yet another report prepared by the Township entitled **Center Designation Report** dated August 7, 1998, to the State Planning Commission wherein the Town Center was described, in part, as follows:

Town Center is about 2.7 square miles and its boundary is depicted on Figure 3. It is generally bounded by State land to the west, a vacant apple orchard

⁶ Master Plan – Township of West Milford – Passaic County, New Jersey – May, 1987, "Land Use", "Town Center", page 80.

West Milford
Master Plan Reexamination Report
October 28, 2010

(formerly Terhune Gristmill) to the south, Township open space, vacant land and the Greenwood Lake Airport to the north. Lands within this boundary will accommodate growth to the year 2010 to promote economic development and renewal.⁷

Town Center is an existing, partially developed commercial and residential community that could accommodate additional growth. The area is accessible by three major County roadways: Union Valley Road from the south and north, Macopin Road from the south and Greenwood Lake Turnpike/Marshall Hill Road from the northeast.⁸

The **Center Designation Report** anticipated an amended Wastewater Management Plan that would have included a new “*...sewer service area boundary conforming to the community Development Boundary for Town Center.*”⁹

On October 6, 1999, West Milford received substantive certification from COAH for its second round affordable housing obligation as addressed in the Township’s HE/FSP dated January 22, 1997. To address the “new construction” obligation of 98 units the Township relied upon the “Town Center”, specifically the implementation of “inclusionary zoning” within the higher residential densities permitted in the R-1/Planned Neighborhood (R1/PN) zone district. By 2001, however, the West Milford Township Council decided to withdraw the request for “Town Center” designation stating in its Resolution No. 2001-36, adopted on February 15, 2001, “*...in order to facilitate the Township’s conducting a thorough and objective re-examination of its Master Plan consistent with sound planning concepts and a participatory planning process, unencumbered by prior planning priorities and policies.*”¹⁰.

West Milford did not initiate any further action to implement “center” designation although the Township did retain the R-1/PN Zone District residential zoning notwithstanding the fact that such zoning outside of a designated center was inconsistent with the policies of **State Development and Redevelopment Plan**, specifically Planning Area 5. Of the four inclusionary sites in the certified second round HE/FSP – Stanford Village, Valley Ridge, Random Woods, and Bald Eagle Manor – only Bald Eagle proceeded to construction. On December 8, 2005 the West Milford Planning Board adopted a third round HE/FSP, subsequently amended on November 29, 2007, which did not proceed through the substantive certification process. It did, however address the prior round sites as follows:

The Township’s Round Two Substantive Certification consisted of four inclusionary sites, and one mediated site zoned commercial for which the owner agreed to provide an “in lieu” contribution. One inclusionary site and

⁷ Center Designation Report, West Milford Township, West Milford Township Planning Board, August 7, 1998, page 4.

⁸ Ibid. Page 11.

⁹ Ibid. Page 26.

¹⁰ Resolution No. 2001-36 “Resolution of the Township Council of the Township of West Milford Requesting the Removal of All Proposed Center Designations for West Milford From the Draft State Plan”, February 15, 2001.

West Milford
Master Plan Reexamination Report
October 28, 2010

the mediated commercial site never proceeded with a development application. Furthermore, the two sites exhibit extreme environmental constraints that prohibit the development previously anticipated. Two other inclusionary sites, Valley Ridge Gardens and Random Woods, are not expected to develop. Valley Ridge has been denied its final approval from the Township Planning Board and has had its Highlands exemption revoked by DEP. Random Woods has not pursued its final subdivision approval with the Township Planning Board and has not received the necessary highlands approvals.

The Township seeks to have these four sites removed from its Third Round Fair Share Plan, in accordance with the provisions outlined in the Third Round Rules, 5:94-4.5(a)3.¹¹

The updated version of the Township's HE/FSP referenced in Section 5.2, above, provides a more definitive analysis to demonstrate that the sites located within the R-1/PN zone district cannot satisfy the current COAH standard for "*realistic opportunity*" and have therefore been removed from the HE/FSP pursuant to the substantive rules, specifically N.J.A.C. 5:97-6.5, "*Status of sites addressing the 1987 through 1999 obligation*".

Stanford Village and Random Woods were not included in an existing sewer service area. Valley Ridge was included in the Olde Milford sewer service area but will no longer be part of that system pursuant to the Highlands Act and the goals and policies of the Highlands RMP. As a result of the Preservation Area restrictions, no new centers will be designated within this portion of the Highlands Region per section 13:30-7.d of the Highlands Act which reads as follows.:

The preservation area shall not include any land located within the boundaries of any regional center or town center designated by the State Planning Commission pursuant to the "State Planning Act" P.L. 1985, c. 398 (C.52:18A-196 et al.) as of the date of enactment of this act, except to the extent necessary as set forth in the boundary description of the preservation area in subsection b. of this section to reflect appropriate and nearest practicable, on-the-ground, and easily identified reference points.

6.0. THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PROPOSED.

6.1 Adopt New Comprehensive Master Plan

As indicated in this Reexamination Report, West Milford, utilizing the required model formats provided by the Highlands Council, has submitted draft versions of a new Master Plan, Land Use Regulations, and an Environmental Resources Inventory as part of the "basic" Highlands Plan Conformance requirements. As of this Reexamination Report, detailed comments from

¹¹ **Housing Element and Fair Share Plan**, adopted December 8, 2005, amended November 29, 2007, page 11.

West Milford
Master Plan Reexamination Report
October 28, 2010

the Highlands Council have not yet been received, however; the expectation is the review and comment period will occur in the early months of 2011.

Accordingly this Reexamination of the West Milford Master Plan and the Township's development regulations acknowledges that a new comprehensive Master Plan will be refined and adopted by the West Milford Planning Board in 2011. This new comprehensive Master Plan will encompass land use, housing, conservation, utility services, circulation, land preservation and land stewardship, community facilities, sustainable economic development and historic preservation. New land use controls will likewise be reviewed by the Planning Board and considered for adoption by the Township Council in 2011, subject to the timing of the plan conformance process.

6.2 Rezone Undeveloped Lands in R1/PN Zone District

West Milford should amend its existing Land Use Plan to rezone approximately 393.7 acres of undeveloped land currently zoned R-1/PN (Planned Neighborhood), a multifamily zone district having a permitted maximum density of four dwelling units per acre to match the low density residential zoning contiguous to said areas. The planning rationale for taking such action at this time recognizes the impact of the Highlands Act and the policies of the Highlands RMP. As noted in this Reexamination Report, West Milford is situate entirely within the Highlands Preservation Area consequently the type of infrastructure necessary to support such densities is no longer possible.

6.3 Establish New 'Public' Zone District

West Milford should also establish a new zone district to be known as the 'Public' zone to encompass some 13,577 acres of land that are in public ownership including State forest and lands on the Township's Green Acres Recreation and Open Space Inventory (ROSI). This new zone should also include the former Random Woods site as it will be added to the Township's open space inventory.

6.4 Wastewater Management Plans

In April 2010, Ferriero Engineering, Inc. on behalf of West Milford, provided the New Jersey Department of Environmental Protection an Interim Wastewater Management Plan consisting of an interim sewer service area map, potable water service area map and related information. It is expected that a complete Wastewater Management Plan, consistent with the Highlands Preservation Area policies, goals and objectives will be developed and submitted to NJDEP pursuant to the April 7, 2011 deadline.

6.5 Streetscapes Project

The Planning Board will continue to monitor the progress of the Streetscapes Project and continue its efforts to develop design guidelines for the commercial districts. Regulations concerning signs are currently being revised and it may be appropriate to consider changes to

West Milford
Master Plan Reexamination Report
October 28, 2010

the landscape standards set forth in §500-73, F, to incorporate concerns of the Planning Board that have emerged during the review of recent site plans.

Related to the Streetscapes Project, this Reexamination report recommends West Milford set in place a mechanism to coordinate the aforementioned project with the Passaic County Corridor Enhancement Program. The mission of this program is to promote a safer and more attractive environment along the commercial and recreational corridors of the County. Funds collected in a particular municipality must be spent in that municipality, however; multi-community enhancements are possible. In West Milford the program includes Greenwood Lake Turnpike and Union Valley Road. The program is intended to support the following:

- Capital improvement projects;
- Studies related to the corridors;
- County road or intersection improvement projects;
- Local matching funds;
- Partnership with towns or non-profits
- Direct grants

6.6 West Milford Open Space Plan

The Township prepared an Open Space Plan Element of the Master plan, adopted in 2003, which was later amended and revised in 2006 and again in 2008. The Open Plan contains an inventory of existing open space, natural and cultural resources, preservation strategies, goals and objectives and proposed future needs and preservation strategies. The Open Space Plan identifies the need and reasons for preservation open space for natural resource protection and the preservation of rural character of the Township. The Plan identifies target areas for preservation including areas south of Stowaway Park, areas near and along Union Valley Road, Macaopin Road, Hillcrest Community Centers, Bearfort Mountain, Greenwood Lake Airport, Morsetown Road, Norvin Green connector, Echo Lake Road, Wooley Road, Coventry Lane, Paradise Road, Henderson Road, Uttertown Bog, Cherry Ridge Road, Mt. Laurel, Greenwood Lake and Eagle Ridge. These recommendations should be evaluated in light of the Conservation Plan Element of the new Master Plan.

6.7 Evaluation of the Lakeside Residential Zone District

The West Milford Zoning Board of Adjustment has recommended changes to the required lot area and certain bulk standards of the Lakeside Residential zone district. Prompted by a continued pattern of variances concentrated in this zone district, the ZBA has suggested the minimum lot size be reduced from its present standard of 20,000 square feet (one-half acre) to 10,000 square feet (one-quarter acre) along with modifications to permitted building height and the imposition of Floor Area Ratio standards for the LR district.

The Planning Board's Ordinance Committee has begun a review of this recommendation. A shift towards a smaller lot size does raise potential concerns with environmental impacts, appropriate neighborhood densities and, of course, consistency with the Highlands RMP which will be addressed in a forthcoming response

West Milford
Master Plan Reexamination Report
October 28, 2010

7.0 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 SEQ.) 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.

7.1 Redevelopment

The provisions of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) establish the parameters for redevelopment and rehabilitation action that may be appropriate for one or more locations within West Milford. The criteria for an area in need of redevelopment and an area in need of rehabilitation are as follows:

40A:12A-5. Area in need of redevelopment; criteria.

A delineated area maybe determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body of the municipality by resolution concludes that within the delineated area any of the following conditions is found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenantable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other

West Milford
Master Plan Reexamination Report
October 28, 2010

conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

40A:12A-14. Conditions that warrant rehabilitation.

a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that

(1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or

(2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated

West Milford
Master Plan Reexamination Report
October 28, 2010

area is at least 50 years old and is in need of repair or substantial maintenance; and

(3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality.

Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et seq.).

7.2 Highlands Redevelopment

West Milford has already secured one of the first Redevelopment Area designations from the Highlands Council for the Municipal Complex and new public library site. The process is quite different from that required in the Local Redevelopment and Housing Law, cited above, in that conditions of blight and neglect are not the determining factors. The RMP describes this approach as follows:

The RMP strives to accommodate regional growth and development needs primarily through the reuse and redevelopment of previously developed areas, including brownfields, grayfields, and underutilized sites. These areas generally have access to existing utility and transportation infrastructure and often are located in or near existing communities. As they have already been developed, these sites will have comparably fewer environmental constraints than undeveloped areas and the reuse of developed lands conserves natural resources and maximizes infrastructure investments. However, not all such sites are in locations conducive to redevelopment, especially where

West Milford
Master Plan Reexamination Report
October 28, 2010

redevelopment could harm surrounding environmentally sensitive resources.¹²

The Planning Board may wish to investigate additional locations in the municipality, including sites within the commercial districts for similar treatment.

¹² Highlands Regional Master Plan – 2008, page 325.