

2022

AMENDMENT TO THE REEXAMINATION REPORT OF THE MASTER PLAN & DEVELOPMENT REGULATIONS

**Borough of River Edge
Bergen County, New Jersey**

May 13, 2022





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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I. INTRODUCTION

A master plan adopted by a planning or land use board sets forth a municipality's land use policies, goals and objectives intended to guide development and policy decisions in accordance with the future vision of the community. The master plan also serves as the basis for the municipality's zoning and land use ordinances which provide the legal framework for development by establishing procedures and regulations governing how property may be used and physically developed. The Municipal Land Use Law ("MLUL") (N.J.S.A. 40:55D-1 et seq.), which defines 'master plan' as "a composite of one or more written or graphic proposals for the development of the municipality," stipulates that a zoning ordinance must be consistent with the master plan. The MLUL also requires planning and land use boards to conduct a periodic reexamination of their master plans and development regulations at least once every 10 years to foster consistency of both documents and ensure the municipality's land use policies remain current and effective in addressing existing and changing local and regional conditions.

The MLUL in N.J.S.A. 40:55D-89 specifies the five required reexamination report contents as follows:

1. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;*
2. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date;*
3. *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;*
4. *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 regulation should be prepared; and*
5. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," 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.*
6. *The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

The Borough's most recent Master Plan was adopted in 1984 and its most recent Reexamination Report of its Master Plan and Development Ordinances was adopted in 2020. This 2022 document constitutes an amendment to the Borough's adopted 2020 Reexamination Report. The report is being amended to facilitate a number of zoning and land use ordinance modifications proposed by the Land Use Board as described herein. These proposed amendments are intended to address several common trends in reoccurring Board applications, emerging issues and provide greater clarity where warranted recognizing that many of the existing ordinance provisions were adopted in the 1980's or earlier and require updating.

II. REEXAMINATION REPORT AMENDMENTS

2.1 2020 REEXAMINATION REPORT: MAJOR PROBLEMS & OBJECTIVES; EXTENT TO WHICH PROBLEMS & OBJECTIVES HAVE BEEN ADDRESSED

This 2022 Reexamination Report Amendment generally reaffirms the goals, objectives and land use recommendations set forth in the Borough's adopted 2020 Reexamination Report. There are no other changes to report at this time regarding the extent to which problems and objectives identified in the 2020 Reexamination Report have been addressed.

2.2 CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

1. Recreational Marijuana. The State of New Jersey has adopted legislation that now permits the growing, production, transportation, packaging and retail sales of recreational marijuana products. The Borough maintains its prohibition of such uses and associated uses at this time.
2. Climate Change Hazard Vulnerability Assessment. On February 4, 2021, Governor Murphy signed Bill A-2785/S-2607 amending the MLUL (N.J.S.A. 40:55D-28(2)(2)(h)) which requires that any land use element of a master plan adopted after February 4, 2021 include a climate change-related hazard vulnerability assessment. The assessment shall consider:
 1. Environmental effects associated with climate change and extreme weather-related events including, but not limited to, temperature, drought, and sea-level rise;
 2. Contain measures to mitigate reasonably anticipated natural hazards including, but not limited to, coastal storms, shoreline erosion, flooding storm surge and wind following best management practices recommended by FEMA. Additionally, the bill requires the NJDEP, upon request by a planning board, to provide technical assistance to a municipality preparing a climate change-related hazard vulnerability assessment as required by law;

3. Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards;
4. Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in (1) above related to that development;
5. Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
6. Analyze the potential impact of natural hazards on relevant components and elements of the master plan;
7. Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
8. Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with certain other plans adopted by the municipality; and
9. Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

While not required at this time, the Borough should consider preparing a Climate Change Hazard Vulnerability Assessment as a component of its Land Use Plan Element.

2.3 SPECIFIC CHANGES RECOMMENDED

The Land Use Board includes the following land use recommendations as amendments to those set forth in the Borough's 2020 Reexamination Report, which remain valid:

1. Reexamination Report Amendment. The policy statement for Objective 2 on page 5 of the 2020 Reexamination Report shall be amended to read:

"Policy Statement: The Borough's residential areas are well-established. The Borough seeks to preserve and enhance its single-family neighborhoods and prohibit encroachment of other land uses into those areas of the Borough. The Borough should explore opportunities for redevelopment and infill development including multifamily and mixed-use development within walking distance, or 1/4 -mile, of the New Bridge Landing train station. The Borough may also consider including mixed use development with commercial uses on the ground floor and residential uses above the first floor as a permitted use along Kinderkamack Road north of River Edge Road."

The previous suggestion contained in the 2020 report that multifamily and mixed-used development be considered within ¼-mile of the River Edge train station is revised to only include properties on Kinderkamack Road north of River Edge Road and prohibit encroachment of such uses in single-family neighborhoods and zones.

2. General Ordinance Review. The Borough should conduct a review of its zoning, site plan, subdivision and other land use ordinances as warranted to ensure its current development regulations and standards adequately address the needs of the community, existing development and emerging land use trends. The number of proposed ordinance amendments listed below are considered priorities and is not intended to be exhaustive. The Land Use Board intends to conduct regular ordinance reviews to identify additional ordinance provisions requiring adjustment and issues not currently addressed.
3. Fences, Walls & Retaining Walls. Chapter 416, Zoning, of the Borough Code should be amended to clearly indicate the location, maximum height and other requirements for fences, walls and retaining walls on both residential and non-residential property.
4. EV Charging Stations. The Borough is in the process of implementing an amendment to the Zoning Ordinance requiring electric vehicle charging infrastructure under certain conditions based on the State's model ordinance and recent regulation designed to promote such uses and facilities.
5. Definitions. The Borough should review the current definitions contained in its Zoning, Site Plan and Subdivision Ordinances as it has been determined that a number of existing land use definitions are antiquated and that there are a number of missing terms that should be included to address modern development trends.
6. List of Permitted Uses. The Borough should update its lists of permitted principal, accessory and conditional uses contained in Chapter 416 to ensure those ordinance provisions and schedules adequately address existing, desired and prohibited uses, particularly in the C-1 and C-2 Zones. This shall include, but is not limited to, a review of the
7. Improved Lot Coverage. The Borough's definition of "Improved Lot Coverage" and associated provisions contained in Chapter 416 should be revised as determined to be appropriate to include improvements not currently contemplated in the Ordinance. In addition, the Borough should consider revising the maximum permitted improved lot coverage percentages for uses in the R-1 Zone which may or may not include a set-aside or bonus for rear yard amenities such as decks, pools, sheds, patios and other typical ancillary structures and uses associated with single-family homes.
8. Solar Panel Systems. The Borough should create new standards in the Zoning Ordinance providing a clear regulatory framework for the installation, operation and maintenance of solar panel systems in residential and non-residential zones. The Borough should consider prohibiting or limiting solar canopies or carports to certain dimensions, uses and locations deemed to be appropriate.

9. Garages and Carports. The Borough should consider requiring garage parking spaces for single and two-family dwellings. In addition, the Borough should consider the uses and conditions under which carports may be permitted. Currently, both garages and carports are incorporated in the definition of accessory buildings, but it remains unclear in which zones such structures are permitted or not permitted. The Borough should consider limiting the size of garages and carports for non-residential uses.
10. Corner Lot Yard Requirements. It is recognized that many of the existing corner lots in the R-1 Zone do not comply with the applicable required rear yard setback. It is recommended that the Borough consider eliminating the rear yard setback requirement for corner lots such that the areas of corner lots fronting a public road would be considered front yards and the remaining areas would be considered side yards.
11. Air Conditioning Units and Generators. The Zoning Ordinance does not currently mention or reference ground mounted air conditioning, HVAC or generator units which are now common amenities for residential and non-residential uses. The Borough should create standards in the ordinance for such accessory structures.
12. Accessory Buildings, Structures and Uses. The Borough should review and update the ordinance provisions pertaining to accessory building, structures and uses for residential and non-residential uses as determined to be necessary. The ordinance should be amended to address common accessory buildings, structures and uses including, but not limited to, air conditioning units, HVAC equipment, generators, decks, sport courts and solar panels.
13. Sign Regulations. The Borough should conduct a comprehensive review of its sign regulations to address issues such as maximum dimensions and placement, light intensity and color temperature, light sources, shielding, digital signs and time of operation, among other considerations.
14. Drive-Thru Facilities and Uses. The Borough Ordinance does not currently permit drive-thru facilities and they are prohibited as such. The Ordinance should be amended to more clearly articulate such prohibition or establish where for what uses such facilities might be appropriate in commercial zones.
15. Swimming Pools. The Borough should update its regulations pertaining swimming pools applicable to inground, aboveground and seasonal or temporary pool installations. Permanent inground and aboveground pools should be added to the definition of 'improved lot coverage' for clarity.
16. Stormwater Management. The Borough should update its stormwater management requirements as determined to be necessary in consultation with the Borough Engineer.
17. Parking Requirements. The Borough should review its parking requirements for various land uses and update as necessary. Appropriate land uses not currently identified in the parking requirement schedule should be added with corresponding parking requirements.

18. R-1 Zone Permitted Uses. The R-2 Zone currently permits “two-family detached dwellings,” among its list of permitted principal uses. The Borough should consider confirming or amending this use designation.
19. Landscape and Buffer Requirements. The Borough should review and update its landscape and buffer requirements for uses other than single or two-family dwellings in the zoning, site plan and subdivision ordinances. This may include supplementing or revising the existing landscape requirements for parking areas.
20. Front Porches and Porticos. The Borough should consider increasing the permitted front yard encroachments for unenclosed porches and porticos with a roof in the R-1 Zone in an effort to promote such amenities given the increased demand for such residential amenities.
21. Variance Approval Expiration. The Borough should consider reinstating a time expiration for variance relief granted by the Land Use Board.
22. Driveways. The Borough should revised its residential driveway requirements to indicate that circular driveways are prohibited and that single and two-family uses shall be limited to one driveway and a single curbcut providing access to the adjacent public road.

2.4 REDEVELOPMENT RECOMMENDATIONS

There are no proposed recommendations regarding redevelopment in the Borough at this time.

2.5 RECOMMENDATIONS REGARDING ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE

The Borough anticipates adopting an ordinance in May 2022 based on the model State ordinance that requires electric vehicle charging infrastructure for certain uses and establishes design criteria for such facilities. The Borough will conduct periodic reviews to assess the feasibility of installing electric vehicle charging stations in public parking facilities which may include commuter lots, Borough Hall, River Edge library, public schools, parks and DPW as determined to appropriate and as the Borough’s fleet of vehicles is replaced over time.