

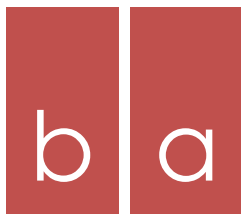
2020

PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN & DEVELOPMENT REGULATIONS

**BOROUGH OF RIVER EDGE
BERGEN COUNTY, NEW JERSEY**

OCTOBER 9, 2020





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

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2020 PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN AND DEVELOPMENT ORDINANCES

Borough of River Edge
Bergen County, New Jersey

Prepared for the Borough of River Edge Land Use Board
BA #3434.03

The original document was appropriately signed and sealed on October 9, 2020 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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I. INTRODUCTION

1.1 REPORT OVERVIEW

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 serves as the basis for the municipality's zoning ordinance which provides 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 municipalities to conduct a periodic reexamination of their master plans and development regulations intended to foster long-term consistency of both documents and ensure the Borough's land use policies remain current and effective in addressing existing and changing conditions.

The 2019 Borough of River Edge Reexamination Report is a continuation of the Borough's tradition of comprehensive planning efforts initiated nearly 50 years ago when the municipality adopted its first Master Plan in 1971. The Borough's Master Plan has since been revised several times to address evolving land use patterns and growth with the latest version adopted in 1984 which recognizes River Edge as a fully developed community with an emphasis on its residential neighborhoods and commercial areas. The Planning Board adopted River Edge's last reexamination report in November 2009.

This document is generally consistent with the land use policies, goals and objectives of the Borough's 1984 Master Plan and 2009 Reexamination Report and has been prepared to reinforce land use issues that remain relevant, acknowledge issues that have been resolved and address new and emerging issues not yet considered. To this end, several new land use recommendations are proposed intended to maintain and enhance the character of the Borough including its well-established single-family neighborhoods, Kinderkamack Road corridor and mixed-use area around the New Bridge Landing Station. In addition, this report addresses redevelopment and infill development, the Borough's affordable housing obligation, recreation and open space and new land use policies, uses and emerging trends as detailed herein.

1.2 LEGAL REQUIREMENTS FOR PLANNING

The Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-1 et seq. establishes the legal requirements and criteria for the preparation of a master plan and reexamination report. The Land Use Board is responsible for the preparation of these documents, which may be adopted and/or amended by the Board at a public hearing. The MLUL was amended in 2011 to require planning boards (including combined land use boards) to prepare a review of the master plan at least once every ten years. Previously, boards were required to prepare such a review at least once every six years.

The MLUL also identifies the required contents of a master plan and reexamination report, including the following:

1. *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;*
2. *A land use plan element that takes into account physical features, identifying the existing and proposed location, extent, and intensity of development for residential and non-residential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance;*
3. *A housing plan and recycling plan by the municipality.*

In addition, the MLUL identifies a number of other plan elements that may be incorporated into a comprehensive master plan document, such as: economic development, circulation, open space, recreation, community facilities, and historic preservation plan elements. These elements are not obligatory.

The master plan gives the community the legal basis to control development in the municipality. This is accomplished through the adoption of development ordinances that are designed to implement the recommendations set forth in the plan.

1.3 LEGAL REQUIREMENTS FOR REEXAMINATION REPORTS

The following section details the statutory requirements of a periodic reexamination report, as prescribed in Section 40:55D-89 of the MLUL. This section of the statute mandates that the report must identify, at a minimum, the following:

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 use, housing conditions, circulation, conservation of natural features, 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;
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

1.4 PREVIOUS MASTER PLAN EFFORTS UNDERTAKEN BY THE BOROUGH

The Borough of River Edge adopted its first formal Master Plan in 1971 and a subsequent amendment to the Master Plan in 1979, presumably to meet the requirements of the State's new Municipal Land Use Law legislation in 1975. River Edge's most recent Master Plan was adopted in 1984 since which, the Borough has prepared a number of additional master plan documents and reports as indicated below.

- 1971 Master Plan
- 1979 Master Plan Amendment
- 1982 Master Plan Reexamination Report
- 1984 Master Plan (Including Land Use Plan, Community Facilities Plan and Transportation Circulation Plan Elements).
- 1988 Housing Element and Fair Share Plan
- 1990 Master Plan Reexamination Report
- 1997 Master Plan Reexamination Report
- 2003 Master Plan Reexamination Report
- 2009 Master Plan Reexamination Report
- 2013 Master Plan Amendment (Natural Resources Inventory dated 2004)
- 2017 Historic Preservation Element (Plan dated 2015)
- 2020 Housing Element and Fair Share Plan
- 2020 Master Plan Amendment to 2020 Housing Element and Fair Share Plan (Site Suitability Analysis)
- 2020 Periodic Reexamination Report of the Master Plan and Development Ordinances

II. 2009 REEXAMINATION REPORT MAJOR PROBLEMS AND OBJECTIVES AND EXTENT TO WHICH THEY HAVE BEEN ADDRESSED

As part of the overall master plan and development ordinance reexamination analysis, the Municipal Land Use Law (MLUL) requires an identification of the major problems and objectives related to land development at the time of adoption of the previous Reexamination Report as well as the extent to which those problems and objectives have reduced or increased since the adoption of the last report. This report provides a review of the major land use problems and objectives identified in both the Borough's 2009 Reexamination Report and 1984 Master Plan.

2.1 1984 MASTER PLAN PROBLEMS & OBJECTIVES

The Borough's 1984 Master Plan sets forth the following Master Plan goals pertaining to residential neighborhoods, commercial areas, public facilities and services and community facilities and services:

Residential Neighborhoods

Goal: Maintain the character and viability of all established residential neighborhoods.

Objective 1: Prevent the development of incompatible land uses in all residential neighborhoods through zoning and land use controls.

Policy Statement: This objective remains relevant.

Objective 2: In appropriate locations, study and define a mixture of housing types e.g. townhouses, condominiums, co-operatives and planned unit developments and determine the compatibility with the existing residential fabric of the municipality.

Policy Statement: The Borough's residential areas are generally well-established. However, the Borough should explore opportunities for redevelopment including residential and mixed-use development within walking distance, or 1/4 -mile, of the River Edge and New Bridge Landing train stations. 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.

Objective 3: Discourage the flow of non-local traffic through residential streets by means of a circulation and traffic plan and enforcement policies.

Policy Statement: This objective remains relevant.

Objective 4: Encourage rehabilitation of substandard and deteriorating housing structures by providing information on home improvement loans and through support from local banks and state and federal agencies.

Policy Statement: The Borough continues to support the rehabilitation of substandard and deteriorating housing and should ensure the availability of the most current information.

Objective 5: Enforce building codes, housing codes and other regulations designed to guide and upgrade structural conditions.

Policy Statement: This objective remains relevant.

The general goal of preserving the character and viability of residential neighborhoods remains valid. The Borough should consider zoning alternatives to encourage development that is consistent in scale and character with the Borough's prevailing neighborhood development and prevent over development of single-family parcels.

Commercial Areas

Goal: Maintain and upgrade existing commercial areas to provide a complete range of office, retail and ancillary developments.

Objective 1: Improve, where necessary, the aesthetic character of the existing commercial development by employing zoning controls and encouraging building maintenance.

Policy Statement: This objective remains valid. The Borough should consider implementing architectural and other design standards to enhance and encourage development consistency along the Kinderkamack Road corridor and in the New Bridge Landing Station area.

Objective 2: Concentrate future commercial development, office and retail in the existing commercial areas in order to create a community focal point and minimize conflicting land uses.

Policy Statement: This objective remains relevant. To be more specific, the Borough should concentrate its nonresidential development along Kinderkamack Road, the New Bridge Landing Station area and properties along Route 4.

Objective 3: Encourage the consolidation of underutilized blocks in the commercial areas in order to provide improved forms of commercial development.

Policy Statement: Where appropriate, the Borough should consider opportunities for the assemblage of small lots and redevelopment of substandard, obsolete and/or deteriorating properties.

Objective 4: Assess all proposals for commercial development in reference to market conditions, traffic impacts and general impacts on community affairs.

Policy Statement: This objective remains relevant.

The Borough's goal of enhancing and maintaining its commercial areas to provide diversity among its nonresidential land uses and tax base remains valid. The Borough should evaluate the community's current needs in revising its list of permitted uses within its nonresidential zones to eliminate any antiquated land uses and allow for new uses which may not be included.

Public Facilities and Services

Goal Maintain adequate traffic circulation, improve safety and minimize impacts of traffic on community.

Objective 1: Maintain the condition of all roads and sidewalks throughout the Borough.

Policy Statement: This objective remains relevant.

Objective 2: Provide traffic controls at critical intersections and eliminate hazardous road alignments to maintain orderly traffic flow.

Policy Statement: This objective remains relevant. The installation of a signalized intersection with turning lanes at Kinderkamack Road and Howland Avenue represents one of such new safety improvements since the adoption of the 2009 Reexamination Report.

Objective 3: Route all commercial and through traffic along arterial and collector streets and away from local residential streets.

Policy Statement: This objective remains relevant.

Objective 4: Improve the traffic congestion and flow patterns in the commercial areas.

Policy Statement: This objective remains relevant. The Borough should continue to coordinate with Bergen County in improving safety and traffic flow along Kinderkamack Road and around the New Bridge Landing Station area in light of planned development within the Borough and immediately across its southern border in Hackensack.

Objective 5: Require adequate off-street parking facilities in all new commercial developments and multifamily residential developments.

Policy Statement: This objective remains valid. The Borough should review its existing residential and nonresidential parking requirements to ensure consistency with current demands, trends and standards.

River Edge's goal of maintaining adequate traffic circulation, improving safety and minimizing impacts of traffic on the community remains valid.

Community Facilities and Services

Goal Provide the facilities and services necessary for municipal functions to meet the needs of all residents in general and on a neighborhood basis.

Objective 1: Maintain the condition of all public buildings and upgrade and improve as necessary.

Policy Statement: This objective remains valid. The Borough approved the development of a community center attached to the public library in 2019.

Objective 2: Maintain the condition of all open space and recreation areas, and through the consolidation of non-buildable sites provide additional open space and recreation facilities.

Policy Statement: This objective remains valid.

Objective 3: Provide adequate police, fire and emergency response services to all residential neighborhoods and commercial areas.

Policy Statement: This objective remains valid.

Objective 4: Continue the high level educational programs at all grade levels and plan public school facilities to meet enrollment demands.

Policy Statement: This objective remains valid.

Objective 5: Maintain the condition and improve, where necessary, the capacities and performance of the Borough's water and sewer infrastructure systems.

Policy Statement: This objective remains valid.

The Borough's goal of providing adequate community facilities and services to meet the needs of its residents and businesses today and in the future remains valid.

2.2 2009 REEXAMINATION REPORT

The 2009 Reexamination Report identified the below land use problems and objectives as well as the extent to which those problems and objectives had been reduced or increased. Some of these goals and issues have been addressed since 2009 while others remain unchanged.

1. Redevelopment Plans. The 2009 Report acknowledged that professionals had been retained to prepare redevelopment plans for the Borough's three designated areas in need of redevelopment. A redevelopment plan for the New Bridge Landing Station Redevelopment Area, Block 1411 Lots 1.01 and Lot 1.02 and Block 1412 Lots 1, 2 and 3, was adopted in 2008 to facilitate a mixed-use development and structured parking facility on the site. New Jersey Transit then developed a surface parking facility for the train station originally intended to be temporary until a redevelopment plan for the site could be implemented. The Borough also explored a Transit Village designation with State officials which the Borough ultimately abandoned.

The Johnson Avenue Redevelopment Plan encompassing Block 1418 Lots 1, 2, 3, 3.01 and 4 was adopted in 2009 permitting a mixed-use development and the Kinderkamack Redevelopment Plan encompassing Block 1413 Lots 1, 2.01, 4 and 5 was adopted in 2010 to allow for multifamily residential development. In addition, the Borough intended to continue its review of commercial areas along the east side of Kinderkamack Road north of River Edge Road.

Policy Statement: Block 1407 Lots 2, 3 4 and 5 were originally considered for inclusion within the New Bridge Landing Station area but were ultimately removed due to concerns relating to eminent domain powers. The Local Redevelopment and Housing Law was amended in 2013 to allow municipalities to designate areas in need of redevelopment and condemnation or non-condemnation areas. As such, the Borough may wish to reconsider including some of these parcels to be incorporate within the existing New Bridge Landing Redevelopment Station Redevelopment Area. This also applies to the Kinderkamack Road Redevelopment Area in that the Borough should consider incorporating additional parcels into this redevelopment area to create an opportunity to revitalize more properties and develop a more comprehensive plan for both areas.

The Borough had issued a request for proposals (RFP) for the New Bridge Landing Station redevelopment area following the adoption of the 2008 redevelopment plan for which no acceptable proposal were received. All three redevelopment plans were rescinded by the Borough Council in June 2018 as the plans were determined to be ineffective over the last decade, to provide an opportunity to reevaluate the development potential of each site and to address the Borough's Third Round affordable housing obligations. The New Bridge Landing Station and Kinderkamack Road redevelopment areas are now included as affordable housing sites in the Borough's June 2019 Settlement Agreement with Fair Share Housing Center. It is noted that NJ Transit continues to operate the surface parking facility for commuters.

Due to environmental constraints, the Johnson Avenue Redevelopment Area has been determined to be unsuitable for residential development. As such, the Borough will consider prospective nonresidential redevelopment proposals for the property. The three redevelopment plan areas are discussed in greater detail in the redevelopment section of this report. The Borough is currently in the process of preparing and implementing new redevelopment plans for the New Bridge Landing Station and Kinderkamack Road Redevelopment Areas. It is recommended that the Borough continue its review of the Kinderkamack Road corridor north of River Edge Road in determining whether to introduce residential uses above the first floor as a permitted use.

2. Residential Neighborhood Goals and Objectives. The Borough has implemented a Stormwater Management Plan and revised its bulk regulations to reduce the maximum permitted building height to 30 feet in the R-1 Zone.

Policy Statement: There have been no updates to the Borough's Stormwater Management Plan or bulk regulations since the adoption of the 2009 Reexamination Report. The Borough

should consider further review of the bulk regulations governing single-family homes in the R-1 and R-2 districts in light of increasing dwelling sizes, Land Use Board applications for increased improved lot (impervious) coverage above the maximum permitted threshold and general perceived overdevelopment of single-family parcels.

3. Commercial Areas and Goals.

- Site plan approval was granted for the former Huffman Koos property, Block 1404 Lots 1.04, 3.01 and 5 for commercial development. The former Huffman koos Parking facility, Block 1405 Lots 1 and 6 were granted site plan approval for a bank pad.

Policy Statement: The former Huffman Koos site is now fully developed and occupied with a number of retail tenants including CVS and Total wine as the site's anchors with a number of "in-line" restaurant, retail and service establishments located in between. The former Huffman Koos parking facility has not been developed as a bank pad continues to operate as such and the adjacent surface parking lot remains as auxiliary parking for the retail establishments across Main Street.

- A zoning change was approved to include the Allied Financial facility, Block 1403 Lot 9, totally within the C-1 Commercial Zone.

Policy Statement: The site is now occupied by Zohair hair salon.

- Soil Movement Ordinance was revised to address drainage problems associated with new construction.

Policy Statement: There are no proposed amendments to the soil movement ordinance and this time. Overdevelopment of sites and variance requests for impervious coverage in excess of the maximum permitted improved lot coverage zoning requirements remain an issue.

- The Borough purchased Block 212 Lot 19.01 behind the commercial establishments located along the northbound side of Kinderkamack Road between Lincoln Avenue and Grove Street to accommodate the development of a parking facility or for other Borough needs.

This area has generally been designated as a parking facility to support those commercial establishments on Kinderkamack Road where on-street parking is limited. However, this parking facility is not well known or indicated with signage or other

means of communication and could be developed further to allow for additional parking and improved connectivity to Kinderkamack Road.

- River Edge continues commercial area aesthetic improvement with additional streetscape installation. New architectural styles have been introduced with some new construction.

New development since 2009 have further expanded streetscape improvements along Kinderkamack Road and in the New Bridge Landing Station area, including Sanducci's Trattoria, Monsun Fine Indian Cuisine and the River Edge Diner all with new outdoor dining installations and the new 7-11 at the intersection of Kinderkamack Road and Main Street. The Borough should consider adopting architectural design requirements for nonresidential, mixed use and multifamily development to continue to promote visual enhancement and consistency along Kinderkamack Road and the Borough's downtown area.

- Hackensack Avenue from Grand Avenue to Main Street improvement are presently in the design development phase.

Policy Statement: Bergen County continues to plan for the improvement of this stretch of roadway and intersections. To date, no improvements have been made.

- Borough recycling practices have been revised for environmental efficiency and to address market conditions.

Policy Statement: The Borough continues to offer a recycling program for residents and does not propose any changes to its service or practices at this time.

4. Historical Sites. The former auto salvage site at Lot 1 in Block 1304 was acquired by the State and also included Block 1305 Lots 1, 3 and 5. These parcels have been included in the adjacent Bergen County Historic New Bridge Landing Park. Soil remediation is being performed at the prior auto salvage site.

Policy Statement: Since 2009, the properties in question have been further developed and operated by the Bergen County Historical Society as the historic New Bridge Landing Park which includes the Van Steuben House hosting regular events. In 2019, the Land Use Board approved a site plan application for the development of a new historical museum on the property. The soil remediation of the former auto salvage site has been completed and is now an open field within the historical site. The former Pizza Town site encompassing Block

1305 Lots 1-5 is now owned in part by the State and Bergen County providing parking for the historical site and was included in the Bergen County Historical Society's 2019 site plan application. To date, the approved improvements have not been implemented.

5. Other Borough Actions Since 2009

- The Borough has continued to improve its existing municipal facilities and streets.
- Streetscape enhancements have progressed along Kinderkamack Road.
- Various local streets have been periodically resurfaced.
- The Wayne Avenue sanitary pumping station has been replaced and improved.
- Various sewer and roadway infrastructure components have been upgraded.
- Recycling of designated materials has been expanded to include cardboard materials and comingled glass with metals.

Policy Statement: The Borough continues to maintain and improve its roadways, infrastructure and services as necessary.

6. State Stormwater Regulations. The New Jersey Department of Environmental Protection in February 2004 enacted stormwater rules intended to reduce runoff from development. River Edge adopted a Stormwater Management Ordinance in May 2005 as amended in August 2008.

Policy Statement: Since Hurricane Sandy hit New Jersey at the end of October 2012 reaching historic flood levels, FEMA updated its flood maps impacting areas of the Borough along the Hackensack River and its tributaries.

7. Multifamily Conditional Use Zone. The Borough approved an ordinance creating a multifamily conditional use zone within a portion of the R-1 Zone on the northbound side of Kinderkamack Road roughly between Howland Avenue and Reservoir Avenue in September 2009. The area encompasses Block 1005 Lots 6.01-6.05, 7.01, 7.02 and 8-12 and Block 1302 Lots 1, 2 and 3. The Zone's goal is to encourage development with minimal impact on municipal services and the public school system.

Policy Statement: Block 1302 Lot 3 received site plan approval in 2015 for the development of a 69-unit multifamily building consisting of 7 senior restricted affordable housing units. The site development was completed in 2019 and is now occupied.

8. Mixed Use Development on Kinderkamack Road north of River Edge Road. Investigate a zoning change to permit mixed use development along the east side of Kinderkamack Road between River Edge Road and the Borough of Oradell border. Also, investigate increasing the lot area requirement eastward within this sector.

This remains an issue as the Borough intends to review planning alternatives to address problems associated with parking, aesthetics, vacant commercial spaces and undersized lot configurations that characterize this area of the Kinderkamack Road corridor to encourage investment, lot assemblage and shared driveway configurations where appropriate. Driveway access should be limited on Kinderkamack Avenue to create more opportunities for on street parking and minimize traffic conflicts. An additional planning alternative may include permitting residential uses above the first floor of buildings and/or the designation of an area in need of rehabilitation or redevelopment both of which require further analysis. Similar considerations are also appropriate for the west side of Kinderkamack Road in this vicinity of the Borough.

9. Smart Growth Plan Element. Recommend the Borough adopt a Smart Growth planning element into the Master Plan.

Policy Statement: This remains a valid consideration. As further detailed herein, in 2018, the State Legislature enacted a bill requiring any new land use element to address issues pertaining to smart growth and sustainable development.

10. Residential Bulk Standards. Modern family needs have changed since the original major housing stock was constructed post World War II era. Many dwellings are being expanded to meet current and differing family needs. As a result, construction of larger dwellings is both a community and Planning Board concern. The Planning Board recommends evaluating and studying bulk requirement standards to control overcrowding. Pragmatic dwelling height should also be incorporated into this bulk recommendation.

In May 2009, the Borough adopted Ordinance No. 1643 restricting the R-1, R-2 and R-3 Zones maximum building height to 30 feet. There have been no further amendments to the Borough's zoning regulations to address residential development bulk standards. The Borough should evaluate the effectiveness of its current zoning regulations in addressing

regular Land Use Board applications for increased impervious coverage and perceived overdevelopment of primarily single-family lots.

11. Sign Regulations. The present Sign Ordinance requires modernization. Recommend a review and revision of the current standards.

The Borough has authorized a review of its current sign regulations. This review is anticipated to be completed in 2020 with recommendations for ordinance amendments where warranted.

12. Food Establishments. The lack of food establishments is noted. Further, possible food establishment outdoor seating requires addressing. Current regulations should be reviewed, and new ordinance(s) adopted accordingly.

The number and diversity of food establishments in River Edge has increased since 2009 along the Kinderkamack Road corridor and in the New Bridge Landing area. At present, the Borough intends to maintain the requirement of a site plan application for proposed restaurants and other uses requiring a food handlers' license in accordance with section §350-4.E. of the Borough Code.

As the nature of the food and hospitality industries continue to evolve, it is recommended that the Borough review its current land use definitions pertaining to food market and restaurant uses and related ordinance provisions. For example, the "fast casual" restaurant model has gained traction and has been the subject of several land use applications in River Edge within the last few years and is not specifically addressed in the Borough ordinance. In addition, with the current limitation of liquor licenses permitted in River Edge, it is recommended the Borough consider permitting brewery, winery and similar types of uses in certain areas of the community where such uses would not negatively impact existing residential neighborhoods and where sufficient parking can be accommodated.

A number of restaurants including Sanducci's Trattoria and Monsun Fine Indian Cuisine have installed outdoor seating facilities pursuant to Chapter 348 of the Borough Code, Sidewalk Cafes, adopted in 2013. The River Edge Diner also received variance relief to install outdoor seating along its Kinderkamack Road frontage. The Borough's sidewalk café ordinance should be reviewed for effectiveness in regulating outdoor dining opportunities.

III. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

The MLUL requires reexamination reports to address *"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 recycling materials, and changes in State, county and municipal policies and objectives."*

3.1 LOCAL CONDITIONS

The Borough's socioeconomic and land use trends have not changed significantly since the adoption of the 2009 Reexamination Report. The Borough's 2020 Housing Element and Fair Share Plan provides a thorough overview of the Borough's demographic and employment trends. The Borough's population has generally stabilized with modest growth occurring since 1990 as shown in Table 1 below. As the Borough is almost fully developed, with the exception of scattered redevelopment opportunities in the New Bridge Landing area of the Borough, the Borough's population growth is not expected increase dramatically.

Table 1: Population Growth, 1930-2017
Borough of River Edge, New Jersey

Year	Population	Population Change	Percent Change
1930	2,210	-	-
1940	3,287	1,077	48.7%
1950	9,204	5,917	180.0%
1960	13,264	4,060	44.1%
1970	12,850	(414)	(3.1%)
1980	11,111	(1,739)	(13.5%)
1990	10,603	(508)	(4.6%)
2000	10,946	343	3.2%
2010	11,340	394	3.6%
2017	11,648	308	2.7%

Source: US Census Bureau Decennial Census; 2013-2017 American Community Survey 5-Year Estimates.

3.2 AFFORDABLE HOUSING

At the time of adoption of the Borough's 2009 Reexamination Report the Council on Affordable Housing ("COAH") had still not adopted valid Third Round Rules to establish municipal affordable housing obligations for the period beginning in 1999. Following litigation and several more failed attempts to adopt valid Third Round Rules, in March 2015, the New Jersey Supreme Court rendered its (Mount Laurel IV) decision removing affordable housing issues from the jurisdiction of COAH due to the agency's dysfunction and placing them with the trial courts as they had been originally prior to the creation of COAH in 1985. Subsequently, the Supreme Court rendered its January 17, 2017 'Gap Period' (Mount Laurel V) decision in which the Court established that municipalities had to satisfy their fair share affordable housing obligations for the period 1999 to 2015 during which COAH was unable to adopt valid Third Round Rules and housing need numbers. Accordingly, the Third Round municipal fair share obligation is comprised of four components as follows:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Gap Present Need (1999-2015)
4. Prospective Round Obligation (2015-2025)

Initially two sets of housing need numbers were promulgated and widely discussed, including those prepared by Econsult Solutions, Inc. on behalf of the Municipal Consortium which the Borough of River Edge is a part of, and those prepared by Dr. David Kinsey on behalf of Fair Share Housing Center ("FSHC"). A third set of numbers was prepared by Richard Reading, one of the assigned court special masters pursuant to the Ninth Revised Case Management Order regarding the declaratory judgment actions filed by Ocean County municipalities. On March 28, 2018, Judge Mary C. Jacobson issued a decision in the matter of Princeton and West Windsor Township (Mercer County Trial) which found a statewide housing need of 154,581 affordable housing units which has since become the benchmark of many negotiations between municipalities and Fair Share Housing Center, the intervening party, in settling affordable housing matters.

The most recent statewide housing need numbers produced by the aforementioned entities are indicated in Table 2 below.

Table 2: Third Round Affordable Housing Need Numbers by Consultant

Consultant/Entity	Statewide Affordable Housing Need (units)
Econsult Solutions, Inc.	91,255
Dr. David Kinsey (FSHC)	322,121
Richard Reading	120,415
Mercer County Trial	158,908

As discussed in greater detail herein, the Borough entered into a Settlement Agreement with Fair Share Housing Center on June 24, 2019 which was approved as fair and reasonable by the Superior Court Order entered in September 2019. The Borough is in the process of completing its final compliance requirements to receive a final judgment of compliance and repose from the court thereby extending the Borough's immunity from builder's remedy or exclusionary zoning lawsuits until the end of the Third Round in July 2025.

3.3 LOCAL REDEVELOPMENT AND HOUSING LAW ("LRHL")

In 2013, an amendment to the LRHL Law was approved by the State Legislature which permits the option of designating a redevelopment area with or without condemnation powers. Specifically, the amendment notes the following (amended section is underlined):

"The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area")."

The LRHL amendment also establishes additional notice requirements when designating an area in need of redevelopment, provides guidelines regarding challenges to condemnation redevelopment designations, and allows for additional options for designating an area in need of rehabilitation.

The LRHL was further amended in 2019 to specify that a municipality may determine an area to be in need of redevelopment if the area contains buildings that are used as, or were previously used as, a shopping mall, shopping plaza, or a professional office park. Certain buildings with significant vacancies for a period of at least two (2) consecutive years were also included.

Specifically, Criterion "b" was amended to read as follows:

"The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable."

A new Criterion "i" was also added, which reads as follows:

"Areas with buildings used, or previously used, as a shopping mall, shopping plaza, or professional office park, which buildings have been vacant or partially vacant with less than 50% occupancy, for a period of at least two years."

3.4 ADDITIONAL POLICY CHANGES AT THE STATE LEVEL

This section discusses legislative and regulatory changes at the State level that affect land use and development policies in the Borough.

1. Legalization of Marijuana in New Jersey

In 2010, the State of New Jersey passed the "Compassionate Use Medical Marijuana Act" which legalized the use of medicinal cannabis for individuals with medical conditions including: cancer; glaucoma; multiple sclerosis; HIV/Aids; seizure disorder; Lou Gehrig's disease; several muscle spasms; muscular dystrophy; inflammatory bowel disease; Crohn's disease; and any terminal illness.

The Medical Marijuana Act also established alternative treatment centers ("ATCs"). An ATC is defined as a "permitted alternative treatment center authorized to grow and provide registered qualifying patients with medical marijuana and related paraphernalia in accordance with the provisions of the Act." ATCs are also permitted to open satellite dispensaries. The Medical Marijuana Act requires ATCs to provide the Department of Health with written verification of the municipal government body in which the ATC will be located, and evidence of compliance with local codes and ordinances are required prior to the issuance of any permit from the Department.

More recently, the New Jersey State Legislature prepared draft legislation regarding the legalization of recreational marijuana though it has not been finalized or enacted. However, it is anticipated that the legalization of recreational marijuana will be placed on the State ballot in the November 2020 election.

Currently, the Borough's land use regulations do not recognize either medical or recreational marijuana related uses as distinct land use categories. In anticipation of what appears to be forthcoming State legislation, the Borough should establish a and use policies for medical and recreational marijuana related uses, including the growing, manufacturing, packing, shipping, wholesale and retail sale of products and consumption of marijuana in its various forms.

2. Performance Guarantees

The MLUL was amended on January 16, 2018 providing an update to performance and maintenance guarantee regulatory controls. Prior to the adoption of this amendment, municipalities were permitted to require developers to post performance guarantees to

ensure that certain types of improvements were included. The amendment stipulates that municipalities may only require developers to post performance guarantees that cover improvements being dedicated to a public entity. However, municipalities may require a performance guarantee for privately owned perimeter buffer landscaping. The several types of improvements that were previously subject to performance guarantees but have since been exempted include culverts, storm sewers, erosion control and sedimentation control devices and landscaping, among other on-site improvements.

The MLUL now authorizes municipalities to require two additional types of guarantees including temporary certificate of occupancy guarantees, and safety and stabilization guarantees. The former authorizes municipalities to require developers to furnish a guarantee in favor of the municipality in an amount equal to 120% of the cost of installation of improvements which are required to be completed prior to the issuance of a permanent certificate of occupancy. The latter provides the municipality a source of funding to return property to a safe and stable condition or to implement measures to protect the public from access to an unsafe or unstable condition.

3. Electric Vehicle Charging Infrastructure

Bill S-606 was signed into law by Governor Murphy on November 6, 2019 intended to encourage municipalities to plan for electric vehicle infrastructure by amending the MLUL to require the inclusion of existing and proposed locations of public electric vehicle charging infrastructure as a component of the land use element of the master plan. The new law also requires that a circulation plan element, an optional element of the master plan, to similarly identify the existing and proposed locations of public electric vehicle charging infrastructure. In addition, a green buildings and environmental plan element, also an optional master plan element, must "consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development..." Similar information is now required a part of the master plan reexamination report and any redevelopment plan. The Borough should review these policy requirements accordingly and consider how it's various master plan components should address this emerging technology.

4. Vacant and Abandoned Properties

The New Jersey Land Bank Law was signed into law on July 10, 2019. This legislation allows municipalities to designate a land bank entity to obtain vacant, abandoned and neglected properties for productive reuse purposes. It is intended to provide municipalities with a tool to revitalize and reuse properties for the public benefit.

Under the New Jersey Land Bank Law, municipalities will be allowed to designate a non-profit organization or a public entity as the municipality's land bank entity. The public entities which a municipality may designate as a land bank entity include redevelopment entities, county improvement authorities, and departments and agencies of the municipality itself. Land bank entities will be permitted to acquire properties on its own and act as a municipality's agent

to purchase liens at a tax sale, carry out lien foreclosures, and take individual abandoned properties.

In addition, land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity's online database.

As a fully developed community, the Borough does not contain many vacant or abandoned properties but should consider the extent to which such properties could be addressed through the provisions of the Land Bank Law.

5. State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

- Goal 1: Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;
- Goal 2: Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;
- Goal 3: Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.
- Goal 4: Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP did not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters. When and if the SSP is formally adopted, the Borough should examine how its Master Plan is consistent with the SSP.

6. Municipal Land Use Law

The following substantive changes have been made to the Municipal Land Use Law (MLUL) since the Township's last Master Plan Re-examination Report.

- A. Green Elements and Environmental Plan Element (Green Plan). In 2008, the MLUL was amended to identify the Green Buildings and Environmental Sustainability Plan Element (Green Plan Element) as a potential component of a master plan. This element is designed to: encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional, and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site, and; optimize climatic conditions through site orientation and design.
- B. Renewable Energy Facilities. Several amendments have been made to the MLUL to encourage the continued utilization of renewable energy facilities, including wind and solar facilities. Most notably, the MLUL was amended in 2009 (S1303/A3062) to classify “wind, solar, or photovoltaic” facilities as inherently beneficial uses, which are defined as uses which are “universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare.” In that same year, the MLUL was also amended (A2550/S1299) to permit renewable energy facilities in industrial zones as a use by right on “parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.”

Legislation (S1538/A2859) was also adopted in 2009 that extended the protections of the Right to Farm Act to the generation of solar energy on commercial farms within certain standards. Specifically, this legislation provides protection against local ordinances and regulations for those commercial farms seeking to generate solar energy. Farms seeking to utilize this legislation must be reviewed by the State Agriculture Development Committee (SADC), and must also be in compliance with Agricultural Management Practices.

Finally, the MLUL was amended in 2014 (S921/A2289) to specify that an ordinance requiring approval by the planning board of either subdivision, site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

- C. Statement of Smart Growth Strategy. On January 8, 2018, the New Jersey State Legislature adopted bill A-4540/S-2873 requiring any new land use element to incorporate a statement of strategy addressing the following issues:
 - (1) Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations;

(2) Storm resiliency with respect to energy supply, flood-prone areas and environmental infrastructure;

(3) Environmental sustainability.

The Borough must address this requirement when adopting any new land use plan element or amendment.

D. Time of Decision Rule. Perhaps the most significant change in the MLUL since the adoption of the previous Reexamination Report was the abolishment of the “time of decision” rule in 2010. This previously established rule had favored municipalities during the hearing process by allowing them to make zoning ordinance amendments up until the final moment of a land use approval. The new rule, which went into effect in 2011, establishes that the zoning in place at the time of the filing of a development application will govern the review and approval of said application. Any ordinance amendments adopted subsequent to the date of submission of the application will not be applicable to that application.

3.5 CHANGES AT THE COUNTY LEVEL

The following section provides an overview of some of the significant changes which occurred at the county level.

1. 2011 Vision Bergen

The June 2011 Vision Bergen, the Visioning Component of the Bergen County Master Plan, places River Edge in the Northeastern Bergen County Sub-Region. This document includes a review of a number of County planning trends and topics related to demographics, housing, employment, redevelopment, transportation, open space and sustainability. Hackensack and Paramus, municipalities both adjacent to River Edge, are recognized as the County’s largest employment centers which are anticipated to grow given the over 2,000 apartments and mixed-use developments approved in Hackensack and new regional hospital in Paramus expected to be completed in 2023. Of course, the short and long-term impacts of the current Covid-19 pandemic to employment, housing as a result of the population migration from New York City, etc. are not known at this time. The Bergen County Vision discusses the possibility of rapid bus transit along Route 4 and emphasis to explore redevelopment opportunities, particularly around public transportation facilities and infill projects, among other topics pertinent to the Borough.

2. 2019 Bergen County Parks Master Plan

On December 18, 2019, the Bergen County Board of Chosen Freeholders adopted the Bergen County Parks Master Plan which sets forth a vision for the improvement and maintenance of existing parks and creation of new parks in the County. The plan sets forth a number of goals and objectives pertaining to park programming, sustainability, amenities, public access, funding and connectivity, among others which could be implemented in the Borough on a smaller scale. River Edge encompasses a portion of Van Saun Park along its westerly municipal boundary and Historic New Bridge Landing Park (Van Steuben House) in the southeast area of the Borough, two of Bergen County's notable parks. The Hackensack River is also recognized as a valuable recreational and ecological asset which the County intends to promote and expand public access to.

3. Bergen County Master Plan

The Bergen County Department of Planning and Engineering initiated the preparation of a new County Master Plan in 2018 that will rely upon information gathered for the 2011 County Vision. Upon its completion, the County's Master Plan will provide guidance for future development, redevelopment and preservation throughout the County as well as a regional planning framework for municipalities.

IV. SPECIFIC CHANGES RECOMMENDED

The MLUL requires the identification of specific changes recommended for the master plan or development regulations, if any, including changes to the underlying objectives, policies and standards, or whether an entirely new master plan or development regulations should be prepared. This 2020 Reexamination Report identifies a number of recommended changes, as set forth below.

4.1 GOALS AND OBJECTIVES

River Edge's existing master plan policies, goals and objectives set forth in its 1984 Master Plan and 2009 Reexamination Report remain relevant and are therefore reaffirmed in this 2020 Reexamination Report.

4.2 ZONING RECOMMENDATIONS

The following issues are noted which warrant the need for a new master plan document and should be addressed in that document.

1. Gateway enhancements. The Borough should consider improving the aesthetic and informational value of the various gateways to the community which include the northernmost area of Kinderkamack Road in the Borough, River Edge Road bridge crossing, Grand Avenue, Main Street and Bogert Avenue intersections to the Route 4 marginal road, the intersection of Main Street and Kinderkamack Road and at the Borough's two train stations.
2. Affordable Housing. The Borough received conditional approval for its Third Round Housing Element and Fair Share Plan at the Borough's September 2019 Fairness Hearing. The Borough's Fair Share Plan includes the New Bridge Road Overlay Zone (adopted in 2020) intended to facilitate mixed-use development of the site with a maximum density of 20 units per acre, maximum building height of 4 stories and required affordable housing set-aside of 20%. The Borough is in the process of finalizing and implementing its New Bridge Landing and Kinderkamack Road Redevelopment Plans which both include 20% affordable housing set-asides and are discussed in greater detail below. The Borough has also adopted its Affordable Housing Ordinance with a provision requiring a mandatory set-aside for development of 5 or more residential units. Upon completion of the Borough's various compliance requirements, the Borough will be eligible to receive a judgment of compliance and repose from the court thereby extending the Borough's immunity from exclusionary zoning lawsuits until the end of the Third Round in July 2020.

3. Enhance Public Transportation/Commuter Network. The Borough should continue to provide safe and convenient access to the various modes of public transportation available in the Borough including its two train station along the NJ Transit Pascack Valley line, bus service along Kinderkamack Road and bus service on Route 4. Improvements may include additional shelters for commuters and train station enhancements which will likely require some coordination with NJ Transit.
4. Highway Commercial Properties. The Borough should consider rezoning the several parcels of property contained within Blocks 1415 and 1416 which are geographically separated from most of the Borough by Route 4 and present distinctly unique development opportunities from the remainder of properties within the existing C-2 Commercial Zone wherein the properties are currently located.
5. C-2 Zone & Circulation. The Borough should review the zoning use and bulk requirements of the C-2 Zone located in the southerly portion of the Borough to ensure they align with the future vision for the area which may also need adjustment. Given the extensive development in and around this area of the Borough, River Edge should coordinate with Bergen County in conducting a traffic study of the area to minimize congestion and improve the efficiencies of the roadways.
6. Recreation and Open Space. The opportunity for the Borough to acquire new land for recreation and open space is very limited given the built-out status of the community. As such, the Borough should continue to maintain and upgrade its existing public parks and facilities as well as connectivity between green spaces. Such improvements may include a playground at Kenneth B. George Park, installation of a formal path along the undeveloped portion of Oak Avenue between Tenney Avenue and Kensington Road and enhanced access to the Hackensack River which has historically served as a significant recreational and ecological resource for the Borough.
7. Smart Growth/Sustainability. The Borough should address the various regulatory changes at the State level noted herein including provisions for electric vehicle charging stations and a statement of strategy related to smart growth.
8. Maintain Diversity in Nonresidential Ratables. The Borough should consider reviewing its current list of permitted nonresidential uses in the C-1 and C-2 Zones to ensure compatibility with existing uses, address antiquated terminology and create new opportunities for economic development.

9. Development Regulations Review. The Borough should review its current regulations pertaining to single-family homes including the improved lot and building coverages and accessory structures. In addition, the Borough's current fence and retaining wall provisions should be reviewed specifically as they relate to corner lots and in requiring a minimum buffer between fence/wall combinations greater than 6 feet in height.

V. RECOMMENDATIONS CONCERNING REDEVELOPMENT PLANS

River Edge has three 'areas in need of redevelopment' designated in accordance with the Local Redevelopment and Housing Law (LRHL), with redevelopment plans having been adopted for each site as follows:

New Bridge Landing Station Redevelopment Area (Plan adopted 2008)

- Block 1411 Lots 1.01 and 1.02
- Block 1412 Lots 1, 2 and 3
- Block 1414 Lot 1

Johnson Avenue Redevelopment Area (Plan adopted 2009)

- Block 1416 Lots 1, 2, 3, 3.01 and 4

Kinderkamack Road Redevelopment Area (Plan adopted 2010)

- Block 1413 Lots 1, 2.01 and 5

After nearly 10 years without development activity of these sites, the three redevelopment plans was rescinded by the Borough in June 2018 with the intent to provide the community with an opportunity to review the plans, confirm consistency with current land use goals and needs and prepare new plans as determined to be necessary to promote development. The Borough anticipates adopting new redevelopment plans for the New Bridge Landing Station and Kinderkamack Road sites in 2020 which will include affordable housing components pursuant to the Borough's June 24, 2019 Settlement Agreement with Fair Share Housing Center.

In addition, the Borough may consider investigating other areas of the municipality for their redevelopment/rehabilitation potential, including:

East Side of Kinderkamack Road between River Edge Road and Oradell Border

This area of the Kinderkamack Road corridor was identified in the 2009 Reexamination Report as warranting consideration for rezoning to accommodate mixed use development where residential uses are not currently permitted. A number of properties within this area are generally characterized by having small lot configurations, lack of sufficient parking, preexisting nonconforming setbacks and coverages and could otherwise benefit from aesthetic improvements. Rezoning or the adoption of a redevelopment/rehabilitation plan for these properties would be designed to incentivize investment and development consistent with the Borough's current land use goals.

Kinderkamack Road between Van Buren Avenue and Jefferson Avenue

Similar to the previously mentioned span of Kinderkamack Road, some properties within this area of the corridor exhibit similar issues related to small and irregular lot configurations, parking and access and dated appearance which limit investment potential, including diversity of commercial tenants.

Block 404 Lots 7 and 8

Block 7 is a corner lot developed with a mixed-use building consisting of a ground level commercial space and several apartment units, a detached garage and surface parking area with four parking stalls. Block 8 is a Borough-owned surface parking lot with 25 spaces for commuters known as "Lot 2". This commuter lot is located approximately 250 feet uphill from the River Edge Station platform. Together, Lots 7 and 8 comprise roughly 17,974 square feet (0.41 acres) with frontages of 163 feet on River Edge Road and 110 feet on Park Avenue. While providing an opportunity for transit-oriented development of the site, the sale of the Borough-owned parcel could be used to improve and create additional parking closer to the train station at Block 215 Lot 1, River Edge commuter "Lot 1" or the purchase and improvement of Block 410 Lot 1.01 which could accommodate approximately 70 new commuter parking spaces and public river access.