

**2018 MASTER PLAN
REEXAMINATION REPORT**

**BOROUGH OF WALDWICK
BERGEN COUNTY, NEW JERSEY**

Prepared for:

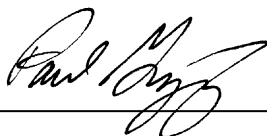
Borough of Waldwick Planning Board

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The original of this report was signed and
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Table of Contents

I. Introduction	1
II. Problems and Objectives Set Forth in the 2013 Master Plan Reexamination and Their Current Status.....	2
Introduction.....	2
Master Plan Objectives	2
Zoning Ordinance Objectives	3
III. The Extent to Which There Have Been Significant Changes in Assumptions, Policies and Objectives Forming the Basis for the Master Plan or Development Regulations as Last Revised.....	4
IV. Specific Changes Recommended for the Master Plan and Development Regulations.....	5
Introduction.....	5
2018 Reexamination Report Recommendations.....	5
Recommended Zoning Amendments.....	5
V. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element and Local Development Regulations.....	6
Appendix: Draft Proposed Zoning Amendments.....	7

I. Introduction

This Master Plan Reexamination has been prepared to support the implementation of the Borough of Waldwick's Housing Element and Fair Share Plan. The MLUL at N.J.S.A. 40:55D-89 mandates that a municipality's governing body shall, at least every ten 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. The Borough's most recent master plan reexamination report was adopted in 2013. In light of significant changes in New Jersey's municipal affordable housing compliance landscape in recent years, a focused reexamination of Waldwick's master plan is appropriate at this time.

There are five elements which the reexamination report must include:

- 1) A section outlining the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- 2) A section describing the extent to which such problems and objectives have been reduced or have increased subsequent to that date.
- 3) A section discussing 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) A section setting forth the recommended changes to the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- 5) A section setting forth 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.

II. Problems and Objectives Set Forth in the 2013 Master Plan Reexamination and Their Current Status

Introduction

This chapter outlines the major problems and objectives relating to land development in Waldwick in 2013, when the Borough's most recent Master Plan Reexamination was adopted. It also describes the extent to which such problems and objectives have been reduced or have increased subsequent to that date, thus addressing the requirements of items *a* and *b* in N.J.S.A. 40:55D-89, which lists the mandatory contents of a reexamination report.

Master Plan Objectives

The 2013 Master Plan Reexamination Report of the Borough of Waldwick incorporates and endorses the purposes of the Municipal Land Use Law set forth at NJSA 40:55D-2 as part of its overall goals and objectives, which are supplemented by more community-specific goals and objectives. Each of the key objectives and challenges of the 2013 Master Plan Reexamination is set forth below, followed by a discussion of its current status:

- *Encourage compatible land use development while maintaining the residential character of the Borough*

Current Status: This objective/challenge remains valid. Certain changes to residential zoning regulations are discussed in Chapter IV to further this objective.

- *Reinforce the Borough's economic base and promote policies to counter the loss of tax ratables.*

Current Status: This objective/challenge remains valid.

- *Address parking concerns in the commercial district, including availability of spaces and design of parking areas.*

Current Status: This objective/challenge remains valid.

- *Enhance building and site aesthetics throughout the Borough and encourage consistent architectural themes within neighborhoods*

Current Status: This objective/challenge remains valid.

- *Promote the Borough's New Jersey Transit rail station as an important asset to residents, businesses, and economic growth.*

Current Status: Some actions have been taken that further this objective. There has been market-driven development in the vicinity of the railroad station, most notably the approval and construction of a multifamily residential development on the former DeMartini Lumber site on the west side of the railroad tracks. A community organization has been successful working on the east side of the railroad tracks to enhance the neighborhood in the immediate vicinity of the station and restoring the actual station structure.

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- *Promote policies, programs, and physical improvements to provide safe streets and encourage a variety of multi-modal transportation options for all Borough residents.*

Current Status: This objective/challenge remains valid.

- *Revise the land use plan and Zoning Map to update the designations of affordable housing zones.*

Current Status: This objective/challenge remains valid.

Zoning Ordinance Objectives

A detailed revision of Waldwick's Zoning Ordinance was completed in 2012. Certain additional changes were recommended in the 2013 Reexamination Report to revise certain inconsistencies in definitions and uses, and some new sections and topics were also proposed. These recommendations are listed below, followed by a discussion of their current status:

- Periodically revise the Zoning Ordinance to address emergent issues and inconsistencies.
- Develop design standards to guide development in the downtown area.
- Develop a tree ordinance to guide the safe removal of trees, when necessary.
- Develop standards for private emergency generators.
- Develop standards guiding the installation of renewable energy sources in appropriate locations.
- Consider changes to the existing sign ordinance's treatment of temporary advertising signs.

Current Status: These recommendations have not been implemented to date.

III. The Extent to Which There Have Been Significant Changes in Assumptions, Policies and Objectives Forming the Basis for the Master Plan or Development Regulations as Last Revised

For the most part, the assumptions, policies and objectives which formed the basis for the Borough's Reexamination Report as last revised remain valid at the present time. However, certain changes have occurred that impact Waldwick and its planning policies.

Since the 2013 Reexamination Report was adopted, the principal change related to the Borough's planning policies and objectives is with regard to affordable housing compliance. The 2013 Reexamination Report details the history of this topic from the New Jersey Council on Affordable Housing (COAH) in 2004 first adopting its "Third Round" rules covering the period from 2004 to 2018 through 2013. A 2015 New Jersey Supreme Court decision has led to a flurry of activity in recent years, as municipalities have come under the jurisdiction of the Superior Court. Waldwick has participated in this process in order to address its constitutional obligation to provide a realistic opportunity for affordable housing. This process has resulted in the Borough working with a Court-appointed "special master" and a statewide intervenor, Fair Share Housing Center, to determine the components of a new Housing Element and Fair Share Plan. Chapter IV of this Reexamination Report includes recommendations for zoning changes that have come out of this process.

There has also been an increase in the amount of multifamily residential units in the vicinity of the railroad station and downtown.

IV. Specific Changes Recommended for the Master Plan and Development Regulations

Introduction

Based on the assumptions, policies and objectives discussed above, a few specific changes are being recommended for the master plan and development regulations as part of this reexamination report. The recommended master plan and zoning changes are set forth below.

2018 Reexamination Report Recommendations

The 2018 Reexamination Report of the Borough of Waldwick incorporates and endorses the purposes of the Municipal Land Use Law set forth at NJSA 40:55D-2 as part of its overall goals and objectives, which are supplemented by more community-specific goals and objectives. No changes are proposed to the current Master Plan objectives set forth in the 2013 Reexamination Report.

Recommended Zoning Amendments

The creation of two new Affordable Housing Overlay zones is recommended to further the Borough's affordable housing compliance efforts. These zones are designed to address "unmet need" pursuant to COAH regulations and are described as follows:

- The AHO-1 Affordable Housing Overlay Zone-1 is proposed to cover the existing VC-3 zone and the portion of the VC-2 zone on the east side of the New Jersey Transit railroad tracks. This area is located proximate to the Waldwick New Jersey Transit railroad station and is partly within the Borough's central business district. This new overlay zone would permit multifamily residential and mixed-use development with upper floor residential units. The proposed compensatory benefits for the provision of a setaside of affordable housing in this zone include an increase in permitted density and relaxation of certain bulk requirements (e.g. height, lot coverage, setbacks).
- The AHO-2 Affordable Housing Overlay Zone-2 includes two properties located a short distance from the Borough's central business district. These are the shopping center located on the north side of Wyckoff Avenue between Harrison Avenue and Walter Hammond Place and the Hamilton Square shopping center on the west side of Franklin Turnpike to the north of North Street. This new overlay zone also would permit multifamily residential as part of mixed-use development, with similar compensatory benefits to those in the AHO-1 zone. The proposed bulk regulations are somewhat different given the larger size of each of these properties compared to the smaller lots in the AHO-1 zone.

The minimum affordable housing set-aside would be 20 percent of the dwelling units for sale units and 15 percent for rental units. Draft versions of these zones are included in the Appendix, along with a map showing their locations.

In addition, a new Zoning Ordinance subsection requiring provision of affordable housing for certain rezonings and variances is proposed, and also included in the Appendix.

One other related change to residential zoning is to delete two-family dwellings as a permitted use in the R-3 Village Residential and the VC-2 Village Center zone districts. This change is recommended due to the significant increase in multifamily residential units in the vicinity of these two zones from recently constructed and approved developments and the potential for additional multifamily units within the overlay zones described above.

V. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element and Local Development Regulations

A master plan reexamination report is required to include recommendations of the Planning Board concerning the incorporation of redevelopment plans (adopted pursuant to the Local Redevelopment and Housing Law of 1992) into the land use element, and accompanying changes, if any, to the development regulations. The Local Redevelopment and Housing Law (LRHL) affords municipalities the authority to designate areas “in need of redevelopment,” provided they meet specific statutory criteria, as well as to prepare and implement redevelopment plans for such areas. It is not recommended that any redevelopment area investigations be undertaken at this time.

Appendix: Draft Proposed Zoning Amendments

AMEND THE FOLLOWING SECTION:

(deletions are shown in ~~strikethrough~~, additions are underlined):

97-119.3. Village Residential District.

Within the R-3 Village Residential District the following standards shall apply:

A. Permitted uses.

1. Single-family detached dwellings.
- ~~2. Two-family dwellings with a minimum lot size of ten thousand (10,000) square feet.~~
32. Public buildings, public parks, public schools and public recreation sites.
43. Professional offices.
- ~~5~~4. Assisted living residences and hospitals.

B. Permitted accessory uses, buildings and structures.

1. Private garages.
2. Private swimming pools (see Section 97-123.10).
3. Off-street parking (see Section 97-123.7).
4. Signs (see Section 97-123.9).
5. Fences and walls (see Section 97-123.3).
6. Home occupations (see Section 97-123.14).
7. Other customary accessory uses, buildings and structures which are clearly incidental to the principal use and building.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. Churches and places of worship and religious instruction.
2. Philanthropic, charitable and eleemosynary uses.
3. Private preschools and private schools.
4. Public utilities.

ADD THE FOLLOWING NEW SECTIONS:

97-119.15. AHO-1 Affordable Housing Overlay Zone-1

The AHO-1 Affordable Housing Overlay Zone-1 covers the entire VC-3 zone and the portion of the VC-2 zone on the east side of the New Jersey Transit railroad tracks. Within the AHO-1 zone, the following standards shall apply:

A. **Permitted uses in the AHO-1 Zone.** In addition to any use permitted in the underlying zone district, the following uses shall be permitted:

1. Multifamily residential.
2. Mixed-use development. Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the C-1 District as listed in Section 97-119.9A1, 2, 3, 4 and 13: retail trade stores, service uses, business and professional offices, personal services and child day care centers. Dwelling units in a mixed-use development shall only be permitted on upper floors.

B. **Required Conditions.** The regulations of the underlying zone district are still applicable. However, properties within this overlay zone may also be developed with multifamily residential or mixed-use development in accordance with the following requirements:

- Minimum Lot Area: 10,000 square feet
- Minimum Lot Frontage: 75 feet
- Minimum Front Yard Setback: 5 feet
- Minimum Side Yard Setback: 5 feet
- Minimum Rear Yard Setback: 20 feet
- Maximum Building Coverage: 40%
- Maximum Impervious Coverage: 85%
- Maximum Building Height: 3 stories/42 feet
- Maximum Gross Residential Density: 10 dwelling units/acre
- Residential Parking: per the New Jersey Residential Site Improvement Standards
- Nonresidential Parking: 1 space per 250 square feet of floor area.

C. **Affordable Housing Requirements.** Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development, except that the minimum set-aside shall be 15 percent where affordable rental units are provided. Of these, at least half must be reserved for, and affordable to, low income households. A minimum of 13 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the Council on Affordable Housing region. Low and moderate income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with the applicable rules of the Council on Affordable Housing and any other relevant state regulations. All development including affordable dwelling units shall also be subject to 97-120, Affordable Housing Controls of the Borough of Waldwick Land Use and Development Code.

97-119.16. AHO-2 Affordable Housing Overlay Zone-2

The AHO-2 includes two properties located a short distance from the Borough's central business district, Block 101, Lot 6.01 and Block 109.02, Lot 6.04. Within the AHO-2 zone, the following standards shall apply:

A. **Permitted uses in the AHO-2 Zone.** In addition to any use permitted in the underlying zone district, mixed-use development shall be permitted. Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the C-1 District as listed in Section 97-119.9A1, 2, 3, 4 and 13: retail trade stores, service uses, business and professional offices, personal services and child day care centers. Dwelling units shall only be permitted on upper floors,

except that ground floor dwelling units shall be permitted on the portion of a property located more than 80 feet from any public street.

B. Required Conditions. The regulations of the underlying zone district are still applicable. However, properties within this overlay zone may also be developed in accordance with the following requirements:

- Minimum Lot Area: 30,000 square feet
- Minimum Lot Frontage: 200 feet
- Minimum Front Yard Setback: 10 feet
- Minimum Side Yard Setback: 15 feet
- Minimum Rear Yard Setback: 30 feet
- Maximum Building Coverage: 35%
- Maximum Impervious Coverage: 85%
- Maximum Building Height: 3 stories/42 feet
- Maximum Gross Residential Density: 10 dwelling units/acre
- Residential Parking: per the New Jersey Residential Site Improvement Standards
- Nonresidential Parking: 1 space per 250 square feet of floor area.

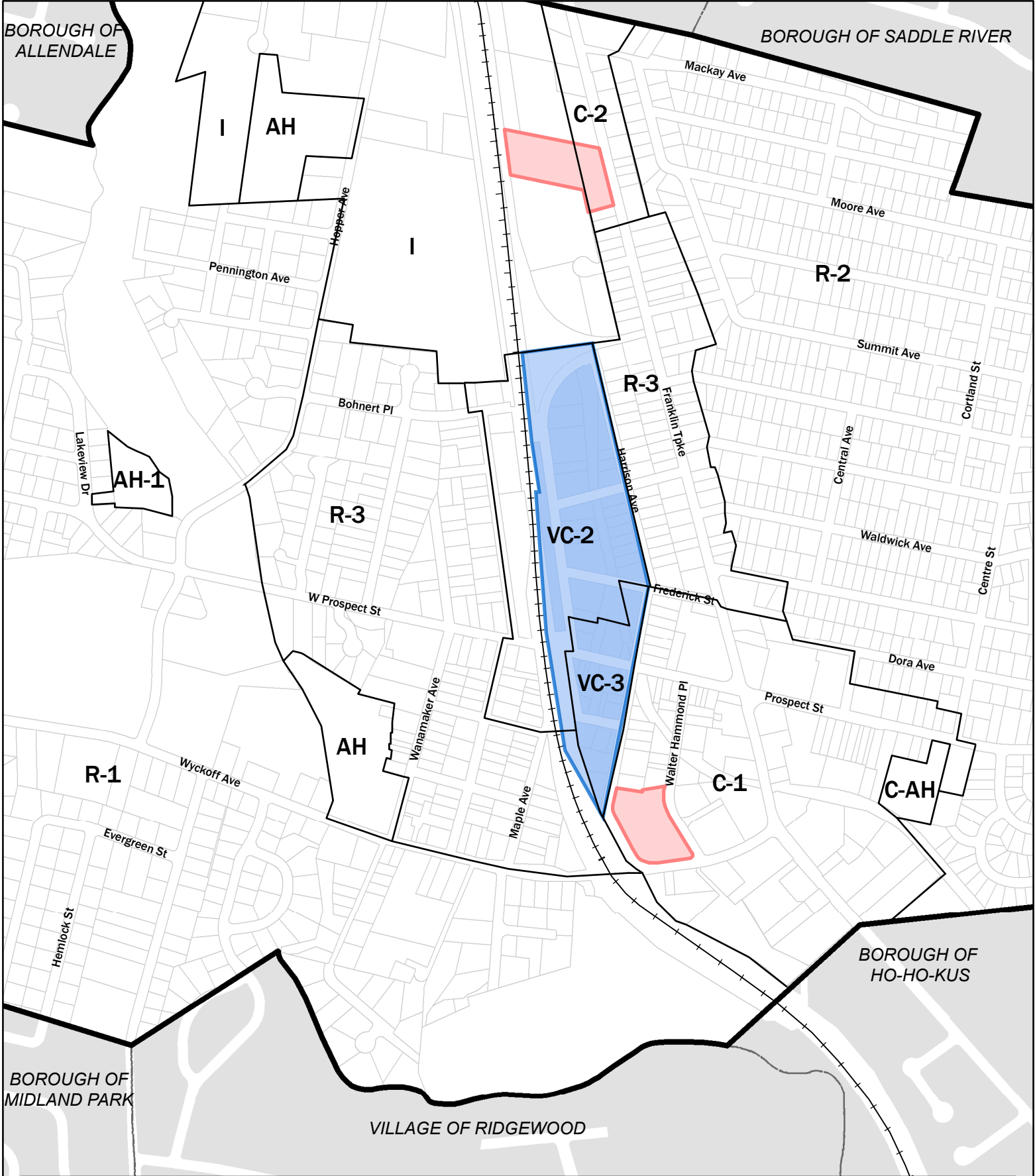
C. Affordable Housing Requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development, except that the minimum setaside shall be 15 percent where affordable rental units are provided. Of these, at least half must be reserved for, and affordable to, low income households. A minimum of 13 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the Council on Affordable Housing region. Low and moderate income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with the applicable rules of the Council on Affordable Housing and any other relevant state regulations. All development including affordable dwelling units shall also be subject to 97-120, Affordable Housing Controls of the Borough of Waldwick Land Use and Development Code.

97-120. Affordable Housing Controls

3. Affordable Housing Programs

(d) Inclusionary Housing Requirements for Rezonings and Variances.

Any multifamily residential development consisting of five or more dwelling units shall produce low- and moderate-income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the New Jersey Council on Affordable Housing and any other relevant state regulations.



**Proposed Affordable Housing Overlay Zones
Borough of Waldwick, New Jersey**

- AHO-1
- AHO-2

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0 0.075 0.15 Miles

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Sources: NJGIN, Bergen County, Borough of Waldwick