

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

Bergenfield Planning Board
Borough of Bergenfield
Bergen County, New Jersey

Adopted
October 26, 2015
Revised draft February 2017

Prepared by the Bergenfield Planning Board with assistance from

Charles T. McGroarty, PP, AICP
License No. 4145
Banisch Associates, Inc. • 111 Main Street • Flemington, NJ 08822

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

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October 26, 2015
Revised draft February 2017

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INTRODUCTION

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan, as amended in May 2011:

The 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, a copy of which Report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.

Bergenfield last adopted a comprehensive Master Plan on August 15, 2005. Previously the Borough had adopted a Master Plan Reexamination Report on August 1, 1994, a Housing Plan Element dated January 1992 and adopted on July 12, 1993, a Master Plan Reexamination Report on July 25, 1988, a Master Plan Reexamination Report on July 12, 1982, and a report entitled *Addenda to Comprehensive Master Plan Proposals-1966*, adopted in June 1966.

STATUTORY REQUIREMENTS

The **Municipal Land Use Law (MLUL)** sets forth the following five questions to be addressed in preparing the Reexamination Report:

- C. 40:55D-89a The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination Report.
- C. 40:55D-89b The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. 40:55D-89c The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- C. 40:55D-89d The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.

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C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c. 79 (C. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

<p>Section I [40:55D-89a] The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination Report.</p>
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The Bergenfield Planning Board adopted a comprehensive Master Plan in August 2005 comprised of a set of Goals and Objectives and a "Statement" regarding the Borough's Master Plan with regard to those of surrounding municipalities, the Bergen County Master Plan and the State Development and Redevelopment Plan, and five Plan Elements (Housing, Land Use, Circulation, and Utilities). The 2005 Master Plan Goals and Objectives were as follows:

Goals

1. Preserve existing residential neighborhoods and offer a variety of housing types.
2. Maintain and upgrade community facilities through modern, efficient and strategically located facilities.
3. Recognize and develop the potential of the Borough as a regional center for this area of Bergen County.
4. Continue efforts to enhance the downtown business district by encouraging business development in concert with streetscape and façade improvement programs along Washington Avenue.
5. Discourage deviations from established land use patterns that would permit incompatible and/or conflicting land uses from development adjacent to one another; and where appropriate amend zoning to prohibit incongruous land uses.
6. Provide zoning standards that are consistent with established and anticipated land use patterns in order to reduce the number of non-conforming land uses and lots and variance requests and to encourage residents and taxpayers to make improvements to their dwellings.

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Objectives

Housing

1. Continue to provide the Borough's "fair share" of low and moderate-income housing in the future.
2. Maintain the diversity of housing, but encourage infill and stabilization of current residential areas.

Land Use

1. Support the upgrading of substandard properties through the Borough through code enforcement efforts, zoning ordinance amendments, and other initiatives.
2. Encourage residential development in locations and at densities that are compatible with existing development.
3. Continue efforts to enhance the downtown business district by encouraging business and appropriate non-residential, mixed-use development along Washington Avenue and throughout the downtown business district.
4. Develop a program to identify the development potential of remaining underdeveloped and/or vacant parcels and provide through the zoning ordinance for development and redevelopment options at a scale consistent with the Borough's pattern of development.
5. Clearly define commercial and light industrial areas of the Borough and provide effective buffers and other measures to minimize potential impacts on residential areas.

Circulation

1. Seek support from County, State and Federal officials for the reactivation of the West Shore Railroad* for commuter service and the implementation of improvements along the railroad right-of-way and at grade crossings to improve circulation throughout the Borough.

(* Now known as the CSX River Line)

2. Channel through traffic to major streets and discourage it in residential neighborhoods.
3. Provide for adequate parking and on-site loading facilities for future development and redevelopment.
4. Improve and expand pedestrian and bicycle connections.

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Community Facilities

1. Provide community facilities that address the changing demographic characteristics of the Borough.
2. Continue to offer an array of recreational and cultural programs and opportunities for all segments of the Borough.
3. Coordinate construction of improvements with the Borough's Capital Improvement Program so that the community facilities are available when needed.
4. Utilize school facilities in an efficient manner as both education and recreational resources.
5. Preserve and enhance park and recreation facilities in the Borough to meet the needs and demands of residents.
6. To safeguard the heritage of the Borough by the establishment of an historic zone in order to conserve and preserve resources that reflect the elements of its cultural, social, economic, architectural, historic and archeological heritage.
7. To foster civic pride in the beauty and accomplishments of the past and appreciation of the Borough's historic resources for the education, pleasure and welfare of the Borough's citizens.
8. To further the public's knowledge of the history and development of the Borough as well as appreciation of the Borough's historic sites.
9. To encourage beautification and private investment in the Borough.

Utilities

1. Encourage the efficient management and regulation of stormwater through the implementation of appropriate guidelines that will prevent future drainage problems and provide for environmentally sound land use planning, and complete a stormwater management plan for Metzlers Brook.
2. Rehabilitate and upgrade the sewer and water systems that serve the Borough in accordance with Federal, State and local guidelines.

The following were identified as problems and/or objectives in the 2005 Master Plan to be addressed:

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Land Use Plan

RESIDENTIAL ZONE DISTRICTS

R-40 Single Family Residential

- Review conditional uses to ensure consistency with surrounding single family development
- Maximum building height should be changed stories from 35 feet or 2.5 stories to 30 feet or 2 stories
- Establish maximum impervious lot coverage

R-15 Single Family Residential

- Implement 40 percent impervious lot coverage standard
- Change permitted building height from 35 feet or 2.5 stories to 30 feet or 2 stories

R-6 & R-5 Single and Two-Family Residential

- Implement 35 percent impervious lot coverage standard for R-6 zone and 40 percent for the R-5 zone.
- Change permitted building height from 35 feet or 2.5 stories to 30 feet or 2 stories
- Establish additional standards for houses of worship to enhance buffer, signage and parking

R-M Multi-Family Residential

- Consider townhouses and “other apartment-type buildings other than garden apartments” to promote design flexibility
- Change permitted building height for multifamily buildings other than townhouses to 40 feet and 3 stories; townhouse buildings should be 30 feet and 2 stories
- Parking requirements per RSIS

COMMERCIAL ZONE DISTRICTS

B-1 & B-2 Business

- Permitted and conditional uses should be consistent with §186-64 Conditional Uses
- Limit development to non-residential uses only

M-Industrial & Automotive

- Permitted and conditional uses should be consistent with §186-64 Conditional Uses
- Establish maximum impervious lot coverage standard of 70 percent.

ADDITIONAL RECOMMENDATIONS

The 2005 Master Plan’s Land Use Plan Element also identified a number of modifications to the Borough’s site plan and subdivision regulations. These are summarized as follows:

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(a) Driveways

1. Limit width to 19 feet or 40 percent of property frontage with a cap of 25 feet in width and maintain a setback of at least two feet from property line.
2. No circular driveways on lots with less than 100 feet of frontage.
3. Limit of one curb cut for lots with less than 100 feet of frontage. Circular driveways on lots with frontage of 100 feet or more permitted to have two curb cuts.
4. Curb cuts limited to maximum opening of 20 feet.
5. Driveway pavement to consist of one of the following: concrete, asphalt, brick pavers, crushed stone (red or blue stone chips) and/or turf pavers.
6. Permit from Building Department to be secured for “any resident wishing to widen, alter, construct or repair”¹ a driveway with appropriate details and survey.
7. Driveways “constructed, installed, or extended shall not interfere with and/or alter any existing Borough sidewalk.”²

(b) Garages

1. All new one family dwellings required to provide at minimum a one car garage.
2. All new two family dwellings required to provide at minimum a two car garage.
3. Conversion of any new or existing garages into a living space is [to be] strictly prohibited.

(c) Parking

1. Parking on “non-driveway”³ areas on residential lots should be prohibited.
2. Residential parking standards should be updated to reflect RSIS (Residential Site Improvement Standards). “The residential parking requirement should be stringently enforced by the Planning Board and Board of Adjustment so that the number of on-site parking spaces in the Borough is maximized, and the reliance on on-street parking is minimized.”⁴
3. Parking standards for auditorium and assembly halls should be based on gross floor area rather than number of seats.
4. Parking standards for retail “is high for a densely settled municipality and should be reduced from 6 per 1,000 square feet of gross leasable area to 5 per 1,000 square feet of gross floor area.”⁵
5. Industrial parking standard is “also high and should be reduced from 1 space per 300 square feet of gross leasable area to 1 per 500 to 1,000 square feet of gross floor area.”⁶
6. With respect to restaurants, “consider removing the condition that requires restaurants to adhere to the parking standard”⁷ in the conditional use section of the ordinance because any deviation requires a ‘d’ variance.

¹ Borough of Bergenfield - August 2005 Master Plan, Land Use Plan Element, page 31.

² Ibid. Page 31

³ Ibid. Page 31.

⁴ Ibid. Page 31.

⁵ Ibid. Pages 31-32.

⁶ Ibid. Page 32.

⁷ Ibid. Page 32.

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(d) Sight Triangles

1. Amend §186-45 to permit only “open” fences and embankment obstructions within required sight triangle.

(e) Shade Trees

1. Borough’s Shade Tree Committee recommends increased penalties for tree removal from public right-of-way and also recommends “standards for shade trees and other landscaping in relation to the site plan and subdivision design standards should be enhanced to provide for improved aesthetics and environmental benefits.”⁸

(f) Procedural Matters

1. Amend §186-10 to change appeal of a Zoning Board of Adjustment decision from the jurisdiction of the Borough Council to the courts.
2. Update Zoning Ordinance to be consistent with MLUL amendments such as “development approval timelines and submission procedures.”⁹

Circulation Plan Element

1. “The signaling at the intersection [New Bridge Road / Windsor Road / Woodbine Road] has a slow change speed which in turn slows queuing for left turns. The County has recommended side-by-side turn lanes in order to create a less congested intersection.”¹⁰
2. Veterans Plaza: “...change the parking on the east side from the post office driveway north from parallel parking to 60 degree angle parking.”¹¹
3. Remove at-grade rail crossings at four existing locations to avoid traffic gridlock. “It is strongly recommended that these crossings be reconstructed to separate the rail line from the roadways so that the two may function independently from one another.”¹²
4. Parking Deck: Redevelop Portland Avenue parking lot to parking deck. The Circulation Element cites the Borough’s 1994 Master Plan Reexamination Report which provided a similar recommendation.

Community Facilities Plan Element

1. Establish a Historic Preservation Commission to carry out various functions including updating list of historic resources in the Borough.

⁸ Ibid. Page 32.

⁹ Ibid. Page 32.

¹⁰ Borough of Bergenfield - August 2005 Master Plan, Circulation Plan Element, page 37.

¹¹ Ibid. Page 37.

¹² Ibid. Page 37.

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2. Adopt a Historic Preservation Ordinance to include the detailed list of design standards provided in Section 7.5 of the 2005 Master Plan and to consider inclusion of some 15 properties identified as candidates for historic preservation designation.
3. Update recycling ordinance to be consistent with MLUL and to reflect additional recyclable materials collected by the Borough.

<p>Section II [40:55D-89b] The extent to which such problems and objectives have been reduced or have increased subsequent to such date.</p>
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The following issues raised in the 2005 Master Plan have been addressed:

Land Use Plan Element

R-40

- Building height changed to 28 feet/2 stories

R-15

- Building height changed to 28 feet/2 stories
- Total impervious coverage standard of 40 percent adopted

R-6 Residential

- Building height changed to 28 feet/2 stories
- Total impervious coverage standard of 35 percent adopted for one and two family dwellings

R-5 Residential

- Building height changed to 28 feet/2 stories
- Total impervious coverage standard of 40 percent adopted for one and two-family dwellings

R-M Multifamily

- Townhouses are permitted principal use
- Building height for townhouse: 28 feet/2 stories

M-Industrial and Automotive District

Total impervious coverage of 70 percent adopted

All the recommendations regarding driveways, garages, and parking reference to RSIS and restrictions on parking on lawn area have been implemented by Borough Ordinance No. 05-2365 adopted in December 2005 and now reflected in §186-49, subsections N through Y.

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Parking standards §186-49A:

- for industrial/manufacture/wholesale business -- changed
- for retail and business -- changed

Sight triangles §186-45, subsection M implemented recommendation (Borough Ordinance No. 05-2365 adopted in December 2005).

Appeal process regarding Zoning Board of Adjustment decisions changed as recommended pursuant to Borough Ordinance No. 05-2365, adopted in December 2005.

The following recommendations in the 2005 Master Plan have not been addressed to date:

R-40

- No impervious lot coverage established

R-M Multifamily

- Townhouses are permitted principal use however no total impervious coverage standard was established
- Building height for other multifamily dwellings remains unchanged at 30 feet/2 stories

M-Industrial and Automotive District

- Conditional uses -- consistency with §186-64 remains to be evaluated

Parking standards §186-49A:

- for residential -- not changed; still has 2 spaces per unit for single and two family, multifamily and townhouse which is inconsistent with subsection N which references RSIS.
- for auditorium and assembly halls -- not changed

Circulation Plan Element

Community Facilities Plan Element

Historic Commission and Historic Preservation Ordinance

- The Borough has not established a Historic Commission and a Historic Preservation Ordinance as of this Reexamination Report.

Utilities Plan Element

- Bergenfield, under the supervision of the Borough Engineer, is engaged in an ongoing effort to repair and upgrade the storm sewer lines throughout the municipality.

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Section III

[40:55D-89c] The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

1. 2005 Master Plan Goals & Objectives

The Goals and Objectives established in the 2005 Master Plan remain valid to guide the Borough's land use policies although the reference to a "regional center" in Goal No. 3, [*Recognize and develop the potential of the Borough as a regional center for this area of Bergen County*¹³] may need to be reevaluated if/when the N.J. State Planning Commission adopts the draft State Strategic Plan in order to ensure compatibility with the Borough's own growth policies. In addition, Land Use Objective No. 3 [*Continue efforts to enhance the downtown business district by encouraging business and appropriate non-residential, mixed-use development along Washington Avenue and throughout the downtown business district.*¹⁴] may need to be modified if residential use is permitted within the mixed-use category for the business district consistent with the change in policy described in item 2, below.

2. Sustainable Land Use Policies

The Borough Council adopted Resolution No. 12-0431 on December 19, 2012 entitled *Resolution Supporting Sustainable Land Use Pledge* as part of its ongoing efforts for certification in the New Jersey Sustainability Program. The 2005 Master Plan goals and objectives and the Borough's Land Development Ordinance should be evaluated to ensure consistency with the following policies set forth in the aforementioned Resolution:

Transportation Choices - We pledge to create transportation choices with a "Complete Streets" approach by considering all modes of transportation, including walking, biking, transit and automobiles when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resources Protection - We pledge to take action to protect the natural resources of the State for environment, recreational and agricultural

¹³ Borough of Bergenfield August 2005 Master Plan, Master Plan Goals and Objectives, page 9.

¹⁴ Ibid. Page 10.

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value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single and multi-family, for sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities - We pledge, to the extent feasible, to take into consideration factors such as workability, bike access, greater access to public transit, proximity to other land use types, and open space when locating new or relocated municipal facilities.

3. Separation of residential and nonresidential land uses

Maintaining B-1 and B-2 exclusively for non-residential purposes was an expressly stated as a policy in the 2005 Master Plan, however; as noted above, Resolution No. 12-0431 established a number of policy guidelines including the following:

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

In light of this change in policy by the Borough the strict separation of residential and nonresidential land uses must be reevaluated. Providing for residential units above commercial/retail uses within the B-1 and B-2 zones, particularly in the northerly commercial corridor can actually serve to strengthen the business district. This approach is consistent with the policies in the State Development and Redevelopment Plan for Town Centers and for Planning Area 1 designations, both of which apply to Bergenfield.

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To facilitate this effort Bergenfield has secured a grant from the New Jersey Highlands Council to study the feasibility of creating a “receiving zone” which would accommodate new or increased residential density and greater nonresidential development potential. This study will focus on the commercial corridor along North Washington Avenue from Clinton Avenue to the municipal boundary with Dumont. Among the benefits associated with this approach will be the ability to charge impact fees for related infrastructure improvements up to \$15,000 per unit or equivalent increase in nonresidential development should the Borough wish to implement any such recommendations that may emerge from the study.

4. Affordable Housing

In 2013 the Planning Board adopted an amendment to the Borough’s 2005 Land Use and Housing Plan elements to implement a new zone district to address affordable housing¹⁵ as part of a Settlement Agreement to “builders remedy” litigation initiated by Landmark Equities, LLC. The site that is the subject of the Settlement Agreement is located in the B2 -Business and Professional Zone District, at the westerly terminus of West Johnson Avenue encompassing Lot 14 in Block 84 and lots 1 and 6 in Block 87 and the vacation of the paper portion of West Johnson Avenue extending to the railroad tracts (aerial, right). The new district is known as the RM-1 zone.



The 2013 Land Use Plan Amendment also recommended the Borough investigate other locations where a new conditional use category or overlay zone might be established to permit similar type of development with set-asides for low and moderate income housing to address Bergenfield’s affordable housing obligation and to secure substantive certification from the Council on Affordable Housing (COAH). In April 2014, COAH released revised Third Round rules as directed by the New Jersey Supreme Court; however, the agency later deadlocked on the vote to adopt the new rules and numbers at their October 20, 2014 meeting which led to another Court decision on March 20, 2015 [*In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*] placing the jurisdiction for municipal “Mount Laurel” compliance with the Superior Court, which is the Bergen Vicinage for Bergenfield. As of this Reexamination Report, Bergenfield’s affordable third round housing obligation has yet to be determined. It

¹⁵ Borough of Bergenfield Planning Board, Resolution of Memorialization Adopting an Amendment to the Borough of Bergenfield Master Plan, August 19, 2013

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is the Borough's intent to prepare a third round Housing Element and Fair Share and seek approval for same in accordance with the procedures currently in effect.

5. Municipal Land Use Law

The MLUL has been amended to provide standards for solar facilities and small wind energy systems as follows:

- Wind, solar and photovoltaic systems are to be treated as a “renewable energy facility” and have been accorded permitted use status in any industrial zone district on a parcel consisting of at least 20 acres. [40:55D-66.11] Wind, solar and photovoltaic systems are also to be treated as permitted uses on any landfill or “closed resource extraction operation”. [40:55D-66.16]
- Local ordinances cannot include solar panels when calculating impervious coverage limits. [40:55D-38.1]
- Where an application for a wind, solar or photovoltaic system requires a use variance putting the matter under the Board of Adjustment's jurisdiction, the “positive criteria/special reasons” test is satisfied by the inclusion of such facilities within the definition for an inherently beneficial use in the MLUL. [40:55D-4]

The Borough's zoning regulations should be updated to be consistent with other amendments to the MLUL, as follows:

§186-22 Filing of Applications should reflect the change in the MLUL effective as of May 5, 2011 now set forth in N.J.S.A. 40:55D-10.5 known as the “time of decision rule”, wherein it states, in part: “...those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application...”. A review of the Ordinance checklist requirements, fee schedule and related administrative requirements is recommended in this regard.

§186-24 Periodic examination should be revised to reflect the change in the MLUL effective May 4, 2011 changing the six year cycle required for the master plan and development regulations review to a ten year period. Of course, more frequent reviews are certainly permitted and should be conducted when necessary.

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Section IV

[40:55D-89d] The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.

1. Rezone limited area west of North Washington Avenue from Business to Residential

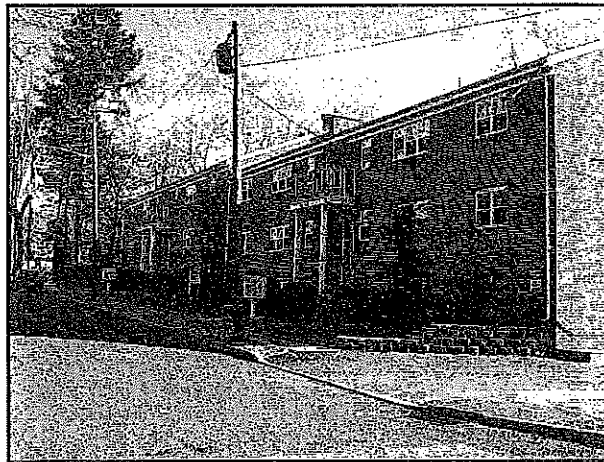
A significant number of properties located between Central Avenue (north), North Washington Avenue (east), Church Street (south), and North Railroad Avenue (west) are residential in character, the majority of which are single family dwellings but also including a several condominium, row homes, and apartment buildings yet the area is zoned B2, Business and Professional. A similar version of this recommendation dates back to the Borough's Master Plan Reexamination Report of August 1988 and was repeated in the August 1994 Master Plan Reexamination Report.

The following properties should be evaluated and considered for rezoning to a residential classification:

- Home Place (West side): Block 84, lots 2, 4 (formerly Lot 1), 7, 8, and 10
- Home Place (East side): Block 85, lots 10, 11, 12, 13, 14, and 15
- West Johnson/Annex Place: Block 87, lots 2,3,4, and 5

Lots 1 and 6 will be rezoned to RM-1 per the 2013 Amendment to the Land Use Plan Element.

- Irving Place (East side): block 86, lots 1, 2, 3, 4, 5, 6, 7, and 8
- Annex Place/De Mott Avenue: Block 88, lots 1, 2, 3, 4, 5, and 6

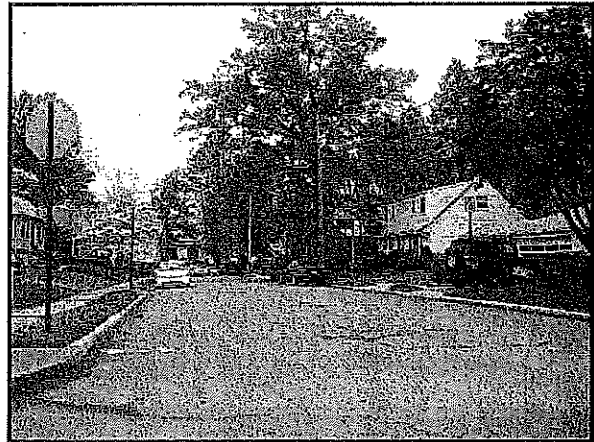


10-20 Annex Place Block 85, Lot 1

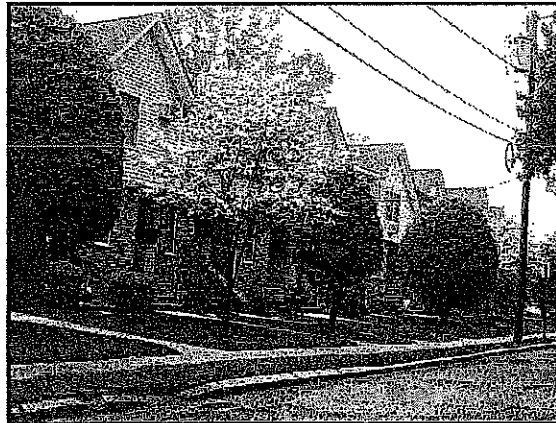
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DeMott Ave. – View east from Railroad Ave.



Irving Place – View south from West Johnson Avenue



38 Home Place / Block 84, Lot 4 (14 residential condominium units)

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2. Change limited area along South Washington Avenue from Residential to Business

The existing commercial character of the properties situate between Miller Street and West Englewood Avenue on the west side of South Washington Avenue should be recognized by changing the current zoning of RM/Garden Apartment to B2 (Business and Professional). The three properties in question: lots 1, 4 and 5 in Block 258 are developed commercial properties and the rezoning represents an appropriate and logical extension of the existing B2 zone along the westerly side of South Washington Avenue to a new northerly terminus at Miller Street. A use variance approving a fast food restaurant on lots 1 and 4 was granted by the Borough's Zoning Board of Adjustment in 2013 to redevelop the site reinforcing the rationale to place the properties in question in the commercial zone district.



326 South Washington Avenue Block 258, Lots 1 & 4



314 South Washington Avenue Block 258, Lot 5

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3. Restaurants and Luncheonettes

Restaurants and luncheonettes are listed as Conditional Uses in the B-1 and B-2 zone districts in accordance with §186-69 districts in Schedule A: Zone Uses and Limitations; however §186-69 refers only to restaurants with a drive-through facility and imposes only a minimum uninterrupted public street frontage requirement of 200 feet. Thus it appears that the 2005 recommendation to remove parking from the conditional use standards was accomplished (Ord. No. 05-2365 is referenced). Schedule A, however does not appear to have been updated in accordance with this change. It is therefore recommended that Schedule 'A' be revised to include luncheonettes and restaurants with no drive-through facility under the Permitted Principal Uses column.

4. Off-Street Parking

Several locations may be appropriate to evaluate for off-street parking opportunities. The first is Lot 21 in Tax Block 162 located at the corner of Palisade Avenue and Legion Drive. The property is owned by the Borough of Bergenfield, comprises approximate 14,850 square feet (0.34 acre), and is used for surface parking. The second location consists of two separate properties on opposite sides of Bedford Avenue, located at the intersection of Bedford Avenue and Portland Avenue, one block west of South Washington Avenue. Lot 2 in Tax Block 129 comprises approximately 10,000 square feet (0.23 acre) is situated at the southeast corner of the intersection. Lot 2 in Tax Block 126 occupies the northeast corner of the intersection and consists of approximately 13,750 square feet (0.31 acre). Both lots are owned by the Borough and provide surface parking. Either site might be suitable for a parking deck or the Borough might consider vacating a portion of Bedford Avenue in order to assemble both parcels into one development site of approximately one-half acre. The third possibility is Lot 1 in Tax Block 13 owned by the Borough and located immediately north of the Municipal Building, bordered by Daggett Street (to the north), Addon Road (to the west), and Aschenbrand Avenue (to the south). This parcel consists of approximately 35,000 square feet (0.80 acre). It is presently used for surface parking.

A parking study may be in order to determine the level of demand, the character of potential patrons e.g. commuters, shoppers and visitors to North Main Street commercial corridor, etc. and to evaluate the relative merits of each location. In each of the above scenarios consideration should be given to incorporating retail space at street level or above the parking levels and to appropriate design elements to incorporate within the existing fabric of the neighborhood. The Highlands TDR Feasibility Study, discussed elsewhere in this Reexamination Report, will provide an excellent opportunity for the Borough to investigate this issue in greater detail.

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5. Clarify land use regulations regarding multiple uses within principal building in nonresidential zone districts

Chapter 186 does not prohibit multiple uses within a principal building and indeed the commercial corridor along North and South Washington Avenue is extensively developed with mixed-use buildings. Specific language should be incorporated into the Land Development Ordinance to permit occupancy of more than one principal use within one principal building, subject to all requisite code and site plan review requirements, to provide clarity on this issue. This will provide vitality to the Borough's nonresidential zone districts, particularly the repurposing of large industrial buildings in the M-Light Industrial and Automotive zone district.

6. Consider modifying the B1 and B2 zones to permit residential units above ground floor commercial/retail uses

The 2005 Master Plan recommended that the B1 and B2 Business Districts be limited to "...non-residential land use only to preserve the non-residential tax base and opportunities for the provision of local services."¹⁶ In fact, there are a number of locations in the two commercial zones where second and even third story residential apartments are already in place. Appropriate levels of density would have to be established. One option would be to permit residential units above retail or commercial ground floor space as a conditional use to ensure good design, adequate off-street parking and the like. The intent here is not to replace commercial and retail space along North and South Washington Avenue with residential buildings but to incorporate living space above the ground floor. In so doing, it will provide opportunities to revitalize the commercial corridor and options for the Borough to provide for its affordable housing obligation. This approach is entirely consistent with the expressed policy of the governing body of Bergenfield in its Resolution Supporting Sustainable Land Use Pledge [adopted December 18, 2012] which states, in part:

We, the Borough of Bergenfield, resolve to take the following steps with regard to our municipal land use decisions with the intent of making the Borough of Bergenfield a truly sustainable community. It is our intent to include these principles in the next master plan revisions and reexamination report and to update our land use zoning, natural resource protection, and other ordinances accordingly.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

It is recommended that any change to the B1 and B2 zoning in this regard await the results of the forthcoming TDR feasibility study.

¹⁶ Borough of Bergenfield - 2005 Master Plan, August 2005, Land Use Plan Element, page 30

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7. Study possible merger of B1 and B2 zones or establishment of new CBD zone

As a companion approach with the recommendation to permit residential units within the B1 and B2 zone districts, is to consider combining the B1 and B2 zones with attention to modifying the wide range of principal uses currently permitted and possibly imposing additional controls such as a Floor Area Ratio (FAR) standard and creating a sub-district wherein mixed-use development, including residential, would be permitted. A logical area for such a sub-district – or new Central Business District (CBD) – is the area along North Washington Avenue north of Clinton Avenue but this is by no means the only potential configuration.

8. Update definitions in Chapter 186

Section 186-3 of the Land Development Ordinance should be updated to include definitions for luncheonettes which are Conditional uses in the B1 and B2 zones and are identified separately in the Ordinance from the various types of permitted restaurants. Definitions for the variety of automotive and other motor vehicle-related uses as indicated in the chart below should be provided.

B-1 Permitted Principal Use	B-2 Permitted Principal Use	B-2 Conditional Use	M (Light Industrial & Automotive) Permitted Principal Use
Automobile supplies and accessories	Automobile supplies and accessories	Automobile, truck, trailer and recreational vehicles sales and service leasing	Motor vehicle sales and service
	New car sales and service	Automobile service and repairs	
		Automobile body repairs, transmission sales and service	

9. Evaluate off-street parking requirements for eating establishments

Off-street parking requirements as set forth in §186-49 call for one space for every two seats for restaurants and several other uses (theaters, auditorium, assembly hall or similar uses). This imposes a significant challenge in bringing new restaurants into the B1 and B2 zones along Washington Avenue (North and South) where land is scarce to provide for off-street parking. An analysis of actual parking requirements for restaurants and other eating and

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drinking establishments is recommended and should include a complete inventory of the number of on-street parking spaces and any Borough regulations pertaining to same within a reasonable distance to the commercial corridor. Such a study could dovetail with an analysis to determine the feasibility and viability of a parking deck as discussed in this Reexamination Report and should certainly include close coordination with the Borough's Special Improvement District and the findings of the March 2011 market analysis report, cited in Item No. 4, above.

10. Establish consistency for status of schools

Public and private schools are listed as principal uses in the B1 zone district, although the category includes the following parenthetical note: "see conditional uses" but there is no mention of schools, either public or private, in the conditional use section for the B1 zone. The B2 zone does list private schools in the conditional use section with no mention of public schools in either the principal or conditional use section. Adding to the confusion, the B2 principal uses include by reference all principal uses permitted in the B1 zone thus placing private schools in both the principal and conditional use categories in the B2 zone which is clearly untenable. And, further, both public and private schools are conditional uses in the R-40 zone with a reference to §186-74, the same reference attached to private schools in the conditional use section of the B2 zone. The Ordinance section in question, §186-74, addresses only private schools.

This Reexamination Report recommends the Planning Board, in consultation with the Board's legal counsel, determine if there is a legal basis and supporting planning rationale to distinguish between public and private schools and then to proceed to clarify the apparent contradictory standards currently in place.

11. Study southern gateway along South Washington Avenue

Examine the B1 and B2 zoning in place at the southern entry point in Bergenfield particularly in the vicinity of New Bridge Road and the Foster Village Shopping Center as a possible location for new parking structure and mixed-use (overlay) zoning with potential for a residential component to reinforce recent revitalization efforts. Particular attention to streetscape design will help enhance gateway appeal as entry point to the Borough.

12. Study new firehouse location

The 2005 Master Plan provided the following description of fire and first aid facilities:

There are four firehouses in the Borough in order to serve residents, businesses and visitors. The main fire department, along with the ambulance building is located in the municipal building on North Washington Avenue. The remaining three firehouses are located throughout the Borough, as 238

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West Clinton Avenue, Home Place, and West Church Street. The Borough's fire departments are staffed by both volunteers and paid employees.

The fire department has 4 pumper trucks. Pumper trucks have the ability to pump water. There are two ladder trucks, one rescue truck, and one utility truck. There are three chief cars and two fire prevention vehicles. As reported by the fire department, one ladder truck is reaching its full life expectancy and will need to be replaced in the near future.

As noted in the Master Plan Reexamination Report in 1994, the need for a larger facility remains. The Fire Department has created an active committee to research potential locations in the Borough.¹⁷

It may appropriate to evaluate existing fire house locations with an aim to creating a new facility located on the east side of the active railroad tracks to reduce potential conflicts when crossing the tracks on emergency calls. More information will be required with regard to the specific needs for a new firehouse to determine minimum land area, optimal street access, etc. therefore an inventory of vacant and underutilized Borough owned land should be among the first steps in this analysis.

13. Potential modification to front yard setback in certain Residential zones

The required front yard setback in the R-5 and R-6 residential zones is 25 feet. Consideration should be given to establishing a separate setback for open front porches, porticos, front steps and landings to reduce the need for front yard variance relief to provide such amenities. This Reexamination Report does not recommend a specific standard although, as an example a setback of 15 feet may be appropriate to accommodate these types of improvements. The objective is to encourage front porches and related improvements cited above in the one and two-family neighborhoods.

¹⁷ Borough of Bergenfield - August 2005 Master Plan, Community Facilities Plan Element, page 41.

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Section V

[40:55D-89e] The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c. 79 (C. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

One area that may be appropriate for initial study under the criteria for "area in need of redevelopment" is the M-Light Industrial and Automotive Zone district bordered by the railroad line (to the west), Miller Street (to the north), Hill Place and Warren Street (to the east) and Bridge Road to the south with regard to the following statutory conditions as set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq):

- (a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space as to be conducive to unwholesome living or working conditions.
- (b) The discontinuance of use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- (d) Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- (e) A growing lack or total lack of proper utilization of areas caused by the condition of title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

