

**BOROUGH OF
EMERSON
2020 MASTER PLAN
RE-EXAMINATION REPORT**

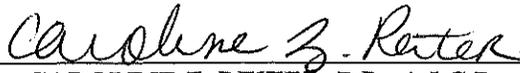
BOROUGH OF EMERSON, BERGEN COUNTY, NEW JERSEY

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Councilwoman Nicole Argenzia
Councilman James Bayley
Councilwoman Patricia Dinallo
Councilman Brian Gordon
Councilwoman Jill McGuire

Land Use Board

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Gary Schwinder, Vice Chairman
Danielle DiPaola, Mayor
Stephanie Clark, Class II
Jill McGuire, Class III
Mike Myers
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John McCann, Esq., Borough Attorney

Borough of Emerson Planning Board **2020 Master Plan Re-examination**

Introduction

The preparation and adoption of the Master Plan is a function of the Planning Board as described by the Municipal Land Use Law (MLUL). The MLUL also requires that the governing body provide for a general reexamination of its master plan and development regulations by the Planning Board every ten years. The Emerson Master Plan was adopted in 1978. Several master planning documents, including reexamination reports, housing elements and redevelopment plans have been adopted since 1978. The Land Use Board adopted a Reexamination Report in October 2017 that fulfilled the periodic examination requirements contained in N.J.S.A. 40:55D-89.

Since the 2017 Reexamination Report, the Borough has amended its master planning documents with the adoption in December 2018 of a Master Plan "Housing Element and Fair Share Plan."

The Emerson Borough Land Use Board now is considering revising its Master Plan with the 2020 Reexamination Report for the purposes described herein.

Components of a Reexamination Report

The requirements of a Reexamination Report are at N.J.S.A. 40:55D-89, and must address 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 uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.*
4. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations 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," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

This Reexamination Report considers recommendations to the nonresidential zones in Emerson as discussed and directed by both the Governing Body and the Land Use Board. The analysis excludes the CBD-10 and CBD-15 zone districts, which were developed as part of the Borough's Redevelopment Plan.

Therefore, this report focuses on the Retail Commercial (RC), Limited Business (LB), and Industrial Business (IM) Zone Districts (see Zoning Map, which follows). These districts are reviewed below in the format of the components of the Reexamination Report, pursuant to the MLUL:

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

Retail Commercial Zone District

The RC Zone is located in two separate locations in the Borough. The first is on Old Hook Road, near the Westwood border. The second RC location is on Kinderkamack Road, also near the municipal boundary with Westwood.

Permitted uses in the RC Zone are retail or personal service establishments including:

- Appliance sales; banks; bakeries; barbershops & beauty parlors; book, card & stationary stores; bowling alleys; candy & cigar stores; drug, dry good and variety stores; dry cleaners, laundries and laundromats, restaurants, florists, food stores, garden supplies, hardware store, locksmiths, newsstands, business and professional offices, package liquor stores, pet stores, photographic supplies, services and equipment, radio, television, and appliance sales and service, shoe sale and repair service; soda fountains, tailors and dressmakers, wearing apparel stores, automotive spare parts, gasoline service stations, telephone exchange buildings.

In addition, the RC zone permits Shopping Centers as a permitted conditional use. However, there are no specific conditions or separate bulk regulations for a Shopping Center. The Zoning Ordinance defines Shopping Centers as, "Two or more commercial establishments in one or more structures on six or more acres of land designed and operated as a coordinated integrated entity with respect to parking, services, signs, etc. Uses may include retail and service establishments, office and office structures, theaters, recreational facilities, meeting and convention facilities, museums and cultural facilities, motels and hotels and accessory uses. Vehicular repair and maintenance shall not be permitted."

The minimum lot size in the RC Zone is 5,000 SF. The only exception to this requirement is a six acre minimum lot size as contained in the definition of Shopping Centers.

Limited Business Zone District

The Limited Business Zone District is located both on Kinderkamack Road and Old Hook Road. Permitted uses in the LB zone include:

- Professional, business and governmental offices
- Medical and dental offices
- Banks and other financial institutions
- Funeral homes
- Nursing homes
- Hospitals and schools

The bulk schedule references the LB Zone as “nonretail commercial without industrial.” The minimum lot size for the LB zone district is 40,000 SF.

Permitted conditional uses in the LB Zone are clubs, lodges and fraternal organizations, and essential services. The ordinance does not include specific conditions for these uses.

The LB Zone that presently contains the DPW and two other lots is also part of the Affordable Housing Overlay area, which permits mixed use including multi-family residential with a required affordable housing set-aside.

Industrial Business Zone

The Industrial Business Zone is located south of the Stop & Shop mall, on both sides of Bland Street. A second IM zone is also located on the south side of Chestnut Ave., adjacent to the rail line. Permitted uses include:

- Retail
- Service commercial
- Educational studios
- Professional office
- Automobile related services
- Printing and publishing
- Electrical, plumbing and building services and sales
- Wholesale sales
- Warehousing
- Certain Industrial and Manufacturing uses
- Light manufacturing
- Assembly and distribution
- Storage facilities

The minimum lot size in the IM Zones is 15,000 SF. There are no permitted Conditional Use in the IM Zone. The IM Zone is also part of the Affordable Housing Overlay area, which permits mixed use including multi-family residential with a required affordable housing set-aside.

The 2017 Master Plan Reexamination Report references prior master planning goals of enhancing “the existing character of the community by encouraging the proper relationship between existing land uses and by promoting a proper distribution of those land uses.” The 2017 Reexamination Report states that this goal remains relevant.

In addition, the 2017 Reexamination Report recognizes that the Borough “has made great strides with the improvements of the downtown area. The Redevelopment Plan was recently amended to pave way for a new project located on Bock 419...It is recommended that the Borough continue to work toward the revitalization of the entire downtown area so that the blocks surrounding Block 419 compliment the new redevelopment project.” Accordingly, the 2017 Reexamination Report recommends revisions to the IM Zone and to eight properties within the CBD areas.

Finally, the Reexamination Report recommends the inclusion of streetscape elements with commercial districts, encourages a unified design character and unified signage system, as well as the integration of landscape plantings within site design. Finally, the 2017 Reexamination recognizes the importance of ongoing maintenance of all commercial properties and seeks to enforce the building maintenance regulations stipulated in the Borough Code.

2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

These problems and objectives remain valid in 2020. This reexamination report recognizes the importance of the Borough’s goal of enhancing the character of the community and encouraging the proper relationship between land uses and distribution of those uses.

Similarly, this reexamination report also acknowledges the approved development of Block 419 in the Redevelopment area, the impact that such development will have on downtown Emerson, and the importance of strengthening all of the commercial areas within the Borough. In particular, the larger shopping centers contain vacancies, and this report seeks to recommend revisions to strengthen the commercial districts presently and into the future.

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

In 2020, the coronavirus, or Covid-19 virus, impacted the world as a global pandemic. Daily life was greatly impacted as social distancing was strongly encouraged, and subsequently required, to stop the spread of the virus. On March 21, 2020 New Jersey Governor Phil Murphy closed all schools and required New Jersey residents to remain at home except for essential travel. All nonessential retail businesses were required to close as well. At the time

of this writing, some businesses have been permitted to partially reopen while others remain closed. It is unclear when all businesses will be allowed to fully reopen, or how their daily operations will need to change when they do reopen. However, retail areas were impacted by other factors before the pandemic as explained below.

The commercial “brick and mortar” landscape continues to evolve and change. The growth of e-commerce has significantly affected traditional retail establishments. New Jersey has witnessed physical retail stores close, resulting in vacancies at local malls and commercial areas.

In response, the commercial zones should be revisited to confirm that the permitted uses are current and that the zone districts serve the residents of Emerson and the Pascack Valley community. This report recommends that retail uses that are experiential and cannot be provided online be encouraged in the nonresidential zones. All commercial uses, including office, retail and health services should be considered. Uses that are recreational or instructional are also encouraged.

Retail uses, in particular shopping centers, are attempting to become “destinations” and to provide experiential uses, or services that cannot be obtained online. All uses that require patrons to physically visit the commercial areas should be considered. Examples of experiential uses include exercise facilities, such as bicycle spinning and pilates studios; educational or instructional facilities, such as martial arts and dance schools, yoga studios, art studios or cooking studios; or recreational and gathering places, such as restaurants, billiard halls, painting and ceramics locations, and physical activities such as climbing, axe throwing, and ropes courses. Retail uses that enhance the online experience, such as shipping stores, should also be encouraged.

Similar to experiential uses, medical services, such as a doctor’s office need to be in an actual “brick and mortar” building” that patients can visit. Existing permitted services, such as a pet store, should be expanded to permit other pet services including pet grooming, day care, and hotel services. Again, pet activities need to occur in a physical building, rather than online.

Experiential activities may occur at different times than traditional retail activities, which would assist with shared parking demand. Finally, any new retail use is an opportunity for Emerson to encourage new growth within a defined area with established bulk regulations. Such growth is consistent with the Borough’s master planning goals and helps to lower vacancies while providing new retail and employment opportunities within the Borough.

Finally, in addition to considering new uses for the commercial zones, it is also important to recognize and address permitted uses that might be considered outdated.

- 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 regulations should be prepared.**

A new Master Plan is not needed at this time.

Again, at this time, the long-term impacts of the coronavirus pandemic are not known. It is unclear when and how businesses and offices will be able to reopen fully, and, upon reopening, how they will function. It is recommended that the Borough review its ordinances at the conclusion of the pandemic to determine necessary revisions or modifications. Until that time, it is also recommended that the development regulations be revised to accommodate the other challenges to “brick and mortar” retail and commercial areas, as identified below.

The specific revisions include recommended new permitted uses in the RC and LB zone districts, as well as recommended clarifications to ordinance definitions and existing permitted conditional uses. This reexamination report encourages a review of the commercial zones for consideration of new and experiential uses.

All recommendations are guided by the master planning goal of enhancing the existing character of the community by encouraging the proper relationship between existing land uses and by promoting the proper distribution of those land uses. Following are specific changes recommended to Emerson’s zoning regulations that, if enacted, would potentially update and modernize the permitted uses in the specific zone districts:

Permitted Uses

Recommended potential revisions to permitted uses include:

1. Addition of medical offices to business and professional offices, as permitted uses in the RC zone. Medical offices are appropriate in the RC zone locations due to the commercial nature of the area and the proximity of the Hackensack Meridian Health Pascack Valley Medical Center. A possible definition of medical office is, “An office containing establishments that provide medical and health care services.” Such a definition would permit, at a minimum, doctor and dentists’ offices, physical and occupational therapy, chiropractic care, speech therapy, alternative medicine, laboratories and x-ray facilities.
2. Permit private instructional studios, including but not limited to educational, exercise, artistic, and musical uses in the RC and LB zone districts.
3. Permit adult day care centers in the LB zone district. This use is appropriate in the LB district; adult day care centers would complement nursing homes and medical offices, which are permitted uses. A potential definition of an adult day care center is, “A facility typically operating for several hours per day, providing meals and social and recreational activities for elderly persons and/or persons with developmental or physical disabilities.” According to the Borough’s 2018 Housing Element & Fair Share Plan, the 2010 census showed that approximately 20 percent of Emerson’s population was age 65 or older, which is the population cohort that could potentially utilize an adult day care.

4. Consider revising the permitted use of gasoline service stations in the RC zone district to include electric vehicle charging stations.
5. Consider removal of outdated permitted uses within the RC zone, including but not limited to: cigar stores, dry goods store, soda fountains, dress makers, telephone exchange buildings.

Conditional Uses – LB Zone

Following are some recommendations on existing permitted conditional uses in the LB zone district.

6. Clubs, lodges, fraternal organizations and essential services are permitted conditional uses in the LB zones. Based on the definition of essential services, these should be permitted uses. Clubs, lodges and fraternal organizations should also be considered permitted uses; in the alternative, appropriate conditions should be developed if these are to remain as conditional uses.

Conditional Uses – RC Zone

7. The Borough is home to two shopping centers, both of which are located in the RC zone. The shopping centers are significantly larger in size than the other RC properties. Both shopping centers contain vacancies, most likely due to the previously described changes to “brick and mortar retail.”

A Shopping Center is defined in the zoning ordinance as: “Two or more commercial establishments in one or more structures on six or more acres of land designed and operated as a coordinated entity with respect to parking, services, signs, etc. Uses may include retail and service establishments, offices and office structures, theaters, recreational facilities, meeting and convention facilities, museums and cultural facilities, motels and hotels and uses accessory to all such permitted uses. Vehicular repair and maintenance shall not be permitted.” Shopping centers are permitted conditional uses in the RC zone. However, the zoning ordinance does not include any conditions for Shopping Centers.

Consideration should be given to revising the ordinance to include shopping centers as permitted uses rather than conditional uses, or, in the alternative, provide appropriate conditions should shopping centers remain as conditional uses. In addition, the definition of shopping centers should be revised to include all uses permitted in the RC zone. Recreational uses or facilities could be clarified to mean uses that involve social outings, the arts, group activities or physical activities. Expanded animal care (grooming, day care and hotel/boarding services that do not result in dog kennels, as defined by ordinance) should be permitted. Vehicular repair and maintenance should continue to be prohibited. Finally, hotels and motels should be reviewed for appropriateness in a shopping center.

As explained earlier in this report, retail uses, especially shopping centers, are attempting to become “destinations” and to provide experiential uses that cannot be provided online.

All uses that require patrons to physically visit the shopping centers should be considered. Examples of experiential uses include exercise facilities, such as bicycle spinning and pilates studios; educational or instructional facilities, such as martial arts and dance schools, yoga studios, art studios or cooking studios; or recreational and gathering places, such as restaurants, billiard halls, painting and ceramics locations, and physical activities such as climbing, axe throwing, and ropes courses. Retail uses that enhance the online experience, such as shipping stores, should also be encouraged.

The recommended uses are all appropriate for the shopping centers, which are located on major roads that can accommodate any additional traffic. In addition, the shopping centers have shared parking and a variety of uses that could occur at different times of the day. The additional permitted uses would provide new opportunities for the shopping centers.

Recommendations on Definitions

Updating ordinances also involves a review of definitions. Following are some recommended definitions for consideration in potential ordinances.

8. Include definition of Retail Establishments. A possible definition could be, “Establishments engaged in the selling or rental of goods or merchandise, typically to the general public for personal use or household consumption, as well as business and institutional clients.”
9. Include a definition of Personal Service Establishments. A possible definition could be, “Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.” Definitions will permit the removal of the “examples” of permitted uses in the RC zone, should the Borough choose.

General Recommendations

Following are general planning recommendations for any potential ordinance revisions.

10. Ordinances that propose revisions to the nonresidential areas should consider specific planning issues, such as sufficient parking, appropriate buffers, and pedestrian and streetscape design.
11. The Borough should continue to pursue the goals from the 2017 Reexamination Report of encouraging ongoing maintenance of its commercial areas, as well as the goals of unified signage, and encouraging streetscape elements and the coordination of complimentary building colors and materials.
12. The 2017 Reexamination Report describes the study done on the IM zone, and the resulting recommended revisions to the zoning ordinance. No further revisions are recommended to the IM zone at this time.

5. **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 al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.**

The Borough presently has identified redevelopment zones and an adopted redevelopment plan. This report does not include any additions or revisions to the redevelopment plan or areas.

Conclusion

This 2020 Master Plan Reexamination Report addresses recommended revisions to some of the Borough's nonresidential areas. These recommendations are consistent with the Borough's master planning goals. Implementation of the proposed recommendations would require ordinance revisions. No other revisions are proposed to the Borough's master planning documents at this time.