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2015 MASTER PLAN AMENDMENT

BOROUGH OF EMERSON

The original document was appropriately signed and sealed on December 1, 2015 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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Introduction

In April of 2007 the Borough of Emerson adopted its last reexamination report and is therefore not due to prepare another reexamination report until April 2017. However over the last several years there have been a number of planning issues that warrant review and analysis from a Master Plan perspective. The adoption of comprehensive land use plan elements, master plan amendments and master plan reexamination reports are necessary to ensure that the municipality's planning policies, goals and resultant zoning ordinances are up to date and relevant to the land use issues that the Borough is dealing with on a daily basis.

This document does not contain a full reexamination of the last master plan as the municipality has two more years to complete the Reexamination Report as required by the Municipal Land use Law. This document merely addresses several planning areas that require attention. These areas focus on the downtown redevelopment and supplemental zoning regulations, affordable housing and general ordinance clean up as detailed below.

1. **Affordable Housing**

   In 2007 the reexamination report urged the Borough to adopt a Housing plan, which complies with COAH's current regulations. Since that time the Borough of Emerson submitted a Housing Plan in compliance with the original Third Round Regulations in 2008. Subsequently, COAH deemed the submission complete on March 6, 2009. There were official objectors to the filing. The plan identified an unmet need of 74 units. The Borough requested that COAH review its vacant land map to determine the most appropriate means to address its unmet need. This resulted in an overlay zone, which requires any new multifamily development in the Borough to provide a 20% set aside for affordable housing.

   The Plan addressed 25 units to be fulfilled for the Third Round: five (5) units would be provided by the approved RCA with Ridgefield (2003), five (5) units and five (5) rental bonus credits would be fulfilled by a Group Home owned by New Concepts for Living, and an Overlay Zone on Verizon Property would provide the remaining 10 units.

   Before COAH's invalidation, Emerson had a "participating" status, and they had already taken actions towards adopting ordinances and approved a 14 unit Veterans Housing Project. The approved Veteran's Housing Project is just one of the alternative living arrangements Emerson is sponsoring to provide its fair share of affordable housing. Home for Hope houses three families (3 units). Two complexes for the developmentally disabled, one providing 3 tenants and one for 10 tenants, are currently in operation in the town. The town has also moved forward with the RCA and the Overlay Zone on what was then the Verizon property.

   COAH's Second Round Rules expired in 1999, and the New Jersey Appellate courts have rejected COAH's iteration of Third Round Rules. Despite numerous extensions by the Court for acceptable Third Round Rules, COAH has failed to act. The Courts have taken over the oversight of constitutional compliance with fair housing needs in the absence of COAH. Emerson has taken the opportunity to undergo judicial review for compliance with fair housing legislation using previously approved First and Second Round Rules. The Borough is looking to take this opportunity and review the potential for additional affordable housing in the Borough. This requires modifications to the 2008 Housing Plan. Currently the Borough is looking into several of the existing group homes in the Borough, as well as an assisted living facility for potential affordable housing credits. Further it is anticipated that any rezoning that is contemplated to assist in the Downtown Redevelopment as

discussed in this document will include an affordable housing component. The Borough is also currently looking into the possibility of providing a 100% affordable senior housing complex, near the downtown area.

2. **Eliminate the Planned Commercial Development zone from 1988**

In 1988 a Planned Commercial Development Zone was created on Block 1301 Lots 3 and Block 316 Lots 1-4. The 2007 Reexamination report indicated that this zone which exits only on the "Emerson Woods" property. Since this site is now in public ownership and held for open space purposes there is no reason to maintain the PCD district. This should be incorporated into the Open Space Conservation (OSC) zone district.

3. **Updated Zoning ordinance to reflect current retail trends.**

Addressing current designs for designated retail uses, such as modifying the sign regulations, lighting regulations and addressing the prohibition of drive thru (not necessarily in the CBD but in the RC zone district)

a. Signage Regulations: Currently Section 232-3 Permitted Signs of the Emerson Municipal Code dictates that walls signs for retail use shall be limited to one illuminated or non-illuminated sign on principal front façade of building. If the property is on a corner lot, it may have a second sign on the side that cannot exceed 50% of that permitted on front façade. For all zones, front façade signs shall not exceed 1.5 square feet of sign area for each linear front foot of the building, or 24 square feet, whichever is less. These restrictions are unrealistic when compared to the signage regulations of other nearby municipalities. The Borough should review its signage regulations. Amendments should be made to bring Emerson's regulations in line with current standards. In addition the borough's ordinance should look to improve the aesthetic quality of the borough by encouraging signs to be consistent with the architecture of the building.

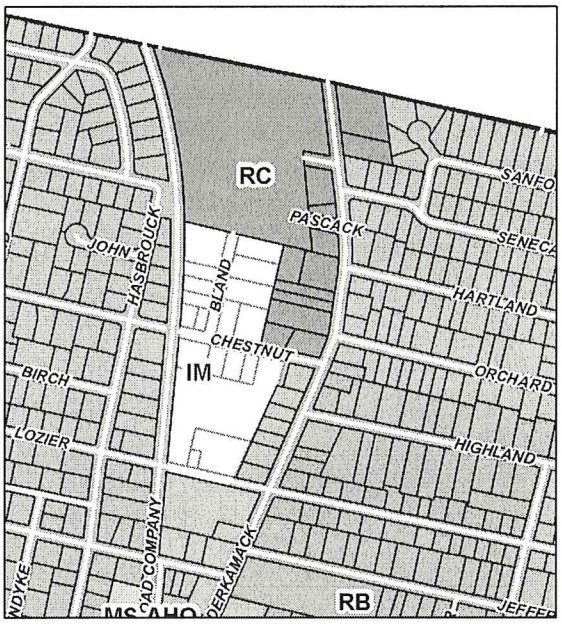
b. Lighting Regulations: The Borough should review its lighting regulations. Currently, the Borough standard lighting fixture is to be used in all pedestrian areas and along the Kinderkamack Road right-of-way. The Borough's ordinance should support the Borough's aesthetic quality by making lighting consistent with the architecture of the buildings or nearby buildings. The maximum permitted wattage of all lighting is 250 watts, and floodlights and roof lighting are prohibited. The Borough should compare these regulations with those of neighboring municipalities to achieve current regional standards. Increased number and wattage of lighting may increase Borough safety, business visibility, and aesthetic quality.

c. Convenience Window / Drive Thru as an Accessory Use. Currently, drive-thrus are prohibited at eating and drinking places in the Borough's commercial zones. While they are not appropriate in the CBD zones where the Borough is looking to encourage pedestrian traffic, the Borough would like to reevaluate this prohibition as drive-thru and convenience facilities become more popular in the area. Nearby municipalities, such as the Borough of Ramsey, Cresskill, Paramus, Norwood, Northvale have successful retail coffee-shops with drive-thrus. Although drive-thrus lead to slight increase in traffic, they lessen the demand for parking and increase business activity. As well, drive-thrus decrease the hazards that come with entering and exiting vehicles in crowded parking lots, and backing out of parking spaces. The Borough of Ramsey has multiple drive-thru locations and permitted uses or accessory uses in three of its business districts. The Borough of Emerson may look to the Borough of Ramsey for suggestions on traffic flow to the street and in relation to the parking lot if this Borough were considering permitting drive-thrus.

4. Golf Course

The Emerson Golf Club is located on Block 617.01, Lot 7.01, commonly known as 99 Palisade Avenue. It is owned by Emerson Real Estate, LLC. There is a portion of the site that can be developed towards the front near Palisades Avenue. The Land Use Board had a development application for this site last year but it was withdrawn. Currently the zoning regulations that apply to this site permit uses that are not appropriate for the area, including a hospital. Given the site's size and surrounding development pattern the Borough should establish goals and objectives for its future. The Land Use Board is currently considering senior housing or townhouse as a possible permitted use for this area. However, a more detailed review of traffic and buffer impacts should be completed to determine the appropriate density for this type of development and this area should only be considered for multi-family after all other sites and areas identified in this document have been appropriately reviewed and considered.

5. IM District on by Chestnut and Bland

The map below illustrates in white the current IM district at the northern section of the Borough. This Industrial/Manufacturing zone currently permits Woodworking, Furniture repair, Upholstery, Printing and publishing, Electrical, plumbing and building services and sales, Wholesale sales, except lumber, brick, food, beer, soft drinks and solid, liquid or gaseous fuel distributors and Industrial and manufacturing uses meeting the performance standards set forth in Article IX.

The conditions of this district have remained stagnant over the last several years. The Land Use Board has determined that further review of the permitted uses in this area is warranted in order to promote economic development and redevelopment of this area. This area may also be appropriate to accommodate the Affordable Housing overlay that was designated for the Verizon Property.