

MASTER PLAN REEXAMINATION REPORT

Borough of Emerson
Bergen County, New Jersey

Prepared by

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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

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BOROUGH OF EMERSON MASTER PLAN

REEXAMINATION REPORT

INTRODUCTION

This document constitutes a Master Plan Reexamination Report pursuant to N.J.S.A. 40:55D-89. The New Jersey Municipal Land Use Law requires municipalities to reexamine their Master Plans and Development Regulations at least every six years. Emerson last adopted a comprehensive Master Plan in 1978 followed by a Master Plan Reexamination Report in 1984, a Housing Plan Element and Fair Share Plan in 1992, a Master Plan Reexamination Report in 1992 and a Natural Resource Inventory in 1995. The Borough is therefore required to reexamine its Master Plan and Development Regulations as soon as possible. The Municipal Land Use Law requires that a Master Plan Reexamination Report must state 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 been increased subsequent to that 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 the 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, standards, or whether a new plan or regulations should be prepared.
5. The recommendations of the Planning Board concerning 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.

It is the conclusion of this report that there have been a number of significant changes in the underlying assumptions and objectives of the Borough. It is recommended that the following measures be taken:

1. *Housing Plan Element/Fair Share Plan:* The Borough adopted a Housing Plan Element in 1992 but never adopted the implementing Fair Share Plan. There have been very significant changes in the assumptions which formed the basis of that Plan. First of all, the number of units addressed in the Plan is more than double the number currently required by COAH. Additionally, a number of sites previously recommended for inclusionary development have since been developed without inclusionary components. It is imperative that the Board adopt a Housing Plan which conforms to COAH's current regulations so as to avoid the possibility of builder's remedy lawsuits.
2. *Preparation of a Downtown Plan:* The Borough should consider the preparation of a Downtown Plan to address the area adjacent to the New Jersey Transit Rail Station. New Jersey Transit is planning to alter the station area and the Borough should be involved in those planning efforts. The possibility exists for relocating the platform to the southerly side of Kinderkamack Road so that the roadway is not blocked during passenger loading and unloading. Additionally, additional commuter parking may prove to be feasible.

There is a great deal of focus on station area planning. These are special areas warranting review and consideration. The Borough should examine the land use designations and zoning for properties in close proximity to the station to determine whether or not changes are required.

The Borough may also wish to consider the use of the Local Redevelopment and Housing Law to create a Redevelopment Plan for all or part of the Downtown area to upgrade the appearance and efficiency of Downtown.

3. *Parks and Recreation:* The prior Master Plan Reexamination Report noted a shortfall in the amount of municipal open space available in the Borough. The 1992 Reexamination Report identified a deficit of approximately 31 acres of open space. Given the State's focus on open space preservation and the possibility of funding availability, the Borough should assess its open space needs and review its remaining undeveloped parcels for possible open space acquisition.
4. *Revision of Zoning Standards for Infill Development:* As vacant available land in desirable communities dwindles, there is a tendency for significant infill development. This may take the form of development of the few remaining vacant lots, the demolition of existing homes and replacement with larger homes or the wholesale renovation of existing structures to dramatically increase their size. This often creates compatibility issues for the neighborhoods in which the development is occurring. This development is often out of character and scale with the surrounding housing. The Borough

should investigate the use of revised zoning standards to ensure greater compatibility and to protect the character of established neighborhoods.

A. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT AT THE TIME OF THE LAST MASTER PLAN

The 1992 Master Plan examined Emerson's demographic trends in housing, population and employment. The Reexamination Report noted there had been no major changes in the growth trends described in the 1978 and 1984 Plans. The population shifted towards fewer children and more older adults and these trends continued through the 1990's. Housing construction remained relatively slow and was limited to single-family houses. The Plan noted a steadily increasing trend in employment in the Borough.

The New Jersey Construction Reporter Annual Report indicates that at least 150 additional single-family homes and more than 20,000 square feet of office space has been authorized in Emerson since the last Reexamination Report.

The Reexamination Report expressed some doubt about whether or not the River Vale Realty project would move forward. This project alone was projected to increase the population by approximately 400 persons.

Part II of the Master Plan Reexamination Report examined the Mt. Laurel decision as it related to Emerson. The Plan called for the creation of the PCD Zone on Old Hook Road which covered about 300 acres and was to produce more than 40 low- and moderate-income units in addition to planned commercial and residential development. An ML-10 zone was provided which allowed for 60 building lots with either a 12 unit on-site affordable housing obligation or a \$4,000 per lot contribution to a Borough Housing Trust Fund.

With respect to land use, Part III of the Report had assumed that River Vale Realty would construct approximately 900,000 square feet of office and 200 townhouses, including 40 Mt. Laurel units on the former Hackensack Water Company property. The Plan also acknowledged the Town and Country development which is a 60-lot subdivision on property formerly held by the Hackensack Golf Club.

The Plan noted no need for additional community facilities. Declining school enrollment would not require any new construction.

With respect to parks and recreation, the Plan noted that Emerson had 9 acres of municipal parkland and an additional 22 acres of recreation land at its public schools as of 1984. Since 1984, 5 tennis courts have been added for a total municipal open space of approximately 31 acres. The Plan noted a shortfall of about 31 acres in open space. The 1992 Plan stated:

The land owned by Hackensack Water Company and River Vale Realty are an important potential source of future open space. It is strongly recommended that the Planning Board continue to explore the possibilities of acquiring some of these lands for open space/recreational use with possible funding from Green Acres with the possibility of County cooperation.

B. THE EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED

1. The Borough has not moved forward in a substantive way in terms of satisfying its affordable housing obligation. Sites previously designated for inclusionary development have since been developed without providing affordable housing.

The extent of the issue has diminished somewhat due to the downward revision of the Borough's affordable housing obligation. However, the Borough remains exposed given the lack of progress in meeting this obligation.

2. The shortfall in available recreation space has not been addressed. This problem increases as the few remaining available parcels are developed.
3. The assumption that 900,000 square feet of commercial space would be developed on the River Vale Realty site is no longer a possibility. The assumption that residential development would be minimal has been proven wrong. Significant housing has either been built or approved.

C. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS SINCE LAST REVISED.

1. Affordable Housing: The 1992 Housing Plan Element assumed that the Borough had a 166 unit obligation. The Council on Affordable Housing has since revised the allocation numbers shifting Emerson's obligation to 74 units. The 74 unit obligation is entirely new construction, that is, no units suitable for rehabilitation have been identified.

The 1992 Plan called for the fairly aggressive rezoning of a number of parcels. Six sites were recommended for rezoning with the possible yield of 94 Mt. Laurel units. Some of the sites included the Town and Country parcel and the River Vale Realty parcel which were supposed to produce 12 units and 40 units, respectively. These projects have since been approved and/or developed without inclusionary units.

The Plan also included recommended overlay zoning for the Hackensack Golf Club, the Emerson County Club, the Bird Hill Tennis/Swim Club and selected properties of Hackensack Water Company. Again, the rules of COAH have changed. The number assigned to the Borough has been revised and some of the properties and strategies considered are no longer appropriate.

2. The Borough has not moved forward with efforts to conserve any of its remaining open space. No significant acquisitions have occurred since the 1992 Plan was adopted.
3. In the time period since the last Master Plan revision, an increased concern has been voiced regarding the incompatible infill development which is beginning to occur in the Borough. Old smaller homes are being replaced with much larger homes which significantly impact the visual quality of a neighborhood.

D. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES, STANDARDS OR WHETHER A NEW PLAN OR REGULATION SHOULD BE PREPARED.

1. As previously discussed, the Borough should adopt a Housing Plan Element. The Borough should pursue a vacant land adjustment to further reduce its affordable housing obligation.
2. Open space/parks and recreation. The Borough should do an inventory and analysis of the few remaining parcels to determine if any are suitable for preservation as parks and/or open space. Funding feasibility should be assessed and various mechanisms for open space preservation should be considered.
3. Revisions to the zoning regulations should include incompatible development. A study should be performed to determine what specific bulk and design standards need to be revised to protect the Borough's neighborhoods against incompatible development.
4. Side yard setbacks, building height, parking location, garage orientation and other design standards should be considered.

E. THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS.

The Borough may wish to consider the use of the Local Redevelopment and Housing Law to aid in its planning efforts to revitalize the Downtown. The land use and development regulations should be reviewed and changes made where appropriate. However, simply changing regulations does not always guarantee the implementation of a community vision.

The Local Redevelopment and Housing Law provides for the establishment of a redevelopment agency which can condemn and assemble parcels to "jump start" the redevelopment process. Public/private partnerships can be entered which can provide the Borough with a far greater degree of control over the timing and quality of any development.