



MASTER Reexamination Report and Updated Plan Elements PLAN Borough of New Milford, Bergen County, NJ UPDATE

Prepared by the New Milford Planning Board
in consultation with
PHILLIPS PREISS GRYGIEL LLC
Planning & Real Estate Consultants

Adopted April 29, 2014

MASTER PLAN UPDATE
Reexamination Report and Updated Plan Elements

Borough of New Milford
Bergen County, New Jersey

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EXECUTIVE SUMMARY

I. PLANNING CONTEXT

The Borough of New Milford is essentially a fully developed suburban municipality located in the heart of Bergen County a short distance west of New York City. Its attributes include a strong sense of community, highly regarded schools and a diversified housing stock. New Milford is also located close to major highways and shopping areas, as well as commuter railroad stations. However, there are some issues facing the Borough. A number of developed properties have been viewed as potential redevelopment opportunities, which has led to concerns about the potential impacts of development and a desire to maintain community character. At the same time, changes in the real estate market and the limited viability for certain land uses require creative thinking about potential economic development initiatives to enhance New Milford's limited nonresidential tax base. Flooding has become a major concern, as multiple storms in recent years have resulted in significant damage to portions of the municipality.

There are a number of significant changes that have occurred since 2004, when the most recent full New Milford Master Plan was adopted. At the national level, the downturn in the economy has led to reduced housing values, increased retail vacancies and higher unemployment. At the state level, the future of the Council on Affordable Housing (COAH) is uncertain; court challenges and changes in state leadership point towards changes to affordable housing requirements. There have also been amendments made to the Municipal Land Use Law, some of which provide municipalities with additional regulatory tools. At the municipal level, in addition to the redevelopment pressure noted above, there is a continuing need to improve and expand community facilities, as well as reconsideration of some of the Borough's business and residential areas to keep up with current trends and anticipate future ones. These are among the reasons why New Milford has decided to prepare this comprehensive update of its Master Plan.

II. PROCESS

This plan update has been prepared through a collaborative process with the New Milford Planning Board. A consultant was tasked with undertaking research and technical analysis to formulate a basis for the Master Plan Update. Current demographic information based on the 2010 Census has been obtained, along with building, occupancy and demolition statistics. Geographic information system (GIS) mapping data provided by the Bergen County Department of Planning and Economic Development has been utilized to prepare updated maps. A significant benefit of preparing maps through GIS is that information from multiple sources, such as the New Jersey Department of Environmental Protection and utility companies, can be integrated into municipal planning maps. The consultant also attended multiple public meetings of the



Planning Board, where Board members and the consultant reviewed the information and discussed issues and recommendations.

III. DOCUMENT OVERVIEW

The Master Plan Update is intended to preserve and enhance what is best about New Milford, and to provide targeted recommendations to help ensure that future development and public policy decisions benefit the entire community. The remainder of this document consists of two parts. The first is a Reexamination Report, which is a periodic update of the Master Plan and development regulations prepared in a format consistent with the requirements of the New Jersey Municipal Land Use Law. It outlines changes that have occurred since the last Master Plan Reexamination was adopted and presents an overview of recommended master plan and zoning changes. The second is a series of plan element amendments, which includes all of the topical elements from the Borough's 2004 Master Plan. A new element that has been added to the Master Plan is a sustainability plan element. This element includes a review of New Milford's green programs and initiatives and offers lessons learned from other communities with regard to sustainable design and planning.



REEXAMINATION REPORT

I. INTRODUCTION

The Municipal Land Use Law of the State of New Jersey mandates at N.J.S.A. 40:55D-89 that 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.

There are five elements which the reexamination report must include:

- 1) A section outlining the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- 2) A section describing the extent to which such problems and objectives have been reduced or have increased subsequent to that date.
- 3) A section discussing the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.
- 4) A section setting forth the recommended changes to the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- 5) A section setting forth the recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law" into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Borough of New Milford completed its last comprehensive master plan in 2004, and a reexamination report of the master plan and development regulations was adopted in 2010. Subsequently, the Borough's Mayor and Council adopted three resolutions directing the Planning Board to make recommendations pertaining to affordable housing, open space and outdated multifamily housing within the Borough and to amend the Master Plan as needed to address these issues. The Planning Board has determined it would be appropriate to prepare a reexamination report and to update the Master Plan's various plan elements in response to the Mayor and Council's request and to address other planning issues.

II. PROBLEMS AND OBJECTIVES SET FORTH IN PRIOR MASTER PLAN DOCUMENTS AND THEIR CURRENT STATUS

A. Overview

The 2010 New Milford Master Plan Reexamination Report includes all of the statutorily required components of a reexamination report. The Reexamination report consolidates the 2004 Master Plan's overall goals, and updates the status of specific properties and problems addressed. This chapter outlines the major problems and objectives set forth in the 2010 Reexamination Report and the 2004 Master Plan, and their statuses.

B. 2010 Master Plan Reexamination Goals and Objectives

The 2010 Master Plan Reexamination provides a consolidated set of goals and objectives, which are listed in the Reexamination as follows:

1. Maintain and enhance sound residential neighborhoods through implementation of neighborhood planning principles such as provision of needed neighborhood facilities, routing through traffic around residential neighborhoods, and reduction and eventual elimination of incompatible uses where present.
2. Provide for the upgrade of housing within existing neighborhoods, while maintaining the present community character through good subdivision design and neighborhood planning principles.
3. Maintain the quality of housing and non-residential buildings in regard to safety, health, and appearance through administrative measures such as property maintenance code enforcement and design control.
4. Provide for continued establishment of small shops and preferred service facilities compatible with residential neighborhoods.
5. Provide for improved facilities for neighborhood businesses by grouping such businesses in areas that will have a minimal adverse impact on residential areas.
6. Provide adequate educational, cultural, and recreational facilities and open space for the Borough's changing population.
7. Provide for adequate sewage, storm water disposal and an adequate water supply for homes and businesses.
8. Provide for safe and efficient movement of all modes of transportation throughout the Borough.
9. Preserve the Borough's historic and scenic sites.
10. Maintain the quality of the environment especially with respect to open space, noise, and air and water quality.
11. Encourage senior citizen housing consistent with the character of the Borough.

The 2010 Master Plan Reexamination also lists the following major planning and zoning problems:

1. To maintain and upgrade retail and service commercial facilities as an important part of the Borough's tax base.
2. To provide for a balanced housing supply and secure substantive certification from the Council on Affordable Housing (COAH) for the Borough's Round Three Application.
3. To continue to address the need for flood mitigation in areas adjacent to the Hackensack River, Hirshfeld Brook, French Creek and their tributaries.
4. To take proactive measures to provide for additional recreation facilities.

C. 2004 Master Plan Goals and Objectives

The Borough of New Milford's 2004 Master Plan includes various goals and objectives, which are listed below as they appear in the plan elements of the Master Plan:

LAND USE PLAN

Residential

Goal: To maintain the Borough as a predominantly single family residential community.

Commercial

Goal: To encourage the expansion of the non-residential development, to encourage ratables, and strengthen the tax base.

2003 LAND USE PLAN OBJECTIVES

1. To provide for a balance of residential housing types.
Update: While meeting the needs of low- and moderate-income citizens and emerging household types.
2. To encourage development of new non-residential ratables to broaden the tax base of the Borough.
Update: To encourage redevelopment of existing commercial areas to help enhance the tax base of the Borough.
3. To provide for an appropriate balance between and a compatible arrangement of residential and non-residential uses.
4. To allocate areas for necessary community facilities including schools, library, recreation, and open space and other governmental functions.
Update: To update the existing recreational facilities and bring them into ADA compliance. To expand recreation and open space opportunities for residents to meet national planning standards.
5. To provide for an adequate street system that will permit freer movement of traffic now and in the future.
Update: To enhance safety at intersections while still allowing the free flow of traffic.
6. To coordinate New Milford's Master Plan proposals with those of its neighbors, the County, and the Region.

HOUSING PLAN OBJECTIVES

Goal: To encourage the production of a range of housing types and densities to meet the housing needs of all the residents of New Milford.

Objectives:

1. Provide regulatory controls to ensure that new residential development is designed so as to be a long-term asset to the community.

CIRCULATION PLAN OBJECTIVES

Goal: To promote the free flow of traffic while ensuring a safe pedestrian environment.

Objectives:

1. To provide transportation services for those with special needs such as the elderly, handicapped, poor and young.
2. To require that all development proposals be designed to include or accommodate necessary transportation improvements.
3. To minimize potential area of conflict between pedestrians and vehicles.

OPEN SPACE AND RECREATION PLAN

Goals:

1. To maintain a high level of recreational services for Borough residents.
2. To provide a complete range of recreational facilities and services.
3. To maintain and improve the existing recreational facilities within the Borough.
4. To preserve and protect existing open spaces within the Borough that have significant environmental characteristics and prevent development of these lands.
5. To preserve lands located adjacent to the Hackensack River in order to protect the environmental characteristics of the river and its surrounding land areas.

Objectives:

1. Make an investment by upgrading the existing recreational facilities within the Borough.
2. Combine the recreational facilities at the Civic/Recreational area by implementing the findings of the New Milford Civic and Recreational Center Redesign Project report, which was prepared by Michael F. Kauker Associates dated August 15, 2000.
3. Acquire lands as they become available in the Borough for open space and recreation purposes.
4. Acquire environmentally sensitive lands adjacent to the Hackensack River as well as lands along other rivers and streams located within the Borough.
5. Preserve and maintain the areas along the Hackensack River, specifically the wetlands along River Edge Avenue and the open space along West Park Drive.

D. Current Status

The goals and objectives listed above generally remain relevant. Potential changes to these include strengthening development controls in residential neighborhoods, further promoting walking and bicycling and recommending improved connections to transit facilities, particularly the River Edge railroad station.

Chapter IV includes a revised and consolidated list of goals and objectives, which shall serve as the current list of goals and objectives to be evaluated in the Borough's next reexamination.

The current status of each of the major planning and zoning problems listed in the 2010 Master Plan Reexamination is listed below:

1. To maintain and upgrade retail and service commercial facilities as an important part of the Borough's tax base.

Current status: This problem remains a concern to be addressed. The Master Plan Land Use and Economic Plan Elements include some recommendations that address this issue.

2. To provide for a balanced housing supply and secure substantive certification from the Council on Affordable Housing (COAH) for the Borough's Round Three Application.

Current status: The Borough of New Milford made a good faith effort to comply with COAH's rules, and the Borough's 2008 Housing Element and Fair Share Plan was deemed complete by COAH. Although no objections were filed to this plan, New Milford has not yet received substantive certification from COAH due to legal challenges to its Third Round rules. A recent New Jersey Supreme Court decision overturned significant portions of COAH's Third Round rules, meaning there is even more uncertainty as to how New Milford can address its affordable housing obligation – and even what its current obligation is.

3. To continue to address the need for flood mitigation in areas adjacent to the Hackensack River, Hirshfeld Brook, French Creek and their tributaries.

Current status: This problem remains a concern to be addressed. New Milford has purchased some properties in floodplains through the New Jersey Department of Environmental Protection's Blue Acres program.

4. To take proactive measures to provide for additional recreation facilities.

Current status: This problem remains a concern to be addressed.

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

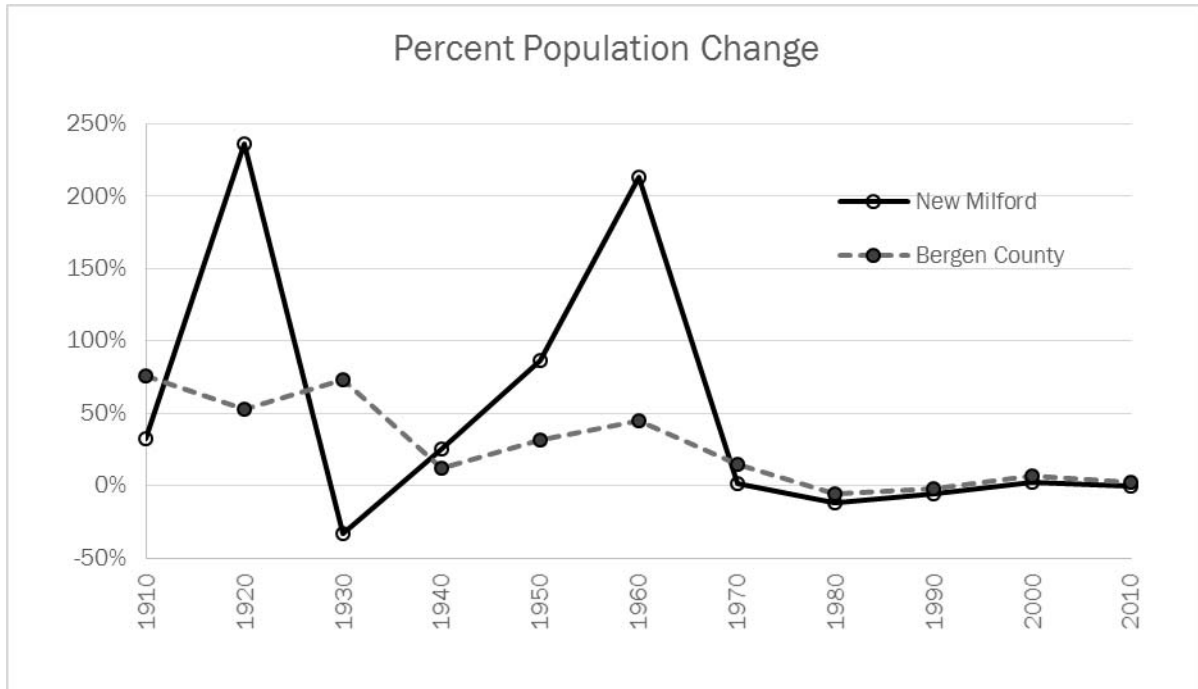
A. Local Changes

Population

There have been no significant population changes since the 2000 Census as recorded by the 2010 Master Plan Reexamination. According to the 2010 Census, the population decreased very slightly from 16,400 to 16,341 or 0.4%. The population is generally stable which is to be expected since the Borough is essentially built out. There has also been little change in the population distribution, though the population is increasing in diversity. The source for all figures in this section is the United States Census Bureau.

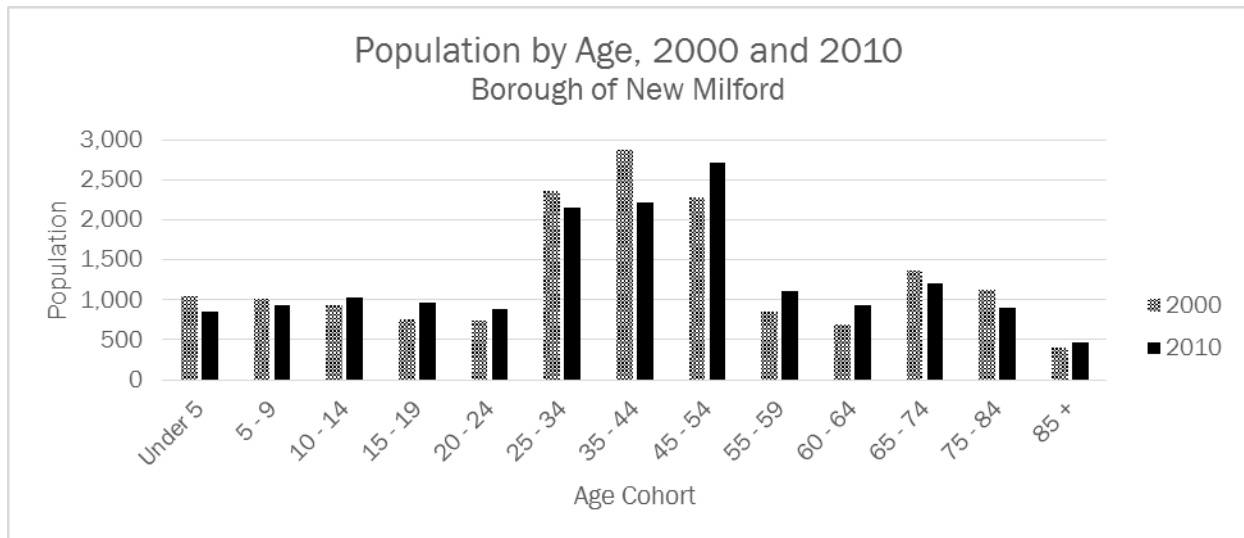
Population Change, 1900 to 2010
Borough of New Milford and Bergen County

New Milford				Bergen County			
Year	Population	Population Change		Year	Population	Population Change	
		Number	Percent			Number	Percent
1900	860	-	-	1900	78,441	-	-
1910	1,141	281	32.7%	1910	138,002	59,561	75.9%
1920	3,833	2,692	235.9%	1920	210,643	72,641	52.6%
1930	2,556	-1,277	-33.3%	1930	364,977	154,334	73.3%
1940	3,215	659	25.8%	1940	409,646	44,669	12.2%
1950	6,006	2,791	86.8%	1950	539,139	129,493	31.6%
1960	18,810	12,804	213.2%	1960	780,255	241,116	44.7%
1970	19,149	339	1.8%	1970	897,148	116,893	15.0%
1980	16,879	-2,270	-11.9%	1980	845,385	-51,763	-5.8%
1990	15,990	-889	-5.3%	1990	825,380	-20,005	-2.4%
2000	16,400	410	2.6%	2000	884,118	58,738	7.1%
2010	16,341	-59	-0.4%	2010	905,116	20,998	2.4%



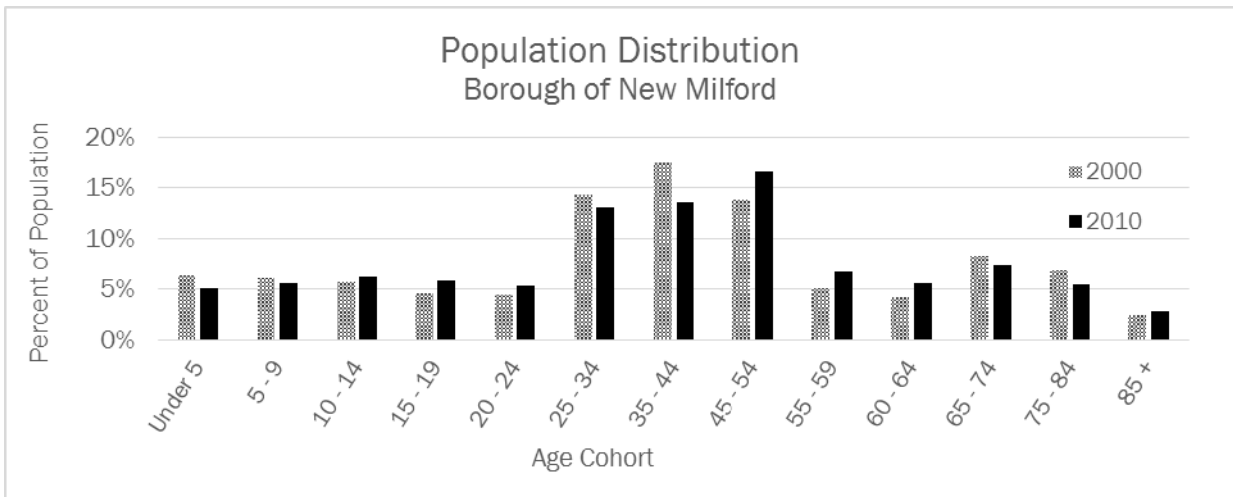
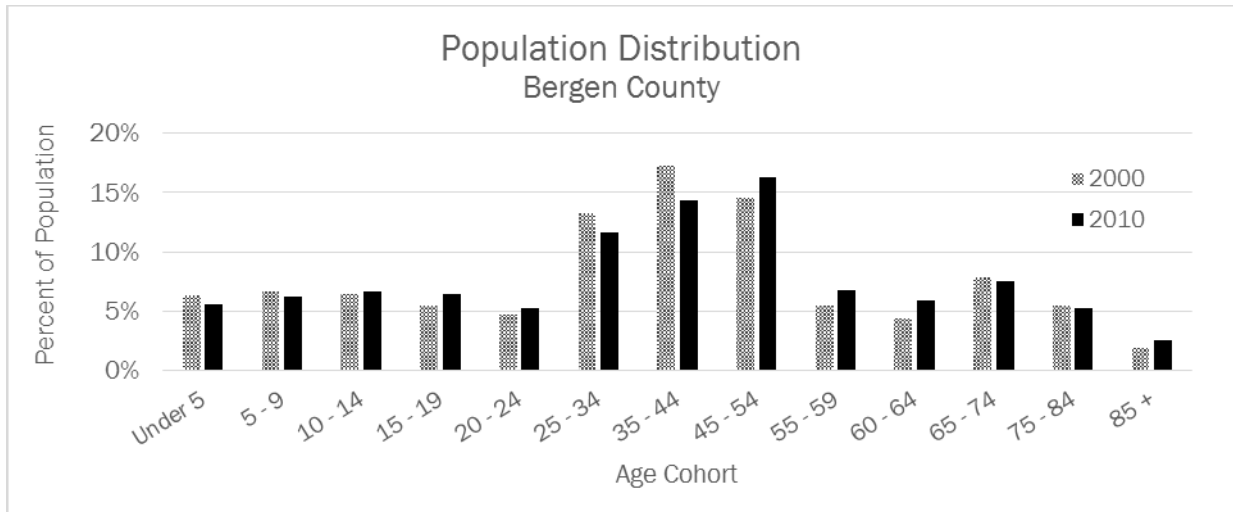
Population by Age, 2000 and 2010
Borough of New Milford

Age	2000		2010		Change, 2000 - 2010	
	Number	Percent	Number	Percent	Number	Percent
Under 5	1,050	6.4%	845	5.2%	-205	-19.5%
5 - 9	1,010	6.2%	928	5.7%	-82	-8.1%
10 - 14	933	5.7%	1,021	6.2%	88	9.4%
15 - 19	758	4.6%	968	5.9%	210	27.7%
20 - 24	738	4.5%	883	5.4%	145	19.6%
25 - 34	2,353	14.3%	2,148	13.1%	-205	-8.7%
35 - 44	2,865	17.5%	2,223	13.6%	-642	-22.4%
45 - 54	2,273	13.9%	2,710	16.6%	437	19.2%
55 - 59	844	5.1%	1,113	6.8%	269	31.9%
60 - 64	688	4.2%	924	5.7%	236	34.3%
65 - 74	1,362	8.3%	1,212	7.4%	-150	-11.0%
75 - 84	1,122	6.8%	897	5.5%	-225	-20.1%
85 +	404	2.5%	469	2.9%	65	16.1%
Totals	16,400	100.0%	16,341	100.0%	-59	-0.4%



Population Distribution, 2000 and 2010
Borough of New Milford and Bergen County

Age	New Milford		Bergen County	
	2000	2010	2000	2010
Under 5	6.4%	5.2%	6.3%	5.6%
5 - 9	6.2%	5.7%	6.6%	6.2%
10 - 14	5.7%	6.2%	6.4%	6.6%
15 - 19	4.6%	5.9%	5.5%	6.4%
20 - 24	4.5%	5.4%	4.7%	5.2%
25 - 34	14.3%	13.1%	13.3%	11.6%
35 - 44	17.5%	13.6%	17.3%	14.3%
45 - 54	13.9%	16.6%	14.6%	16.3%
55 - 59	5.1%	6.8%	5.5%	6.8%
60 - 64	4.2%	5.7%	4.4%	5.9%
65 - 74	8.3%	7.4%	7.8%	7.5%
75 - 84	6.8%	5.5%	5.5%	5.2%
85 +	2.5%	2.9%	1.9%	2.5%
Totals	100.0%	100.0%	99.8%	100.1%



**Population by Gender, 2010
Borough of New Milford and Bergen County**

Gender	New Milford		Bergen County	
	Number	Percent	Number	Percent
Male	7,922	48.5%	435,962	49.8%
Female	8,419	51.5%	439,154	50.2%

Population by Race, 2010
Borough of New Milford and Bergen County

Race	New Milford		Bergen County	
	Number	Percent	Number	Percent
One Race	15,909	97.4%	882,406	97.5%
White	11,522	70.5%	650,703	71.9%
Black or African American	608	3.7%	52473	5.8%
American Indian and Alaska Native	20	0.1%	2061	0.2%
Asian	3,169	19.4%	131,329	14.5%
Asian Indian	856	5.2%	24973	2.8%
Chinese	251	1.5%	17236	1.9%
Filipino	1,519	9.3%	19,155	2.1%
Japanese	81	5.0%	5922	0.7%
Korean	315	1.9%	56773	6.3%
Vietnamese	3	0.0%	734	0.1%
Other Asian	144	0.9%	6536	0.7%
Native Hawaiian and Other Pacific Islander	4	0.0%	229	0.0%
Native Hawaiian	1	0.0%	53	0.0%
Guamanian or Chamorro	1	0.0%	39	0.0%
Samoan	0	0.0%	10	0.0%
Other Pacific Islander	2	0.0%	127	0.0%
Some Other Race	586	3.6%	45611	5.0%
Two or More Races	432	2.6%	22710	2.5%

Household and Housing Characteristics

Average household size increased from 2.54 in 2000 to 2.62 in 2010, growing closer to the County average household size of 2.66.

Over 68% of the households are classified as family households, a slight increase from 67% in 2000. The majority are married couple families. Households with individuals 65 and over now comprise 29.0%, an increase from 24.9% in 2000.

**Household Type, 2010
Borough of New Milford**

Household by Type	Number	Percent
Total households	6,141	100.0%
Family households (families)	4,207	68.5%
With own children under 18 years	1,826	29.7%
Husband-wife family	3,352	54.6%
With own children under 18 years	1,529	24.9%
Male householder, no wife present	231	3.8%
With own children under 18 years	66	1.1%
Female householder, no husband present	624	10.2%
With own children under 18 years	231	3.8%
Nonfamily households	1,934	31.5%
Householder living alone	1,673	27.2%
65 years and over	170	9.8%
Households with individuals under 18 years	1,958	31.9%
Households with individuals 65 years and over	1,779	29.0%
Average household size	2.62	
Average family size	3.24	

Housing occupancy has decreased slightly since the 2000 Census, from almost 99% occupied housing units to 96.5% occupied housing units. Approximately the same percentage are still owner occupied, a little over 63%.

Housing Occupancy	Number	Percent
Total housing units	6,362	100.0%
Occupied housing units	6,141	96.5%
Vacant housing units	221	3.5%
for seasonal, recreational, or occasional use	18	0.3%
Homeowner Vacancy Rate (%)	0.9	
Rental Vacancy Rate (%)	4.6	

Housing Tenure	Number	Percent
Occupied housing units	6,141	100.0%
Owner occupied	3,906	63.6%
Renter occupied	2,235	36.4%
Average household size of owner-occupied housing units	3.01	
Average household size of renter-occupied housing units	1.94	

Year Structure Built	Number	Percent
Built 2000 or later	149	2.4%
Built 1990 to 1999	65	1.0%
Built 1980 to 1989	200	3.2%
Built 1970 to 1979	406	6.5%
Built 1960 to 1969	1,002	15.9%
Built 1950 to 1959	2,452	39.0%
Built 1940 to 1949	1,214	19.3%
Built 1939 or earlier	804	12.8%
Totals	6,292	100.0%

Value (Owner-Occupied Housing Units)	Number	Percent
Less than \$ 50,000	20	0.5%
\$ 50,000 - \$ 99,999	5	0.1%
\$100,000 - \$149,999	35	0.9%
\$150,000 - \$199,999	0	0.0%
\$200,000 - \$299,999	139	3.5%
\$300,000 - \$499,999	2,762	70.5%
\$500,000 - \$999,999	959	24.5%
\$1,000,000 or more	0	0.0%
Totals	3,920	100%

Gross Rent Per Unit	Number	Percent
Less than \$299	0	0.0%
\$ 300 - \$ 499	14	0.6%
\$ 500 - \$ 749	61	2.8%
\$ 750 - \$ 999	271	12.5%
\$1000 - \$1499	1,521	70.3%
\$1500 or more	288	13.3%
No cash rent	9	0.4%
Totals	2,164	100.0%

Median: \$1,174

Development Activity

Residential Development

The following table provides an updated list of Residential Building Permits from 2004 through October 2013. There has been an increase in residential building permits since the 2004 Master Plan, which was averaging 4.7 building permits per year from 1990 to 2003. The average number of building permits issued from 2004 through October 2013 has increased to 14.5 building permits per year.

**Residential Building Permits
2004 to 2013**

Year	Total	Single Family	Two Family	Three or more Family
2004	12	12		
2005	17	17		
2006	25	15		10
2007	18	13		5
2008	13	13		
2009	10	8	2	
2010	10	10		
2011	13	13		
2012	13	13		
2013*	14	14		
<i>Totals</i>	145	128	2	15

*through October

Source: New Jersey Department of Community Affairs, Residential Building Permit Summaries

The following tables show the number of permits and certificates issued by the New Milford Building Department per year from 2004 through July 2013.

Residential Permits Issued			Residential Certificates Issued		
Year	Permits	Total Area Added (Sq. Ft.)	Year	Certificates	Total Area Added (Sq. Ft.)
2004	1,023	78,864	2004	583	64,657
2005	1,102	91,981	2005	759	50,564
2006	953	78,709	2006	759	50,564
2007	1,016	55,427	2007	378	52,611
2008	696	54,109	2008	532	77,459
2009	607	29,635	2009	488	29,333
2010	724	39,726	2010	497	42,731
2011	765	42,296	2011	496	43,624
2012	747	25,033	2012	558	30,952
2013*	424	23,903	2013*	322	28,953
<i>Totals</i>	8,057	519,683	<i>Totals</i>	5,372	471,448

*through July

*through July

Nonresidential Development

The following tables show the number of permits and certificates of occupancy issued by the New Milford Building Department per year from 2004 through July 2013 for nonresidential development.

Permit Activity			Certificate Activity		
Year	Permits	Total Area Added (Sq. Ft.)	Year	Certificates	Total Area Added (Sq. Ft.)
2004	108	3,500	2004	75	20,522
2005	73	1,040	2005	53	28,488
2006	80	0	2006	53	28,488
2007	98	3,420	2007	67	520
2008	51	2,900	2008	51	2,900
2009	72	0	2009	57	21,785
2010	69	0	2010	50	0
2011	64	0	2011	53	21,785
2012	52	0	2012	47	0
2013*	38	0	2013*	20	0
Totals	705	10,860	Totals	526	124,488

*through July

Ordinance Changes

The 2010 Reexamination listed development-related ordinance changes adopted from 2004 to 2009. The following are new or amended ordinances adopted since 2010:

- 2010:01 - Adds requirement to locate a reflective sticker on the electrical meter of a structure that contains engineered lumber (Chapter X, Section 10-8)
- 2010:10 - Amends As-Built Ordinance to include "Submission Requirement for the Construction of Residential Buildings" (Chapter X, Part XVI)
- 2010:15 - Amends Real Estate Signs (Section 30-29)
- 2011:24 - Amends the Land Use Regulations to permit and regulate home offices as accessory use (Subsection 30-21.2)
- 2012:03 - Creates new section to regulate the installation of Solar Panels (Subsection 10-2.79)
- 2012:06 - Amends and supplements Site Plan Article III to mandate compliance with streetscapes
- 2012:09 - Amends Open Space Trust Fund (Section 2-52)
- 2012:13 - Amends and supplements "Certificate of Occupancy for Resale of Homes" to ensure property does not have illegal sump pumps or illegal connections to the sanitary sewer system (Chapter 10-7)
- 2012:14 - Provides for a Zoning Application Review Fee (Chapter 10-1)
- 2012:18 - Amends and supplements Signs and Awnings (Subsection 30-29.2)
- 2013:02 - Amends Beautification Committee membership (Subsection 2-36.1)
- 2013:19 - Amends and supplements the regulations of the Residential C/Multifamily Zone (Section 30-23) and other sections of Land Use Regulations to modernize use and bulk standards and to allow for new development types

Status of Key Properties

This section provides updates on properties discussed in the 2010 Master Plan Reexamination and describes another property which is the subject of potential changes.

United Water Property (Block 1309, Lot 1)

The environmental remediation of this property was completed in 2010. During the following year, the Planning Board approved a subdivision of the property into two lots. Block 1309, Lot 1.01 was retained by United Water for its own use. The larger of the two lots, Block 1309, Lot 1.02, was recently the subject of a development application that was denied by the Zoning Board of Adjustment. This proposal, which required a use variance and other relief, sought to permit the construction of a mixed-use development containing a supermarket, a bank and a multifamily residential building containing affordable housing units. The 2008 Housing Element and Fair Share Plan placed a portion of the Borough's Prior Round COAH obligation and the entirety of the Growth Share obligation on this property. However, it is unclear what those obligations will be given the recent changes pertaining to COAH and its rules.

1070 River Road (Block 104, Lot 18)

According to the 2008 Housing Element and Fair Share Plan a 38-unit multifamily residential project was approved by the Planning Board in 2007 in accordance with the 2005 Housing Element. Thirty-four units are to be market rate units and four one-bedroom units are to be affordable rental units. The affordable units would help address New Milford's Prior Round COAH obligation. The 2010 Reexamination reiterated the status of the property, now known as the Gramercy. The project has not yet been constructed.

Carlton Place Property (Block 1402, Lot 46)

The 2004 Master Plan first mentioned Block 1402, Lot 46 as a property with the potential for development as multi-family housing or three single family homes. In 2010, the Master Plan Reexamination describes the acquisition of the property by the Borough Council in 2005 settling a Mount Laurel housing suit brought by the property owners. The property and the adjacent Borough-owned parcel at the intersection of Boulevard and Main Street are currently preserved as passive open space. The 2010 Reexamination and 2012 Amendment to the Recreation and Open Space Element recommend that this property be changed from Single-Family Residential to Open Space/Recreation on the Land Use Plan.

Brookchester Apartments (multiple blocks and lots)

This development is part of a sizable complex of garden apartments constructed over 50 years ago located in the southern portion of the Borough to the east of River Road. The owner of the easternmost portion of this complex has expressed interest in comprehensively redeveloping its property. The Mayor and Council evaluated the request and determined it was appropriate to modify the regulations of the Residential C/Garden Apartment (R-C) zone in which the development is located to improve its regulations and to allow for additional height and density in exchange for the provision of significant public benefits.

Land Use Board Activity

The following tables display the number and type of applications to the New Milford Planning Board and Zoning Board of Adjustment from 2010 to 2012.

Planning Board Applications/Other Matters

	Total	Major Subdivision	Minor Subdivision	Site Plans	Resolution	Other
2010	6	0	0	0	4	1
2011	5	0	1	1	3	0
2012	6	0	1	1	4	0
Total	17	0	2	1	13	13

Zoning Board of Adjustment Applications

	Total	Residential	Commercial/ Mixed-use	Other
2010	6	2	4	0
2011	4	2	2	0
2012	7	3	2	2
Total	17	7	8	2

B. Changes in State Laws and Regulations

Municipal Land Use Law Amendments

At the state level, increased interest in **sustainability** in recent years has made its way into state law, as the Municipal Land Use Law was amended in 2008 to permit a “green buildings and environmental sustainability plan element” as part of a municipal master plan. The Municipal Land Use Law was further amended in 2009 to allow wind and solar facilities as permitted uses on parcels of land comprising 20 or more contiguous acres in industrial zones and to make renewable energy facilities an “inherently beneficial use” (i.e., one that serves the public interest by its very existence), and in 2010 to prevent municipalities from unreasonably limiting “small wind energy systems” (i.e., turbines that generate power primarily for on-site consumption) and to exempt solar panels from impervious surface or impervious cover designation.

The Municipal Land Use Law also was amended in 2011 to extend the maximum time permitted between municipal master plan **reexamination reports** from six years to ten years. Two notable amendments to the Municipal Land Use Law were adopted in 2013. The first clarified authorization for **cluster** developments and permits lot-size averaging, thus providing municipalities with new tools to preserve open space and direct development to appropriate locations. The second enabled exemptions to development regulation for raising certain structures in order to meet certain State or federal **flood elevation standards**.

A 2012 amendment to the Municipal Land Use Law exempted applications for collocation of **wireless communications** equipment on a tower or other structure from site plan approval as long as certain requirements are met. These are that structure was previously properly approved, the structure is not being increased in width or in height by more than ten percent of the original structure height, and the existing equipment compound is not being increased by greater than 2,500 square feet. This regulation does not exempt such installations from variances or other approvals if they are otherwise required.

Affordable Housing Regulation

In December 2004, the New Jersey **Council on Affordable Housing** (COAH) adopted its “Third Round” rules covering the period from 2004 to 2018. A successful legal challenge was mounted to these rules, which were invalidated by a New Jersey Appellate Court decision in January 2007. This decision upheld some sections of COAH’s “Third Round” rules, invalidated other aspects of them and remanded certain issues to COAH. In December 2007, COAH released revised rules which went into

effect on June 2, 2008. In contrast to COAH's prior rules, the "Third Round" rules utilize a "growth share" approach, by which municipal affordable housing obligations are determined by the amount of new market-rate residential and non-residential growth. The New Milford Planning Board adopted a Housing Element and Fair Share Plan in 2008 which was prepared consistent with COAH's rules. This document was endorsed by the Mayor and Council and submitted to COAH in December 2008 as part of the Borough's petition for Substantive Certification. The submission was deemed complete by COAH in 2009, and no objections were filed to the petition. It has neither been approved nor rejected by COAH.

However, the future of COAH is uncertain. The first bill introduced in the 2010-2011 session of the New Jersey State Senate, S1, proposed to abolish COAH and provide a new means of calculating and addressing affordable housing needs. Although the bill did not advance, other actions taken include steps by the Christie administration to eliminate COAH and provide new mechanisms for providing affordable housing. In October 2010 the Appellate Division of the New Jersey Superior Court issued a decision resolving the challenge to COAH's Third Round Rules, which again invalidated many aspects of these rules. Two 2013 New Jersey Supreme Court decisions will have significant impacts. The first of these overturned the dismantling of COAH, but the second one upheld the Appellate Division decision and requires COAH to replace growth share with a different methodology, which means municipalities will once again need to grapple with changes in affordable housing regulations.

Other State-Level Actions

Another housing related State-level action was the adoption of the **Age-Restricted Development Conversion Act** in 2009. This State law (N.J.S.A. 45:22A-46.3) responded to the oversupply of approved age-restricted housing developments by enabling approved but not built projects of this type to be converted to non-age-restricted housing, in accordance with certain requirements.

Also at the state level, the New Jersey State Planning Commission and Office of Smart Growth have been slowly moving towards adoption of an updated **State Development and Redevelopment Plan** (SDRP). The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

The SDRP was originally adopted in 1992. A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 21 years since its original adoption. A draft of the amended SDRP, called the State Strategic Plan, was released in 2011 and public hearings were held on it, but the plan has not yet been adopted.

C. Other Changes

Another change affecting land use and development that has occurred since 2004 was the **economic downturn**, culminating in the recession of 2007 through 2009. Though attributed to a variety of factors, results included reduced housing values, increased retail vacancies and higher unemployment. Another result is more stringent lending standards, which have negatively impacted the ability of prospective homebuyers to obtain mortgages, as well as made it more difficult for developers to obtain financing for non-residential development. The fallout from the economic crisis

will also have future impacts on real estate as loans expire, particularly for commercial properties that have declined in value and are facing declining income as well.

Lastly, there has been increased interest throughout the Northeast in the installation of permanent **standby generators** in the wake of sometimes lengthy power outages caused by Superstorm Sandy, Hurricane Irene and multiple significant snowstorms. While useful to their owners, there are potential impacts from generators that can be addressed through proper regulations. Impacts on utilities from standby generators also need to be considered.

IV. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS

A. Introduction

Based on the assumptions, policies and objectives discussed above, a few specific changes are being recommended for the master plan and development regulations as part of this reexamination report. The recommended master plan/zoning changes are included in the plan element updates appended to this reexamination, and are summarized below.

B. 2014 Master Plan Goals

The New Milford Master Plan incorporates and endorses the purposes of the Municipal Land Use Law set forth at NJSA 40:55D-2, as its overall goals and objectives, which are supplemented by more community-specific goals and objectives. The key objectives and challenges of the New Milford Master Plan as established by the 2014 Reexamination are set forth below.

1. Provide for an appropriate mix of residential and commercial uses, as well as open space, parks and other community facilities, in locations specified in the Master Plan.
2. Maintain the Borough as a predominantly single family residential community, while allowing for other housing types and densities in specified locations.
3. Address the Borough's affordable housing obligation in a manner consistent with other goals and objectives set forth herein.
4. Encourage senior citizen housing consistent with the character of the Borough.
5. Maintain the vitality of business districts, improve the quality of commercial activity and increase the value of commercial properties without harming the character and vitality of adjoining residential neighborhoods.
6. Provide adequate educational, cultural, and recreational facilities and open space for the Borough's changing population.
7. Ensure that appropriate public utilities and other infrastructure are provided, maintained and upgraded.
8. Provide for safe and efficient movement of all modes of transportation throughout the Borough, including nonmotorized and public transportation.
9. Preserve the Borough's historic and scenic sites and resources.
10. Maintain the quality of the environment especially with respect to open space, noise, and air and water quality.
11. Preserve and protect existing open spaces within the Borough, particularly those that have significant environmental characteristics.
12. Promote the acquisition of environmentally sensitive lands adjacent to the Hackensack River and other waterways.
13. Promote sustainable building, site and community facilities design and construction in a manner that maintains viable economic development.

C. Other Recommended Master Plan and Zoning Changes

Various amendments are proposed to the Master Plan, as described in the plan elements section of this document. The Land Use Plan Element also recommends a number of changes to the Borough's Zoning Ordinance. These can be summarized as follows:

- Enhance the maximum permitted building coverage and lot coverage requirements by creating a “sliding scale,” where the maximum permitted coverage is reduced as lot area increases.
- Consider placing existing multifamily residential uses currently in the R-A zone in a modified or new multifamily residential zone to better regulate development, while allowing for reasonable improvements.
- Eliminate the Residential B zone.
- Modify and improve the Residential C / Multifamily zone regulations as detailed in the Land Use Plan Element.
- Maintain the existing Business zone and adjust its regulations to encourage reinvestment in commercial areas. Particular changes include the following:
 - Modernize use standards by listing categories of permitted uses, instead of listing only prohibited uses as is presently the case.
 - Consider providing regulations for outdoor dining in order to help restaurants, while also limiting impacts on nearby residential uses.
 - Differentiate Main Street and other parts of the B zone through the creation of separate zone or provision of different regulations could be provided that are based on lot area, location and/or other factors.
 - Eliminate the minimum front yard requirement on Main Street.
 - Specify that upper floor residential uses are permitted, but ground floor or freestanding residential uses are not.
 - Expand the B zone in appropriate locations.
- Create a new Professional Office/Service zone as shown on the Land Use Plan map. Provide regulations to ensure building and site design is compatible with residential areas, and limit permitted uses to offices and service uses.
- Rezone Block 1309, Lot 1.01 from residential to a new utility zone.
- Rezone Block 1309, Lot 1.02 to a new single-family cluster residential zone.
- Require an affordable housing setaside as part of any new larger-scale development.
- Consider modifying the zoning in the vicinity of Historic New Bridge Landing to promote and better regulate commercial development, consistent with Historic New Bridge Landing Commission's plans for the area.
- Consider modifying height requirements to permit additional height for properties in flood zones so that homes may be elevated to allow the first habitable story to be at least one foot above base flood elevation.
- Provide standards for permanent standby generators.
- Review and revise zoning regulations for renewable energy facilities.

V. RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE ELEMENT AND LOCAL DEVELOPMENT REGULATIONS

In 1994, the Municipal Land Use Law in New Jersey was amended to include, as part of the Master Plan Reexamination report, recommendations of the Planning Board concerning the incorporation of redevelopment plans (adopted pursuant to the Local Redevelopment and Housing Law of 1992) into the land use element, and accompanying changes to the development regulations. The Local Redevelopment and Housing Law (LRHL) affords municipalities the authority to designate areas “in need of redevelopment,” provided they meet specific statutory criteria, as well as to prepare and implement redevelopment plans for such areas. While there may be some locations within New Milford that could qualify as redevelopment areas, it is not recommended that any redevelopment area investigations be undertaken at this time.

PLAN ELEMENTS

I. LAND USE PLAN ELEMENT

A. Introduction

This update to the Land Use Plan Element summarizes existing conditions and issues related to land use, zoning and development within New Milford, and provides a series of recommendations pertaining to these topic areas.

The Borough of New Milford is 2.31 square miles in area. After its incorporation as a separate municipality in 1922, New Milford's population remained generally stable before tripling during the 1950s. The Borough reached its peak decennial census population of over 19,000 in 1970. Therefore, New Milford has been essentially built out for over 40 years. In terms of land use characteristics, New Milford is primarily residential in character, but is also developed with a mix of other land uses. These include multiple commercial areas and scattered businesses, various community facilities and parks and open space areas. While most of the Borough's residential areas are comprised of single-family homes, there is a significant amount of multifamily residential development in New Milford. Two-family homes also exist in some locations.

In terms of natural features, the Borough is generally level, with moderate slopes in some places and isolated steeply sloped areas. There are multiple waterways located in or adjacent to New Milford. These include the Hackensack River, which forms the municipality's western boundary, and French Brook and Hirshfeld Brook, both of which flow roughly from east to west across New Milford. Flooding from these waterways has been a serious problem in parts of the municipality in recent years. Wooded areas are generally located in parks and on open space lands, but there are also trees located along most of the Borough's streets and on developed public and private properties.

Some areas of concern have been raised during the process of preparing this Master Plan Update. These are addressed in the recommendations section below.

B. Existing Zoning Regulations

Existing development throughout the Borough of New Milford is generally consistent with zoning. However, there are limited deviations in some instances, and more substantial ones in others. New Milford currently has eight zoning districts: five residential zones, one business zone and two industrial zones. The existing zoning districts are shown on Map 1.

The largest of the zoning districts by far is the Residential A (R-A) zone, which covers a majority of the Borough's area. The only permitted principal uses in the R-A zone are one-family dwellings and public parks and public recreation grounds. Public, private and parochial schools and houses of worship are permitted conditional uses in the R-A zone and all other zones in New Milford. The Residential B (R-B) zone encompasses only five tax lots located on the north side of Madison Avenue to the east of Charles Street. The RB zone permits the uses allowed in the R-A zone as well as two-family dwellings, membership clubs and social and recreational buildings and libraries, museums and art galleries.

The other residential zones all permit multifamily residential uses of various types. The Residential C/Garden Apartment (R-C) zone includes four existing apartment complexes: Brookchester Apartments and the adjoining New Milford Estates apartments, which are located on approximately 84 acres on the east side of River Road generally north of Reichelt Road; Dorchester Apartments, which flank Dilworth Road to the west of River Road; and Milford Arms apartments, which are on the

north side of Madison Avenue near the Dumont border. The R-C zone district only permits “garden-type apartments and accessory buildings, structures and uses” on a minimum area of seven acres. The Zoning Ordinance definition of “garden apartments” limits their height to two stories plus attic space. The R-C zone bulk regulations include a maximum height standard of two stories or 35 feet and maximum density of five apartment units per acre.

The boundaries of the Residential D/Townhouse (R-D) zone coincide with the Canterbury Village townhouse development, which is on the west side of River Road across from Richmond Avenue. The only permitted uses in this zone are townhouses and accessory buildings and structures. Maximum permitted building height is 2½ stories or 35 feet. The Residential E/Multifamily Townhome (R-E) zone is located adjacent the R-D zone. The only permitted uses in this zone are townhomes and accessory buildings and structures. Maximum permitted building height is four stories or 50 feet.¹

The Business (B) zone covers multiple locations throughout the Borough, primarily along Main Street and River Road. Small sections are also located on Madison Avenue and River Edge Avenue. The regulations of the B zone are very permissive in terms of uses, as its regulations include a detailed list of prohibited uses but do not have a list of permitted uses. Maximum permitted building height is 2½ stories or 35 feet, except that 3 stories or 35 feet are permitted for buildings on lots facing a County road.

The Zoning Ordinance includes two industrial zones, the Light Industrial Park (LI) zone and the Industrial zone, and regulations are provided for each of these zones. However, according to the block and lot references for the LI zone in the Zoning Ordinance text, the LI zone covers the area shown on the Zoning Map as being in the Industrial zone. Therefore, there is only one industrial zone in the Borough for all intents and purposes. The LI zone is located on both sides of Henley Avenue to the west of Yale Avenue. This zone permits business, professional or governmental offices; research laboratories; general, operational and service public utility offices; recreational uses; and manufacturing, fabrication, assembling and handling uses, with certain restrictions.

C. Recommendations

Residential A Zone

This zone’s bulk standards have been modified in recent years to address prior concerns. Notably, the regulations for building height, building coverage and total impervious coverage have been amended to be more stringent. In particular, maximum permitted coverage has been reduced for larger lots. One potential additional recommend change is to further modify coverage requirements by creating a “sliding scale,” where the maximum permitted coverage is reduced as lot area increases.

More broadly, a new policy statement has been added for this zone. The R-A zone is designated for single-family residential use only, within the parameters set forth in the Zoning Ordinance regulations. More intense development is prohibited due to its impacts on scale and character. Any potential deviations from these regulations should only be permitted when they are due to site-specific circumstances and it can be demonstrated there would not be substantial detriment to the Master Plan and Zoning Ordinance.

¹ The New Milford Land Use Regulations Ordinance defines a “townhouse” as “a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access directly to the outside, no unit is located over another unit and each is separated from any other unit by one (1) or more common fire-resistant walls” and a “townhome” as “a multi-story, multi-family structure of more than two (2) units, each with its own entrance accessed directly from the building exterior or an interior hallway with each dwelling unit being located one above the other.”

Changes are recommended to the zoning for the United Water property, as discussed below.

One other recommended potential zoning change is to place existing multifamily residential uses currently in the R-A zone (such as Hirschfeld Estates on River Road) in a modified or new multifamily residential zone to better regulate development, while allowing for reasonable improvements.



Changes to residential zone regulations are intended to protect the established character of New Milford's neighborhoods

Residential B Zone

The R-B zone, which is primarily intended to permit two-family homes, is mapped in only one location: the north side of Madison Avenue between Charles and Grove Streets. Yet two-family homes exist in many other locations scattered throughout the Borough, primarily in the R-A zone. It is recommended that the R-B zone be eliminated.

Residential C / Multifamily Zone

This zone includes multiple sections with differing character and scale. The regulations for the R-C zone were recently amended, as they were outdated and inconsistent in many regards with existing development in the zone. The amended zoning promotes the redevelopment of older apartment complexes by providing incentives for the provision of attractive modern housing, as well as the creation of affordable housing units and open space.

The changes made to the R-C zone and its regulations include the following:

- The name of the district has been changed from Residential C / Garden Apartment to Residential C / Multifamily.
- The term garden apartment has been replaced by the broader term multifamily residential, which is further separated into low-rise and mid-rise categories.
- The provision of affordable dwelling units is required for any development resulting in a net increase in dwelling units on a property.
- An increase in permitted density has been provided as an incentive, which is consistent with COAH regulations and longstanding New Jersey affordable housing practice.
- Increased building height is permitted only on larger properties, and is tied to increased setbacks and “wrapping” of parking garages with buildings, as well as provision of amenities such as on-site recreation.
- Compliance with the New Jersey Residential Site Improvement Standards (RSIS) is mandated for parking and other site design issues.

Residential D / Townhouse Zone

This zone is already developed with an existing townhouse complex. No changes are recommended to the zone's regulations at this time.

Residential E / Multifamily Townhome Zone

A multifamily development with an affordable housing component was approved for this zone, which encompasses a single property, but it has not yet been constructed. Potential changes to the zone's regulations could be considered. However, any changes would need to consider impacts on the Borough's Housing Element, in the event any of the changes involve relocating some or all of affordable housing obligation out of the R-E zone.

Business Zone

New Milford has a limited nonresidential tax base, as is discussed in the Economic Development Plan Element. Therefore, the existing Business zone should be maintained and its regulations should be improved as necessary to encourage reinvestment in commercial areas. Some recommended changes are as follows:

- The use standards should be modernized by listing categories of permitted uses, instead of listing only prohibited uses as is presently the case.
- Consider providing regulations for outdoor dining in order to help restaurants, while also limiting impacts on nearby residential uses.
- Main Street and other parts of the B zone should be differentiated by the creation of separate zone due to the different character of this street and other locations in the B zone. Alternatively, different regulations could be provided that are based on lot area, location and/or other factors.
- The minimum front yard requirement on Main Street should be eliminated, as this change would be consistent with established development patterns.
- The B zone regulations should specify that upper floor residential uses are permitted, but ground floor or freestanding residential uses are not. This change would help promote pedestrian character and economic development, but would also remove a loophole that allows residential only development but does not apply residential zone standards to such development.



The regulations of the Business zone should be amended in recognition of the differing development patterns on Main Street and elsewhere in the zone

The Land Use Plan map recommends minimal expansion of the B zone in appropriate locations, and the creation of a new zone described below.

Industrial/Light Industrial Park Zones

These zones are shown on the Borough's Zoning Map. The 2004 Master Plan Land Use Plan does not recommend their continued existence, as it placed the properties in these zones in the open

space, utility, commercial and quasi-public land use categories. Two of these properties located on the north side of Henley Avenue have now been placed in the new Professional Office/Service land use category.

Professional Office/Service Zone

A new Professional Office/Service is shown on the Land Use Plan map. In addition to the two properties on Henley Avenue noted above, it includes various properties on the east side of River Road which are currently in the Residential A zone, but which are located across the street from the Business zone. A new professional office/service commercial zone would be logical as a transition from commercial to residential areas. It should include regulations to ensure building and site design that is compatible with residential areas. As the district's name implies, permitted uses should be limited to offices and service uses, and not include retail.

River Edge Train Station Area

The River Edge New Jersey Transit commuter railroad station is utilized by New Milford residents as it is located a short distance from the Borough's border with River Edge. There is a small existing commercial node on River Edge Avenue near the station. While it is not feasible to expand this node, it should be maintained as a location for convenience services.

Better pedestrian access should be provided to the station. The provision of additional parking also would be useful. The Borough's commuter parking lot at the end of Henley Avenue and the pedestrian path connecting it to Columbia Street are a good start.

United Water Property

This property is currently located in the Residential A zone. The 2004 Master Plan Land Use Plan map designates the northern third of the property for commercial use, which is described in the text as office, and age-restricted residential on the remainder of the site. The Land Use Plan map in the 2010 Master Plan Reexamination maintains these designations. However, the Borough's 2008 Housing Plan Element recommends multifamily housing on this property with a setaside of affordable dwelling units to help address New Milford's COAH obligation.

Since those plans were adopted, the property has been subdivided into two lots. Block 1309, Lot 1.01 includes the northwestern portions along the Hackensack River and remains utilized by United Water. The land use designation for Lot 1.01 has been changed to Utility to reflect the existing land use, as well as to account for environmental constraints that limit its developability for other types of land uses.

The land use designation for Block 1309, Lot 1.02 has been changed to single-family cluster residential. It is recommended that a new zone district be created to implement this change. The zoning for this property should be based on the existing R-A zone standards in terms of development yield, which would allow the same number of dwelling units but take up less land by allowing smaller lot sizes. Should the cluster option be utilized, it would allow for the preservation of some open space on this site while permitting reasonable development consistent with the character of the area. The cluster regulations should identify the objectives for determining what portions of the property should be preserved and which areas are more appropriate for development. Additional objectives to be considered include connectivity with the existing road network, pedestrian- and bicyclist-friendly design, community character and minimizing impacts on nearby uses. An affordable housing setaside should be required as part of any new development on this site, as it should be for any larger development project within the municipality.

Historic New Bridge Landing Area

Consideration should be given to modifying the zoning in the vicinity of Historic New Bridge Landing to promote and better regulate commercial development. The zoning should be drafted to be consistent with Historic New Bridge Landing Commission's plans for the area.

Other

While there are concerns about development in flood hazard areas, there are existing regulations that address this issue and new Borough regulations generally are not necessary. However a recent change in state law allows buildings raised above flood elevations to exceed municipal height requirements. Consideration should be given to modifying the Zoning Ordinance height requirements to permit additional height for properties in flood zones so that homes may be elevated to allow the first habitable story to be at least one foot above base flood elevation.

Standards for permanent standby generators should be provided in order to protect public safety and to minimize impacts on nearby properties. Regulations should address permissible locations, setbacks and screening of generators.

Regulations in the Zoning Ordinance for home businesses and professional offices were recently revised. Additional changes may be warranted if issues arise with the amended standards.

The definition of "building coverage" in the Zoning Ordinance should be amended so that it is clear that decks are included in the calculation of building coverage.

Regulations for renewable energy facilities in the Zoning Ordinance should be reviewed and revised as necessary to comport with state laws and to provide standards that limit impacts on surrounding properties from solar and wind facilities.

The Borough should consider requiring preparation of an environmental impact statement for larger scale development applications, which could be based upon criteria such as exceeding a minimum threshold for number of dwelling units, floor area of nonresidential space and/or lot area.

D. Land Use Plan

The Land Use Plan on Map 2 incorporates the recommendations discussed in this chapter. This map provides the basis for potential changes to the Borough's zoning map, as required by the Municipal Land Use Law.

II. HOUSING PLAN ELEMENT

The New Milford Planning Board adopted a Housing Element and Fair Share Plan in 2008 which was prepared consistent with the rules of the Council on Affordable Housing (COAH) that were in effect at the time. This document was endorsed by the Mayor and Council and submitted to COAH in December 2008 as part of the Borough's petition for Substantive Certification. The submission was deemed complete by COAH in 2009, and no objections were filed with COAH during the period when they could be filed. The submission was neither approved nor rejected by COAH. As described in the Reexamination Report, legal challenges to COAH's rules and other actions have stalled the review and implementation of municipal affordable housing plans in New Jersey, and a recent New Jersey Supreme Court ruling means further changes will be occurring. New Milford remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low and moderate income families, and will address the new COAH requirements when they become effective.

In the interim, it is recommended that any new developments should address affordable housing requirements through provision of affordable units as part of any development approval. Certain changes are also proposed to the Borough's Housing Element and Fair Share Plan in light of changed conditions since the document was last adopted in 2008. These changes are listed below. References to page numbers and tables are to the Housing Element and Fair Share Plan dated November 17, 2008 and prepared by Kauker & Kauker, LLC.

Page 15:

Modify Table 13: Lands Appropriate for Low and Moderate Units as follows:

Property / Development: Sarna / 1070 River Road Apts
No changes proposed

Property / Development: United Water Company
Changes listed below

Address: River Road
Block: 1309
Lot: 1.02
Current Zoning: Residential A
Appx. # of Market Units: 45
Appx. # of L/M Units: 5
Approval: No
Construction Status: Does not apply

Add the following new information:
Property / Development: Brookchester Apartments
Address: various
Block: various
Lot: various
Current Zoning: Residential C
Appx. # of Market Units: 405
Appx. # of L/M Units: 45
Approval: No
Construction Status: Does not apply

Pages 18-19:

Replace text in section titled "Inventory of areas to be redeveloped" with the following:

The environmental cleanup of the United Water Company property (Block 1309, Lot 1) that was discussed in the 2008 Housing Element and Fair Share Plan has been completed. This property has been subdivided into two parcels. Lot 1.01 has been retained by United Water Company for utility purposes and is thus no longer available for redevelopment. Lot 1.02 is vacant and comprises 13.69 acres according to the Borough's tax assessment records. This property is currently zoned for single-family residential development. The Land Use Plan Element proposes amending the zoning to permit cluster development, which would allow the same number of dwelling units permitted by the R-A zoning but on smaller lots. It is estimated that approximately 50 dwellings could be developed on the property. With a 10 percent setaside of low- and moderate-income units, five affordable units would be provided.

Brookchester Apartments is an older development located in the southeastern portion of the Borough. The property owner has expressed interest in redeveloping a portion of the complex to provide new modern housing and other amenities, including a setaside of affordable dwelling units. The area proposed to be redeveloped is approximately 33 acres. The conceptual design would provide a net increase of 450 dwelling units, with the property owner providing 45 low- and moderate-income rental units.

While there are no other large vacant parcels available for redevelopment at this time, it is possible that existing developed areas may be proposed for redevelopment. Affordable housing should be required to be provided as part of any large-scale redevelopment project.

Page 20:

Replace text in section titled "Adjusted Growth Share" with the following:

The Borough's 2008 Master Plan Housing Element and Fair Share Plan provided for adjustments to growth share obligation based on municipal capacity. In light of a recent New Jersey Supreme Court decision that invalidated the growth share approach as set forth in COAH's rules utilized in preparing the 2008 plan, it is not possible to determine the appropriate requirement for provision of new affordable housing. This revised plan utilizes the adjusted growth share obligation of 43 units as set forth in the 2008 plan based upon the invalidated COAH rules as a good faith effort to provide reasonable opportunities for the creation of affordable housing, while preserving the Borough's rights to adjust the plan to address its revised obligation.

Pages 22-23:

Replace text in section titled "Prior Round Obligation" with the following:

4. Brookchester Apartments – Boulevard and Other Streets – Various Blocks and Lots

The owner of this property is proposing to redevelop a portion of the existing apartment complex to provide new modern housing and other amenities, including a setaside of affordable dwelling units. The area proposed to be redeveloped is approximately 33 acres. The conceptual design would provide a net increase of 450 dwelling units, with the property owner providing 45 low- and moderate-income rental units. Six of these affordable units would be utilized by the Borough to address its growth share obligation.

- Total credits towards PRO = 6

Page 23:

Replace Table 18: Prior Round Obligation with the following:

Name	Total Units	Affordable Units On-Site	Bonus Credits	Total Credits
1070 River Road (Sarna) Block 104, Lot 18	28	4	4	8
(Center for Family Support) Block 818, Lot 13	5	5	0	5
(National Institute for People with Disabilities) Block 1503, Lot 15	4	4	0	4
(Brookchester Apartments) various	450	6	0	6
Total				23

Delete last sentence of second paragraph in section titled "Growth Share Obligation"

Pages 24-25:

Replace text in section titled "Growth Share Compliance" with the following:

1. Brookchester Apartments – Boulevard and Other Streets - Various Blocks and Lots
 - Proposed 39 rental units
 - 11 bonus rental credits
 - Total Credits – 50
2. United Water Company – Madison Avenue - Block 1309, Lot 1.02
 - Proposed five units
3. Advanced Housing DNM, Inc. Group Home – 241 Boulevard - Block 1407, Lot 56
 - Two bedrooms

Replace Table 20: Fair Share Plan Compliance Requirements with the following:

Name	Rental	Family	Very Low
Number Required	11	22	6
Brookchester	39	39	6
United Water	0	5	0
Advanced Housing DNM, Inc. Group Home	2	0	0
Total	41	44	6

Replace Table 21: Surplus Credits with the following:

	Number of Credits
L/M Surplus Credits	14

Replace Table 22: Summary of Total Obligation with the following:

Total 1987 to 2018 Obligation	
Credits addressing Prior Round Obligation (RDP)	23
Credits addressing Growth Share Obligation	57
Surplus Credits	14

III. CIRCULATION PLAN ELEMENT

A. Introduction

New Milford is conveniently situated within the northern New Jersey metropolitan area. New Jersey State Route 4 and a number of Bergen County roads provide access to New York City and other destinations. Multiple bus routes serve the Borough, and three New Jersey Transit commuter railroad stations are located a short distance from the Borough's border. The Borough has made efforts to promote pedestrian activity and transit use, such as through the recent construction of new commuter parking lot at the western end of Henley Avenue and a path providing access to the River Edge railroad station via Columbia Street. However, traffic is a concern in many locations, and there is more that can be done to improve pedestrian and bicyclist safety and improve connectivity. Map 3 illustrates existing transportation resources in New Milford.

B. Recommendations

Pedestrian/Bicycle

Promotion of walking and bicycling can benefit public health and safety, as well as improve communities more generally by allowing residents of all ages to be able to walk to schools, parks, shopping and other destinations. It is recommended that the Borough adopt a "complete streets" policy. Complete streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and public transportation users of all ages and ability. New Milford has already taken steps in this direction. It is recommended that sidewalks and other facilities continue to be required in conjunction with new developments. Additional measures can be taken to protect pedestrians in crosswalks, such as pedestrian crossing signs in certain locations, other signage, changes in pavement and bump-outs.

One specific area of concern is New Bridge Road, which is a busy thoroughfare that has been described as being particularly pedestrian-unfriendly. The Borough should work with Bergen County to undertake improvements in this area. Benefits would include better connections between residential neighborhoods on the north side of New Bridge Road with Historic New Bridge Landing, and potentially make walking or bicycling to New Bridge Landing railroad station more feasible.

Another issue that has been identified pertains to pedestrian safety around schools and parks. The Borough should continue to seek funding to improve access to these facilities for pedestrians and bicyclists.

Improved bicycle storage should be encouraged at key locations such as public buildings and shopping centers. While simple bicycle racks would be a good start, covered and secured areas and bicycle lockers would be better.

Transit/Alternative Modes

New Jersey Transit and Rockland Coaches (Red and Tan Lines) provide bus service in New Milford to and from New York City and other destinations. There are no commuter railroad stations in New Milford, but there are three New Jersey Transit commuter



An example of improvements that can be made to promote usage of transit facilities is this path connecting commuter parking on Henley Avenue to the River Edge train station

railroad stations located a short distance beyond New Milford's western border. While direct improvements to transit service are outside of New Milford's jurisdiction, the Borough can alert transit providers to issues and request improvements.

The municipality can also provide additional parking and access improvements, as has been done already in the vicinity of River Edge station.

Other alternative modes of transportation, such as electric car charging stations and car sharing services, should also be promoted.

Streets and Traffic

There is little need for road and intersection improvements in New Milford at present, but that may change as development occurs. It is recommended that all development proposals be designed to include or accommodate necessary transportation improvements. In addition, as a number of major thoroughfares in and near New Milford are Bergen County roads, the Borough should work on an ongoing basis with the County to address any concerns.

IV. COMMUNITY FACILITIES PLAN ELEMENT

A. Introduction

This plan element addresses existing and potential future needs for community facilities in New Milford. In particular, it describes changes to the existing conditions information in the 2004 Master Plan and 2010 Reexamination for the Borough's emergency services; public schools; public library; and water, sewer and other utilities.

B. Existing Conditions, Issues and Recommendations

Police

The New Milford Police Department's headquarters are located in Borough Hall at 930 River Road. The Department's major facilities issue is that its headquarters are no longer adequate for the size of the police department and modern police practices. The Borough has plans to construct a new police facility in the vicinity of Borough Hall, which would also allow for expansion of municipal offices into the area currently utilized by the Police Department.

Fire

The New Milford Fire Department provides service from two fire houses: one on Trenton Street and the other on Center Street. The department has a fleet of six vehicles: three engines, one tower ladder, one hazardous materials response/field communications unit and one repurposed minibus utilized for training and personnel transport. It also has a rescue boat. The New Milford Fire Department is part of the Tri-Boro South Mutual Aid Group, which allows for sharing of resources by multiple emergency service agencies during major incidents. One issue noted in the 2004 Master Plan is that the Trenton Street fire station is small and is in need of expansion. The Fire Department currently moving forward with plans to improve its facilities.

Emergency Medical Service

The headquarters of the New Milford Volunteer Ambulance Corps is located at 213 River Road. The Corps has provided emergency medical services to New Milford and Oradell since 1937.

Public Schools

Public schools in New Jersey are a separate administrative entity from municipal government. Therefore municipal master plans do not have direct influence over school district decisions. However, some coordination is mandated, such as the Municipal Land Use Law requiring a courtesy review of proposed school facility projects by the Planning Board. It also is good planning to coordinate decisionmaking. The 2012 Master Plan for the New Milford Public Schools calls for multiple improvements and renovations to bring facilities and programs up-to-date and to increase capacity. The school district and Borough should continue to work collaboratively when planning facilities so as to optimize use by students as well as the broader community.



Continued coordination is recommended between the municipal government and the school district

Library

The New Milford Public Library is located at 200 Dahlia Avenue, adjacent to Williams Field. The facility is adequate in size, and is a useful community resource. The Library is adapting to changes in technology by providing many services beyond just books. It is open six days a week (closed Sundays).

Public Works

The Department of Public Works/Recycling Center is located at 930 Columbia Street. Additional information regarding recycling is provided in the Recycling Plan Element.

Water and Sewer

Water service in New Milford is provided by United Water New Jersey.

Sanitary sewer service is provided by the Bergen County Utilities Authority. The 2004 Master Plan indicated the Borough's sewer system is becoming antiquated and in need of overhaul, as it was established in 1936. A concern was also noted about the possibility of future development and population changes within the Borough. The Master Plan thus recommended that an engineering assessment of the water and sewer systems be completed prior to the application of further development. This recommendation remains valid.

The Borough adopted its most recent Storm Water Management Plan in 2007.

Gas and Electric

Transmission and distribution of electricity and natural gas in New Milford is handled by Public Service Electric and Gas Company (PSE&G), which formerly was also the sole generator and supplier. New Jersey has allowed competition in the electricity and natural gas generation/supply markets since 1999, meaning that customers can choose PSE&G or a different supplier for gas and electric.

PSE&G has a large electrical substation in New Milford on the south side of Henley Avenue, west of River Road. Improvements are being made to this facility as part of a companywide plan to raise, relocate or protect PSE&G's switching and substations that are in floodplains or otherwise vulnerable to outages during major storms.

Communications

The communications landscape has significantly evolved in recent years. The infrastructure necessary to provide telephone and DSL broadband Internet service in New Milford is owned and operated by Verizon. Cable television/cable broadband Internet infrastructure in the Borough is owned and operated by Time Warner, a company that provides cable service in many communities in New Jersey and other states. Verizon also offers fiber optic broadband Internet, television and telephone service. Other options for telephone service in the Borough include VoIP (Voice over Internet Protocol) and cellular phone services. Concerns over cellular antennas have generally subsided as wireless providers' networks have been built out and technology for hiding and collocating antennas has improved.

Other

New Milford should look into additional opportunities for sharing public services with nearby communities and other entities, including the school district.

V. RECREATION AND OPEN SPACE PLAN ELEMENT

The New Milford Planning Board adopted an updated Recreation and Open Space Plan in July 2012. In this update, 11.22 acres of recreation and open space were added to the Master Plan to address the inconsistency between the Master Plan and the Borough's Recreation and Open Space Inventory (ROSI) on file with the New Jersey Department of Environmental Protection (NJDEP). These properties are referred to in the ROSI as the Mansoldo Property (Block 501 Lot 12, Block 906 Lots 16 thru 19, and Block 101 Lot 5). Open space at 1033 Steuben Ave along the Hackensack River was acquired in 2011 as open space using funds from the Bergen County Open Space Trust Fund. The Saw Shop (Block 113, Lot 10) was acquired as part of the Old New Bridge Road County/State Project, located along the Hackensack River. Additionally, three properties on Washington Avenue were acquired using NJDEP Blue Acres funding. (See Map 4 for updates to the recreation and open space designations.)

The continued use of Blue Acres is encouraged. This state program provides funding for voluntary buyouts of flood prone properties, which are cleared and become open space. Coordination is necessary so there can be clustering of properties being bought out in order to create contiguous open space. The utilization of other funding sources and strategies is encouraged, including public/private partnerships.

The Borough should continue coordinating its actions in the vicinity of New Bridge Landing with the Historic New Bridge Landing Commission and its master plan, which was adopted in 2010.

VI. ECONOMIC DEVELOPMENT PLAN ELEMENT

A. Introduction

New Milford is a compact municipality that is primarily residential in character. While the Borough has some commercial areas, New Milford has a limited nonresidential tax base by any measure. As shown in the following tables, New Milford has a lower percentage of commercially used properties than the average for Bergen County, and higher percentage of residential parcels and valuation. Notably, the proportion of the Borough's tax base devoted to residential (non-apartment) use by assessed valuation is significantly higher than the County average (88.5% versus 76.1%). The difference is more glaring when the figures for apartments and other residential uses are combined: over 95% of New Milford's assessed valuation is comprised of residential and apartment uses, while the Bergen County average is 80%. This percentage is the fourth highest out of the 70 municipalities in Bergen County.

Similarly, New Milford is near the bottom of the list of Bergen County municipalities in terms of the portion of the tax base devoted to commercial use. Only 4.46% of New Milford's tax base is classified as commercial, which ranks 63rd in the County. The combined commercial and industrial tax base is 4.65% in New Milford, which is 65th in Bergen County.

Breakdown of the Tax Base by Property Classification Borough of New Milford, 2012

Type	Parcels		Assessed Valuation	
	Number	Percent	Total	Percent
Vacant Land	32	0.74%	\$3,766,500	0.19%
Residential	4,197	96.97%	\$1,721,056,000	88.53%
Commercial	77	1.78%	\$86,754,500	4.46%
Industrial	2	0.05%	\$3,736,200	0.19%
Apartments	20	0.46%	\$128,832,200	6.63%
Total Tax Base	4,328	100%	\$1,944,145,400	100%

Source: New Jersey Department of Community Affairs – Division of Local Government Services

Breakdown of the Tax Base by Property Classification Bergen County, 2012

Type	Parcels		Assessed Valuation	
	Number	Percent	Total	Percent
Vacant Land	5,940	2.20%	\$1,868,501,972	1.20%
Residential	248,566	92.03%	\$118,870,731,795	76.10%
Commercial	11,624	4.30%	\$22,337,387,980	14.30%
Industrial	2,272	0.84%	\$6,956,588,938	4.45%
Apartments	1,704	0.63%	\$6,176,741,544	3.95%
Total Tax Base	270,106	100%	\$156,209,952,229	100%

Source: New Jersey Department of Community Affairs – Division of Local Government Services

B. Recommendations

The Land Use Plan Element includes some recommendations for amending and expanding the Borough's nonresidential zones. Notable suggested zoning changes include clarifying those uses that are permitted and simplifying development regulations. More broadly, existing commercial zones and uses should be maintained and enhanced. Limited new locations for retail and/or office uses are recommended in the Land Use Element. A new Professional Office/Service district is proposed for portions of River Road and Henley Avenue. Additional updates to the Zoning Ordinance should be considered in order to simplify procedures for property owners and applicants.

VII. HISTORIC PRESERVATION PLAN ELEMENT

A. Introduction

Befitting its distinction as the “Birthplace of Bergen County,” New Milford has a rich history and a number of notable landmarks. Its beginnings date back over three centuries to the first permanent settlement in the area. The Demarest House on River Road was constructed circa 1680 and has the distinction as the oldest continuously occupied home in Bergen County. Among the other historic sites in New Milford is the French Huguenot – Demarest Cemetery, which is located behind Borough Hall. A number of homes are designated as historic sites.

According to the Borough’s Historic Preservation Commission, New Milford has three main areas of historic interest: New Bridge, Old Bridge and Peetzburgh. New Bridge is located in the vicinity of New Bridge Landing in the southwest corner of the Borough. New Bridge Landing’s role in the nation’s history dates back to at least the Revolutionary War, when the Continental Army safely crossed from New Milford to River Edge to evade the British Army. Old Bridge is located in the central portion of the Borough and was home to the Demarest family homestead as well as mills and docks. Peetzburgh, in the northwest corner of the municipality, was a planned development that dates back to the 1890s and was home to the Borough’s first school, firehouse and post office. There are currently no local historic districts in New Milford, although one or more of the above areas could possibly qualify for designation.

The Historic Preservation Plan Element in the 2004 Master Plan outlined various issues and recommendations, most of which remain valid. There have been some changes to information included in the 2004 plan element.

Most notably, the preservation and restoration of Historic New Bridge Landing has progressed. According to the Historic New Bridge Landing Park Master Plan, the Borough of New Milford initiated a federal grant that funded \$400,000 worth of streetscape improvements to Old New Bridge Road, including restoration of the eastern approach to the historic bridge “to an approximation of its turn-of-the-century appearance.” The project included appropriate period lighting, curbing, sidewalks, fencing and road surfacing.

In addition, both existing farms identified in the 2004 Historic Preservation Plan Element have been preserved as farmland.

B. Recommendations

A challenge in the coming years will be how to balance development pressures, historic preservation and sustainability. The Historic Preservation Commission and others should continue to educate the community about historic preservation and its benefits. For example, consideration should be given to the impacts due to demolition of older buildings. In many instances, reuse is a more sustainable approach.

Improvements are also needed to the Borough’s Historic Preservation Ordinance. Changes to the procedures for an application to the Historic Preservation Commission being required should be considered to better protect the Borough’s historic resources. One option would be to implement a demolition review law. A minimal threshold would at least allow the Historic Preservation Commission to undertake initial investigation to determine if further action is warranted. Changes to zoning and/or other ordinances could require a waiting period for demolition of historic structures and require exploration of alternatives. Parameters could include precluding demolition of any

building or structure over a certain age, or of any building or structure identified for protection, for a specified period to allow for an investigation of historical merit.

The checklist for development applications to the Planning Board and Zoning Board of Adjustment should be amended to ask applicants to indicate whether a property is included on the historic sites survey and/or in what year the building(s) on a property were constructed. These items would serve to alert the board whether a building or property has historic significance, and could trigger notification of the Historic Preservation Commission of the application. At a minimum, application procedures should be amended to that the Historic Preservation Commission is informed of any action affecting properties listed in the historic sites survey.

New Milford is in need of an updated survey of historic sites, as the historic site survey utilized in the 2004 Master Plan is from a document prepared in 1980-1981. This updated survey would make the Borough eligible for designation as a “Certified Local Government” (CLG) for historic preservation purposes. CLG status would make New Milford eligible to compete for state-funded grants for a variety of preservation activities.

Creation of one or more local historic districts also should be considered. Map 5 shows selected historic resources within New Milford.

VIII. RECYCLING PLAN ELEMENT

The Borough of New Milford's Recycling Center is located within the Department of Public Works. As noted in the Recycling Plan Element of the 2004 Master Plan, New Milford has complied with the state requirement that all municipalities adopt a recycling ordinance, which requires persons generating municipal solid waste to source separate from the municipal solid waste stream. There have been minimal changes to the Borough's recycling program. The major change since the 2004 Recycling Plan Element was adopted is the addition of an electronics recycling program. Another recent change prohibited plastic bags being used to hold recyclable commingled items or being included with recycled items. Recycling continues to include both curbside pickup of various items, with others able to be dropped off at the Recycling Center at 930 Columbia Street, which is open six days a week.

The Borough promotes recycling through multiple efforts. These include the production of an annual recycling calendar listing specific collection dates, which is mailed to all residents, posted on the Borough's website and available at Borough Hall; providing one yellow recycling container free of charge to new homeowners for comingled recycling collection use; enabling items including batteries, tires, textiles and waste oil to be recycled at the Recycling Center; and curbside pickup of appliances, consumer electronics, branches, leaves and Christmas trees. Collection of Household Hazardous Waste is provided by the Bergen County Utilities Authority.

New Milford complies with the regulations of N.J.S.A. 13:1E-99.16(c), which requires municipal governing bodies to periodically review and make necessary revisions to the municipal master plan and development regulations to "reflect changes in federal, State, county and municipal laws, policies and objectives concerning the collection, disposition and recycling of designated recyclable materials." The Borough's Recycling Ordinance provides detailed regulations for recycling, which are implemented through actions including those described in the prior paragraph. It is also reiterated that any development proposal involving the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land shall provide for the collection, disposition and recycling of designated recyclable materials.

IX. FARMLAND PRESERVATION PLAN ELEMENT

Perrone Farm and Fresh and Fancy Farm (formerly known as Klinger Farm), designated as Block 904, Lots 43 and 44 on the Borough's tax maps, were identified in the 2004 Master Plan as properties for farmland preservation due to their 18th century history. The 2010 Reexamination updated the status as each property having received a Deed of Easement Conservation designation. The Perrone Farm, located at 563 River Road (Block 904, Lot 44), received \$1,218,000 for its development rights, and Fresh and Fancy Farm at 57 River Road received \$326,000. Both the Perrone Farm and Fresh and Fancy Farm were changed from Residential to a new land use category, Farmland Preservation, as directed in the 2010 Reexamination and the 2012 Amendment to the Recreation and Open Space Plan Element.



Both of the Borough's remaining farms have been preserved through the acquisition of their development rights

X. STORM WATER MANAGEMENT PLAN

The New Milford Planning Board adopted a Storm Water Management Plan in 2005. This plan was prepared consistent with all applicable regulations and is implemented by municipal ordinances. As required by the Municipal Land Use Law at N.J.S.A. 40:55D-93, the Planning Board has reexamined this plan as part of this Master Plan Update, and has determined that the current plan remains valid.

XI. SUSTAINABILITY PLAN ELEMENT

A. Introduction

Planning by its very nature should be about sustainability – addressing today’s needs in order to improve communities and quality of life in the future. In a sense, sustainable planning and development techniques are essentially what has been considered “good” planning for years, with an increased emphasis on environmental impacts. However, green design, environmental conservation and other aspects of sustainability planning have often been scattered about municipalities’ planning efforts, if they are included at all. Concerns about rising energy costs, climate change and environmental issues in general have moved green issues into mainstream public consciousness.

In line with this shift in thinking, New Jersey law was changed a few years ago to more formally recognize sustainability’s role in community planning by providing a specific location to address this topic. A 2008 amendment to the Municipal Land Use Law specifically authorizes the inclusion of a “green buildings and environmental sustainability plan element” in a municipal master plan, which:

“shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.”

This element of the New Milford Master Plan addresses the above requirement and provides a central location for the Borough’s existing and planned sustainability efforts. The plan is intended to raise awareness of New Milford’s existing and future sustainability planning efforts and to highlight the Borough’s commitment to supporting such goals and concepts. To this end, overall goals and guiding principles are provided, which provide the basis for numerous recommended actions. This Sustainability Plan Element addresses many of the topics included in other elements of the Borough’s Master Plan. Updates to these other elements of the Master Plan have been written to be consistent with the goals and recommendations of the Sustainability Plan Element.

B. Recommendations

The New Milford Master Plan includes a series of goals and objectives, which are listed in the Reexamination Report. The Sustainability Plan Element incorporates and endorses these objectives and includes the following principles that are more specific to sustainability planning in New Milford:

1. Improve the environment
2. Reduce energy use
3. Incorporate health and wellness considerations in planning actions
4. Encourage transportation choices
5. Support local employment, services and shopping
6. Improve overall quality of life

New Milford also should consider obtaining Sustainable Jersey certification. Sustainable Jersey is a municipal certification and incentive program started in 2009 that includes required and elective “actions” that municipalities can implement to receive the certification. This certification not only demonstrates a municipality’s commitment to sustainable policies and practices, but also provides opportunities for grants and other funding sources.

In terms of more specific recommendations, as noted in the Land Use Plan Element, the regulations for renewable energy facilities in the Zoning Ordinance should be reviewed and revised as necessary. As modifications are made to the Zoning Ordinance, sustainability measures can be incorporated into existing regulations. These can range from reductions in parking requirements to changes in standards for site design, lighting and storm water management. The Borough also could consider requiring preparation of an environmental impact statement for larger scale development applications, which could be based upon criteria such as a minimum number of dwelling units, floor area of nonresidential space and/or lot area.

Developers are encouraged to meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) basic requirements (or similar rating systems) for green building design and to participate in ENERGY STAR, a U.S. Environmental Protection Agency program that aims to reduce costs and protect the environment through energy efficient products and practices for buildings. The use of solar collectors on buildings as well as on canopies (such as over parking areas) is encouraged as well.

The Borough and other public entities can also lead by example through additional actions such as retrofitting of public facilities to be more energy efficient, implementing green purchasing policies, providing electric vehicle charging stations and promoting walking and bicycling.

XII. RELATIONSHIP TO OTHER PLANS

A. Introduction

The Municipal Land Use Law at N.J.S.A. 40:55D-28d requires a municipal master plan to:

“include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act,” sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the “Solid Waste Management Act,” P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.”

This section addresses the above requirements.

B. Master Plans of Contiguous Municipalities

The communities bordering New Milford are the Borough of Dumont, the Borough of Bergenfield, the Township of Teaneck, the Borough of River Edge and the Borough of Oradell. This section addresses how New Milford’s Master Plan and Zoning Ordinance relate to the master plans and zoning regulations of these neighboring municipalities.

Borough of Dumont

The Borough of Dumont borders New Milford along the northern portion of its eastern border. The zoning along the border in Dumont is similar to New Milford’s single-family residential where the minimum lot area is 7,500 square feet. Dumont’s zoning is RA, which permits one- and two-family residential. The only other zone along the border is the P zone for public/park use, which is compatible with the zoning in New Milford along this border.

Borough of Bergenfield

The remainder of New Milford’s eastern border is abutted by the Borough of Bergenfield. New Milford’s zoning along this border is the same as it is along the Dumont border. The zoning and land uses on the Bergenfield side are also similar to those on the New Milford side. The zoning in Bergenfield along this border consists of three zones: the R5, 5,000 square foot residential one- and two-family zone; the R6, 6,000 square foot residential one- and two-family zone; and the P Parks and Public Purpose zone.

Township of Teaneck

The southern border of New Milford is shared by the Township of Teaneck. The zoning is consistently single-family residential in both communities with the exception of two commercially zoned properties on the New Milford side at the intersection of River Road and New Bridge Road. There is also an existing restaurant on the north side of Old New Bridge Road, which is a preexisting nonconforming use. The minimum lot area requirement for single-family residential lots on both sides of the municipal border is 7,500 square feet.

Borough of River Edge

The majority of New Milford’s western border is shared with the Borough of River Edge, which is separated from New Milford by the natural boundary of the Hackensack River. The remaining zones in River Edge are R1 residential, P1 conservation and M1 public, which complement the mainly

recreational and residential land uses and zoning in New Milford. There is also a small section of C1 commercial zoning in River Edge, which is across the Hackensack River from a small commercial zone in New Milford as well as the RA one-family residential zone.

Borough of Oradell

The Borough of Oradell is also located along New Milford's western border, as well as its northern border. The Hackensack River separates the two municipalities on New Milford's western border. Although there are five zone types located adjacent to New Milford, three of them are designated residential with different minimum lot requirements. The R2 zone has a minimum lot requirement of 12,000 square feet. The R3 zone's minimum lot requirement is 9,000 square feet. The R4 zone's minimum lot requirement is 7,500 square feet. The remaining three are C1 commercial, which abuts New Milford property that is zoned single-family residential, MX mixed use, the old Hackensack Water Company building that abuts single-family residential property in New Milford and a small section of CR conservation/recreation zoning that also abuts New Milford's single-family residential zoning.

C. Bergen County Master Plan

The Land Use Element of the Bergen County Master Plan has not been updated since 1973. The land use conditions in the County have changed so much since that time that its goals and policies are very much outdated. The New Milford Master Plan does not conflict with this or other County plans.

D. State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once since its original adoption over two decades ago. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not yet been adopted. This Master Plan is consistent with the SDRP and the draft SSP and the smart growth principles set forth in both documents. In particular, the Master Plan balances development and preservation in an area well served by existing infrastructure and transportation facilities. It also promotes walking and bicycling and transit usage. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

E. District Solid Waste Management Plan

The Bergen County Utilities Authority is the agency empowered to supervise the implementation of the solid waste management plan for Bergen County. The plan was originally adopted in 1979 and was most recently updated in 2006. The New Milford Master Plan, which includes a recycling plan element as required by the Municipal Land Use Law, is consistent with the county's solid waste management plan.