

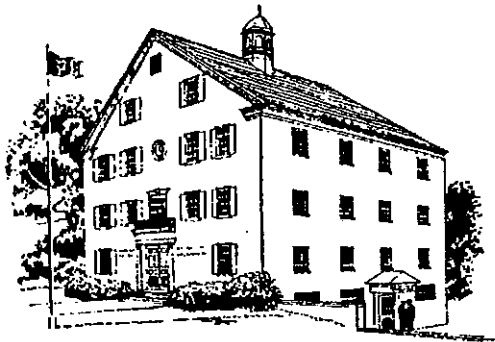
2006 MASTER PLAN REEXAMINATION

Adopted:

January 25, 2007

**Prepared for:
BERNARDSVILLE BOROUGH
PLANNING BOARD**

**Prepared by:
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Incorporated June 2, 1924

Somerset County

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Residents

This 2006 Master Plan Reexamination for the Borough of Bernardsville presents the findings and recommendations of your Planning Board concerning the future of our community. This reexamination is a continuation of the planning process in Bernardsville and represents an update of the Master Plan that was adopted in 2000. This document is prepared according to N.J.S.A. 40:55D-89 Periodic Master Plan Reexamination, that requires every municipality to examine their master plan every six years.

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Bernardsville Borough Planning Board

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BERNARDSVILLE REEXAMINATION

The last and latest Comprehensive Master Plan for the Borough of Bernardsville was adopted on September 28, 2000 by the Borough Planning Board. It has been thrice amended.

On October 28, 2004 it was amended to add the "Bernardsville Environmental Resources Inventory". This document was originally prepared by the Upper Raritan Watershed Association for the Bernardsville Borough Environmental Commission. This inventory presents, in map and illustration form, important data concerning the physical features that characterize the Borough. It is presented as part of the Master Plan's Conservation Plan Element. The information is offered to, in part, identify environmental features which can have an impact upon development.

The second amendment to the 2000 Comprehensive Master Plan was the adoption on March 5, 2005 of the Stormwater Management Plan. Preparation of this document was prompted by the requirement for such a plan by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations. The Borough Plan contains all of the required elements described in N.J.A.C. 7:8 Stormwater Management Rules. The plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major development. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the loss of groundwater recharge that provides base flow in receiving water bodies. The plan describes long-term operation and maintenance measures for existing and future stormwater facilities.

The third amendment is the Housing Plan Element and Fair Share Plan adopted on November 17, 2005. This document addresses the third round affordable housing obligations for municipalities seeking substantive certification from the New Jersey Council On Affordable Housing ("COAH"). The document, that contains substantial background information on population, economic base and housing, presents the Borough's estimate of future 2004 - 2014 affordable housing needs and the means by which the Borough provides a realistic opportunity to satisfy these housing needs. The Borough's petition is presently under review by COAH.

The following quote is from N.J.S.A. 40:55D-89 Periodic Reexamination; the statutory requirements for the Bernardsville Reexamination:

Periodic Reexamination of Municipal Plans and Regulations
N.J.S.A. 40:55D-89 Periodic examination.

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such

reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.

The reexamination report shall state:

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

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

c. 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.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

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

Reexamination

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

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

The 2000 Comprehensive Master Plan is subdivided into elements or chapters as recommended by N.J.S.A. 40:55D-28 "Preparation; contents; modification of a master plan." To address the above paragraph "a" the problems and objectives of each element of the 2000 Plan is herein presented. Intertwined with "a" is also a response to "b" that evaluates the extent to which problems and objectives have been reduced or increased. Text in italics is quotes from the 2000

Comprehensive Master Plan.

1. Planning Goals And Policies

Bernardsville has developed a series of general policies over the past few decades that have guided its past development and remain valid for the future. This Master Plan's constituent policies, proposals and plans are based on the following general premises:

- *To preserve the residential and open character of the community.*
- *To allow non-residential forms of land use, especially commercial, to the extent that they serve residents of the Greater Somerset Hills Subregion.*
- *To protect Borough residents and their property from negative environmental, financial and other impacts of development.*
- *To provide community facilities, services and utilities to the extent they are practically feasible.*
- *To promote the conservation of natural systems, environmental resources, rural appearance and the natural amenities that characterize Bernardsville.*

In addition to reaffirming these longstanding goals and policies of the Borough, recent activities and improvements in the Town Center or downtown have introduced new goals and policies particular to this area.

- *To promote the downtown as the commercial and civic center of the Borough,*
- *To enhance the physical characteristics of the downtown through sign, facade, architecture and streetscape improvements,*
- *To improve the circulation patterns into and through the downtown,*
- *To create a pedestrian-friendly atmosphere in the downtown, and*
- *To provide sufficient parking in the downtown by rationalizing land use with parking needs.*

Lastly, more detailed goals, policies, objectives and recommendations are contained in each of the chapters or elements of this Comprehensive Master Plan document.

Reexamination: The first five goals in the 2000 Plan are a reiteration of these same goals as presented in the 1978 Master Plan. The second five goals pertain to the Town Center or Borough downtown and were added into the 2000 Plan.

All ten goals, or objectives have functioned, since 2000, to guide the land development objectives of the Borough. They are appropriate to continue to express the planning goals and policies of the Borough.

2. Major Problems

The 2000 plan presented a list of the major planning concerns facing Bernardsville as follows:

- *Traffic congestion during the peak commutation and other periods,*
- *Truck traffic through the downtown and on local roads,*
- *Limited sewer capacity due to serious infiltration during storm periods,*
- *Subdivision of heritage estates in the Mine Mountain sector,*
- *Overbuilding in residential zones,*
- *Insuring development is environmentally appropriate,*
- *Improving pedestrian access and safety,*
- *Providing for open space and recreation areas, and*
- *Enhancement of the downtown.*

Reexamination: Each of the above major problems or planning concerns was addressed in the respective elements or chapters of the 2000 Plan.

3. Development Potential.

The 2000 Plan analyzed the existing housing unit development (1998) and the future housing unit development potential as a function of zoning and vacant land. The 1998 number of housing units in the Borough was 2,779. The Census of Housing counted 2,807 housing units in the year 2000. The future projected number (2014) is 3,322¹. As will be discussed later in this reexamination, the addition of 543 housing units in this 14 year interval is higher than local projections.

The 2000 plan anticipated only modest future development in most zones of the Borough (p. 6)

¹ New Jersey Transportation Planning Authority.

Reexamination: Growth to date (2006) from 2000 has been modest: 21 homes per year.² Major growth occurred in the 1990 - 2000 period when there were 316 housing units added to the Borough, or 32 units per year. This reexamination projects a future lower number of units per year: closer to the earlier 20 units per year figure.

4. Population

The 2000 Plan made the following observation:

There will be development pressures on Bernardsville but with scant vacant developable land the population changes will be quite modest. These pressures will be manifest in further subdivision of large estates, demand for multifamily housing and senior citizen housing. (p. 12)

Reexamination: This observation proved prophetic as the last six years have witnessed subdivision of large estates, approval for an assisted living development and approval of a four unit multi-family affordable housing project. Several non-affordable multi-family applications however, were denied by the zoning board of adjustment.

The 2000 Comprehensive Master Plan relied upon population projections prepared by the Somerset County Planning Board. That board estimated the 1998 Borough population to be 6,931 and the 2010 projection to be 6,715. Actually, both figures seriously underestimated the population. In 2000 the U.S. Census of Population showed the Borough containing 7,345 persons. The New Jersey Transportation Planning Authority projects the 2014 Borough population to be 8,310. Again, as will be shown later in this reexamination, this 8,310 figure is higher than Borough projections.

5. Historic Plan Element

The historic plan element is presented in two parts. The first is a brief history of the Borough. The second is a presentation and description of historic sites, structures and heritage estates and mansions.

The sites discussed herein are of particular historic and/or architectural interest to Bernardsville Borough. It is recommended that the Borough encourage the continued use of historic properties in keeping with their original purpose or in the alternative a suitable and appropriate adaptive reuse. The Borough should explore means to implement this recommendation. The Borough should also encourage ways by which these historic structures and houses are not diminished by activities in the immediate environment within which they are located.

² Number of certificates of occupancy.

To date, no estate mansions have been converted to conditional uses except one to a private school, and that property has been reconverted to a residence. Upon review, several of these conditional uses, if developed as permitted, may have detrimental impacts upon their neighborhood. A conference center, for example, may generate traffic beyond the capacity of neighborhood and local roads. Other conditional uses are so undefined in scale as to potentially also be detrimental. It is therefore recommended that these conditional uses be eliminated.

However, the goal of preserving heritage estates and mansions remains a high priority for the Borough. Thus, to achieve or implement this goal, there may be certain types of very low density housing or even very low density uses, i.e., schools, retreats, recreation, etc. that may be appropriate to this sector of Bernardsville and individual heritage estates and mansions. It is difficult to legislate for these unique uses and insure reasonable density intensity of use standards. Implementation is best achieved on a property-by-property and use-by-use basis. However, evaluation of implementation strategies should be guided by the density objectives in this sector/district and commensurate levels of population activity and trip generation.

Reexamination: Conditional uses for estate mansions have been eliminated. The Borough has not arrived at an appropriate means to assure particular historic sites and houses as well as estate mansions can be maintained at their original purpose or in the alternative arrive at a suitable and appropriate adoptive reuse.

It may be difficult to design or legislate an appropriate means to address all historic and estate mansion issues. However, it is appropriate to include in this reexamination a strong policy statement concerning first the importance of the sites and buildings to the history and present character of the Borough. Second, this reexamination can also establish or reiterate the land use policy to evaluate all applications involving these properties by strict adherence to land use policies and zoning requirements recognizing that variation to these requirements may have substantial impairments to the public good, master plan and heritage of the Borough.

6. Utility Service Plan Element.

The utility service plan focused almost exclusively on the Borough sanitary sewer system. Two major issues are discussed in this plan: infiltration and extension of service.

Based upon the above information and most importantly the 1987 Wastewater Management Study, the following recommendations are established:

Presently, the existing sewerage treatment plant is plagued by serious infiltration during storm periods wherein capacity is exceeded. Despite numerous attempts to identify the source or sources of the problem, it remains undetected. The Borough should continue to study the problem.

Until this infiltration problem is solved, expansion of sewers is not recommended. As a

general principle, single family residences on lots of one acre or greater are recommended to be served by individual septic systems.

The exceptions to this Borough policy are several fold, involving:

- a. Sewer service can be provided to infill development within the existing sewer service area. It is assumed this development will be housing on the few remaining vacant lots in the more densely developed neighborhoods of the Borough. Similarly, there are a small number of homes in the sewer service area that are not connected but should be connected. The Borough should require connection to the sewer system when these properties turn over from one owner to another.*
- b. Extension is recommended to cover the few remaining C-1 properties east of Finley Avenue not presently served. This extension will preferably be undertaken by property owners when overall site improvements are proposed.*
- c. Extension of sewer facilities in conjunction with new subdivision development at the fringes of the sewer service area is not recommended. Existing homes at the fringes of the sewer service area should be given priority as waste water treatment capacity becomes available. No sewer facility extensions are recommended for the R-1 zone district.*

Reexamination: Despite continuous study, the source(s) of infiltration during storm periods has not been identified. Expansion of the sewer service area has not occurred, nor are there any plans to do so. Thus, the above sewer service recommendations remain operative for the Borough.

The Borough engineer, Ferriero Engineering, Inc. prepared a Stormwater Management Plan that was adopted on March 3, 2005 by the Borough Planning Board. It complies fully with the New Jersey Department of Environment's municipal stormwater regulation program.

7. Circulation Plan Element:

The majority of this element is composed of descriptions of the four types of roadways in the Borough: arterial roads, major collectors, minor collectors and local streets. The 2000 Plan also identified general traffic circulation issues as well as traffic circulation issues as identified by Bernardsville traffic officer. The general circulation issues include:

- a. Childs/Finley/Route 202 Intersection
Intersection redesign is warranted.*

Reevaluation: Redesign is a State Department of Transportation responsibility. However, the Borough has not pursued a request for redesign.

- b. Truck Traffic.
There is a substantial amount of truck traffic generated by the quarry and plant*

located off Mine Brook Road (Route 202) west of the Town Center. This truck traffic conflicts with automobile traffic and congests the Town Center roadways and intersections. Trucks have a major problem turning right onto Mount Airy Road. Thus, reduction or elimination of this use should be encouraged as no longer appropriate. Lastly, introduction or expansion of uses in the quarry property which generate trucks should not be permitted.

Reexamination: The quarry and plant are valid non-conforming uses that have the right to continue. Expansion is not permitted. Thus, there may not be any opportunity to eliminate or even reduce this use. Additional uses that have developed in the quarry property such as storage uses are not truck-generating uses. The proposed Graham circulation plan for the center of Bernardsville will help to relieve Mount Airy Road/Route 202 congestion.

c. Route 202 East.

Multiple commercial ingress-egress points, particularly in front of the two shopping centers, cause traffic congestion. There are numerous rear-end accidents, mostly at low speeds, in front of these commercial driveways.

The area needs further study. However, reducing driveways and creating "exit only" and "entrance-only" driveways are two short-term remedies.

Reexamination: Minor modification and improvement to the Shop-Rite site plan approval was made to the eastern ingress-egress access. As additional applications in this corridor come before the planning and/or zoning boards access modifications are made. There may be an opportunity to make circulation and ingress-egress improvements when the King's shopping center (Bernardsville Centre) property comes before a Borough board. Significant new traffic generators in this corridor are discouraged or have been denied. A traffic engineering study of this corridor has not been undertaken.

In December 2004 the zoning requirements for automobile sale uses was modified to require greater setbacks, more extensive landscaping and other changes all aimed at producing a more aesthetic and appropriately scaled development. These new requirements were relied upon in the recent site plan review for the VW dealership renovation.

Access from the rear of the Shop-Rite property to N. Finley Avenue will remove south bound traffic from Route 202 and the Route 202/N. Finley Avenue intersection.

Reexamination: Provision for part of this new rear access way was reserved on the Shop-Rite property when the Planning Board approved their site plan for expansion and modification. There are two intervening parcels that lie between Shop-Rite and No. Finley Avenue. Provision for this

access road remains a circulation objective and will be required as these two properties come before the Planning Board.

d. Claremont/Seney/Mine Mount/Intersection.

This is a unique five-street intersection. It is the scene of accidents due to poor visibility and confusion due to the multiple intersections. It is particularly hazardous for students crossing to go to school. The intersection needs traffic control.

Reexamination: The new draft circulation plan proposed by Robert Graham, Planning Board member, and mentioned in the next paragraph would allow traffic from Olcott Square to reach Claremont Road northbound via Mill Street westbound. Mill Street is presently one way eastbound in part. There would no longer be a need for traffic from Olcott Square to the mountain to use Mine Mount Road westbound from Anderson Hill Road to the five-way Claremont/Seney/Mine Mount intersection. Limiting the direction of use of Mine Mount Road to eastbound only from Claremont to Anderson Hill Road would in all likelihood solve the problems of the five-way intersection in two ways:

First, as there would be only four entrances to the intersection, arriving traffic would be faced with a simple crossroad and would not suffer the confusion of priority presented by the present intersection. Presumably, the approaches from Seney Drive westbound and Mine Mount Road eastbound would continue to be controlled by stop signs while traffic either way on Claremont Road would continue to have priority.

Second, elimination of entry to the intersection from Mine Mount Road westbound would eliminate the major visual obstruction, which is that such traffic cannot easily see vehicles approaching the intersection from its left along Claremont Road due to topography, trees and a wrought-iron fence.

Additional traffic control has not been introduced and is still needed.

e. Olcott Square.

During peak AM and PM commutation periods the center of the Borough at Olcott Square is congested. Part of this congestion is due to heavy truck traffic. As a consequence, vehicles are avoiding the square and using local streets and the new library driveway as a bypass.

Reexamination: Use of local streets to avoid congestion at Olcott Square continues. The planning board has introduced a draft new circulation plan (Robert Graham plan outlined above) for the Olcott Square, Mill Street, and Mine Brook Road, (Route 202) roadways proposing a one-way-circulation system. This new system involves local, County and State authorities for implementation. The plan may be appropriate for inclusion to the Circulation Plan Element of the

Master Plan.

f. Accessibility.

Bernardsville lacks an alternate, continuous east-west thoroughfare to Route 202. The Campbell/Mountain Top/Post/Ballantine/Washington Corner sequence of roads performs this function in the Mine Mountain Sector. However, these roads are not completely aligned with each other, thus limiting the ease of movement from one part to another.

The steep grades from the Mine Mountain and Park Sectors to the rest of Bernardsville also slow circulation. In winter especially, these differences create hazardous driving conditions.

These residential roads were not designed to carry the significant traffic volumes which they are presently experiencing, especially during AM and PM peak traffic periods.

Reexamination: Major improvement to local streets may address some of these issues, however it may simultaneously negatively impact the rural-suburban, heavily foliated streetscape character of these roadways. The Borough maintains these roads with periodic new pavement which contributes to improved circulation.

The traffic circulation issues raised by the Borough traffic department duplicate the above issues with one exception addressed in (g) below.

g. Parking

Parking in the downtown is inadequate at peak periods. There are conflicts between parking of commuters, businesses, customers and residents.

Reexamination: Lack of adequate downtown parking is an ever present problem which inhibits development and/or redevelopment of properties in the downtown. The recent imposition of a four-hour limit on parking at the library parking lot seems to have alleviated congestion there, perhaps by displacing commuters and employees of nearby businesses whose access to adequate alternate parking is not yet certain. The proposed Graham circulation plan for the center of Bernardsville will add 16 new on-street parking spaces: mostly on Mill Street.

Lastly, the Plan addresses sidewalks as follows:

Installing sidewalks in the following locations is recommended to promote school access safety.

- *Mendham Road from Stone Fence Road and Chestnut Road*
- *Mendham Road from Claremont Road to Sycamore Hill*
- *Entire length of Anderson Hill Road*
- *Childsworth Avenue from Olcott to Mullens Lane*

- *Entire length of Mullens Lane*
- *Entire length of Old Fort Road (West branch)*

Provision of sidewalks at least along one side of the above roads will not only promote safe student access to schools and recreation areas but also reduce drop-off traffic and congestion.

Reexamination: To date, the above sidewalk installations have not been undertaken. They remain as appropriate objectives for school access safety. The Somerset Hills Board of Education together with the Bernardsville Police Department have prepared a new safe-routes-to-school sidewalk plan which has been reviewed and endorsed by the planning board.

8. Conservation Plan Element.

The overwhelming bulk of information, maps and narrative contained in the Conservation Plan Element is descriptive of the environmental features that characterize Bernardsville. This information culminated however in several guidelines and recommendations.

As a general guide, where slope exceeds 15 percent, only very low densities are tolerable, and each lot should be carefully evaluated in terms of drainage, erosion, and sewage capability. There should be no building on slopes over 25 percent.

Reexamination: The ordinance requirements for development in steep slopes were tightened by introducing new maximum surface disturbance limits on July 2002.

The major scenic corridor in Bernardsville is Route 202, Mine Brook Road, from the municipal pond to its border with Far Hills to the west. Highlighting this corridor is the municipal pond, municipal building and adjacent park, extensive farm property and estates which collectively contribute to the corridor's scenic vistas. Indeed, this area is the last rural farm landscape in Bernardsville. It is a valuable visual resource which conveys to the public a strong sense of Bernardsville's land use attributes, heritage and character.

Consistent with these findings, it is recommended that this scenic corridor be further studied to identify alternative means for its preservation. These "means" may range from establishing greater front yard setbacks to obtaining agricultural preservation funding for the purchase of development rights.

Reexamination: In addition to the "means" discussed above, the Planning Board also considered requiring the clustering of development. The Planning Board studied mandatory clustering and prepared an ordinance providing for mandatory clustering, however, it was not adopted by the Borough governing body. While it is appropriate for the Mine Brook Road scenic corridor, it may

not be applicable to other areas of the Borough.

Agriculture preservation is a State Department of Agriculture program entered into by a willing farmer and willing State. To date it has not been pursued by either party in the Borough. The County has identified other areas as higher priority areas for agricultural preservation than the Somerset Hills area.

Recently, the Great Swamp Watershed Association published "The Great Swamp Greenway And Open Space Plan" (1998) wherein the above information is presented and plans for their protection are recommended. For Bernardsville, as well as throughout the watershed, the Plan recommends establishing 150 ft. buffering on all stream corridors feeding into the Passaic River and Swamp. The first 75 ft. of buffer from the stream should be planted with native trees and shrubs. The area outside the 75 ft. can be planted with grass or non-grass vegetation. It can be mowed or grazed with livestock.

It is recommended that this buffer recommendation be reviewed as to its applicability to the Bernardsville Great Swamp portion of the watershed and even the rest of the Borough as an appropriate means to protect the water quality of these streams and the environmental quality of the watershed.

Reexamination: Several draft stream buffer ordinances have been prepared by the Planning Board but none yet finalized. State regulations may usurpt local regulations regarding stream buffers or no-build areas abutting streams.

Bernardsville Borough Environment Resources Inventory.

Reexamination: This document was inserted into the Conservation Plan Element as an amendment to the Comprehensive Master Plan on March 5, 2005. The document significantly expands the data base of environmental characteristics of the Borough.

9. Recreation Plan Element

Give the 1990 population of 6,597, the above figures generate a recreation need for 56.1 acres.

Reexamination: The new tennis courts built by the School District on borough land, which residents may use in off hours, will help. While significant recreation space in suburban communities such as Bernardsville has historically been afforded by large private lots, the increasing organization of children's after-school activities makes such space less relevant. In addition, safety and other concerns tend to reduce the employment of existing fields. Kiwanis-Rotary Park was a multipurpose field 30 years ago but Little League requirements for dugouts, backstops, outfield fences and the like have resulted in its being useful today for youth baseball only. Combining all this information, plus

recommendations from the Bernardsville Recreation Committee, there is a need for playfields to accommodate growing team sport participation. This need may be in part satisfied by expansion of the Polo Grounds. This area could accommodate, for example, a new little league field and tennis courts. There is also a need for more soccer fields. The need may also require additional areas for team sports and athletic fields.

There is a need, identified by the Bernardsville Recreation Committee, for more playing fields for team sports. The recent expansion of the Polo Grounds will help, but the terrain in Bernardsville is largely sloping and rocky. Tension among the demand for fields, the limited supply of suitable land and the reluctance to rent space in flatter areas and incur the transportation costs and time for teams to use remote fields will undoubtedly continue.

Reexamination: The acquisition of property adjacent to the polo grounds and its improvements for field athletics has expanded the recreation acreage in the Borough.

1. *Encourage cluster subdivision to obtain neighborhood open space. Clustering is presently allowed in the ordinance.*

Reexamination: The Planning Board encourages cluster subdivision as a normal subdivision review policy. Presently, clustering or open space residential development is a conditional use. Open Space residential developments are evaluated on a case-by-case basis.

2. *Encourage open space easements and dedications of conservation areas from private property holdings.*

Reexamination: The Planning Board encourages open space easements and dedications.

3. *Encourage private environmentally-oriented non-profit organizations to acquire open space acreage. Particularly important is the acquisition of stream corridors and lands immediately abutting these corridors.*

Reexamination: To date non-profit organizations have not acquired open space acreage. However, this remains a desirable objective.

4. *Utilize the newly adopted Open Space Tax resources to acquire open space to preserve environmentally critical lands, stream corridors and needed parkland and playfields.*

Reexamination: To date, Open Space Tax funds in the amount of \$2,367,000 has not been spent.

Such spending decisions are the function of the Borough Council.

5. *Utilize funding from a variety of sources: farmland preservation, green acres, county and open space tax resources to acquire lands and/or development rights to farmland, and roadway vista corridors.*

Reexamination: Outside source funding utilization, to date, has not been undertaken by the Borough.

6. *Utilize Open Space Tax resources to acquire, through fee simple or easements, a pedestrian pathway which links open space and parkland throughout the Borough. Specifically, this pedestrian linkage will connect: Jockey Hollow, Audubon, Evankow/Willer, Polo Grounds, Claremont Field/Kuser Park, Borough Pond/Building and Rose Bowl.*

Reexamination: To date, pedestrian pathways as recommended above have not been pursued.

7. *Encourage N.J. Conservation Association and Upper Raritan Watershed Association to extend their stream corridor lands.*

Reexamination: Extension has not occurred in the last six years.

8. *Explore opportunities for "greening" the Town Center "downtown." This can include creating, for example, vest-pocket parks, streetscape landscaping and sidewalk planters.*

Reexamination: This remains an important and operative objective for the downtown.

9. *Determine the appropriate passive use for the Peters Tract and Moraine Crest, currently in natural wooded states with limited public access.*

Reexamination: These two natural areas continue to exclude public use due to lack of public access. They are suitable for hiking trails.

In October 2002 the Borough Open Space Advisory Committee prepared the "2002 Open Space And Recreation Plan" (OSRP). This document was prepared to provide goals and objectives for the Borough in allocating newly adopted Open Space Tax resources. Although not intended to be part of the Recreation Plan Element it was determined by the Planning Board to be consistent

with the 2000 Comprehensive Master Plan. It is instructive to reproduce the OSRP objectives and evaluate them in connection with the overall evaluation of the Recreation Plan Element.

Opportunities for linear open space, trails, and system linkages

One of the main objectives of this Open Space Plan is to provide a linear system of trails and open space that would reduce barriers and provide pedestrian access to facilities throughout the Borough. Map 1 entitled [Open Space System Map with Potential Acquisitions and Trails] demonstrates current and potential trails and acquisition sites that would make this a reality for the southern, more populated region of the Borough. While this map is a working map of the system, the objectives can be clearly seen. A linear trail system will provide safe and effective access to the wide variety of resources already established in the Boroughs' active and passive recreational areas. The proposed trail system would link Jockey Hollow, the Audubon sites and the Polo Grounds and continue through the center of town where sidewalks can be accessed. The trail could then access a southern destination of the Kiwanis fields and/or proceed west past Borough Hall to the Charlotte Hill parcel and then to the Far Hills boundary, within the rights-of-way of the public roads or the New Jersey Railway. This southern linear trail, leading to Far Hills, is closely related to two greenways proposed by the County. The first County-proposed greenway extends just south of US 202 in Bernardsville through Far Hills and west to Bedminster. The linear trail examined by the Borough would link this greenway to the County-proposed greenway to the north, which would run from the border of Morris County, down the eastern Borough border, through Jockey Hollow and into Lord Stirling Park. Thus the trail system would help to connect the two County-proposed Greenways. (p. 4)

Reexamination: To date, these OSRP objectives have not been implemented. It would be helpful, as a first step, to establish a data base of existing easements in the Borough.

10. Land Use Plan Element

R-1 Zone

- 1. In consideration of the above findings, it is recommended that the building envelope exclude flood plain and steep slopes. Essentially, the building envelope or lot shape should be relatively free of all critical environmental factors. In some cases, a new lot may require more than five acres to satisfy this requirement.*

Reexamination: Continues to be a work in progress.

2. *Given these unique characteristics and in particular the rugged terrain and drainage patterns, it is recommended that the minimum lot size for a single-family home in these areas become 10 acres.*

Reexamination: The critical portion of this area has been rezoned to minimum lot size 10 acres. The rezoning was subsequently challenged. On November 19, 2004, the Superior Court upheld the Borough rezoning and no appeal was taken.

3. *Hence, elsewhere in the R-1 district the existing low density zoning, i.e., one residence on 218,750 square feet, or five acres should be maintained. This density is long established and is based upon the road limitations, lack of utilities, environmental constraints and preservation of open space and heritage properties.*

Reexamination: The R-1 zone, except for the rezoned R-1-10 area, remains one residence on 218,750 square feet lot size.

R-1A Zone

It is recommended that the entirety of the Somerset Hills Country Club property be placed in the R-1 zone. This rezoning places both golf courses in the Borough in the same zone district.

Reexamination: This rezoning of the Somerset Hills Country Club property was completed.

The recommendation is that all major subdivisions in the R-1A zone district be cluster subdivisions. This objective maintains reasonable development for the property yet, affords the community the opportunity to preserve open space, vistas and environmentally sensitive land.

Reexamination: This recommendation was not accepted by Borough Council. Clustering will continue to be evaluated on a case-by-case basis consistent with Borough goals and objectives for conservation, recreation and appropriate subdivision design.

R-2 Residential Zone

The western R-2 zone along Route 202 is an important part of that Route 202 scenic corridor. The overwhelming number of land uses fronting Route 202 are single family homes as permitted in this zone. Several nursery uses, while also in this portion of the R-2 zone are presently not permitted uses in the R-2 zone. Nor should any other properties along this corridor be used for other than residential use.

The Plan recommends no expansion of non-residential uses in this district and assumes that in time non-residential uses will be converted to permitted residential use.

Reexamination: No new non-residential uses have been permitted in this district. The Plan's recommendations remain reasonable and operative. Open space and recreation uses are also appropriate to this corridor.

C-1 Commercial Zone

It is recommended that in the eastern portion of the C-1, the zone district boundary between C-1 and R-3 be adjusted to conform to existing land uses.

Reexamination: Not yet rezoned.

B-1 Business Zone

Several of the major planning and zoning issues characteristic to the downtown which can be addressed in such a Plan are as follows:

- *Traffic circulation: truck traffic in the downtown conflicts with shopper traffic and through traffic.*
- *Parking: demand for parking is high as commuters, shoppers and residents compete for a limited number of parking spaces.*
- *Mixed land uses: it is generally assumed that the downtown can accommodate certain limited types of residential use: apartments above stores for example. However, issues of appropriate density and adequate parking are outstanding.*
- *Physical enhancement: there is much that can be accomplished by both private and private/public partnership to improve the attractiveness of the downtown. This may include, new store facades, new canopies, street furniture, landscaping, pattern sidewalks and period street lamps.*

Reexamination: These issues remain as priority items to the downtown and Borough land use policies.

I. Industrial Zone

It is recommended that the permitted uses in this zone be reexamined and certain permitted uses no longer appropriate to the district be eliminated to insure the concepts expressed above and Borough goals and objectives are implemented.

Reexamination: Examination was undertaken and the Planning Board concluded existing permitted

uses satisfied the Borough goals.

11. Housing Plan Element.

The COAH granted substantive certification to the Borough for its 1st and 2nd round affordable housing plans. The Borough adopted a new Housing Plan Element and Fair Share Plan as an amendment to the Master Plan on November 17, 2005. The new or 3rd round affordable housing obligation is for 36 units. The plan is under review by COAH. A recent review by COAH (June, 2006) recommended utilizing alternative housing and household data, that has the effect of potentially lowering Bernardsville's growth share number to 17 units.

12. Downtown Plan

In summary, the Downtown Plan chapter to the land use plan element proposes the following.

- 1. Encourage private building facade enhancement which can include for example, new facades, new color-coordinated signage and new canopies.*
- 2. Coordination of public and private parking areas to increase shopper parking by connecting parking areas and provide pedestrian accessways to both the front and rear of stores and to sidewalks.*
- 3. Promotion of the greening of the downtown by introducing mini-parks at strategically located visible sites. Provide a pedestrian greenway from the Borough Hall through the downtown and ultimately to connect to Jockey Hollow Park.*
- 4. Study of the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas and introducing new land uses.*
- 5. Encourage the NJDOT to enhance the railroad station building and parking area. Streetscape improvements in front of the station property are also needed.*
- 6. Requiring screening of all front ayrd parking areas.*
- 7. Coordination of the recommendations herein with the land use plan element.*
- 8. Seeking of State funding for downtown improvement grants including enhancement of the railroad station neighborhood and reduction of traffic congestion.*

Reexamination: These goals and objectives remain operative for the downtown. Front yard parking areas should contain landscape screening and buffering.

The following reexamination paragraph is addressed herein::

- c. *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.*

US Census of Population And Housing

At the time of adoption of the Comprehensive Master Plan, September 28, 2000, the decennial census information had not been published. Thus, the Plan did not contain, nor was it able to analyze 2000 census information. Subsequently, the Housing Plan Element and Fair Share Plan that was adopted on November 17, 2005 did contain relevant population and housing census information. A comparison of the actual census information with that contained in the 2000 Comprehensive Master Plan showed that the Plan underestimated population and housing statistics for the year 2000. The Plan relied upon estimates published by the Somerset County Planning Board. The following table presents census of population information for each of the decennial census years 1960 - 2000.

**BERNARDSVILLE AND SOMERSET COUNTY
POPULATION 1960 - 2000**

<u>Year</u>	<u>Bernardsville:</u>		<u>Somerset County:</u>	
	<u>Number</u>	<u>Percent Change</u>	<u>Number</u>	<u>Percent Change</u>
1960	5,515	+ 39.4	145,913	+ 45.3
1970	6,652	+ 20.6	198,372	+ 37.8
1980	6,715	+ 0.9	203,129	+ 2.4
1990	6,597	- 1.8	240,279	+ 18.3
2000	7,345	+ 11.3	297,500	+ 23.8

Source: US Census of Population and Housing

These population changes are a function of suburbanization (1960 - 1970) and economic growth (1990 - 2000).

Population growth typically corresponds to housing growth, although, the decline in population 1980 - 1990 is an unexplainable anomaly. This same decade witnessed both an increase in County population and a 222 increase in Borough housing.

Analysis of the above census of housing data shows that between 1970 - 2000, the increase in housing units averaged 24.8 units per year. The greatest increase was in the 1960 - 1970 decade, less than average in the 1980 - 1990 decade and again an increase in the 1990 - 2000 decade.

**BERNARDSVILLE AND SOMERSET COUNTY
HOUSING 1960 - 2000**

<u>Year</u>	<u>Bernardsville:</u>		<u>Somerset County:</u>	
	<u>Number</u>	<u>Percent Change</u>	<u>Number</u>	<u>Percent Change</u>
1960	1,645	-	42,323	-
1970	2,063	+ 25.4	58,310	+ 37.8
1980	2,339	+ 13.4	69,695	+ 19.5
1990	2,561	+ 9.5	92,653	+ 32.9
2000	2,807	+ 9.6	112,023	+ 20.9

The Somerset County Planning Board has presented population projections for 2005 and 2010. They are presented in the following table.

**BERNARDSVILLE BOROUGH AND SOMERSET COUNTY
POPULATION AND HOUSING PROJECTIONS 2000 - 2015**

	<u>Bernardsville:</u>		<u>Somerset County:</u>	
	<u>Population</u>	<u>Housing</u>	<u>Population</u>	<u>Housing</u>
2000	7,345	2,807	297,500	112,023
2005	7,700	2,962	315,850	121,481
2010	8,070	3,104	325,480	125,185
2015	8,310	3,196	337,190	129,688

The above population projections are the same as those forecast by the New Jersey Transportation Planning Authority ("NJTPA"). These NJTPA population forecasts are also utilized by

the New Jersey Council On Affordable Housing (“COAH”) in generating third round growth share housing needs.

Neither agency has translated these population forecasts into housing forecasts. However, assuming a household size of 2.6 persons per household, the above housing unit forecasts are generated for the years 2005, 2010 and 2015.

Examination of the 2000 - 2010 decade for Bernardsville, the above table shows a 297 or 29.7 per year housing unit increase. This figure is substantially higher than past housing unit growth. With the change in zoning, 3,150 acres or 37.6 percent of the Borough to R-1-10 (10 acre) from R-5 (5 acre) and the relatively built-up character of the remaining R-5 to R-10B residential zones, present and future housing and population growth will be less than in the past, not greater. Thus, it is concluded the housing and population forecasts shown in the above table are greater than is locally anticipated. Utilizing tax parcel information from the tax assessor to arrive at present population and housing units and extension of trends yields the following housing and population forecasts for Bernardsville Borough.

**POPULATION AND HOUSING FORECASTS
FOR BERNARDSVILLE BOROUGH 2000 - 2010**

<u>Year</u>	<u>Housing</u>	<u>Population</u>
2000	2,807	7,345
2005	2,899	7,544
2010	3,000	7,800

As can be seen from the above information, the anticipated number of new housing units 2000 - 2010 is approximate housing units 20 per year.

The New Jersey State Development and Redevelopment Plan and the Borough of Bernardsville

On June 12, 1992, the New Jersey State Planning Commission adopted Communities of Place: The New Jersey State Development and Redevelopment Plan (“SDRP”) which serves as a guide for state, municipal and county master planning. It serves as a guide to State departments and agencies by establishing land use priorities for the allocation of State resources. The SDRP was reexamined with input from the municipalities and counties as part of the “Cross Acceptance II” process during 2000, and the New Jersey State Planning Commission approved an updated and modified New Jersey State Development and Redevelopment Plan on March 1, 2001.

The Borough has a long standing participatory relationship with the New Jersey State Planning Commission. The Borough’s initial participation was to petition the commission for center

designation (November, 1998). Subsequently, the Commission designated the Bernardsville downtown and immediate environs as a “community of place”, April 28, 1999. This area roughly corresponds to the public sewer service area of the Borough. In addition to participating in the State planning process, center designation gives the Borough priority in seeking assistance and resources from State agencies and departments.

The present New Jersey State Development and Redevelopment Plan, March 1, 2001 places all land in the State into distinct planning areas. Three planning areas describe the Borough:

a. Town Center (TN)

Towns are the traditional centers of commerce or government throughout the State. They are relatively freestanding in terms of their economic, social and cultural functions. Towns reflect a higher level of investment in public facilities and services than their surrounding Environs. They provide a core of commercial services to adjacent residents and provide employment in their regions.

The Bernardsville town center additionally provides regional commercial/retail sales and service facilities to communities abutting the Borough. The town center provides a variety of housing choices including multifamily and affordable housing.

b. Suburban Planning Area (PA2)

The Suburban Planning Area is generally located adjacent to the more densely developed Metropolitan Planning Area, but can be distinguished from it by a lack of high intensity Centers, by the availability of developable land, and by a more dispersed and fragmented pattern of predominantly low-density development. Suburban Planning Areas are or will be served by regional infrastructure, except that, outside of Centers and major transportation corridors, there is limited, if any, availability of alternative modes of transportation to the automobile. These Areas have generally been designated for growth in municipal master plans. As development expands, these services will become increasingly available if planned properly.

This designation by the State Plan is not compatible with the Bernardsville Master Plan nor zoning for this area. First, the area in Bernardsville shown as PA2 is fully developed with very little, if any growth potential. Second, the vast majority of this area is not and will not be served by public sewers. As a consequence, contrary to the State Plan, future growth is not planned to be accommodated in this area of the Borough. Rather, this area has already reached its growth limit. Planning for this area should address needs for open space, recreation space, reduction in traffic and improvements in pedestrian circulation. The extensive single family housing character of this area will remain.

Unfortunately, there is no State planning area designation that more accurately and appropriately describes this section of the Borough.

c. Environmentally Sensitive Planning Area (PA5)

The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats particularly in the Delaware Bay and other estuary areas, the Highlands region, and coastal area. The future environmental and economic integrity of the state rests in the protection of these irreplaceable resources. Some of these lands have remained somewhat undeveloped or rural in character. Other areas, particularly New Jersey's coastal barrier islands, have experienced advanced levels of development, but remain highly vulnerable to natural forces. Environmentally Sensitive Planning Areas are characterized by watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands. These resources are critically important not only for the residents of these areas, but for all New Jersey citizens.

The PA5 in Bernardsville is identified by the R-1-10 zone and approximately half of the R-5 zone districts. PA5 is characterized by open space, environmentally sensitive land, larger lot single family, and estate properties.

At this time, the State Office of Smart Growth and Somerset County Planning Board are conducting a "Cross Acceptance III" process regarding a further update and modification to the State's plan. The Borough of Bernardsville is participating in this process with the objective that no major changes will be made to the State plan that will affect the Borough.

The Highlands Water Protection and Planning Act and the Effect on the Borough of Bernardsville

On June 10, 2004, the "Highlands Water Protection and Planning Act" passed both houses of the New Jersey State Legislature and was signed into law on August 10, 2004. The Act establishes a comprehensive approach to the protection and preservation of the drinking water and natural resources of the New Jersey "Highlands Region".

By way of background as to the reasons the Act was introduced and passed, the New Jersey "Highlands Region" consists of about 800,000 acres, or about 1,250 square miles, stretching from Ringwood in the northeast to Phillipsburg in the south west; the area encompasses portions of the Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren Counties and ninety (90) municipalities within those counties.

The difference between a municipality being included within the "Preservation Area" of the "Highlands Region", versus the "Planning Area", is quite significant. Municipalities within the

“Preservation Area” will be required to conform their master plans and development ordinances with the regional master plan developed by the Highlands Council and in which the strict NJDEP permitting requirements will apply.

Lands within the “Planning Area” will have the option or not to conform their master plans and development ordinances with the regional master plan. The NJDEP permitting requirements will not apply. Presently, all of Bernardsville is in the Highlands Planning Area, none is in the Preservation Area.

It is expected that more details regarding the implementation of the “Highlands Water Protection and Planning Act” will evolve over time, and that the information presented in this reexamination report may be augmented, modified or changed. Therefore, it is prudent for the Borough of Bernardsville to continually monitor the evolution of the rules and regulations formulated and adopted to implement the Act so that it can be informed about the implications of such rules and regulations upon the Borough.

Presently, the Highlands Council is drafting a master plan for the Highlands Region; for both the Preservation and Planning Areas.

The November 2006 Draft Regional Master Plan shows three overlay zone designations for the Borough Planning Areas:

- Conservation zone “consists of areas with significant agricultural land and interspersed environmental features that should be preserved when possible”,
- Protection zone “consists of high resource value lands that are important to maintaining water quality, and other significant ecological processes”, and
- Planned community zone “consists of areas with concentrated development signifying existing communities”.

Zoning Flexibility Under Case Law

Decided August 5, 2003 by the Appellate Division were two cases in Fair Haven³ and Atlantic Highlands which reversed and modified an earlier decision known as Manalapan Builders Alliance, Inc. V. Township Comm. Of Manalapan (256 N.J. Super 295: 1992). This new decision frees municipalities to adopt zoning definitions different than MLUL definitions so long as that definition is within the intendment of the MLUL unless the MLUL provides otherwise. Bernardsville has gained greater latitude in considering land development definitions such as those involving density, floor area ratios and maximum limits on residential floor areas.

³ Rumson Est. v. Mayor of Fair Haven, 177NJ338 (2003)

Additionally, the Fair Haven and Atlantic Highlands decisions allow consideration of ecologically sensitive areas as a limiting land use factor.

New Jersey Council on Affordable Housing (“COAH”)

In the first and second rounds of Mt. Laurel Housing responsibilities defined by the New Jersey Council On Affordable Housing, the Borough of Bernardsville received substantive certification from COAH according to the following:

1987 - 1993 Obligation 119 units

- Rehabilitation credits: 14 units
- Regional Contribution Agreement (“RCA”) with New Brunswick: 41 units
- Motzenbecker site: 15 units
- Pine Ridge: 26 units

1987 - 1999 Obligation 63 units

- Rehabilitation: 27 units
- Regional Contribution Agreement (“RCA”) with Perth Amboy: 36 units

On November 22, 2004, the New Jersey Council on Affordable Housing adopted new regulations for determining Mt. Laurel housing responsibilities for its third round. Termed by COAH as a “growth share” system, future Mt. Laurel housing responsibilities are to be calculated at a rate of one Mt. Laurel unit for every eight new market rate housing units and one Mt. Laurel unit for each twenty-five jobs created through new development. As an example of job creation rates, the regulations stipulate a ratio of 3 jobs per 1,000 square feet of office use or one affordable housing unit for each 8,333 square feet of newly occupied office space.

Also, a minimum of 25% of future Mt. Laurel housing needs must be satisfied within the Borough. The third round is expected to cover the time period ending in 2014 and to be retroactive to January 1, 2004.

On November 14, 2005 the Borough submitted its adopted Housing Plan Element And Fair Share Plan to COAH. That document calculated a growth share obligation of 36 units. Subsequent review by COAH allowed for a recalculation of the Boroughs growth share to 17 units. Final review by COAH is still underway.

Stormwater Management and Permitting Rules of the New Jersey Department of Environmental Protection

The New Jersey State Department of Environmental Protection (NJDEP) has concluded that changes in land use resulting in an increase in impervious surfaces, runoff, suspended sediment and

pollutant loading directly affect the hydrology, geomorphology and water quality of streams.

Accordingly, on January 5, 2004, the New Jersey Department of Environmental Protection adopted two (2) sets of stormwater rules to help reduce pollution levels caused by stormwater runoff and help replenish groundwater supplies. One set of rules regards stormwater management (N.J.A.C. 7:8), and the second set of rules regards permitting (N.J.A.C. 7:14A). These rules took effect on February 2, 2004.

On March 5, 2005, the Borough Planning Board adopted "Stormwater Management Plan" that implements state requirements by N.J.A.C. 7:14A-25 Municipal Stormwater Regulations. This plan contains all of the state required elements as described in N.J.A.C. 7:8 Stormwater Management Rules. The Borough plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major development. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the loss of groundwater recharge that provides baseflow in receiving water bodies. The plan describes long-term operation and maintenance measures for existing and future stormwater facilities.

Subsequently, the Borough implemented the plan by the adoption of new stormwater management rules.

The following addresses part "d" of the statutory requirements for a Master Plan Reexamination:

- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

Master Plan

There are no recommendations or changes to the Borough Master Plan at this time.

Note: Is the board/Borough interested in a circulation study/plan for Morristown Road east of Olcutt Square to North Finley Avenue?

Development Regulations

1. Zone districts: R-1-10 (10 acres) through R-5 (5,000 sq. ft.) all have the following building envelope requirements:

The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate

permits having been issued by the NJDEP.

It is the recommendation herein to examine this requirement with the objective of requiring a building envelope to be relatively free of “environmental constraints” as that term is defined in the land development ordinance. If this cannot be achieved, then adjustments to lot size may be warranted.

2. Modification of the setback and parking requirements in the R-5 zone district. The present setback requirements allow parking in the front yard and discourage the more desirous location of parking in the side or rear yard areas.

3. Reconcile the C-1 zone line in the Finley Avenue/Route 202 area. The 2000 Master Plan: Land Use Plan recommends “that the eastern portion of the C-1, the zone district boundary between C-1 and R-3 be adjusted to conform to existing land uses” (p. 61). This adjustment has not occurred.

4. Examination of properties and/or areas where two zone districts divide property. Typically zone district lines follow natural boundaries, streets or property lines rather than bisecting property.

5. Landscaping in parking areas. The ordinance (9-10.3) presently requires: “at least five (5%) percent of the area of any parking area for ten (10) or more vehicles shall be reserved as landscaped area”. This requirement has been misinterpreted by applicants and thus should be modified to read: “five (5%) percent of the paved or curbed parking area for ten (10) or...”

6. Adjust bulk standards to R-1-10 zone. The R-1-10 zone was adopted on March 4, 2002. It incorporated the same bulk standards: setbacks, building envelope, etc. as in R-5 zone. However, these standards should be modified to reflect the larger lot dimensions of R-1-10 zone.

7. Examination of appropriateness of floor area allowed in small lot zone districts. It may allow additions too large or out of scale with their respective neighborhoods.

8. The Borough zoning ordinance needs a fence and wall section to govern these accessory structures.

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A:12A-1 et al.) Into the land use plan

element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Does not apply to Bernardsville.

P. David Zimmerman, P.P./A.I.C.P.
Borough Planner

January 25, 2007

PLANNING BOARD
BOROUGH OF BERNARDSVILLE

RESOLUTION RELATIVE TO MASTER PLAN
REEXAMINATION

WHEREAS, N.J.S.A. 40:55D-89 of the Municipal Land Use Law requires that municipal planning boards periodically undertake a general reexamination of their municipalities' Master Plan and Development Regulations; and

WHEREAS, P. David Zimmerman, PP/AICP, the Bernardsville Borough Planner, has been authorized and instructed to prepare such a general reexamination report for the Borough; and

WHEREAS, the said P. David Zimmerman, in consultation with the Planning Board and other municipal officials, has prepared the draft of a document entitled "2006 Master Plan Reexamination"; and

WHEREAS, the Planning Board has reviewed the stated draft report prepared by the Borough Planner and is of the opinion that the adoption of such report would be in the best planning interests of the Borough:

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Bernardsville on this 25th day of January, 2007, that the aforementioned document entitled "2006 Master Plan Reexamination" be, and the same is hereby, adopted by the Planning Board as the Borough's required periodic reexamination report, subject to revising the document in several minor respects as requested by the Board; and

BE IT FURTHER RESOLVED that a true copy of this Resolution and the
aforementioned report be transmitted to the Somerset County Planning Board
and to the Mayor and Council of the Borough; and that a notice be transmitted to
the clerks of each municipality which adjoins the Borough advising as to the
adoption of said report.

ROLL CALL VOTE:

Those in Favor: *Mr. Foster, Mr. Graham, Mr. Knudson, Mr. Paluck, Mrs. Rachet*

Those Opposed: *None*

The foregoing is a true copy of a Resolution adopted by the Planning Board of the
Borough of Bernardsville at its meeting on January 25, 2007, as copied from the
Minutes of said meeting.

Dated: *January 25, 2007*

Joy W. Vavrek
JOY W. VAVREK, Recording Secretary

