2006 MASTER PLAN
REEXAMINATION REPORT
TOWNSHIP OF DENVILLE
MORRIS COUNTY, NEW JERSEY
2006 MASTER PLAN REEXAMINATION REPORT
TOWNSHIP OF DENVILLE

October, 2006
Adopted October 25, 2006

Planning Board

Gene Feyl, Mayor
Christopher Dour, Councilman

Paul VanGelder, Chairman
Marilyn Kuntz, Vice-Chairman
  Glenn Buie
  Ronald Leonard
  William Zois
  Nancy Pool

Edward J. Buzak, Esq., Board Attorney
Nicholas Rosania, PE, CME, Twp. Engineer
  Kathy Bowditch, Board Secretary

Planning Consultant:

Robert Catlin and Associates
William C. Denzler, P.P.

The original of this document has been signed and sealed in accordance with N.J.A.C. 13:41-1.3
# TOWNSHIP OF DENVILLE
## 2006 MASTER PLAN REEXAMINATION

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>MAJOR PROBLEMS AND OBJECTIVES RELATED TO LAND DEVELOPMENT</td>
<td>4</td>
</tr>
<tr>
<td>EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED</td>
<td>8</td>
</tr>
<tr>
<td>LAND USE REGULATION AND ZONE MAP CHANGES SINCE 2001</td>
<td>9</td>
</tr>
<tr>
<td>EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES</td>
<td>11</td>
</tr>
<tr>
<td>MASTER PLAN AND LAND USE REGULATION RECOMMENDATIONS</td>
<td>20</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>30</td>
</tr>
</tbody>
</table>

## ATTACHMENTS
- Land Use Plan Map
- NJ Highlands Region Map
- NJ State Development & Redevelopment Plan Maps (Quads 27, 28, 38 & 39)
INTRODUCTION

This 2006 Re-examination Report continues the Denville Township Planning Board’s efforts to maintain its comprehensive Master Plan and to properly direct the future growth, development, and redevelopment within the municipality. It builds upon the Board’s prior Master Plan efforts and the land use ordinances which have guided the Township over the years. The report also seeks to maintain and reinforce the Township’s land use policies to encourage a high quality mix of land uses within Denville Township and to discourage those policies and land use decisions which would be incompatible with the established pattern of development.

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

“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”

N.J.S.A. 40:55D-89 provides for the preparation of a Periodic Reexamination Report as follows:

“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 and 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, c79(C4OA:12A-1 et al) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality.”

The Re-examination process is intended to assure that municipal plans and ordinances take into account changing local and regional circumstances, and provide policy and appropriate regulations to respond to these changes. This Periodic Reexamination Report provides an opportunity for the Township Planning Board to review:

- Recommendations made in within the 2000 Master Plan Comprehensive Revision;
- Accomplishments based on those recommendations, and
- Local and regional changes that have occurred since the adoption of the 2000 plan.

Previous Master Plan Efforts

“The first Master Plan of the Denville Township was adopted in 1953. This plan established the foundation for much of the planning policy that is presently being followed and for the basic character of the Township as it exists today. For many subsequent years, this plan served the Township well, but like any plan, it became outdated in terms of the many local and regional forces and activities acting upon the community.
In 1962, the Planning Board completed its first comprehensive review and revision to the Master Plan. Several subsequent amendments were adopted in the ensuing years of 1966, 1967 and 1970 to address various land use and development concerns, including addressing growth associated with the completions of major portions of Interstate Route 80, and to address changes provided to municipalities by the State Enabling Legislation.

In 1977, the Planning Board adopted a comprehensive reexamination of the Master Plan. This Plan reflected upon changes in terms of district boundaries, municipal goals and significant new environmental considerations as it pertained to steep slopes, wetlands, and woodlands. As part of this prior process, the Township also developed a Natural Resources Inventory (1976) which was used to formulate many of the future environmentally oriented regulations.

Additional reexamination reports were adopted in 1982, and further revised in 1984 which focused the additional residential growth. In 1993, the Planning Board once again initiated studies directed at revising and updating the Master Plan and land development regulations. In 1993, the primary focus of the plan included the following:

- Problem of over reliance on septic systems,
- Potential shortage during certain seasons and times of the day of conveniently located parking within the downtown business,
- Concern over the continued economic vitality of the central business district,
- Problem and concern over the potential for inappropriate commercial development along the Route 10 corridor,
- Concern over the land use pattern along Route 53, especially in the area opposite Morris County School of Technology,
- On going traffic issues in various locations within Denville. Concern over the amount, type, and speed of traffic were cited,
- On going periodic flood episodes was cited as a major problem within the earlier plan, and;
- The lack of affordable senior citizen housing.

The current 2000 Master Plan Comprehensive Revision actually consists of several separate elements and documents. For purposes of orientation, the current Master plan is a compilation of the following plan elements:

1. Utility Service Plan
2. Recycling Plan
Since the 2000 Master Plan Comprehensive Revision, the Planning Board has pursued an active agenda of planning activities and accomplishments. Although much has been accomplished, the Planning Board recognizes that significant changes have occurred over the past six years that warrant attention. Among these are new and revised Federal, State and county legislation and mandates and an increase in commercial and residential development within the Township. These changes have directly affected every element of the Master Plan and have placed higher demands on many municipal services, education and environmental resources, translating into higher costs for the Township and the taxpayer. The Planning Board is taking a proactive stance by acknowledging that these significant changes will directly affect the direction going forward.
MAJOR PROBLEMS AND OBJECTIVES RELATED TO LAND DEVELOPMENT

Many of the basic issues and objectives previously linked to the land development process in Denville by prior master plan studies have remained paramount since the 2000 comprehensive revision. These issues have subsequently been refined since then and now include the following:

1. Maintaining constant vigilance over regional planning activities, especially those at the state and county levels, in terms of their potential impact on local planning and development capabilities and decision making powers.

2. Coordinating where needed local planning efforts with those of neighboring municipalities to achieve a maximum degree of compatibility, particularly along common municipal boundaries.

3. Avoiding adverse impacts on the local environment and adopting ordinances and techniques which will protect to the extent of municipal powers sensitive wetlands, steep slopes, woodlands, and flood prone areas.

4. Preserving and improving to the greatest extent possible the established character and natural resources of the Township through careful land use planning at both the Master Plan and site-specific levels.

5. To maintain and enhance the viability of the various commercial districts by:
   a. Encouraging an appropriate mix of land uses which will complement each other and meet the retail and service needs of the Township and surrounding areas;
   b. Promoting a desirable visual environment and preserving the small town characteristics of the central business district;
   c. Develop design guidelines to promote the desired character of the various commercial district corridors;
   d. Provide sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of business patrons and employees;
   e. By discouraging an automobile-only oriented pattern of development within the central business district;
   f. Promote a desirable pedestrian environment within the central business district corridor.
6. Recognizing and adjusting land use planning efforts where necessary to address changing demographic characteristics and conditions found within the municipality.

7. To preserve and protect the suburban character of existing residential neighborhoods by:
   a. Establishing zone designations according to existing neighborhood development patterns and according to the environmental limitations found within the respective residential uses;
   b. Establishing bulk, density and design standards which are appropriate for the various dwelling types in their respective zones;
   c. Establishing regulations to preserve and enhance the visual appearance of residential neighborhoods.

8. Maintaining the Township’s supply of housing types in a well-maintained, safe and healthful condition for all residents including the supply of low and moderate income affordable housing resources for present and future citizens.

9. To address the need for senior citizen housing by establishing zones which are designed to meet the particular needs of senior citizens.

10. Maintaining the Township’s system of streets and roads to continue to provide for the safe and efficient movement of traffic and to discourage routes which adversely impact existing and future residential neighborhoods.

11. To continue the Township’s on-going open space and recreation planning and acquisition efforts to insure that sufficient permanent open space remains within the Township for conservation and recreation purposes and for the visual protection of the Township’s natural beauty.
   a. To provide for a continuous network of linked open space greenways along rivers, streams and steep slopes;
   b. Encourage the preservation of existing vegetation, especially in areas of large wooded tracts.

12. Protection and preservation of the local heritage and traditions by careful planning in and around historic buildings and other landmarks of the community.
13. Conducting land use decision-making and implementing policies which lend themselves to an economical, efficient and high quality public educational system.

14. Provide and maintain a system of community facilities and services, including water and sanitary sewer utilities, fire, police, and other public safety services, public works and library facilities.
   a. Planning to accommodate anticipated future population growth in terms of the number of persons and their respective ages.
   b. Coordination of construction and installation as part of the Township’s capital improvement program to insure that community facilities and infrastructure are available when needed;
   c. Encourage efficient design of future residential and commercial development so as to minimize public service expenditures.
   d. To actively continue the pursuit of public grants acquisition which are made available for infrastructure up-grades by the County, State and Federal governments.

15. Enacting land use ordinances and rendering land use decisions which are fiscally responsible and which promote an economically sound and balanced municipal tax base.

16. To promote the conservation of energy and the recycling of recyclable materials.
EXTENT TO WHICH PROBLEMS & OBJECTIVES HAVE BEEN REDUCED OR HAVE BEEN INCREASED

The policy of the Township’s various land use boards and governing body have been a multi-level approach to monitoring and updating the Township’s land use practices. These include:

1. Periodic reexaminations of the Master Plan and the land development regulations; and
2. Ongoing, real-time review of related problems and issues as they arise.

In this regard, since the last formal preparation of the Master Plan in 2000, there have been various studies of problems and issues as well as many regulatory and zoning amendments as envisioned by the current master plan, and by addressing land use issues which have risen over the six-year period. Changes which have occurred include zoning map changes/amendments and zoning/land use regulations.

Much of the Township’s zoning and land use decision making relates to residential development. An indicator of Denville’s status as a desirable residential community has been its continued growth in single-family and multi-family homes. The combination of excellent government, schools and community facilities in an extremely convenient commuter location with rail and highway access has served to increase the value of homes within the municipality.

The Township has also had several significant new and redeveloped commercial developments including the Shoppes at Union Hill, CVS shopping center and the redevelopment of the A&P shopping center. Numerous smaller commercial retail and professional office projects have also occurred during this period both within the central business district and the Route 46 and Route 10 commercial corridors. Additional institutional growth has also occurred in the form of the various school building expansions and the major addition to the St. Clare’s Hospital campus.

Thus, the Township’s residential and non-residential uses continue to grow and require careful land use planning.
LAND USE REGULATION AND ZONE MAP CHANGES SINCE 2001

Land Use Regulation Amendments

Based upon recommendations of the 2000 Comprehensive Master Plan Revision and under its policy of on-going review and refinement of its land use regulations, the Township enacted the following changes to the Land Use Code:

• Enacted development regulations pertaining to the new PARC – Planned Age Restricted Community district;

• Revised standards pertaining to utility and accessory structures;

• Enacted new regulations for fences and walls in terms of setback and height;

• General revisions to development fee and land use fee amounts and collection;

• New off-street parking requirements based on individual commercial uses, rather than a zone wide standard;

• Amendments deleting service station uses as a principal permitted use within the B-1 CBD district;

• Amendments prohibiting automobile dealership uses within the highway commercial districts;

• Creation of new adjustable side yard requirements based on lot width for residential properties within the R-3 and R-4 residential districts;

• Amended the zoning schedule to clarify minimum lot areas and lot widths for several residential districts and for corner lot provisions;

• Amendments pertaining to permitted setback requirements in relation to existing platted lots;

• New development regulations as it pertains to the disturbance of steep slopes.
• Creation and subsequent fine-tuning of a “Growth Share Ordinance” addressing affordable housing obligations generated by the net increase in residential and non-residential development as it pertains to COAH’s third round rules.

**Zone Map Changes/Amendments**

1. In September, 2001 the Township Council rezoned (Ord. #18-2001) Block 40001, Lots 1, 2 & 13 from R-1C to PARC – Planned Age Restricted Community. This change was consistent with a Land Use Plan amendment adopted by the Planning Board earlier that year. The PARC district provides for 140 age-restricted multi-family housing and also provided for the preservation of over 200 acres of open space (150 ac. Hollstein Lake & 50+ acres of site open space). This site was subsequently constructed in conformance with the PARC development standards and has recently received final occupancy approvals for the 3rd and final phase.

2. Rezone Block 31402, Lots 24 & 28 (Ord#26-2001) from A-1 to R-3 based upon the existing pattern of development along that portion of Manor Road.

3. Per the recommended reclassification and district boundary changes recommended in the 2000 Master Plan (Ord#27-2001), numerous properties throughout the Township were rezoned consistent with the Land Use Plan recommendations.

4. Per the adopted Land Use Plan amendment in early 2002, Block 30611, Lots 1, 2, 3, 4, 5 & 16 were rezoned (Ord #06-2002) from R-3 to R-1B. These properties, known as the Young Tract, were reclassified based upon the significant level of steep slopes found on the property and the potential of significant disturbance to surrounding residential properties, soil erosion and overall aesthetic impacts along the Route 53 corridor.

5. The remaining map change involved the zone boundary relocation on Block 30001, lot 6, from I-2 to R-1B (Ord#09-2003). The purpose of this change was to alleviate undesirable industrial development out from Astro Place to the residentially zoned Franklin Road and the existing single-family neighborhoods found adjacent Franklin Road.
EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES, & OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

As indicated in the statement of problems and objectives the Township, through its Planning Board and Township Council, The municipality has continued to evolve, refine and upgrade the municipal land use and development policies along the basic framework established by the 2000 Master Plan.

1. Consistent with its 2000 Comprehensive Master Plan Revision, the Township has continued and reaffirmed its policy that further multi-family housing development in the municipality is contrary to the best interest of the Township. Having met its Mt. Laurel fair share housing obligation, and being certified through August of 2006 by the Council on Affordable Housing as having done so, the Township asserts that the Land Use Element and Housing Element of its Master Plan are consistent with the requirements of the Municipal Land Use Law, the New Jersey Fair Housing Act and the applicable Court decisions.

2. As development in the Township has proceeded over recent years it has become apparent to the Planning Board and the Township Council that the number of properties proposed for development has increased significantly. As a result, the Council on advice and recommendation of the Planning Board has upgraded and tightened environmental regulations in the municipal land use ordinances. Furthermore, the Planning Board, its professionals and numerous advisory committees and departments provide careful scrutiny to the site-specific environmental conditions for each application for development. The input of Township residents regarding the localized environmental impacts of the development proposals is also carefully considered by the Board.

3. New Jersey State Development & Redevelopment Plan, New Jersey Highlands and Stormwater Regulations

New Jersey State Development and Redevelopment Plan (SDRP)

Responding to the need for statewide regional planning, the State Legislature, in January, 1986, adopted legislation establishing a State Planning Commission and an Office of State Planning. A major feature of this legislation is that the State Planning Commission prepare and adopt a State Development and Redevelopment
Plan. The law requires that the plan provide a coordinated, integrated and comprehensive plan for the growth, development, renewal and conservation of the State and it regions and which shall identify areas for growth, agriculture, open space conservation and other appropriate designations.

The final draft of the State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission on March 1, 2001. In meeting the mandates of the law, the State Plan establishes a system of planning policies translated into planning areas intended to guide the development of the State into a manageable system based on available and projected utility and highway infrastructure, at the same time recognizing and respecting environmentally sensitive conditions. Additionally, the intent of the Plan is to guide growth into centers where it can efficiently and economically be managed with the environs* remaining open and undeveloped. The State Plan was adopted following a lengthy cross acceptance process in which the Township actively participated.

For purposes of fulfilling the State’s long range planning goals and objectives, the SDRP creates a system or series of Planning Areas, with each planning area designed to accomplish specific objectives and certain development intensity. As it pertains to Denville Township, three of the major categories apply and are each summarized as follows:

*The Metropolitan Area (PA1)*

The existing developed nature of Denville represents the main characteristics of areas designated as a Metropolitan Planning Area. These communities form a part of the metropolitan mass where municipal boundaries tend to blur. The characteristics of this settlement pattern can undermine efforts to address a host of functional problems on a municipal basis. It is increasingly impractical, for instance, to manage traffic congestion, solid waste disposal and air and water pollution locally. These and other concerns spill over from one municipality to the next, often requiring a regional perspective on potential solutions.

Communities designated as a Metropolitan Planning Area have many things in common: mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond their reasonable life expectancy; recognition that redevelopment is, or will be in the not-to-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal constraints.
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. The Suburban Planning Area is generally found in suburban growth corridors located along state highways, outside of Centers, and lack the compact settlement pattern of the older suburbs in the Metropolitan Planning Area and are almost entirely dependent on the private automobile for transportation. The pattern of scattered subdivisions and employment centers offers few if any focal points for community interaction—the traditional “Main Streets” and town greens.

In the Suburban Planning Area, the State Plan’s intention is to provide for much of the state’s future development; protect the character of existing stable communities; and protect natural resources.

Environmentally Sensitive Planning Area (PA5)

The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. 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. 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. These resources are critically important not only for the residents of these areas, but for all New Jersey citizens. The Environmentally Sensitive Planning Area is highly vulnerable to damage of many sorts from new development in the Environs, including fragmentation of landscapes, degradation of aquifers and potable water, habitat destruction, extinction of plant and animal species and destruction of other irreplaceable resources which are vital for the preservation of the ecological integrity of New Jersey’s natural resources.
In the Environmentally Sensitive Planning Area, the State Plan’s intention is to protect environmental resources through the protection of large contiguous areas of land; protect the character of existing stable communities.

Cross Acceptance III

The State Planning Act requires periodic review of the SDRP and, to that end, the State Planning Commission has issued a preliminary, revised plan and, further, has initiated a new Cross-Acceptance process with the State’s 21 counties and 566 municipalities. The County Planning Board is the designated negotiating agency responsible for the comparison of local master plans and policies with those of the State. The Township of Denville has continued to participate in this process.

At the time of this writing, the next round of the cross acceptance was already in progress. In 2004 and 2005, proposed amendments to the SDRP include provisions for incorporating elements of the recently adopted stormwater management regulations and the addition of preserved open space in conformance with the Township’s Open Space Plan. It is recommended that the Township continue to take an active part in the third-round cross acceptance process. Upon its completion, the Township will be required to seek “Plan Endorsement” by the State as this endorsement is now a requirement for COAH third-round certification.

For reference, the proposed third round cross-acceptance SDRP mapping (quadrangles) pertaining to the Township are located at the end of this report. From a planning perspective we note the following:

- The PA-5 Environmentally Sensitive Area in the Township is not conducive to the establishment of centers. Any development in PA-5 should only be very low density. This designation currently coincides with the Township’s low density zoning for these areas.

- The higher density zones, both residential and non-residential are in general conformance with the PA1 and PA2 designations.

- The Township does not have any areas within PA1 that would qualify as a center under the terms of the State Plan.
• The draft changes to the Plan as presented by Morris County reflect areas within the sewer service areas located within the Township. Additional environmental overlay areas have now been proposed within the lake communities, rivers and areas of significant freshwater wetlands.

**State Plan Endorsement**

A municipal, county or regional plan and accompanying development regulations will be reviewed for consistency with the guidelines for Plan Endorsement adopted by the State Planning Commission. If the Commission finds the plan consistent, it will be endorsed and therefore eligible for priority assistance and incentives that flow from such endorsement.

The purpose of Plan Endorsement is to increase the degree of consistency among municipal, county, regional and state agency plans, and the State Plan, and to facilitate the implementation of these plans. As noted in the previous text, municipalities seeking third round COAH certification will be required to seek plan endorsement.

**New Jersey Highlands Region**

The State has identified the “Highlands” region of northern New Jersey as the last remaining large expanse of pristine mountain lakes and streams and unbroken forests. The region has long been recognized for its most significant natural resource, drinking water, which it supplies to more than half of the State’s population. The Highlands region also contains the greatest diversity of natural resources of any region in the State: where 70% of its lands are environmentally sensitive; 370,000 acres of its lands are forested; and over 30 of the State's threatened or endangered species find suitable habitat there. The region also contains some of the State’s most valuable historical and cultural sites, including sites from the Revolutionary War, New Jersey’s early industrial age and Native American era. These rich resources provide an unsurpassed quality of life in the region. In recognition of its unique significance, the Highlands has been recognized as a special resource area by both the State and federal governments.

On September 19, 2003, Governor James E. McGreevey signed Executive Order No. 70 creating the Highlands Task Force and charging it with making recommendations to preserve the natural resources of, and enhance the quality of
life in, the Highlands region. In particular, the Task Force was charged with examining the following topics:

- Protection of water quality, drinking water supplies, wetlands, critical plant and wildlife habitat, vegetated stream corridors, and contiguous forests;
- Identification of methods to protect and preserve open space and natural resources of the Highlands region;
- Identification of methods to enhance farmland preservation and support the agriculture industry in the Highlands region;
- Identification of methods to promote historic, cultural, scenic and recreational resource opportunities that preserve the natural features of the Highlands region; and
- Provision of smart-growth opportunities, including economic development and redevelopment in the Highlands region through regional planning, including coordination of transportation infrastructure investments and administrative agency activities, consistent with the State Development and Redevelopment Plan.

The focus of the action plan is on identifying and providing protection for a Preservation Area within the overall Highlands Area. This Preservation Area should total between 350,000 and 390,000 acres (a little less than half of the approximately 800,000 acres that comprise the entire Highlands region). The Preservation Area should be protected through a variety of mechanisms, including, but not limited to: enhanced environmental regulations; a transfer of development rights program and regional planning; and the acquisition of land and development rights.

Proactive land use planning for the entire Highlands region should be achieved through a regional master plan established through the creation of a Highlands water protection and regional planning council. The council’s authority would be mandatory in the Preservation Area and advisory outside of it. Outside the Preservation Area, there should be incentives to encourage municipalities to conform to the regional master plan and to encourage "smart-growth."

As it pertains to the Township of Denville, the municipality is located entirely within the Highlands Planning Area (see attached map at end of report). It does
however, directly adjoin the significantly more regulated core-preservation areas found along a portion of the common boundary with Rockaway Township. Based on the recommendations made in the Highlands Action Plan, released in March, 2004, areas outside of the preservation area are subject to the following recommendations:

- The Regional Council's authority should be advisory in nature. The Council should not have the power to require municipalities to conform to the regional master plan. Towns should review all land-use applications and enforce planning and zoning decisions.

- There should be incentives to encourage municipalities to conform their local master plans to the Highlands regional master plan (i.e. "opt in"). Specifically, if a municipality comes into voluntary conformance, it should be eligible to receive the "benefits" which Preservation Area municipalities are entitled.

- The process for opting in should be as follows: The municipality would petition the Council; upon the Council’s determination that the municipality’s local master plan and development and land use ordinances are in conformance with the Highlands regional master plan, it would grant the petition. The duration of the opt-in shall be coextensive with the local master plan cycle. Because a town may reap substantial benefits from the State while it is opted in, there should be a cost if the town decides not to opt in again at the start of a new local master plan cycle. These provisions should be made clear to municipalities up front in the "opt-in" process.

- Benefits: Municipalities certified to be in compliance with the regional master plan should be entitled to the following benefits: (1) presumption of validity for zoning and land-use challenges where municipality is in conformance (provide via legislation that courts shall give great deference to municipalities that are certified to be in conformance with the Highlands regional master plan); (2) legal shield provided by the Attorney General; (3) planning assistance (including to update a town’s COAH plan in response to regional planning by the Council); (4) State aid, including, but not limited to, aid for "smart-growth" projects.

- Council’s Role Outside the Preservation Area for municipalities which may choose to not “opt-in”:
• Land-use and zoning: The Council should be empowered to comment on land use applications, development and land use ordinances, permitting and enforcement issues;

• Model Ordinances: The Council should create model ordinances as resource materials for municipalities outside the Preservation Area on a range of environmental issues and development practices (including, but not limited to, steep slopes, clustering and impervious surfaces); the Council should also work with those municipalities to adopt the ordinances;

• Densities: The Council should also work with municipalities to enter into agreements for appropriate, capacity-based densities (this may include appropriate higher densities to support transit villages or in State Plan endorsed centers);

• Special Critical Environmental Areas: Municipalities should be authorized to petition the Council to designate lands as special, critical environmental areas. The Council should work with municipalities to implement any such designations.

At the time of this writing, the Highlands Commission is in the process of developing the Highlands Region Master Plan. Municipalities located within the region will be provided the opportunity for comment, however, the draft plan has yet to be realized and is tentatively rescheduled to sometime late in 2006, early 2007. The Township should take a “wait and see” approach pending review of the master plan and regulations which will effect local land use decisions.

New Jersey Stormwater Regulations

The New Jersey Stormwater Management Regulations where adopted on January 4, 2004, and took effect on February 2, 2004. These new regulations will have a substantial impact upon municipalities in terms of both additional development regulations as well as financial costs to the municipality. In general, the new rules require:

a. Non-structural stormwater management strategies to the extent possible (i.e. not based on detention basins, etc.);

b. 100% average groundwater recharge of two-year storms;
c. 300’ buffers to top of bank of designated Category One streams and tributaries; and
d. Maintenance plans for stormwater management structures.

Each municipality will have to apply to the DEP for a New Jersey Pollutant Discharge Elimination System (NJPDES) permit for stormwater management. The NJPDES permit will mandate that each municipality must develop a stormwater management plan and subsequent ordinance incorporating the requirements of these rules. All municipalities must also adopt a stormwater management plan as part of their master plan.

The Township has complied with the requirements of these regulations and have adopted both the Municipal Stormwater Management Plan (SMP) and subsequent ordinance requirements within the required time-frame stipulated in the regulations.
CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

Based upon the preceding review of the planning issues facing the Township of Denville, the fundamental framework of the Master Plan and its various component elements remain valid and appropriate. The following areas for additional investigation and study are recommended:

1. Land Use Plan Element - The following properties are recommended for reclassification as a result of incompatible land uses, promotion of the established goals and objects of the Master Plan and changes resulting from growth over time. These changes are as follows:

   a. Block 31602; Lot 1 and Block 50109; Lot 1 (Birch Lane Extension) has been removed from Denville Township’s Fair Share Plan and recommended to be rezoned from T-3 Townhouse to POS Public Open Space. This two lot tract of approximately 4.9± acres was previously the subject of a Planning Board application in 2003, however access to the property is solely through the Township of Parsippany-Troy Hills which denied the necessary road extension to the Denville portion of the tract. Parsippany has since acquired this tract for public open space.

   b. Block 61901, Lots 1 & 9 (65½ Kitchell Road). This two lot tract of approximately 17 acres is currently zoned I-2 Industrial, and contains a one-story contractors storage building and associated outdoor storage. This tract is severely constrained by freshwater wetlands and abuts single-family residential lots. Due to the environmental constraints of the site, the potential for environmental pollution and the incompatibility of the use to the surrounding residential properties, it is recommended that this tract be rezoned to R-1B, consistent with the adjoining zoning.

   c. Rezone a portion of Block 20801, Lot 4 from R-1 Residential to B-2 Highway Business. This lot, located near the Route 10/Franklin Road jug handle abuts the existing B-2 district and represents a logical expansion for future highway commercial uses within this area of the Township while at the same time, taking into consideration the surrounding pattern of commercial and residential uses and known traffic congestion areas.
d. Rezone Block 20801, Lots 35, 44 & 45 from OB-1 to OB-4. This tract is the last property in Denville along Route 10 west adjacent to the Hyundai automobile dealership. This property received use variance relief in late 2004 for an automobile dealership. While no site plan has been filed to date, the underlying zone of OB-1 corresponds to small professional office lots and also permits residential dwellings, which are inappropriate to this location. The OB-4 designation reflects a more compatible office development similar to other locations along Route 10 in the Township.

e. Block 31601, Lot 2 (Luger Road). This vacant 16± acre lot is currently zoned I-2 Industrial. Due to its proximity to convenient access to local shopping, mass transit and local road network, it is recommended that this lot be rezoned to permit high density senior (65+) housing, which is also consistent with the objectives of this plan. The Planning Board should prepare a study as to the appropriate density and bulk controls taking into consideration the surrounding pattern of industrial, commercial and residential development.

f. General Land Use Considerations:

1) Reclassify the existing open space properties as found within the Open Space Plan Element from their individual underlying zone designation to that of POS Public Open Space, consistent with the ROSI (Recreation Open Space Inventory).

2) Business uses should only be encouraged within the established commercial highway corridors along Route 10, portions of Route 46 (east of Route 80), along Route 53 and primarily within the downtown business district.

3) As the downtown business district has seen modest growth over the past 6 year period, and based on the fact that development pressures will continue in the foreseeable future, it is recommended that the Planning Board prepare a build-out analysis of the B-1 district and research if changes in permitted land use would be appropriate within the downtown setting.

4) Consideration should be given in encouraging medium to high density multi-family in close proximity to the downtown business district. This serves to provide buffering to the adjacent single-family
neighborhoods while also providing the potential for additional economic vitality to the existing and future business within the downtown which may be generated by a general population located within close proximity.

5) Multi-family as a whole however, is not encouraged throughout the Township due to current affordable housing requirements and the ever increasing traffic volume concerns observed on local streets. Any proposals for multi-family development should be examined on a case-by-case basis.

6) An examination of the existing land uses and zoning along Route 53 from the municipal border to the CBD should be undertaken. The primary focus of the study should be on methods of upgrading and enhancing this important gateway to the community and include such provisions as to an appropriate mix of land uses, streetscape amenities, lighting, and similar aesthetic considerations.

7) Reexamine current sign regulations as it pertains to the various business, office and industrial districts. Details such as sign area, setback, height, number of permitted signs and illumination should be examined.

8) Review current ordinance provisions addressing fencing within both residential and non-residential districts. Any amendments should include provisions for fence height, location, style, orientation, safety and overall aesthetics.

9) Research and develop ordinance provisions addressing noise regulations and standards as it pertains to residential and commercial activities, including noise associated with the existing railroad tracks and railroad associated activities found within the Township.

2. **Housing Plan Element** - The Municipal Land Use Law (MLUL) require a housing element as a mandatory part of the municipalities Master Plan. Under the statute, the housing plan must contain the following information:

- Inventory and analysis of the municipality’s housing stock, demographic characteristics and existing and future employment characteristics;
- A projection of future housing construction;
• A determination of the municipality’s present and prospective fair share of low and moderate income housing and its capacity to accommodate low and moderate income housing;
• A consideration of the lands that are most appropriate for the construction of low and moderate income housing including land owned by developers who have expressed a commitment to provide affordable housing.

Based on the new rules adopted by COAH on December 20, 2004, the following information in addition to the aforementioned must be included when preparing a housing plan:

• A projection of the municipality’s probable future construction of housing for ten (10) years covering the period between January 1, 2004 through January 1, 2014, based on certificates of occupancy (CO’s), construction permits, approved development and historic trends over the previous ten years;
• An analysis of existing jobs and employment characteristics of the municipality and a projection of the probable future jobs and employment characteristics for ten (10) years covering the period between January 1, 2004 and January 1, 2014, based upon certificates of occupancy (CO’s), construction permits, approved development and historic trends over the previous ten years;
• An analysis of how existing zoning and planned changes in zoning provide adequate capacity and provisions to accommodate residential and non-residential growth projections;
• Plan projections for 2015 consistent with the State Planning Commission (State Development and Redevelopment Plan);
• The number of new affordable housing units the municipality was obligated to provide during the 1987 to 1999 period and the number of affordable units actually provided;
• The number of deficient units occupied by low and moderate income households that the municipality is obligated to rehabilitate;
• The projected growth share affordable housing need (based on residential and non-residential growth);
• A general description of any sites slated for affordable housing including acreage, property owner, block and lot, current zoning, surrounding land uses and street access.

A municipal Fair Share Plan must be adopted by the Planning Board and endorsed by the governing body prior to the municipality’s petition to COAH for substantive certification. The Fair Share Plan must address the municipalities total 1987 – 2014 fair share obligation, including implementing ordinances created to ensure that the affordable housing obligation is met.

The Denville Township Planning Board adopted on June 28, 2006, the latest Housing Element and Fair Share Plan which addressed affordable housing based upon the third-round rules. The Plan was subsequently endorsed by the Township Council and a petition for third-round certification was submitted to COASH in July of this year. That report is herein included by reference and summarized as follows:
**Municipal Fair Share Plan Summary - 1987-2014**


A. Precredited Need from Prior Rounds: 391 Total

B. Credit and Reductions from Prior Rounds:
   - 136 – RCA with City of Newark
   - 13 – Completed Rehabs
   - 20 – Additionally completed rehabs
   - 114 – McGreevy Tract (57 constructed & 57 bonus)
   - 71 – Cook’s Pond (64 age-restricted & 7 bonus)
   - 4 – St. Clare’s (Group Home)

Township received substantive certification in 2000 and has met its first and second round affordable housing obligation

II. THIRD ROUND (2000-2014)

A. Obligation *(COAH Substantive Rules – Appendix C)*

   - 123 1st Round Prospective Need
   - 13 2nd Round Prospective Need
   + 55 2nd Round Re-Allocated Prospective Need
   - 191 Total Obligation

B. Excess Units

   - 362 Credit and Reductions
   - 191 Precredited Need
   - 171 Subtotal: Excess Units
   + 14 Additional Credits *(Group home not previously included in plan)*
   + 2 Additional Credits *(New Construction – Habitat For Humanity)*
   - 187 Excess Units *(To be used to address third-round growth share obligation)*

C. Rehabilitation Obligation: 2 Units *(COAH Substantive Rules – Appendix C)*

D. Growth Share Obligation: *Note: These numbers are estimates based upon historic and anticipated growth and are subject to change, pending actual development which may occur during the 2004-2013 period.*

   - 55 Residential Growth Share
   + 15 Non-Residential Growth Share
   - 70 Total Growth Share
E. Compliance Mechanisms

1. Excess Units from Prior Rounds
2. Growth Share Ordinance
3. Development Fees
4. Municipal Buy-Down Programs
5. Rehabilitation Efforts
6. Develop zoning options for the creation of overlay zoning for affordable housing consisting with the established pattern of development.

3. Circulation Element - No changes recommended from the 2000 Plan, however, consideration should be given to the following:

The adopted 2000 Plan provided for a new classification for existing roadways within the various lake communities. This Lake Community Road (LCR) classification recognizes the status of the existing road network in many of our lake communities which are characterized by 30’± wide right-of-way widths with even narrower public streets. As previously adopted, the roadways so designated include the following:

<table>
<thead>
<tr>
<th>Cedar Lake</th>
<th>INDIAN LAKE / BAY OF SUNSET WATER</th>
<th>LAKE ARROWHEAD / GREAT BAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Knob</td>
<td>Algonquin Trail</td>
<td>Laurel Trail</td>
</tr>
<tr>
<td>Cedar Lake East</td>
<td>Base Road</td>
<td>Lenape Trail</td>
</tr>
<tr>
<td>Cedar Lake North</td>
<td>Beechwood Trail</td>
<td>Locust Trail</td>
</tr>
<tr>
<td>Cedar Lake Road</td>
<td>Cherokee Trail</td>
<td>Longview Trail</td>
</tr>
<tr>
<td>Cedar Lake West</td>
<td>Cherry Trail</td>
<td>Longview Trail East</td>
</tr>
<tr>
<td>Cypress Drive</td>
<td>Chestnut Hill Drive East</td>
<td>Merrie Trail</td>
</tr>
<tr>
<td>Florence Drive</td>
<td>Chestnut Hill Drive West</td>
<td>Mohawk Trail</td>
</tr>
<tr>
<td>Hardman Terrace</td>
<td>Cliffside Trail</td>
<td>Mountain Trail</td>
</tr>
<tr>
<td>Hillcrest Drive</td>
<td>Comanche Trail</td>
<td>North Shore Road</td>
</tr>
<tr>
<td>Larsens Drive</td>
<td>Delaware Trail</td>
<td>Orange Trail</td>
</tr>
<tr>
<td>Oak Avenue</td>
<td>East Shore Road</td>
<td>Riekens Trail</td>
</tr>
<tr>
<td>Overlook Avenue</td>
<td>Fernwood Trail</td>
<td>Seneca Trail</td>
</tr>
<tr>
<td>Pine Lane</td>
<td>Filbert Trail</td>
<td>Seminole Trail</td>
</tr>
<tr>
<td>Rockway Avenue</td>
<td>Forest Trail</td>
<td>Shawger Road</td>
</tr>
<tr>
<td>Seymour Road</td>
<td>Guterl Place</td>
<td>Shawnee Trail</td>
</tr>
<tr>
<td>Spring Road</td>
<td>Highland Trail</td>
<td>Sioux Trail</td>
</tr>
<tr>
<td>Vans Drive</td>
<td>Hilltop Trail</td>
<td>South Shore Road</td>
</tr>
<tr>
<td>Watchtower Road</td>
<td>Huron Place</td>
<td>Sunset Trail</td>
</tr>
<tr>
<td>Wildwood Terrace</td>
<td>Hussa Place</td>
<td>Warren Trail</td>
</tr>
<tr>
<td>Woodland Road</td>
<td>Indian Spring Trail</td>
<td>West Shore Road</td>
</tr>
<tr>
<td></td>
<td>Iroquois Trail</td>
<td>White Birch Trail</td>
</tr>
<tr>
<td></td>
<td>Lakeview Trail</td>
<td>Whitten Place</td>
</tr>
<tr>
<td></td>
<td>Landing Trail</td>
<td></td>
</tr>
</tbody>
</table>

Current ordinance requirements require that all front yard setbacks be measured from an assumed right-of-way width of 50’. Due to the historic
pattern of development within the lake communities, conforming front yard setbacks are rarely able to be complied with. It is recommended that additional ordinance provisions be provided to provide for front yard setback calculations from a minimum 30’ wide right-of-way and limited solely to those lots with frontage on the designated LCR roadways.

4. **Historic Element** - The Historic Element appears to remain unchanged from the previous 2000 Plan.

5. **Recycling Element** - This element remains unchanged.

6. **Open Space and Recreation Plan Element** - The Township has dramatically expanded its open space component through an aggressive acquisition program since the 2000 Plan Revision. It is recommended that the Township continue in its pursuit of quality open space for purposes of preservation, creation of linked open space, and for recreational purposes.

7. **Community Facilities** - The Planning Board should request input and current data on school enrollment and class sizes from the Board of Education, and assemble current data regarding the new additions to the various public schools as well as for all Township’s facilities. No other changes are recommended.

8. **Utility Service Plan** – No changes recommended. Denville Township should continue to scrutinize new development proposals to ensure adequate infrastructure is available and that stormwater management controls in conformance with the recently adopted Stormwater Ordinance be provided. The Township has endeavored to extend sanitary sewer service to many of Denville’s residential neighborhoods. Denville should further extend sewer service when and where localized conditions warrant.

9. **Economic Plan** – No specific plan changes recommended, however, the recommendations as stipulated within the 2000 Plan remain in the forefront as it pertains the economic vitality of the downtown and highway commercial business areas.

10. **Conservation Plan** – No plan changes recommended. As noted within the 2000 Plan, the Township has taken proactive measures as it pertains to the various policies and actions taken in order to preserve and conserve the community’s natural resource base. Regulatory actions have been instituted
to conserve our trees, soils, floodplains, open space, energy, wetlands, aquifer, and steep slopes. Taken together, these actions represent a locally adopted, integrated, well thought out program of natural resource conservation and environmental protection.

- Recommend that an up-to-date Natural Resource Inventory be provided utilizing the most current available State and County mapping and GIS tools. The current NRI is dated 1976 and is severely out-of-date as it pertains to the environmental characteristics found within the Township.

11. **Land Use Regulation Recommendations** - In addition to the aforementioned Master Plan element changes, the following regulatory additions and amendments are proposed:

a. As recommended within the adopted Housing Plan, within the single and two-family residential districts, an overlay development zone option should be provided to better address the development of affordable housing units within established or new neighborhoods. Such standards would include:

1) Limited to the R-1A, R-1B, R-1, R-2, R-2A, R-3 and R-4 Residential Districts and only to be utilized for those lots containing low and moderate affordable housing.

2) No increase in the maximum permitted residential density (as-of-right development) under conventional plan is permitted where developments incorporating the affordable housing overlay development standards are used.

3) Bulk requirements for affordable housing lots shall be adjusted to be compatible with the corresponding residential district. Separate standards should be provided for affordable lots located within the R-1A, R-1B and R-1 compared to those to be located within the higher density residential districts found within the R-2, R-2A, R-3 and R-4 districts.
b. Amend Building Height Definition. Provide definitions for basements and cellars as it pertains to building height (both feet and stories). If a basement is more than 50% exposed and/or if a façade is fully exposed, the basement level should be considered a building story. Consideration for reducing the permitted building height of 35’ to 32’, with no building façade higher than 40’ (grade to peak) be permitted.

c. Limits of home occupation limitations should be considered as it pertains to area of a residence permitted to occupy a home occupation, and clarify permitted home occupation uses.

d. Clarify provisions addressing permitted residential building expansions/additions for structures with existing non-conforming setbacks. Recommend that Board approval shall be required for either a vertical (addition directly over existing footprint) or horizontal (expansion of footprint) within any required yard.

e. Clarify limits for rebuilding a structure if partially destroyed by fire/natural disasters compared to man-made demolition.

f. Provide for additional regulatory controls as it pertains to residential construction. Recommend that ordinance provisions addressing building coverage and total lot impervious coverage be provided. Such controls can serve to limit oversized structures within established neighborhoods and also serve to limit overall property disturbance. As with any zoning standard, the regulation must be reasonable and not arbitrary and capricious. Studies as to the established pattern of development would have to be conducted to determine that appropriate maximum coverage figures. Emphasis should be first placed on those districts located within the lake communities.

g. Lighting Design Standards – Develop design standards addressing non-residential lighting addressing such standards as fixture height, maximum (and minimum) light levels within a property and at the property limits, light shielding
h. Other General

1) Revised application form. A new application form to replace the various older application forms is recommended. The new single application form covers both the Planning Board and Board of Adjustment and all application types.

2) Application Checklists. New expanded application checklist forms should be prepared to replace the older checklist forms. Current submission requirements permit a minimum amount of plan information and are inadequate as they do not require enough relevant information for proper professional and Board review and determinations. A new checklist for separate use variance applications should also be prepared.

3) Provide for waiver of site plan reviews by the creation of a site plan review committee for minor applications.

CONCLUSION

It is recommended that the Planning Board of the Township of Denville adopt this Re-examination report to affirm the validity of the current Township Master Plan and formally promote the recommendations of the various plan elements as outlined within this report. A formal resolution should also include that where necessary, based upon the furtherance of studies and investigations recommended herein, Master Plan amendments as appropriate shall be considered by the Board in a timely manner.

*******
POLICY MAP
of the
New Jersey State Development
and Redevelopment Plan

The State Plan is not itself a regulation but a statement of State policy that has
been adopted by the State Planning Commission pursuant to statute to guide
State, regional and local agencies in the exercise of their statutory authority.

NEW JERSEY
STATE PLANNING COMMISSION
September 21, 2005

Map prepared by the New Jersey Office of Smart Growth. Map was developed
in part using digital data from the New Jersey Department of Environmental
Protection, New Jersey Department of Transportation and the New Jersey
PineBarrens Commission. New Jersey State Plane Coordinate System North

2006 MASTER PLAN RE-EXAMINATION
Township of Denville
October, 2006

NEW JERSEY STATE DEVELOPMENT
& REDEVELOPMENT PLAN
Sheet 1 of 4