2013

Periodic Re-Examination Report

Township of Denville

Morris County, New Jersey

Prepared by

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The original document was signed and sealed on November 1, 2013, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

The New Jersey Municipal Land Use Law (MLUL) requires municipalities to periodically reexamine their master plan and development regulations. The Statute requires that this reexamination take place at least once every ten years from the previous reexamination.

(N.J.S.A. 40:55D-89)

The Denville Planning Board last adopted a Master Plan Reexamination Report on October 26, 2006. This 2013 Reexamination Report is not intended to be a comprehensive review of all of the Township’s master plan elements and land development regulations. Denville Township by law does not have to perform such a reexamination until 2016. However, the municipality has seen a significant pressure to modernize and modify the zoning regulation controlling the size and location of Motels and Hotels.

The planning board is charged with the responsibility of preparing a report on the findings of the reexamination. N.J.S. 40:55D-89 states that the periodic reexamination must include the following elements:

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 the redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law” P.L.1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Municipal Land Use Law, under N.J.S. 40:55D-89.1 states:

The absence of the adoption by the planning board of a reexamination report pursuant to section 76 of P.L. 1975, c. 291 (C. 40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable.

The adoption of this document by the Denville Planning Board and subsequent filing with the Morris County Planning Board is essential in ensuring that municipal development regulations are reasonable and consistent with the Township's land use plan.

The last re-examination report to the master plan was authored by Robert Catlin and William Denzler, adopted by the planning board on October 25, 2006. This document was signed and sealed by William P. Denzler, PP.
A. The Major Problems and Objectives To Land Development In The Community At The Time of The Preparation Of The Township's Last Re-Examination Report

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.

B. Extent to Which Problems and Objectives Have Been Reduced or Have Increased Subsequent to the Last Master Plan

The problems and objectives previously linked to the land development process in Denville have remained significant and vital since the 2000 comprehensive master plan revision. These problems and objectives have been addressed and supported by careful planning and the due diligence of municipal board members.

Although the Township of Denville has been valiantly enforcing the municipal master plan and zoning ordinance, some issues still remain problematic. Hurricane Irene and Super Storm Sandy have reminded all of New Jersey and especially the citizens of Denville that the municipality still remains susceptible to extreme weather events. While changes in the current ordinance would not have changed the outcome of these two extreme weather events, they do remind us that we are the stewards of our environment and we must take every opportunity to improve our land use decision making process.

The Township of Denville is committed to enhancing its stewardship by contacting to update the municipal Environmental Resource Inventory (ERI). This program is underway and it is the first time this document has been updated since 1976. This
valuable resource will be adopted as a part of the municipal master plan allowing this data to aid in the creation of more environmentally sensitive ordinances.

The Township of Denville is also poised to embark on a comprehensive revision of the municipal master plan within the next calendar year. This comprehensive master plan update will include updates to the population and demographic section, as all current master plan material relies on the 2000 Census of Population. This data is over 12 years old and in need of replacement.

The municipality is also proactively addressing its affordable housing mandate by actively monitoring the regulations and situation of the Council On Affordable Housing (COAH) and the New Jersey Court system. On September 26, 2013 the Supreme Court of New Jersey invalidated COAH’s third round methodology in its entirety and required the State Agency to promulgate new regulations consistent with the Fair Housing Act within five months. The housing element should also be updated to include the most recent population and demographic information from the 2010 Census of Population as well to be consistent with these new Round Three Calculations.

The Township continues to foster open-space and recreational planning through the complete update of the townships open space and publicly owned lands database.

Finally, the municipality constantly looks for alternative methods for funding upgrades both in the planning arena as well as in the physical world. The municipality has recently received grant money to enhance the downtown streetscape promoting a desirable pedestrian environment in the central business district.

C. The Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives Forming the Basis for Such Plans or Regulations With Particular Emphasis on Specific Planning Issues and Governmental Policy

Since the last comprehensive master plan (2000) and the most re-examination (2006) there have been significant changes in the planning process at the state level. In 2011 the State released the “State Strategic Plan: New Jersey’s State Development & Redevelopment Plan” (SDRP). This document is a radical divergence from the previous State planning documents, removing the reliance on Planning Areas (PA), the traditional map procedures and the cross acceptance process in place during previous revisions. This document is in its final draft form but has yet to be adopted.
Furthermore, in 2011 the Governor of the State of New Jersey passed his Reorganization Plan: 001 which abolished the Council On Affordable Housing (COAH) and transferred its powers to the Department of Community Affairs (DCA). In 2012 the Supreme Court of New Jersey invalidated the Governors actions and reinstated the Council, even though it contains only a handful of surviving members. On September 26, 2013 the Supreme Court of New Jersey invalidated COAH’s third round methodology in its entirety and required the State Agency to promulgate new regulations consistent with the Fair Housing Act within five months.

Finally, the Federal Emergency Management Agency (FEMA) is in the process of updating their Federal Insurance Rate Maps (FIRM) in response to Super Storm Sandy. The current FIRM maps for Denville date back to 1985 and these updated FIRM maps have not been finalized nor released to the general public as of the writing of this report. A recent request states the projected effective date of this mapping project is March of 2015 but the project is currently on-hold.

D. Specific Changes

This re-examination report finds that the current regulations controlling the location and development for hotels and motels in the Township of Denville are outdated and are in need of modernization. This re-examination report recommends that the zoning ordinance of the Township of Denville should be modified to reflect current planning standards as it relates to the siting of hotels and motels.

First, the zoning ordinance must be amended to include definitions for both hotels and motels as they are both regulated land uses without definitions. The current zoning ordinance prohibits “Motels” in the B-1, B-3 and B-4 zones specifically while specifically permitting them in the B-2 and B-2A zones. “Motels” are not permitted in the OB-1, OB-3 and OB-4 zones by the omission as permitted uses. The current ordinance permits “Hotels” specifically in the I-1 zone, and the I-2 zone by inclusion of all the uses located in the I-1 zone. As previously stated, these two uses are regulated without any defining characteristics. This lack of definitions creates ambiguity within the zoning ordinance; which is a situation that should be avoided.

Second, zoning ordinance should be modified to remove motels from permitted uses in the Township as they are a land use that is no longer a preferred type for supplying transient housing. This recommendation would remove these permitted land uses from the B-2 and B-2A zone which correlate to the Routes 10 and 46 corridors. These areas are depicted on the following page.
B-2 Zone: Route 46 Corridor which currently allows “Motels” for which this re-examination report proposed to be removed.

B-2A Zone: Route 10 Corridor which currently allows “Motels” for which this re-examination report proposed to be removed.
Furthermore, the zoning ordinance should be redrafted to allow for hotels to be a conditional use in the I-2 zone only. This suggestion translates to the removal of hotels from the I-1 Zone.

The I-1 zone which currently allows “hotels” which is proposed to be removed.

The I-2 zone which currently allows "hotels" which is proposed to be removed.

The conditional uses standards should restrict the location of hotels in the I-2 zone in relationship to the federal highway system to reduce the traffic on local roads. This would have the effect of not allowing hotels in two of the three areas of the I-2 zones as depicted below.

Two areas of the I-2 zone that would not meet the conditional use standards for hotel uses.
The remaining portion of the I-2 zone that this proposed ordinance would regulate is depicted below:

![Image of the I-2 zone]

The ordinance should utilize a combination of floor area ratio, height limitations as well as maximum building footprints to control the total amount of development on a specific site. Since the I-2 zone only has a .25 floor area ratio, it is suggested that a bonus in floor area ratio be implemented in connection to the amount of landscaped area on the site.

E. Redevelopment Plans

On July 10, 2013 the Planning Board held a public hearing on and adopted a determination finding that 30 Estling Lake Road as an area in need of Rehabilitation. The Planning Board two weeks later held a public hearing concerning a rehabilitation plan for 30 Estling Lake Road wherein the board found that the rehabilitation plan is inconsistent with the master plan recommendations but was drawn to effectuate many of the master plans goals and objectives.

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 found within this report.