

2022

MASTER PLAN

REEXAMINATION

REPORT

Prepared for

MOUNTAINSIDE BOROUGH

PLANNING BOARD

By:

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June 2022

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I. INTRODUCTION

The New Jersey Municipal Land Use Law N.J.S.A. 40:55D-1 et. seq. requires that a Planning Board conduct a general reexamination of its Master Plan and Development Regulations at least once every 10 years. A Reexamination Report was adopted by Planning Board resolution in 2009. A reexamination must include the following components (N.J.S.A. 40:55D-89):

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

The current Borough of Mountainside Master Plan was adopted January 1989. The Master Plan has been reexamined since that date and the current document and report is undertaken to address the statutorily required components as well as additional recommendations from the Planning Board since the last Master Plan Reexamination Report which has been filed.

The Mountainside Land Development Ordinance contains all regulations pertinent to land development in the Borough. It includes zoning regulations, site plan and subdivision ordinances, procedural and administrative requirements, as well as provisions dealing with environmental concerns and requirements.

It is the intent of this report to provide an assessment of the current Master Plan and Land Use Ordinance not only to fulfill statutory requirements, but to insure their continued effectiveness as tools of local planning and development.

II. MAJOR LAND DEVELOPMENT GOALS AND OBJECTIVES SINCE THE LAST REEXAMINATION REPORT

The major goal and objective of the last reexamination report which has been consistently set forth since the adoption of the original Master Plan for the Borough of Mountainside has been to constantly improve and upgrade, through updates to the Land Use Ordinance, the single-family residential character of the Borough and the established neighborhoods. It has been the goal and objective of all of the land use regulation and the planning efforts of the Borough to preserve and protect the suburban character of the existing residential neighborhoods through the appropriate zone designations and bulk requirements and related regulations to preserve and enhance the visual appearance and viability of residential neighborhoods.

It has also been the Master Plan goal and objective which was re-emphasized in the reexamination of same to promote and allow appropriate uses consistent with the various zones established and the variety of uses already being maintained in same. Also, to allow where appropriate the improvement of retail, commercial, and limited industrial uses in such zones to maintain their viability.

A stated goal of the Master Plan and reexaminations previously conducted has also been to minimize environmental impacts from development or re-development, especially as to area of steep slope, wetland and flood hazard areas, and to require the assessment of environmental impact for non-residential applications and projects.

It has also been the goal of the Master Plan as was reaffirmed in the reexaminations of same to maintain adequate municipal open space for a variety of active and passive recreational uses, and for municipal uses which would benefit the community by providing educational and recreational facilities for the use and benefit of the community.

In the most recent reexamination report it was also set forth that further consideration be given to current amendments in the Land Use Ordinance which would allow and permit tree protection and preservation, and for ongoing regulations for traffic improvements and regulation to ease congestion and improve traffic flow in the major roadways throughout the Borough, with a recommendation to also periodically review and update public parking requirements throughout the Borough and to maintain appropriate fee schedules and requirements for development applications.

The 2009 reexamination report also recommended that the Borough continue to work closely with the County of Union to maintain the parks, lakes, and ponds within the Borough in order to insure their proper maintenance and improvement.

Since the adoption of the 2009 Reexamination Report, the Borough has been granted repose by the Court for its Affordable Housing Plan. Further, the Borough has implemented the Affordable Housing Plan by amendment to its zoning code.

The townhouse projects along Route 22 each containing affordable housing units as well as market units implement the Borough's affordable housing plan. The project under construction along Mountain Avenue is also an affordable housing site. Further, the Borough has approved two assisted living facilities located on Springfield Avenue. One of the projects is completed and occupied. The other has its approvals. Each project will contribute 10% of the units as affordable housing.

The Borough's zoning code has been amended to significantly broaden allowed uses in the L-I zone. This amendment has resulted in the rehabilitation and repurposing of existing industrial buildings. New construction has also resulted from this amendment. The Borough has added an affordable housing overlay zone to a portion of the industrial zone adjacent to Echo Lake Park.

The Borough zoning code has also been amended to establish floor area ratio (FAR) for all residential districts. The FAR standards have been adjusted to recognize housing needs and space requirements. The Borough continues to evaluate FAR restrictions.

III. EXTENT OF SUCCESS WITH LAND DEVELOPMENT PROBLEMS AND OBJECTIVES

The Planning Board believes that the predominant goal of the Master Plan and the most recent amendments thereto for maintaining the established single family residential character of the Borough has been successfully accomplished and these areas have been preserved. The Planning Board reaffirms that any new consideration of any other housing type other than single family use must be undertaken in a manner that is sensitive to the predominantly single-family character of the Borough.

The Master-Plan Affordable Housing Component and zoning code permits multifamily housing. The projects along Route 22 and fronting Mountain Avenue implement the Borough's Affordable Housing Plan and obligation.

It is believed that the Borough's Ordinances have, with the active involvement of Mayor and Council, successfully maintained appropriate community facilities with improvements to schools, parks, the municipal building and the library. Road improvements and other municipally directed work have also benefited all areas of the Borough.

The 2009 Reexamination Report stated "Due to changing demographics in the community, it is further recommended that additional planning studies and/or a committee be appointed to conduct an investigation as to the appropriateness of senior citizen housing to be provided in the Borough. Also, an appropriate investigation and study should be undertaken for the L-I zone, in particular as to possible zoning amendments to be undertaken in this district for the revitalization of these properties and/or to allow for suitable alternative usage considering the changing economic conditions that impact this Zone especially."

The Borough zoning code has been amended to significantly broaden the permitted uses within the L-I zone and as briefly discussed above.

As part of the Affordable Housing Plan Element senior housing is required at one of the new townhome projects fronting Route 22. Further, the Planning Board has approved an assisted living project on Springfield Avenue (not yet constructed). The project will provide at minimum 10% of all apartments as affordable units as defined by law.

The existing Master Plan (January 1995) emphasized under goal #5 that Route 22 should not evolve into a strip commercial corridor. The goal has been maintained although expansion of existing restaurants has occurred. Consideration of further defining retail limits particularly the food/restaurant sector is warranted.

The issue of congestion and traffic safety is ongoing and pervasive along the Route 22 corridor. Prohibition of fast-food establishments has and continues as planning policy of the Borough. This use group features extended hours of operation impacting the quality of life of adjacent residential neighborhoods and the health and safety of the traveling public.

IV. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES MOUNTAINSIDE IS ALMOST FULLY DEVELOPED

The Planning Board observes that the majority of new construction now occurring and in the recent past consists of infill development. The Borough did anticipate affordable housing mandates and develop a variety of methods to address housing obligation.

The 2009 Reexamination Report states: “The Planning Board recommended that the Borough’s Land Use Code should be re-evaluated for revisions as may be necessary or required to accommodate the Borough’s anticipated continued development, including an evaluation of the industrial and commercial areas in the southeast section of the Borough. Due to economic-market conditions and the age of certain structures in the L-I Zone, the Planning Board believes that alternate uses such as commercial or a mixture of possible housing alternatives may be beneficial for the possible redevelopment and/or for the rezoning of these areas.”

The past several years the State has mandated significant change in rules and regulations governing storm water management. Further, the State has expanded the scope of wetland land regulation. These two events serve to further protect natural resources.

Due to the highly developed nature of the community, the policies and objectives established over the past decades remain as the cornerstones of long-range planning policy and objectives. Notwithstanding, the issue of affordable housing remains.

Further ordinance revisions to encourage and promote the conservation of natural resources, energy conservation, recycling, and the use of “green” technology and building methods continues as appropriate areas for examination and possible change in the Borough Land Use Development Regulations.

**V. THE PLANNING BOARD AFFIRMS THE GENERAL PRINCIPALS
UNDERLYING THE CURRENT MASTER PLAN AS TO
PRESERVING THE RESIDENTIAL CHARACTER OF THE
BOROUGH OF MOUNTAINSIDE**

The 2009 Reexamination Report stated that the goals and objectives of the Master Plan for improvements and enhancement to the established residential districts have been met as the housing stock in the Borough of Mountainside remains stable and shows constant renovations and improvements.

As a result of the implementation of the Borough's Affordable Housing Plan, approximately 130 townhomes are under construction or finished. These homes are a combination of owner-occupied and rental housing. Each project includes affordable housing units as dictated by Court settlement. The combination of projects adds diversity to the Borough's housing stock.

The 2009 Reexamination Report recommended additional regulation for the improvement of the residential zones. The report suggested the Zoning Ordinances be evaluated for possible changes as follows:

1. Change the definition of side, front, and rear yards. Require all lots to comply with the set backs for at least one rear yard and in addition require two front yard setbacks on a corner lot on each side facing a street.
2. Increase set backs to 35 to 40 feet for front and rear yards, unless impact on pre-existing homes prevents it. It is our opinion that the set backs should be increased because as discussed above, the impacts on pre-existing homes will be minimal.
3. Decrease permitted building coverage/foundation area for larger lots.

The 2009 Reexamination Report stated, "It is the Board's opinion that these types of changes should be implemented to reduce density and maintain appropriate open space and pleasing streetscapes. In addition, the Borough should consider implementing an FAR ordinance

to complement the building coverage change and further reduce the permitted mass and bulk of new residential construction in the Borough. The Board finds it can be difficult to strike the right balance between the appropriate FAR and the definition of area to be calculated and, therefore, should the Borough decide to entertain this last option the appropriate professionals should be consulted.”

A listing of issues that has been previously developed and/or discussed by the committee which should be further reviewed for possible ordinance updates/changes is attached as an appendix.

The 2009 Reexamination Report further stated, “Due to the extensive study and considerations that would have to be devoted to possible rezoning to allow for alternative uses, the Planning Board recommends that the current Master Plan should be formally updated and/or a new plan with the appropriate regulations prepared.”

**VI. THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING
THE INCORPORATION OF REDEVELOPMENT PLANS
ADOPTED PURSUANT TO THE “LOCAL REDEVELOPMENT
AND HOUSING LAW”**

At this time, the Borough of Mountainside has not adopted any redevelopment plans which are in need of incorporation into the land use element of the Master Plan. As such, the Planning Board has no recommendations concerning incorporation of a redevelopment plan into the Master Plan or regarding changes to the Land Use Ordinance necessary to effectuate such a plan.

As part of the reexamination of the appropriate uses to be permitted in the L-I Zone and/or other districts in the Borough as to areas that may be in need of redevelopment which could be encouraged by changes in the Land Use Ordinance, such measures should be considered to minimize and/or eliminate any obsolete uses and/or regulations concerning same.

APPENDIX

**THE PLANNING BOARD AFFIRMS THE GENERAL PRINCIPALS
FROM 2009 REEXAMINATION REPORT**

The following Land Use Ordinance sections were offered for consideration in the 2009 Reexamination Report. The sections listed remain unchanged.

1. Section 201

Further clarify definition of an accessory structure. See 233(f). In particular, sidewalks, driveways, patios, decks.

2. Section 219

Dwelling unit with respect to family members living separately. Mothers/daughters.

3. Section 228

Height; to chimney, antennae, satellite dish, etc. This has been partially addressed by Ordinance 1230-2014

4. Section 233(e)

Through lot – 1 or 2 front yards.

5. Section 250

Many spaces are 9' x 18' where overhanging can be accommodated

6. Section 276(a)

Not applicable.

7. Section 280

Change definition of wood deck to include wood like materials. Attachment requirement violates subsequent sections on accessory structures and distances from principal structure. See 1003(e)(1)(D).

8. Section 914(b)(8)

Discuss advertising/billboards on sides of vans or commercial vehicles parked in lots.

Arirang.

9. Section 914(b)(14)

Lighting standards in foot-candles?

10. Section 914(b)(19)

Update to include current uses – storage facilities, gyms, fitness studios/clubs, personal trainers, etc.

11. Section 1003(e)

Define accessory structure better. What will implications to other sections?

12. Section 1003(e)(1)(A)

Driveways/walkways are accessory structures.

13. Section 1003(e)(1)(D)/1003(e)(2)(D)

Sidewalk, patio, driveways, etc. within 15' of principal building is prohibited. This is problematic.

14. Section 1003(e)(1)(F)

Swimming pool issues addressed by Ordinance 1230-2014

15. Section 1003(e)(2)(A)

Is a parking lot an accessory structure? If so, parking lots are usually larger than the building. This is prohibited.

16. Section 1003(e)(2)(B)

Flagpole on Globe Avenue example. Higher than building.

17. Section 1003(u)

Multi-tiered walls are a problem. Expand 6' high definition to mean retained soil height.

Include in Section 1003(u)(3). This has been addressed by Ordinance 1230-2014.

18. Section 1003(u)(4)
Define open type of fence better. More choices today. What is open? This has been addressed by Ordinance 1230-2014.
19. Section 1003(z)
Critical areas and lot size adjustments were modified by court decisions.
20. Section 1008(a)(1)
Approved occupation needs better defining or expanded definition, i.e physical therapy/ massage therapy/spa.
21. Section 1009(a)(1)
See number 20 above.
22. Section 1011(a)
Better definition is needed. Retail is broad.
23. Section 1011(b)
Pornographic/sexually explicit and others could be added to prohibited list. Addressed through court decisions and Borough prohibited use section.
24. Section 1013(a)
Administrative office vs office. Office use in LI is becoming common, addressed in part by ordinance amendments
25. Section 1034(c)(d)(3).
Vague.
26. Article 14
Detention required if 400 sf increase occurs.
27. Soil filling, movement, regarding toxic aspects, etc., need expansion.
28. Issues with stepped retaining walls. This has been addressed by Ordinance 1230-2014.

29. Structures built by homeowner between curb and property line. Borough liability?
30. Shared parking – changes in use.
31. Attic use – define half story in 2½ story ordinance provision.
32. Work by homeowners in easements.
33. Stacked parking.
34. Section 265
Retail sales.
35. Section 269
Site plan comments – delete?
36. Landscape items, pergolas, other structures.
37. Use of checklist.
38. Outdoor storage.
39. Restoration of buildings that are essentially destroyed. This has been addressed by
Ordinance 1211-2013.
40. Need for “as built” plans. This has been addressed by Ordinance 1075-2004.
41. Better definition of professional use.