

## I. INTRODUCTION

### *Overview*

The Municipal Law Use Law (MLUL) requires that municipalities conduct a general reexamination of its master plan and development regulations at least every six years. This review is conducted by the Planning Board. This reexamination is required to maintain the presumption of validity for municipal land use policies and ordinances. Practically, this reexamination is necessary to assure that the Master Plan and development regulations of the Borough of Watchung (Borough) remain viable, current and capable of addressing the planning, zoning and development issues facing the municipality.

This Report constitutes the Master Plan Re-Examination Report of the Borough of Watchung, Somerset County, as required by the MLUL (N.J.S.A 40:55D-89) and serves as an update of the Borough Master Plan including the goals, objectives and recommendations contained therein.

In order to put this Re-examination Report in context, the Report starts with a description of Borough planning history including previous Borough Master Plans and Master Plan Re-examinations. After a description of the process employed in the preparation of this re-examination, the Report evaluates the Borough's master plan and development regulations following the criteria required pursuant to N.J.S.A 40:55D-89:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and

Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.<sup>1</sup>

### ***Borough Planning History***

The Borough adopted a "Master Plan" on December 18, 1973 and subsequently reexamined the 1973 Master Plan in 1979, 1982, 1984 and 1989. In 1994, a new "Master Plan Update" was prepared to address the major issues of concern facing the Borough at that time. The 1994 Master Plan Update incorporated the following plans or elements:

- An Existing Land Use Analysis
- An Environmental Analysis
- A Statement of Objectives, Principles, Assumptions, Policies and Standards
- A Land Use Plan Element
- A Traffic Circulation Plan Element
- A combined Community Facilities, Recreation and Conservation Plan Element
- An analysis of the plans or other jurisdictions

In 1999, the Planning Board conducted a reexamination of the Borough's development regulations and 1994 Master Plan Update. The 1999 Reexamination Report concentrated primarily on the following "major issues" facing the Borough at that time: affordable housing; traffic and circulation; community facilities; quarry redevelopment; and state planning. It made recommendations regarding these major issues as well as a number of other zoning and development issues existent in the Borough at that time. The 1999 Reexamination Report was adopted by the Planning Board on December 21, 1999.

Subsequent to the Planning Board's adoption of the 1999 Master Plan Reexamination Report the following additional planning activities were undertaken by the Borough:

- In 2000, an Open Space Plan (dated May 16, 2000) was prepared.
- In October of 2002, the village circle area of the Borough received Village Center designation from the NJ Office of Smart Growth. Accompanying that Village Center designation was adoption of an agreement (entitled "Planning and Implementation Agenda") between the State and the Borough regarding a variety of planning issues and initiatives.

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<sup>1</sup> This fifth criterion is not applicable to the Borough as the Borough does not currently have any adopted redevelopment plans.

- A limited-scope Master Plan Reexamination Report, that primarily addressed the redevelopment of the quarry area, was adopted in June 2003.

In 2005, the Planning Board conducted a comprehensive reexamination of the Borough's Master Plan and development regulations. The 2005 Master Plan Reexamination Report was adopted on November 15, 2005. The 2005 Reexamination Report addressed the statutory criteria by addressing the land development problems and objectives addressed in the 1999 Reexamination Report and went a step beyond by evaluating, as well, planning issues raised in other Borough planning documents including the Open Space Plan, the Watchung Village Center Designation, and the Housing Element and Fair Share Plan. In this way, the 2005 Reexamination Report served not only to bring the Master Plan up-to-date in comparison to the 1999 master plan reexamination, but essentially served as a wider-scope "state of the Borough" assessment of planning, zoning and development issues and objectives in the Borough. Specifically, the 2005 Reexamination Report evaluated and made recommendations with respect to:

- *"Statement of Objectives, Principles, Assumptions, Policies and Standards"* contained in the Borough's Master Plan Update. The 2005 Reexamination Report found that most of the goals and objectives of the 1994 Master Plan remained relevant and that the recommendations contained in the Report were consistent with, or served to effectuate the goals and objectives. However, a few specific amendments were recommended.
- *Land Use and Development.* The 2005 Reexamination Report evaluated and made recommendations regarding the following land use and development issues: residential zone plan goals; the need for an updated zoning ordinance; quarry redevelopment; Highway Development (HD) zoning; the "B-A" Neighborhood Business District; shopping center regulations; cemetery zoning; steep slope regulations; wireless telecommunication facilities; impervious surface limits in the R-M-L districts; houses of worship; lighting standards; zoning for assisted living; and home professional offices.
- *Village Center/Somerset Street.* Regarding the Borough's Village Center/Somerset Street areas the Report evaluated and made recommendations with respect to: "village center" designation; enhancement of blighted areas; pedestrian improvements around the village center; improvements to Somerset Street and Spratford Park; commercial zoning; and, design/aesthetic improvements in the village center.

- *Affordable Housing.* The Report contained a status update with respect to the Borough's compliance with COAH regulations.
- *Community Facilities.* The Report addressed: open space and recreation planning; a new library/community center; the rescue squad; long-range educational facility needs; municipal facilities; disposition of paper streets; and, infrastructure improvements.
- *Traffic Circulation.* The 2005 Reexamination Report evaluated and made recommendations regarding the following traffic circulation issues: regional traffic considerations; the "Watchung Circle" area; traffic-related Master Plan goals; pedestrian improvements; and, speed limits.
- *State Planning.* The Report evaluated the following with respect to the Borough: center designation/plan endorsement; and, cross acceptance.
- *Implementation.* The 2005 Report contained a detailed implementation agenda.

Subsequent to the Planning Board's adoption of the 2005 Master Plan Reexamination Report the following additional planning activities were undertaken by the Borough:

- A new Open Space and Recreation Plan was prepared and adopted by the Planning Board as an element of the Master Plan in June 2006 and subsequently endorsed by the Borough Council. It updated and expanded upon the May 2000 Open Space Plan and was intended to meet the requirements for Green Acres funding.
- The Borough prepared a new Housing Element/Fair Share Plan to address the Borough's "Third Round" obligation for affordable housing. The Plan was adopted by the Planning Board on July 20, 2010 and submitted to the Council on Affordable Housing (COAH) for substantive certification.

### ***Master Plan Reexamination Process***

The Planning Board has made a concerted effort to address the full breadth of planning, zoning and land development issues within the Borough and to engage the public in this process. The Planning Board started the process by holding a series of two public meetings on October 26 and November 30, 2010 at which meetings the public was provided an opportunity to express any concerns, opinions or comments they may have regarding planning and development issues in the Borough.

In addition to hearing from the public at these meetings, the Planning Board members raised issues of interest to them and discussed a memorandum prepared by the Board's planning consultant which identified planning and zoning issues that have been addressed, arisen or changed since the last Reexamination Report, changes in policy and objectives and other issues for Board discussion. Input was also received from other interested parties including from members of the Zoning Board of Adjustment and Borough Council as well as from Borough staff.

At the conclusion of the second public meeting, the Board directed the planning consultant to prepare a draft Reexamination Report. This content and recommendations contained in the draft Report were informed by the comments made by members of the Planning Board and public at the two public meetings, the consultant's experience in the Borough and from a review of the Borough's planning documents (most notably, of course, the 2005 Reexamination Report). A rough, initial draft of Reexamination Report was reviewed by the Master Plan Reexamination subcommittee of the Planning Board on December 14, 2010. The draft was revised based upon subcommittee input and reviewed by the full Planning Board at their March 1, 2011 meeting. After the draft Reexamination Report was further revised per Planning Board input, the Planning Board held a public hearing, noticed per requirements of the MLUL, on the Reexamination Report on April 12, 2011.

## **II. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE 2005 REEXAMINATION AND CURRENT STATUS OF SUCH PROBLEMS AND OBJECTIVES**

### ***Land Use and Development***

1. *Residential Zone Plan Goals*. The 1994 Master Plan Update and the 1999 and 2005 Reexamination Reports indicated "the protection of continuation of the Borough's established residential development pattern" as a "fundamental goal." The 1999 Reexamination Report addressed this matter as follows:

"There are few remaining vacant parcels of land that represent 'infill' in existing neighborhoods. It is also inevitable that some oversized lots may be considered for redevelopment or subdivision. Moreover, some areas now zoned residential may be situated near or adjoining nonresidential zones or land uses as is the area in the western end of Mountain Boulevard near Warren Township

This Reexamination of the Master Plan and development regulations reaffirms the long-standing importance of the goal of preservation of the

Borough's existing established residential land use pattern. Any new development of remaining vacant residential tracts or redevelopment in existing neighborhoods should be at a density consistent with current zoning."

The 2005 Reexamination Report reaffirmed the above as a fundamental planning goal and indicated that all planning and zoning decisions (most significantly, zone changes and use variances) must recognize and serve to preserve the established residential land use pattern, character and density of the Borough.

**Status:** This Reexamination Report reaffirms the above. The above remains a fundamental planning goal. All planning and zoning decisions (most significantly, zone changes and use variances) must recognize and serve to preserve the existing residential land use pattern, character and density of the Borough.

2. Need for Updated Zoning Ordinance. The 1999 Reexamination Report recommended production of an updated ordinance which incorporates the numerous amendments which had taken place over the years, that properly incorporates requirements of the MLUL and which is more user-friendly. Such an ordinance was largely complete at the time of the 2005 Reexamination Report and the 2005 Reexamination Report recommended adoption of it to Council after the appropriate amendments are made to it to incorporate the recommendations of the 2005 Reexamination Report.

**Status:** A new Land Development Ordinance (LDO) was adopted by Ordinance 09/01. The Planning Board and Borough Council worked on the ordinance for several years. Ordinance 09/01 was passed on January 8, 2009 and replaced the prior zoning, subdivision and site plan ordinances in their entirety. The LDO placed, in one cohesive document, all of the land development ordinances adopted since 1976 as well as a number of proposed ordinances that had been under consideration for several years. In addition, the LDO incorporated numerous substantive changes to the Borough's land development regulations and incorporated numerous zoning revisions recommended in the 2005 Reexamination Report, as outlined below.

3. Quarry Redevelopment. The 1999 Reexamination Report identified opportunity for a comprehensively planned mix of land uses in the quarry area, possibly consisting of a business conference center, offices, accessory retail uses and senior citizen housing, together with open space and recreation areas. The Borough subsequently conducted a three-year study on the potential rezoning of the Weldon Quarry area. Phase 1 of the project involved the completion of a comprehensive report of the Quarry Study Area covering existing land uses, zoning, environmental

conditions, utility infrastructure, traffic and planning goals and objectives. Phase 2 of the project involved an assessment of the developable areas and potential build-out within the quarry, including the preparation of a map displaying developable areas and a report prepared by the Borough's special engineering consultant. Phase 3 consisted of an amendment to the Master Plan (accomplished through a limited-scope Reexamination of the Master Plan in 2003) and the preparation of zoning regulations for the quarry area. The 2005 Reexamination Report recommended adoption of the proposed zoning regulations for the quarry area (referred to as the "quarry ordinance") including associated zoning map amendments.

**Status:** The "quarry ordinance" was incorporated into the Land Development Ordinance that was adopted via Ordinance 09/01.

4. Highway Development (HD) Zoning.

- *Rezoning of BJ's shopping center to HD District.* The 1999 Reexamination Report, limited-scope 2003 Reexamination Report and 2005 Reexamination Report all recommended that BJ's shopping center (then located within the LI District) be rezoned to the Highway Development (HD) District to reflect the approved development of the site and to be consistent with adjoining zoning.

**Status:** This rezoning was reflected on the revised Zoning Map adopted via Ordinance 09/01.

- *Consolidation of Commercial Districts.* The 2005 Reexamination Report recommended that the Borough investigate the consolidation of the B-C Highway Commercial and H-D Highway Development Districts. It indicated that the existing zoning scheme "generally works" but that the H-D and B-C Districts "could potentially be consolidated into one zone, with special requirements that limit certain larger-scale commercial uses only to larger properties able to appropriately accommodate such uses."

**Status:** This recommendation was considered during preparation of the new LDO but was not incorporated into it. As part of this Reexamination, the Planning Board has evaluated this recommendation and finds no reason to change the existing zoning scheme.

- *Mixed-use development in the Route 22 Corridor.* The 2005 Reexamination Report indicated that the Borough should investigate redevelopment opportunities for mixed-use, pedestrian-oriented design in the Route 22 corridor.

**Status:** The Planning Board finds no reason to change the zoning along Route 22 corridor per this recommendation at this time.

- *Elimination of research laboratory as permitted use in the H-D District.* The 2005 Report recommended that the Borough consider eliminating research laboratory as a permitted use in the H-D District.

**Status:** Accomplished via Ordinance 09/01.

5. *The "B-A" Neighborhood Business District.*

- *Permitted Uses.* The 2005 Reexamination Report recommended that the Borough consider modification of permitted uses in the B-A Neighborhood Business District with an eye towards eliminating uses that are incompatible with the residential nature of the surrounding area and district (e.g, eliminate service stations as a permitted use).

**Status:** Accomplished via Ordinance 09/01.

- *Location of B-A Districts.* The 2005 Reexamination Report recommended that the Borough consider reducing, eliminating or modifying certain B-A Districts within the Borough. The 2005 Reexamination Report identified three B-A Districts (i.e., along Bonnie Burn Road, Mountain Boulevard, and Somerset Street/village circle) "located in areas of the Borough that are not as conducive to retail development as other commercially-zoned areas of the Borough."

**Status:** The recommended rezonings (i.e., along Bonnie Burn Road, Mountain Boulevard, and Somerset Street/village circle) were reflected on the revised Zoning Map adopted via Ordinance 09/01.

6. *Shopping Center Regulations.* The 1999 Reexamination Report recommended: (a) consideration of consistent zoning standards for the large-scale shopping centers (Watchung Square, BJs and Blue Star) along Route 22; and (b) that regulations governing retail uses and other commercial development in the HD District be reviewed and revised where appropriate to maintain consistency among the development regulations affecting all commercial highway uses along Route 22. The 2005 Reexamination Report indicated that issues were addressed in the Borough's zoning ordinance and/or in the proposed LDO and recommended adoption of the proposed LDO.

**Status:** Accomplished via Ordinance 09/01.



7. Cemetery. The 2005 Reexamination Report recommended that a new zone be created in the area of the cemetery located on the north side of I-78 since the R-R district does not permit cemeteries (which makes the use non-conforming, created problems for the continued use and potential expansion of the cemetery).

**Status:** Accomplished via Ordinance 09/01. A “cemetery” zone was incorporated into the Land Development Ordinance and the proposed rezoning was reflected on the revised Zoning Map adopted via Ordinance 09/01.

8. Steep Slope Regulations. The 2005 Reexamination Report recommended that the Borough’s steep slope restrictions remain and be incorporated into the LDO.

**Status:** Accomplished via Ordinance 09/01.

9. Wireless Telecommunication Facilities. The 2005 Reexamination Report recommended that the Borough’s telecommunications regulations be incorporated into the zoning ordinance.

**Status:** Accomplished via Ordinance 09/01.

10. Impervious Surface Limits in the R-M-L Districts. The 1999 Reexamination Report indicated that the R-M-L VI District had an impervious surface limitation and indicated a need for impervious coverage limits within the Borough’s other R-M-L Districts. The 2005 Reexamination Report noted that the draft proposed LDO (i.e., the draft at that time of adoption of the Report) proposed impervious coverage limits for the Borough’s other R-M-L Districts.

**Status:** Impervious coverage limits for the Borough’s other R-M-L Districts have not been adopted. See Section IV below.

11. Houses of Worship. In addition to the special bulk standards for houses of worship and schools in the R-R, R-A and R-B Districts, the 2005 Reexamination Report recommended consideration of special site development standards (e.g., landscaping, buffering and lighting) to further minimize potential impacts to adjoining residences.

**Status:** The Land Development Ordinance that was adopted via Ordinance 09/01 incorporated specific zoning standards for places of worship in the R-R District.

12. Lighting Standards. The 2005 Reexamination Report recommended consideration of creating lighting standards for residential recreation areas (e.g., basketball and tennis courts) and to the placement of lighting on residential property.

**Status:** This recommendation was not incorporated into the Land Development Ordinance. See Section IV.

13. Home Professional Offices. The Borough should consider revising its regulation of accessory home professional offices to include a square footage maximum as well as aesthetic, parking and screening considerations.

**Status:** The Borough revised its regulation of accessory home professional offices via Ordinance 10/08 which includes a 900 square foot limitation on such uses.

### ***Village Center/Somerset Street***

A key component of the 1994 Master Plan Update was the creation of a village center in the central portion of the Borough in the vicinity of the village circle where the five major residential connective roadways (i.e., Valley Road, Hillcrest Road, Somerset Street, Mountain Boulevard and Stirling Road) converge. The Master Plan Update indicated that the locational characteristics of this area and the existing land uses in the area had created a "center" over the years. The 2005 Reexamination report recommended that this "center" be continued and enhanced.

The "vision" for this area was set forth in the "Town Center Master Land Use Plan" and in the "Town Center Pedestrian Walkway Plan," as well as in item #8 of the "A Statement of Objectives, Principles, Assumptions, Policies and Standards" of the 1994 Master Plan Update which indicates:

- a. The "Village Center" should be conceived and planned to be the civic heart of the Borough of Watchung and provide a special sense of community and identity.
- b. The "Village Center" should be designed and constructed to create a mixed use village environment which includes municipal government offices, retail shops and services, professional offices and residences and which emphasizes pedestrian circulation, attractive civic spaces, environmental preserves, greens and parks.
- c. The "Village Center" should be subject to reasonable and appropriate zoning controls in order to promote land uses with architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American

villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.”

The 2005 Reexamination Report indicated that the following still needed to be accomplished:

14. Somerset Street Boulevard/ Spratford Park. Somerset Street is a major gateway into the Borough and leads visitors and residents into the village center. It was noted in the 2005 Report that in order to enhance Somerset Street’s position as a “gateway,” the Borough had been working with Somerset County to convert Somerset Street into a landscaped boulevard with beautification and safety improvements. It noted that part of the Borough’s plan for Somerset Street, as well, are major sidewalk improvements along the Stony Brook side of the corridor that will provide pedestrian access to/from the “triangle” business and residential area, the village center and Spratford Park. It noted that this initiative would implement a critical component of the “Town Center Master Land Use Plan” and “Town Center Pedestrian Walkway Plan” envisioned in the 1994 Master Plan Update and that the proposed improvements to Somerset Street would serve to accomplish “improved transportation linkages from the village center to the Route 22 commercial corridor and North Plainfield” as indicated in the Borough’s Planning and Implementation Agenda.”

The 2005 Reexamination Report indicated that the strip along the west side of Somerset Street from Borough Hall to the “triangle” commercial area is proposed for park use (“Spratford Park”). The Report indicated that the existing gas station in this area would preferably be converted to park use as well so that the entire strip would be used for park.

**Status:** The following critical components of the Borough’s “Village Center/Somerset Street” and “Spratford Park” efforts have been accomplished since the time of the 2005 Reexamination Report:

- Major sidewalk improvements have been installed along the Stony Brook side of the corridor providing pedestrian access to/from and within the “triangle” business and residential area to the village center and Spratford Park.
- A sidewalk has been constructed along Stirling Road, up to the entrance to the Valley View School.
- A new sidewalk has been provided along Valley Road in the area of the village circle and Best Lake connecting this area to an existing sidewalk along Valley Road.

- Somerset Street has been converted into a boulevard with an attractive, landscaped median running its length and decorative lights have been installed along the length of Somerset Street.
- A gateway sign has been placed in Spratford Park signifying entrance into the heart of the Borough.
- A new bridge has been installed.
- The dam in Best Lake has been replaced.
- Traffic safety improvements have been made at the Hillcrest Road/ Valley Road intersection
- An overlook has been provided along Stony Brook.

Following are the efforts that remain to be accomplished:

- Acquisition of the existing gas station in this area and its conversion to park use so that the entire strip would be used for park.
  - The 1994 Master Plan Update suggested the need for design standards in the village center by suggesting zoning controls that address “architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.” The 2005 Reexamination Report reiterated this recommendation.
  - Sidewalk around Best Lake.
  - Sidewalk along Mountain Boulevard from Brookdale Road to the Ness Property. See Section IV below for the Planning Board’s recommendation regarding this matter.
15. Commercial Zoning. The 2005 Reexamination Report indicated that the Borough should consider reducing or eliminating the B-A District located along the easterly side of Somerset Street and extending into a portion of the village center. Consideration should be given towards placing this area into another less-intensive zone that is more reflective of Borough’s objectives for the village center and the Somerset Street boulevard.

**Status:** Consistent with this recommendation, a number of properties along the easterly side of Somerset Street and extending into a portion of the village center were rezoned from the B-A District to the B-B District via Ordinance 09/01.

16. Design/Aesthetic Improvements in the Village Center. The 1994 Master Plan Update suggested the need for design standards in the village center by suggesting zoning controls that address “architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which
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are compatible with the existing architecturally significant buildings in this portion of the Borough." The 2005 Reexamination Report recommended that the Borough pursue the creation of design standards for the village center and that the Borough should pursue the availability of potential monies that might be available through the County or State sources for the purpose of aesthetic improvements to public and private properties.

**Status:** The village center area is included within the "Village Center Historical Overlay Zone." Per the Land Development Ordinance, all applications for issuance of permits for development within the Village Center Historical Overlay Zone, with the exception of one- and two-family homes, must be referred for review by the Village Center Historic Preservation Commission. The Commission reviews development proposals with respect to the Standards of Review outlined in the LDO.

This Reexamination Report reiterates the recommendation that the Borough pursue the availability of potential monies that might be available through the County or State sources for the purpose of aesthetic improvements to public and private properties.

### ***Community Facilities***

17. *Open Space and Recreation Planning.* The 1999 Reexamination Report indicated a need for new, improved and expanded recreational facilities, specifically with respect to ball fields and tennis courts, as well as walking paths and trails. The 1999 Reexamination Report also recommended that the Borough conduct an inventory of open space in order to facilitate the planning of recreation facilities, walking paths and trails and other Borough community facilities in the future. It recommended that the Master Plan reflect "general criteria for open space acquisition and any important parcels that should be acquired by the Borough." An Open Space Plan was subsequently prepared, dated May 2000, which identified potential opportunities for open space preservation and which contained acquisition criteria as recommended in the 1999 Reexamination Report.

At the time of the 2005 Reexamination Report, the Borough was in the beginning stages of preparing a new Open Space and Recreation Plan which was intended: to update and expand upon the May 2000 Open Space Plan; to meet the requirements for Green Acre funding; implement the open space preservation related goals of the 1994 Master Plan Update; evaluate and refine, if necessary, the acquisition criteria set forth in the 2000 Open Space Plan; and be incorporated as an element of the Borough Master Plan.

**Status:** The Planning Board adopted, in July 2006, a new Open Space and Recreation Plan as an element of the Master Plan. The Council endorsed the plan the following month. While certain of the recommendations have been accomplished (e.g., acquisition of the Ness Property and construction sidewalks along Somerset Street to connect the circle and triangle areas), most of the recommendations remain to be accomplished:

- *Stony Brook River Corridor Conservation Area.* "The remaining properties not in public ownership are to be acquired so the entire area can be developed as a park" (e.g., gas station)
- *Vacant parcels identified for potential conservation.* The Plan recommends that vacant parcels identified in the Plan be evaluated for the likelihood of future development, adjacency to existing open space and then prioritized for acquisition by the Borough or for protection by conservation easement.
- *Connell Property.* The Plan recommends acquisition of Connell properties along Valley Road (i.e., opposite quarry area) for creation of a linear park system to be developed in conjunction with any open space areas created following redevelopment of the quarry.
- *Brook Hill Swim and Tennis Club.* The Plan suggests that the Borough pursue public acquisition of the facility for the use and development of active recreation and the adjacent isolated open space lots and the Borough may also want to consider a purchase of the property and then a lease back of the facility to the current owners for the operation of the facility for a set period of time, after which, ownership and operation would revert back to the Borough.
- *Mt. St. Mary's.* The Plan recommends that the Borough consider pursuing acquisition of conservation easements on the remaining, undeveloped portions of the property.
- *Entry Boulevards.* Consistent with a recommendation in the previous open space plan (2000), the Plan recommends greater emphasis on open space protection and community character along gateway roads (e.g., Somerset Street from North Plainfield, Mountain Boulevard from Warren, Hillcrest Road from Warren, Valley Road beyond the Quarry). The Plan indicates that some of these areas may offer opportunities for acquisition for historic preservation, shade tree plantings or revised zoning controls.

- *Quarry Redevelopment.* The Plan recommends revision of the zoning ordinance to ensure significant open space areas, especially the areas at the top of the quarry that lie at current road grade, are dedicated for open space and recreation.
  - *Phillips Field.* The Plan identifies the following issues “raised in previous Open Space plans and Master Plans that may be addressed at Philips Field”: include: additional baseball and softball fields; providing a new all purpose field for lacrosse; field hockey and soccer; replacing the pavilion; creating a skate park; and creating pedestrian and bike paths in and around Phillips Field.
  - *Camp Endeavor.* The Plan identifies the following issues “raised in previous Open Space plans and Master Plans that may be addressed at Camp Endeavor”: additional baseball and softball fields; providing a new all purpose field for lacrosse, field hockey and soccer; building of an all-purpose recreation center; and creating a skate park.
18. *New Library/Community Center.* The 2005 Reexamination Report indicated a desire to build a new library on the current site or on another site (e.g., the Ness Property). The Report indicated that it had been “suggested by the Library Advisory Board that a new library could also serve as a community center serving the Watchung Seniors, the Bicentennial Room and accommodating non-profit groups in town looking for a place to meet. Further, the Arts Center has also expressed an interest in being part of a new community center.”

**Status:** This matter is still being explored. Emphasis on the Ness property has shifted solely to open space and recreation.

19. *Rescue Squad.* The 1999 Reexamination Report indicated that the Rescue Squad was “in need of additional space and the possibility of a joint facility with the Fire Department is under review.” If the Rescue Squad were to be relocated, the 1999 Reexamination Report suggested that the purchase and reuse of the building for Borough facilities (e.g., “adapted for alternative community uses”) should be considered.

The 2005 Reexamination Report indicated that: the Rescue Squad was apparently still in need of additional space; a joint facility with the Fire Department did not come to fruition; and plans were underway for expansion of the Rescue Squad facility at its current site.

**Status:** The Rescue Squad facility has been expanded.

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20. Long-Range Educational Facility Needs. Per the requirements of the MLUL, the School District must submit the plan to the Planning Board who reviews it for consistency with the Borough Master Plan. The 2005 Reexamination Report noted that representatives of the School District attended a meeting of the Planning Board on October 18, 2005 to discuss the Long-Range Educational Facility Needs Plan (LRFP) and the Planning Board subsequently adopted a resolution indicating compliance of the LRFP with the Borough's Master Plan.

**Status:** The Planning Board conducted a review of School District's latest Long-Range Educational Facility Needs on March 16, 2010.

21. Disposition of Paper Streets. The 2005 Reexamination Report reiterated a "general policy" expressed in the 1999 Report which indicated that paper streets only be used for utility placement and not improved as public roads. Further, it reiterated the recommendation in the 1999 Report that the Borough Engineer prepare an inventory of paper streets in the Borough and make recommendations concerning their disposition.

**Status:** This has not been accomplished. It is recommended that the Borough pursue this recommendation.

22. Water and Sewer Lines in Village Center. Previous planning documents indicated that the sewer lines in the village center are deteriorating because of age and need to be replaced or upgraded for environmental reasons and also indicated the possible need for analysis of water lines in the village center.

**Status:** Necessary repairs to sewer lines were conducted as part of the gateway project from the village circle down to Interhaven Avenue. Sewer lines in the area may be repaired as a result of ongoing monitoring for infiltration and inflow. Water lines in the Village Center are not on New Jersey American Water's priority list for replacement at this time.

### ***Traffic Circulation***

23. Regional Traffic Considerations. The Borough is located between two major regional thoroughfares – Interstate 78 and US Highway 22. As such, the Borough experiences a significant amount of regional cut-through traffic. The 1994 Master Plan Update and 1999 and 2005 Reexamination Reports all identified regional traffic through the Borough as a significant issue. The significance of this issue is demonstrated by the fact that "A Statement of Objectives, Principles, Assumptions,



Policies and Standards” of the 1994 Master Plan dedicated no less than three planning objectives to this issue:

- “10. All municipal and county roadways in the Borough of Watchung should be provided with the minimum improvements necessary to provide safe travel; over-improvements may cause traffic speeds to unnecessarily increase, may [require] cut back [of] many existing front yards, and may require the removal of existing vegetation along the road’s frontage.
11. No particular municipal or county roadway in the Borough of Watchung should be called upon to move volumes of traffic which will result in the necessity to improve the roadway in a manner incompatible with residential development. Regional traffic should be diverted from the Borough wherever possible.
12. The “Watchung Circle” may be improved to provide safer and more manageable traffic flow, but the improvement design must strictly conform with the character, objectives and goals of the proposed “Village Center.” While the Borough of Watchung recognizes that improvements to the “Watchung Circle” are the responsibility of Somerset County, the Borough also recognizes that improvements to the “Watchung Circle” designed to accommodate and promote regional traffic flow will not foster the viability to the “Village Center.”

The 1999 Reexamination Report addressed this issue, as well, and specifically indicated that “traffic congestion needs to be relieved in the areas of New Providence and Bonnie Burn Roads as well as Hillcrest Road and Somerset Street” and that the Borough “should be active in the seeking assistance from the County and/or State to find solutions to these traffic issues.”

The 2005 Reexamination Report reaffirmed the three traffic-related goals of the 1994 Master Plan Update, as well as the related statements in the 1999 Reexamination Report. It noted that the Borough continued to be affected by regional traffic and suggested that the Borough continue to monitor factors such as capital improvements that may affect regional traffic through the Borough. It cited as an example, concern that the planned I-78 Interchange at Diamond Hill Road would increase traffic along New Providence Road resulting in a bottleneck condition implying the need for improvements to New Providence Road.

**Status:** This Reexamination Report reaffirms the three traffic-related goals of the 1994 Master Plan Update, as well as the related statements in the 1999 Reexamination Report. The Borough continues to be affected by regional traffic. It

is suggested that the Borough continue to monitor factors such as capital improvements that may affect regional traffic through the Borough. See Section III.

24. Pedestrian Improvements. In addition to the village circle and along Somerset Street, the 2005 Reexamination Report recommended that the Borough seek pedestrian improvements in other areas of the Borough that currently experience pedestrian activity or that may experience such activity in the future such as: along Mountain Boulevard particularly if the Ness property is developed for open space, community or other use; areas surrounding schools in the Borough; areas connecting community facilities, parks and/or schools; and, along Route 22 particularly between the Crystal Ridge apartment development and North Drive along the north side of the highway.

**Status:** Somerset County is in the final design stages for significant sidewalk improvements along Route 22 which will include a sidewalk between the Crystal Ridge apartment development and North Drive along the north side of the highway. This Reexamination Report reiterates the other pedestrian improvement recommendations outlined above.

25. Speed Limits. The 2005 Reexamination Report recommended that speed limits on the collector roads through the Borough should be considerate of the residential nature of the surrounding area and consistent with the objective of providing a safe pedestrian environment.

**Status:** This Reexamination Report reiterates the above.

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

For the most part, the goals and objectives which formed the basis for the Borough's Master Plan as last revised remain valid at the present time. However, some changes have occurred that impact Watchung, as described in this section.

***Past and Potential Future Changes in Land Use and Population***

The Borough has remained generally stable in terms of population and development for several decades. The Borough population in 1980 was 5,290. The Borough's population decreased slightly to 5,110 in 1990 and increased somewhat to 5,613 in the 2000 Census, which increase was attributed to the Kings Crossing (Crystal Ridge Club) in the Borough's Housing Element and Fair Share Plan. The North Jersey Transportation Planning Authority (NJTPA) forecasted the Borough's population as 5,880 in 2010 (a slight increase over the Borough's 2000 population). The NJTPA projects a year 2030 population of 6,350 (or an increase of 25 persons per year). However, the Borough's Housing Element and Fair Share Plan suggests that this projection is likely much higher than should be anticipated since these projections do not account for actual land conditions.

Watchung is, in essence, built-out. This was demonstrated in the Existing Land Use Analysis included in 1994 Master Plan Update and as it was by the Vacant Land Adjustment approved by COAH as part of the Borough's Second Round petition. The 1994 Master Plan Update found that 7.33% of the Borough remained vacant. The 2006 Open Space Plan identified this figure as 4%. Most of the vacant lots are affected by one or more significant development constraints such as a lack of sanitary sewers, lack of road frontage (i.e., "land-locked") and/or the presence of steep slopes, floodplains or wetlands. These constraints are likely the reason why these properties have remained undeveloped and will likely contribute to these properties remaining vacant for the foreseeable future. Vacant lands so constrained include the vacant properties located along the northerly side of I-78 and a number of vacant parcels located on the hillside to the rear of the shopping centers along Route 22. These properties make up the majority of the vacant land acreage in the Borough. As a result, it is anticipated that residential development will be minimal for the foreseeable future. However, some residential development may occur as a result of affordable housing obligations imposed by the State. Maps provided at the end of this Report illustrate the existing land use pattern in the Borough and its nearly built-out state.

The Borough's commercial zones are largely built-out as well. However, it is foreseeable that future development may occur in such zones as a result of expansion or private redevelopment.

The most significant future development in the Borough, by a significant margin, would be the redevelopment of the Weldon Quarry property. As indicated above, the "quarry ordinance" was incorporated into the Land Development Ordinance that was adopted via Ordinance 09/01. The "quarry ordinance" placed the quarry within an overlay zone which permits the redevelopment of the quarry with a comprehensively planned mix of

land uses consisting of a professional, corporate or medical offices, and hotel and conference center uses.

### ***County Wastewater Management Plan***

New Jersey Water Quality Management Planning rules, adopted by the New Jersey Department of Environmental Protection, require the County to prepare a County-wide Wastewater Management Plan (WMP). A WMP is a document that provides 20 year planning for wastewater and certain other water quality concerns. WMPs establish Sewer Service Areas (SSAs) which identify the properties that will be served by wastewater treatment systems. Once finalized, new Sewer Service Area maps, developed as part of these WMPs, will determine which properties will be served by public sewer. If sewer service is unavailable the development potential of the property is severely limited. Conversely, the development potential for a property formerly un-served by sewer could rise significantly if added to the Sewer Service Area.

It is imperative that Watchung closely monitor the wastewater management planning process to ensure that the designation of SSAs within the Borough remains consistent with Borough's planning objectives – i.e., that areas of existing and planned development (e.g., the quarry) remain within the SSA and that currently un-served areas where the Borough does not encourage growth remain outside of the SSA.

### ***Extension of Sewer into the Eastern Section of the Borough***

The 2005 Reexamination Report indicated that extension of sewer into the eastern section of the Borough was identified as a need in the Borough's Cross Acceptance Report and that the Borough was pursuing that at the time.

The Borough continues to pursue this. The Borough is pursuing extension of sewer from Berkeley Heights for the purpose of serving the ZV Tract (i.e., land within the R-M-L-II zone along Bonnie Burn Road). Further, in association with the roadwork conducted along Park Avenue/ Bonnie Burn Road, dry sewer lines will be placed to serve future development of the Weldon Quarry as contemplated by the Office Business/ Conference Center overlay zone designation. The purpose of such sewer extensions is to serve these specific future developments, no other significant development (e.g., along Valley Road or New Providence) is anticipated or intended to occur as a result of these sewer extensions.

***Traffic Improvements Within and/or Affecting the Borough***

- There is a major undertaking to improve roadways and surrounding intersections around the Park Avenue/ Route 22 interchange and overpass in Watchung and adjacent Scotch Plains for the purpose of improving traffic flow and safety in the area. The improvements include additional travel lanes and modification of the traffic signal at the Bonnie Burn Road/New Providence Road (Weldon Quarry corner) intersection. The road widening improvement goes up Bonnie Burn Road up to just beyond Johnston Drive in Watchung.
- The intersection of Valley Road and New Providence Road/Diamond Hill Road is being modified to add additional lanes including additional turning lanes, with associated intersection modifications. The improvements will facilitate traffic flow through the intersection.
- At this time, the previously planned Route 78 Interchange at Diamond Hill Road is not moving forward. Plans included a crucial additional leg to the intersection that would have allowed west-bound Route 78 traffic to exit at Diamond Hill Road and proceed south-bound on Diamond Hill Road/ New Providence Road. Currently, west-bound exiting traffic can only proceed north-bound on Diamond Hill Road.
- Somerset County is in the final design stage for modifications along Mountain Boulevard including striping, curbing and shoulder improvements as well the addition of left turn lanes at Washington Rock Road and Brookdale Road.
- Somerset County is in the final design stage for major sidewalk improvements along Route 22. Near Watchung, the project would provide a continuous sidewalk from Somerset Street up to Blue Star Drive.
- Somerset County is in the process of making ITS intersections modifications along Route 22 which would include traffic signal synchronization along the roadway, upgrades to signal equipment, and some minor intersection improvements.
- Somerset County is in the process of re-timing all traffic signals on county roads throughout the county, including those within the Borough. These modifications are intended to improve traffic flow.

The roadway and intersection improvements described are intended to address existing traffic safety and intersection/ capacity problems and would not necessarily render any areas of the Borough more appropriate for higher intensity development. However, the improvements to the Park Avenue/ Route 22 interchange and the Valley Road and New

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Providence Road/Diamond Hill Road intersection would facilitate the redevelopment of the Weldon quarry.

### ***Affordable Housing Regulations***

The Borough received Second Round substantive certification on July 1, 1998, which covered the Borough for six years. Prior to the expiration of substantive certification the Borough petitioned for and received an extension to its current substantive certification, through December 20, 2005. This extension allowed the Borough, within that time, the ability to prepare a new Housing Element and Fair Share Plan and petition for Third Round substantive certification.

At the time of the 2005 Reexamination Report, the Borough was actively in the process of preparing the "Third Round" Housing Element/Fair Share Plan (Housing Plan). In December 2005, Watchung adopted the Housing Plan and petitioned to COAH for substantive certification.

Subsequent to the Borough's December 2005 petition to COAH, a successful legal challenge was mounted with respect to COAH's rules, which were invalidated by a New Jersey Appellate Court decision in January 2007. This decision upheld some sections of COAH's "Third Round" rules, invalidated other aspects of them and remanded certain issues to COAH. In December 2007, COAH released revised Third Round rules which went into effect on June 2, 2008. These new rules necessitated preparation of a second "Third Round" Housing Plan, which was adopted by the Planning Board on July 20, 2010 and submitted to COAH for substantive certification.

At this time, the future of COAH is uncertain. On October 8, 2010, the Appellate Division invalidated substantial portions of the COAH's revised Third Round Rules. The court gave COAH five months to adopt new rules. At the time various legislative approaches have been proposed. The first bill introduced in the 2010 session of the New Jersey State Senate, S-1, proposes to abolish COAH and provide a new means of calculating and addressing affordable housing needs. A-3447 would also make similar reforms to the Fair Housing Act and would similarly abolish COAH.

All of these factors point towards major potential changes to affordable housing requirements. However, it is unclear what their exact form will be or what the potential effect on the Borough. It has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing. This obligation will not likely go away entirely. Thus, it is imperative that the Borough continue to monitor the changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately.

## ***State Planning***

### *Center Designation/Plan Endorsement*

On October 16, 2002, the State Planning Commission approved the amendment of the State Plan Policy Map for the purpose of designating the "Watchung Village Center." This center designation expires on June 30, 2013. The area designated was smaller than originally requested, having excluded most of the Somerset Street corridor, the "triangle" area and additional areas on the periphery of the village center.

Plan endorsement is a voluntary review process designed to ensure the coordination of state, county and municipal planning efforts in achieving the goals and policies of the State Planning Act (Act). Under plan endorsement, through a complicated procedure, a municipality's land development regulations and master plan are reviewed, by the State, for consistency with the State Plan. The State indicates that once the Plan endorsement is achieved that state agencies will provide benefits to the municipality that will assist in implementing the endorsed plan including technical assistance, direct state capital investment, priority for state grants and low-interest loans, preferential interest rates, and a coordinated regulatory review for projects consistent with endorsed plans. Experience from various communities indicates that the process is overly burdensome and that the promised benefits did not materialize. In fact, the Borough pursued Initial Plan Endorsement but decided it was not worth the Borough's time and effort.

### *State Plan/ Cross Acceptance*

In April 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan (State Plan) and the Preliminary State Plan Policy Map. This action launched the third round of Cross-acceptance. The proposed State Plan Policy Map places the vast majority of the Borough within the PA2 Suburban Planning Area while a small sliver along Route 22, comprised primarily of large-scale regional shopping facilities, is located within the PA1 Metropolitan Planning Area. These designations were unchanged from the previous version of the State Plan Policy Map and are reflective of existing and proposed conditions within the Borough.

The Borough participated in the Cross-acceptance process, which is designed to encourage consistency between municipal, county, regional, and state plans to create a meaningful, up-to-date and viable State Plan. While the Borough did not object to the designation of PA1, PA2 and PA5 planning areas within the Borough, the Borough did question why the Weldon Quarry area was designated as a Critical Environmental Site (CES) since the area is an active quarry and does not contain any of the characteristics of a CES and noted its excellent access to Interstate 78, its proximity to similar large-

scale office development across Valley Road within Berkeley Heights and indicated that the size of the site make it particularly suited for future development. As a result, the Weldon Quarry area is no longer designated as a Critical Environmental Site (CES) on the current draft of the State Plan Policy Map. However, the future of the State Planning process is uncertain at this time.

Similar to affordable housing, the future of state planning at this point is uncertain. Recently, the Office of Smart Growth was renamed the Office of Planning Advocacy, and was moved from the Department of Community Affairs to the office of the Lt. Governor. While a revised draft of the State Plan has been issued, the future of the State Plan is uncertain. It is important that the Borough continue to monitor the State Plan and the actions of the Office of Planning Advocacy. The Borough should evaluate the effect (e.g., how the quarry area is treated) on the Borough and react appropriately.

### ***Other Factors***

*The Economy.* Another change affecting land use and development that has occurred since 2005 is the downturn in the economy. Though attributed to a variety of factors, results have included reduced housing values, increased retail vacancies and higher unemployment. Another result is more stringent lending standards which have negatively impacted the ability of prospective homebuyers to obtain mortgages, as well as made it more difficult for developers to obtain financing for both residential and non-residential development.

*Time of Decision.* The New Jersey Senate and Assembly recently passed a bill (S-58: A-437) that overrides the "time of decision rule," which has governed decision making under the Municipal Land Use Law for decades. The bill, commonly referred to as the "Time of Application" bill, was signed by Governor Christie on May 5, 2010, and takes effect in one year. It will essentially lock in the zoning (and other land development regulations) that are in effect at the time the development application is filed. Under previous law, a municipal governing body could amend its zoning ordinance after an application for development has been filed with a land use board, even in direct response to the application. This bill will take that option away from municipalities. However, by giving one year until enactment, the Legislature has given municipalities some time to get their ordinances updated and in order. See Section IV.



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

### ***Introduction***

Based on the assumptions, policies and objectives discussed above, a few specific changes are being recommended for the master plan and development regulations as part of this reexamination report. The recommended master plan/zoning changes and are set forth below.

### ***Master Plan Goals and Objectives***

The 1994 Master Plan Update contains the Borough's overall planning and zoning goals and objectives in a section entitled "A Statement of Objectives, Principles, Assumptions, Policies and Standards." As indicated above, the 2005 Reexamination Report amended a few of the goals and objectives. Following are the Borough's overall planning and zoning goals and objectives, as amended by the 2005 Reexamination Report:

1. The Development Plan of the Borough of Watchung should maintain the continuity of the Borough's planning decisions of the municipality, consistent with the present local and regional needs, desires and obligations.
2. The identity of the Borough of Watchung as a totality and the integrity of its individual neighborhood areas should be preserved, enhanced and created to the maximum extent possible.
3. The Development Plan should recognize the physical characteristics of the Borough of Watchung and acknowledge the inherent capabilities and limitation of the land to host different types of community development at appropriate densities and intensities.
4. Conservation of the existing natural resources within the Borough of Watchung should be an integral part of the planning process, with special attention to the constraints of environmentally critical and sensitive area, including wetlands, 100 year floodplains and lands with a topographic slope of fifteen percent (15%) and greater.
5. The Development Plan should designate specific areas of the Borough of Watchung for specific types of residential and non-residential development in a manner that maintains the rural suburban atmosphere which prevails throughout most of the municipality.

6. The Development Plan should continue to address the mandate of the "Mt. Laurel II" New Jersey State Supreme Court Decision and the requirements of the New Jersey Council on Affordable Housing (COAH) which obligates each municipality to provide for its "fair share" of its regions "low" and "moderate" income housing. The Borough of Watchung should formulate a so-called "Housing Compliance Plan" which safeguards the integrity of existing residential neighborhoods, acknowledges environmentally fragile areas, and permits the continuance of a reasonable balance between residential and non-residential development.
7. The Development Plan should strive to improve upon the commercial vitality of the Borough of Watchung and should promote new development of non-residential uses in appropriate locations with appropriate regulation. The overall goal is to promote a strong economy and a balance between residential and non-residential development, so that appropriate retail establishments are provided for the convenience of the Borough residents, job opportunities are available, and a balanced tax base is created.
  - a. All major retail and other large scale commercial uses within the Borough should continue to be located along the Route 22 corridor in the southeastern portion of the Borough with the exception of the quarry area which is planned to be redeveloped as a planned hotel, office, conference center development.
  - b. Neighborhood Business (B-A) and Professional Office (B-B) zones should be located in areas of the Borough that are appropriate for such development considering: the location in the Borough; the nature of surrounding land uses; the nature and capacity of surrounding roadways; and the ability of the area to accommodate commercial development in light of site conditions such as site size, slope conditions and environmental factors.
8. The Development Plan should strive to create a "Village Center" in the vicinity of the "Watchung Circle" in the central portion of the Borough of Watchung, where the five (5) major residential connective roadways in the Borough converge (i.e., Valley Road, Hillcrest Road, Somerset Street, Mountain Boulevard and Stirling Road).
  - a. The "Village Center" should be conceived and planned to be the civic heart of the Borough of Watchung and provide a special sense of community and identity.
  - b. The "Village Center" should be designed and constructed to create a mixed use village environment which includes municipal government offices, retail shops and services, professional offices and existing residences and which emphasizes pedestrian circulation, attractive civic spaces, environmental preserves, greens and parks.

- c. The "Village Center" should be subject to reasonable and appropriate zoning controls in order to promote land uses with architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.
9. The Development Plan should foster the policy of encouraging the preservation of historic districts, sites and structures within the Borough of Watchung through the formulation and implementation of appropriate mechanisms to identify and protect those districts, sites and structures which are of value to the Borough.
10. All municipal and county roadways in the Borough of Watchung should be provided with the minimum improvements necessary to provide safe travel; over-improvements may cause traffic speeds to unnecessarily increase, may [require] cut back [of] many existing front yards, and may require the removal of existing vegetation along the road's frontage.
11. No particular municipal or county roadway in the Borough of Watchung should be called upon to move volumes of traffic which will result in the necessity to improve the roadway in a manner incompatible with residential development. Regional traffic should be diverted from the Borough wherever possible.
12. The "Watchung Circle" may be improved to provide safer and more manageable traffic flow, but the improvement design must strictly conform with the character, objectives and goals of the proposed "Village Center." While the Borough of Watchung recognizes that improvements to the "Watchung Circle" are the responsibility of Somerset County, the Borough also recognizes that improvements to the "Watchung Circle" designed to accommodate and promote regional traffic flow will not foster the viability to the "Village Center."
13. The Development Plan should, to the extent possible, provide for the creation of a coordinated pathway system which will connect to the "Village Center" which itself is to be pedestrian oriented.
14. The quarry, asphalt and concrete recycling, and stone crushing operation in the eastern portion of the Borough of Watchung should be carefully monitored to assure that adverse impacts upon adjacent and nearby residential and commercial development are kept to a minimum.
15. The Land Development Plan (including the Land Use Plan Map) and the Land Development Ordinance provisions adopted to implement the Development Plan (including the Zoning Map) should be clearly and concisely drafted in order to eliminate the necessity for landowners to request deviation from the adopted provisions in order to remedy inconsistencies in the plan or the ordinance provisions. Moreover, variances from the ordinance provisions should only be requested and granted for legitimate "hardship" and/or

“special” reasons in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) and not for the purpose of financial gain, which is not a legitimate reason.

Upon review, the Planning Board finds that the above goals and objectives of the 1994 Master Plan (as amended by the 2005 Reexamination Report) remain relevant today. However, objective 8.b. is amended to add the word “existing” as follows:

- b. The “Village Center” should be designed and constructed to create a mixed use village environment which includes municipal government offices, retail shops and services, professional offices and existing residences and which emphasizes pedestrian circulation, attractive civic spaces, environmental preserves, greens and parks.

No other changes to the goals and objectives are incorporated herein. The Planning Board further finds that the recommendations contained in this Reexamination Report are consistent with, or serve to effectuate these goals and objectives.

### ***Land Use and Development***

1. Impervious Surface Limits in the R-M-L Districts. Prior to its eventual adoption without such limitations, prior drafts of the Land Development Ordinance (LDO) proposed impervious coverage limits of 25% for the R-M-L II, R-M-L III and R-M-L IV zones, while an impervious coverage limit of 45% was proposed for the R-M-L V zone. No impervious coverage limitation was proposed for the R-M-L I zone in the draft LDO. It is recommended that the Borough consider impervious coverage limits for the Borough’s R-M-L Districts. However, prior to adopting any such limitations, the Borough should review these limitations in light of existing development with the goal of appropriately limiting impervious coverage while not creating unnecessary non-conformities.
2. Proposal in R-M-L II zone. The Borough has received a request to expand the RML II zone located along Bonnie Burn Road. Currently, this R-M-L II zone encompasses Lot 10 in Block 74.03 and permits a total of no more than 20 detached single-family dwellings. Under the proposal, the R-M-L II zone would be expanded to include Lot 5 in Block 74.03 and Lots 19.01 and 19.02 in Block 74.02 (which lots are currently zoned RR). If the Borough proceeds with the proposal, the R-M-L II zone should continue to permit a total of no more than 20 detached single-family dwellings within the zone. Further, each of the proposed lots should be fully compliant with all of the applicable requirements of the Land Development Ordinance including but not limited to the area, yard and general requirements of the R-M-L II zone and the steep slope ordinance.

3. McMansions. “McMansions” are generally defined as large new houses that are out-of-scale, and commonly inconsistent in character, with the rest of the neighborhood. The Planning Board raised this as an issue of concern, particularly with respect to a few particularly out-of-scale homes in the Borough. It is recommended that the Borough revise the Land Development Ordinance, as necessary, to address this issue. It is critical, however, that the regulations be carefully prepared to address the matter as directly as possible while minimizing the creation of unintended non-conformities. Potential approaches include: residential floor area ratio requirements (i.e., ratio of building floor area to lot area); height/setback ratio restrictions (i.e., required setback gets larger with house size); and building volume ratio limitations (i.e., volume indicator that measures the entire volume of the building above finished grade).
4. Lighting Standards. As indicated above, the 2005 Reexamination Report recommended consideration of creating lighting standards for residential recreation areas (e.g., basketball and tennis courts) and to the placement of lighting on residential property. This has not been accomplished but should be pursued. Factors to be considered include: a limitation on illumination at the property line (e.g., zero footcandles); requirement that the light source be concealed from view of neighbors; and that the light be focused toward the ground and not outward so as to be visible to neighbors.
5. Donation Bins. Donation bins are large metal containers placed in outdoor public locations for people to drop off used clothing for charitable purposes. The Borough should consider limiting donation bins to the H-D zone. Further, communities are adopting regulations to ensure that proceeds are used to benefit charitable organizations, and preventing commercial enterprises from using clothing donation bins for profit. Regulations limit the size of the bin; number of bins per location; placement, including maintaining clear sight triangles, circulation, setbacks, parking and driveways.
6. Connell Properties. The Connell properties along Valley Road (i.e., opposite quarry area) should remain in its low density residential zone and should be out of the sewer service area. The area is heavily constrained by environmental factors and should be pursued for open space acquisition consistent with the Open Space Plan.
7. Zoning Issues Identified by the Zoning Board of Adjustment. During the public hearings, several zoning issues identified by the Chairman of the Zoning Board of Adjustment (ZBA Chairman) were brought to the Planning Board’s attention. The

Borough should evaluate each of these issues and make necessary modifications to the Land Development Ordinance:

- *Impervious Surface Limits in Residential Zones.* The ZBA Chairman indicated that the ZBA has received several, potentially avoidable, requests for impervious surface variances in residential districts. He indicated that such variances arose in instances where homes were set back from the roadway and that the longer than usual driveway caused the sites to exceed the impervious surface limitation of the zone. It was suggested that the Borough investigate changes to the ordinance to avoid the need for such variances (e.g., excluding from the calculation of impervious surface portions of the driveway which extend beyond the required front yard setback).
- *Definition of Impervious Surface.* The definition of impervious surface in the Land Development Ordinance includes certain surfaces such as gravel and the underside of raised decks which do not impede infiltration to the same degree as asphalt and buildings. It was indicated that this creates the need for potentially unnecessary variances. Potential solutions may include pro-rating surfaces such as gravel commensurate with their run-off coefficients. It must be kept in mind, however, that impervious surface limitations do not solely address drainage purposes but also address aesthetics and community character.
- *Nonconforming Streets.* The ZBA Chairman indicated that in some areas of the Borough street rights-of-way have been widened over the years rendering some homes along them non-conforming. This has resulted in the need for variances when homeowners wish to expand. It was indicated that this has occurred most frequently in the R-A or R-B zones.
- *Steep Slope Ordinance.* It was indicated that the ordinance affecting lot coverage limitations on lots with steep slope (Section 28-401.G) may result in potentially unnecessary variances, particularly when applied in the Borough's R-A and R-B zones.
- *Driveway Ordinance.* The setback requirements of Section 28-401.W require residential driveways and parking areas to be set back the same distance from the lot line as the principal building. It was indicated that these requirements have resulted in the need for potentially unnecessary variances and also encourages less than ideal design (e.g., it discourages side-facing garages in favor of street-facing garages). It was indicated that this is particularly problematic in the R-A and R-B zones and in certain situations where slope is a

factor. Potential solutions may include reducing the setback requirements and/or allowing waiver by the Zoning Officer in lieu of requiring a variance.

- *Fencing.* The fencing requirements in the LDO with respect to pools should be reviewed for consistency with the building code and revised accordingly.
- *Conservation Easements.* The Land Development Ordinance should be clarified regarding permitted encroachments in conservation easements (e.g., fences, deer fences, emergency access, detention basins).

### ***Village Center/Somerset Street***

The Planning Board recommends that the Borough continue with its effort to enhance the Village Center/ Somerset Street area.

1. Acquisition of the existing gas station in this area and its conversion to park use remains to be accomplished. This would allow the entire strip to be used for park.
2. For the purpose of maintaining the Borough's historic heritage, the Borough created the Village Center Historical Overlay Zone which provides an extra level of development review (by the Village Center Historic Preservation Commission) within areas of the Borough that contain historic buildings. Upon review of the boundaries of the Village Center Historical Overlay Zone, however, the Planning Board found it contains at least one area (i.e., the triangle) that is not known to contain historic buildings known to contribute to the Borough's historic heritage. Thus, the Planning Board recommends that the Borough reevaluate the boundaries of the Village Center Historical Overlay Zone to eliminate areas that do not contain historic buildings known to contribute to the Borough's historic heritage. The Village circle area and Somerset Street should certainly remain in the zone however.

This Report reiterates the recommendation of the 1994 Master Plan Update which suggested the need for more detailed design standards in the village center by suggesting zoning controls that address "architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough."

In summary, this Report recommends that the Borough consider decreasing the area of the Village Center Historical Overlay Zone to eliminate areas that do not

contain historic buildings (e.g., the triangle), but to provide improved design standards in the smaller Village Center Historical Overlay Zone.

3. Construction of a sidewalk along Mountain Boulevard from Brookdale Road to the Ness Property remains to be accomplished. The Planning Board strongly recommends that the sidewalk be provided on the north side of Mountain Boulevard for the purposes of greater safety and sufficiency of pedestrian circulation, since such placement would involve less intersection crossings, would involve less tree removal, would disturb less private properties, and would allow continuation of the sidewalk from Watchung Lake on the same side. If a sidewalk is ultimately provided along the south side of Mountain Boulevard, the Planning Board recommends that it be carefully designed, in consultation with Borough representatives, to address the above issues to the greatest degree possible.

### ***Open Space and Recreation Plan***

During this reexamination, the Planning Board reviewed the recommendations of the July 2006 Open Space and Recreation Plan. The Planning Board continues to support the entirety of the Plan. However, the Planning Board highlights the following recommendations as higher priority:

- *Stony Brook River Corridor Conservation Area.* "The remaining properties not in public ownership are to be acquired so the entire area can be developed as a park" (e.g., gas station)
- *Connell Property.* The Open Space and Recreation Plan recommends acquisition of Connell properties along Valley Roads (i.e., opposite quarry area) for creation of a linear park system to be developed in conjunction with any open space areas created following redevelopment of the quarry.

### ***Traffic Circulation***

- As indicated above, the previously planned Route 78 Interchange at Diamond Hill Road is not moving forward at this time. The Master Plan Reexamination Report recommends that the previously planned improvements to this intersection be reconsidered and that the Borough actively lobby to make this happen. Plans included a crucial additional leg to the intersection that would have allowed west-bound Route 78 traffic to exit at Diamond Hill Road and proceed south-bound on Diamond Hill Road/ New Providence Road (whereas currently, west-bound exiting traffic can only proceed north-bound on Diamond Hill Road). These interchange



modifications will provide a regional benefit by providing the motoring public additional options for traversing between I-78 and Route 22. It would specifically benefit the Borough by reducing the significant congestion that occurs daily through the heart of the Watchung village center via the Somerset Street/ Hillcrest Road connection between Route 22 and I-78.

The improvements to the Park Avenue/ Route 22 interchange and the Valley Road and New Providence Road/Diamond Hill Road intersection will only help facilitate Route 22 to I-78 movements in this area and support the need for improvements to the I-78/ Diamond Hill Road interchange.

Modifications to New Providence Road through the Borough should be pursued, if necessary, to make these improvements occur.

- In addition to the planned left turn lanes at Washington Rock Road and Brookdale Road, this Report recommends that the improvements to Mountain Boulevard also include a left turn lane at Anderson Road. It is further recommended that the improvements to Mountain Boulevard also include double yellow striping.

**MAPS**





