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2016
Master Plan Reexamination Report

Township of Montclair, Essex County, New Jersey

Prepared for
Montclair Township Planning Board
205 Claremont Avenue
Montclair, New Jersey 07042

October 25, 2016

ACKNOWLEDGEMENTS

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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1. INTRODUCTION

The Municipal Land Use Law requires a municipal Planning Board to reexamine its Master Plan and development regulations at least every ten years (N.J.S.A. 40:55D-89). The Reexamination Report is a distinctly different document from a Master Plan both in content and requirements. The Reexamination Report evaluates the community's planning and development regulation documents and identifies whether the community's policies or objectives have changed since the completion of the Township's last Reexamination Report in 2006. The Reexamination Report serves both to identify changes in the community and development arena, as well as determine a course of action for future planning efforts. Future efforts that may be identified in the Reexamination Report include: the amendment of Master Plan elements, the addition of new elements, as well as recommendations for ordinance changes.

The Planning Board is required to prepare and adopt by resolution a report on the findings of the reexamination. This Reexamination Report is required to include an evaluation of the following:

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 or objectives have been reduced or have increased.

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 recycling 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" into the land use 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.

This Reexamination Report first presents the goals and objectives identified in the 2006 Reexamination Report, along with additional goals and objectives added to the Master Plan in the 2015 Unified Land Use and Circulation Plan Element of the Master Plan. This is followed by a concise summary of the problems related to land development identified in the 2006 Master Plan Reexamination Report, as well as a discussion of the extent to which the major problems related to land development have been reduced or increased since adoption of that report. This Report, as required by the MLUL, also addresses changes in the assumptions, policies and objectives forming the basis for the Master Plan or development.

Specific changes to the Master Plan and development regulations are also identified and include the following:

1. Prepare new Housing Plan, Parks and Recreation Plan and Utilities Plan elements to the Master Plan.

2. Amend the Conservation Plan element to include an updated Natural Resources Inventory and address sustainability issues.
3. Amend the Unified Land Use and Circulation Plan to revise the intensity of development along streets near the Bloomfield Avenue corridor to better reflect existing neighborhood character.
4. Revise the land development ordinances to eliminate the existing progressive zoning structure, implement the recommendations in the Unified Land Use and Circulation Plan and address the issues identified in the Reexamination Report.
5. Incorporate recent redevelopment plans into the Township's Land Use Element.

2. EVALUATION OF PROBLEMS AND OBJECTIVES IN 2006 REEXAMINATION REPORT

Land Use

Land Use - Objectives

2006 Reexamination Report	Current Status
1. **Maintain Montclair as a desirable residential community accommodating a range of population and income groups. The racial, income and age mix of Montclair's citizens is desirable and representative of this region of the State, and land use policies should seek to preserve this range and balance.**	Still valid.
2. **Ensure that new development is harmonious with existing development in scale and style and does not harm the quality of life of surrounding neighborhoods, particularly at a time when development pressures are high.**	Still valid.
3. **Provide infrastructure that can accommodate a reasonable level of development. Invest annually in street and utility improvements and require developers to contribute to off-tract improvements directly related to their developments pursuant to State law.**	Still valid.
4. **Direct new development to conform to the objective of preserving and increasing open space.**	Still valid.

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Land Use - General Recommendations

2006 Reexamination Report	Current Status
1. **Adjust ordinances to prevent new construction that is out of character with the existing built environment, such as limiting the amount of impervious surface coverage, limiting the amount of lot coverage, evaluating the maximum densities allowable in all zones, and revising minimum building setback requirements.**	The following changes to the Township's Zoning Code were enacted after the Master Plan Reexamination Report was adopted: • O-07-02 limiting building height. • O-07-35 established townhouse requirements in the R-4 and R-4 zones. • O-07-36 and 08-02 created the C-1 community area with separate requirements. • O-08-02 established building coverage maximums. • O-08-09 established a maximum building width of 65% in residential zones. • O-09-15- established maximum density in the NC zone.
2. **Analyze the capacity of our infrastructure to determine the level of development it can reasonably accommodate.**	Not completed.
3. **Consider use of the State's new legislation on Transfer of Development Rights (TDR), a method of shifting development rights from one parcel to another, thereby preserving certain properties and directing development to other more suitable properties.**	Transfer of development rights has a very complex statutory requirement in New Jersey which makes it difficult to implement. This was considered during the preparation of the Unified Land Use and Circulation Plan and was not included in the recommendations.
4. **When reviewing public and private school expansion plans, carefully consider the impacts of such expansion on adjoining properties, particularly in residential areas, to ensure visual compatibility and minimal parking and traffic impacts.**	This was addressed in Ordinance 05-73, adopted on 3/14/06 which added conditions to private and public schools.
5. **Assess the value of a Community Design Element of the Master Plan to guide boards in their review of architectural finishes of buildings.**	Community design has become an important issue in the Township in response to recent large-scale development projects. The site plan ordinance was amended in 2011 to include new design requirements; redevelopment plans include detailed design standards; the role of the Historic Preservation Commission as a design review committee has been expanded and, in fact, the HPC has adopted design guidelines; and a Development Review Committee has been established to provide a review framework before site plan applications go to public hearing.

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2006 Reexamination Report	Current Status
6. **Consider an ordinance permitting Bed & Breakfast establishments in certain zones.**	The Council asked the Planning Board to consider an ordinance amendment to permit Bed and Breakfasts on December 6, 2011. The Planning Board responded in support of the idea and included a proposed ordinance on March 15, 2012. The ordinance amendment was never adopted by the Township Council.
7. **Consider whether any amendments to the zoning ordinance are necessary concerning telecommunications infrastructure required for new technologies such as Wi-Fi.**	Telecommunications laws are continuously changing and are typically heard before the Board of Adjustment. The Township has been involved in a lawsuit involving a denial of a telecommunications application. No additional amendments have been recommended by the Zoning Board of Adjustment.

Land Use - Master Plan Recommendations

2006 Reexamination Report	Current Status
1. **Prepare a new Land Use Plan Element with updated mapping, land use categories and redevelopment area designations, including an analysis of density patterns and infrastructure capacity.**	The Unified Land Use and Circulation Plan Element of the Master Plan was adopted by the Planning Board on May 29, 2015.
2. **Prepare a Utility Service Plan Element, analyzing the need for and showing the future location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities.**	Not completed.
3. **Prepare a Circulation Plan Element showing the location and types of facilities for all modes of transportation to support an ordinance for developer contributions to off-tract improvements.**	The Unified Land Use and Circulation Plan Element of the Master Plan was adopted by the Planning Board on May 29, 2015 and includes a recommendation that the Township adopt an off-tract improvement ordinance requiring developers to pay their fair share of off-tract improvements, including roads.

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Land Use - Development Regulations Recommendations

2006 Reexamination Report	Current Status
1. **Establish maximum impervious surface coverage and building coverage requirements in residential zones.**	Ordinance 06-35, adopted 6/13/06 established maximum building coverage for single-family residential zones.
2. **Redraft zoning regulations for multifamily zones and include specific requirements for townhouse style developments.**	Ordinance 07-35, adopted on 7/10/07, established townhouse requirements in the R-3 and r-4 zones.
3. **Create an ordinance requiring developers to pay their fair share of off-tract infrastructure improvements that are necessary to accommodate their developments.**	Not implemented.

HOUSING

Housing Objectives

2006 Reexamination Report	Current Status
1. **Offer housing types for a diverse population. Provide a wide range of housing styles—from apartments to townhouses to single-family homes-- to meet the needs of a population diverse in age, income and physical ability. Maintain a zoning pattern which permits a range of housing types at appropriate densities throughout the community.**	Still valid. Montclair's population is aging. The unique needs of 55 and older residents to enable continued residency in Montclair is an issue that should be considered in zoning and affordable housing.
2. **Increase affordable housing opportunities, for households eligible under the traditional NJ Council on Affordable Housing (COAH) formula, and also for households who are above those income maximums who cannot afford housing in Montclair. Recognize that a significant portion of the population is cost-burdened: 30% of homeowners pay more than 30% of their household income on housing; 33% of renters do.**	Still valid. The result of recent third-party COAH formula analyses is that Montclair may have a zero affordable housing obligation. But issue is not yet fully resolved. Implementation of final Court-ordered action will be needed once known.
3. **Maintain the condition of our older housing stock. 61% of our housing was built prior to 1940 and several neighborhoods are listed on the National and State Registers of Historic Places. Montclair is well-known for its outstanding architecture and rich history, and it is imperative to retain these distinguishing characteristics by encouraging maintenance and preservation of our older homes.**	Still valid. Renewed effort on this issue made with the updating of the Historic Preservation Plan element of the Master Plan. Might also consider rehabilitation of older housing with respect to affordable housing goals.

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2006 Reexamination Report	Current Status
4. **Recognize the unique character of each residential district by designing zoning regulations which preserve and enhance that character. There is great diversity of the built environment even within the same zone. In light of the increased development activity in Montclair, reexamine regulations and make appropriate adjustments.**	Still valid.

Housing - General Recommendations

2006 Reexamination Report	Current Status
1. **Continue the Township's newly formed Housing Commission and long-standing Landlord/Tenant Housing Advisory Board to study issues and make recommendations concerning housing policies and fair housing regulations.**	The Housing Commission and the Landlord/Tenant Advisory Board continue to meet and advise the Township Council on housing policies.
2. **Continue to utilize State and Federal grant programs to rehabilitate substandard housing which will assist in meeting the Township's fair share allocation pursuant to COAH.**	HOMECorp, a non-profit developer of affordable housing, has used a variety of federal, state, county and local funds for gut rehabilitation of deficient housing units in the Township. Since 2006, HOMECorp has rehabilitated 10 dwelling units in Montclair funded, in part, using $330,000 from the Montclair Township Housing Trust Fund. In addition, 20 income-eligible residents have rehabilitated their homes through the Essex County Home Improvement Program. The Township has hosted three workshops about the program which has led to increased awareness and interest in the program.
3. **Maintain the developer's fees for affordable housing at maximum levels permitted by COAH.**	Montclair Township has collected **$1.2 million** in development fees since January 2007. This includes $719,153 in development fees; $210,000 in payments-in-lieu of providing affordable housing; $253,729 from the extension of affordability controls program; and $21,223 in interest.
4. **At a minimum, comply with COAH third round regulations including consideration of an inclusionary, or growth share, ordinance to require the provision of affordable housing units in each new housing development.**	The Township submitted a Third Round Housing Element and Fair Share Plan that received substantive certification from COAH and the Township has implemented this Fair Share Plan. The inclusionary zoning ordinance was amended on 9/22/2009 to increase the mandatory set aside of affordable units from 1 affordable unit for every

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2006 Reexamination Report	Current Status
	7 market rate units to 20 percent of all units. This applies to all residential development projects that create a net increase of 5 dwelling units. Since 2007, a total of 62 affordable dwelling units have been created or extended through the inclusionary zoning program.
5. **Continue to use the NJ Local Redevelopment and Housing Law to designate vacant deteriorated residential properties as areas in need of redevelopment to encourage owners to rehabilitate or to condemn properties and resell them.**	The Township has continued its Deteriorated Properties Redevelopment efforts, adopting a second Deteriorated Properties Redevelopment Plan in 2007. This plan identified the following properties for necessary action: 53 New Street, 55 New Street, 22 Pleasant Avenue and 249 Orange Road. The Township subsequently demolished the homes and acquired the properties at 53 and 55 New Street. In July 2015, the Township amended its ordinance concerning abandoned properties to authorize the Township to create an Abandoned Properties List that enables the Township to rehabilitate these properties pursuant to N.J.S.A. 55:19-55.
6. **Continue to require an affordable component in all housing developments constructed or rehabilitated in designated redevelopment areas.**	The Township has included an affordable housing component in housing built in in redevelopment areas. This includes the following: • The Siena (2008) – 10 units. • Residences at Montclair (2009) – 17 units • Bay Street Commons (2014) – 1 unit • Valley and Bloom (2016) – 26 units • Montclarion II (2016) – 8 units • 147-155 Bloomfield Avenue (2016) – 8 units
7. **Identify housing opportunities for persons with disabilities in light of the increase in the disabled population over the last decade from 1,016 to 2,817 persons.**	The Township enforces the Uniform Construction Code which requires new construction be handicapped accessible. The Township has also enforced the Uniform Housing Affordability Controls regulations that require affordable multi-story units be handicapped accessible. As a result, one out of the six affordable units at Talbot Village is handicapped accessible. In addition, 12 affordable units owned by The Mental Health Association for persons with mental disabilities have been completed.

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2006 Reexamination Report	Current Status
8. **Identify sites for assisted living facilities for elderly who need a health care component with housing.**	Amended the Hahne's Redevelopment Plan to permit an assisted living facility. Planning Board granted site plan approval for an 88-unit assisted living facility. The redevelopment plan amendment and site plan approval was appealed and overturned in Court.
9. **Host a Universal Design seminar for local architects to promote the use of accessible design which can accommodate permanently or temporarily disabled residents as well as visitors and friends who may be disabled. Incorporate information on "green buildings", an environmentally-friendly approach to design promoted by the Montclair Environmental Commission.**	Not implemented.
10. **Evaluate and implement the strategies included in the Affordable Housing Strategy, 2004.**	The Township has implemented many of the recommendations in the Affordable Housing Strategy, including establishing a Housing Commission, adopting and enforcing the inclusionary zoning ordinance, establishing a development partnership with HOMECorp for construction of affordable housing. Items not implemented include hiring a Housing Specialist and establishing a rent monitoring and arbitration board.
11. **Enter into one or more Regional Contribution Agreements (RCA) through COAH to construct or rehabilitate affordable housing with funding from one or more municipalities.**	The Township previously received RCA funds, but this is no longer feasible as RCA's are no longer permitted by State statute.
12. **Utilize the property tax revaluation process to identify illegal apartments in one and two family dwellings and establish policies on tax assessments, affordability controls and building code compliance issues. Consider a pilot program which would legalize a certain number of accessory units pursuant to COAH guidelines.**	No action.

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2006 Reexamination Report	Current Status
13. **Reexamine density and bulk requirements for residential development and adjust to insure that new construction is harmonious with existing development patterns.**	The following ordinance amendments were adopted: • O-07-02 – amended definition and measure of building height. • O-07-35 – established townhouse standards for the R-3 and R-4 zones. • O-08-02 – established building coverage requirements for residential districts. • O-08-09 – established maximum width of principal building as 65% of lot width. • O-09-14 – amended NC zone district to establish residential development density.

Housing - Master Plan Recommendations

2006 Reexamination Report	Current Status
The Township has prepared a Housing Element and Fair Share Plan in compliance with NJCOAH's third-round methodology and petitioned for substantive certification of the Plan.	The Township adopted a Housing Element and Fair Share Plan in 2008 that received substantive certification from COAH. Township is currently working on a new plan.

Housing - Development Regulations Recommendations

2006 Reexamination Report	Current Status
1. **Consider the implementation of an inclusionary zoning ordinance to help the Township meet its fair share of affordable housing pursuant to COAH guidelines.**	Adopted O-09-54 establishing inclusionary zoning ordinance with a 20% set aside requirement that is applicable to all residential development resulting in a net increase of 5 dwelling units.
2. **Create height, setback, coverage and density standards for townhouse style dwellings.**	Adopted O-07-35 which established townhouse standards for the R-3 and R-4 zones.
3. **Amend the subdivision and site plan ordinances to reference the New Jersey Residential Site Improvement Standards.**	Not implemented.
4. **Develop maximum building coverages in the one and two-family zones; establish new minimum setback requirements.**	Adopted O-08-02 which established building coverage requirements for residential districts.
5. **Move the maximum story limit in the R1 and R2 zones out of the maximum height section.**	Not implemented.

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HISTORIC PRESERVATION

Historic Preservation - Objectives

2006 Reexamination Report	Current Status
1. **Preserve the rich architectural heritage of the Township—one of the defining characteristics of the community.**	Still valid.
2. **Few communities offer such a variety of architectural styles. Recognize the value of our built environment which represents Montclair's rich and varied history.**	Still valid.
3. **Educate the public on the importance of historic preservation for Montclair. Demonstrate the benefits of preservation to residents, business owners and property owners.**	Still valid.

Historic Preservation - General Recommendations

2006 Reexamination Report	Current Status
1. **Explore the establishment of residential historic districts in the Township by reaching out to each of the 6 residential districts listed on the State and National Registers to gauge the level of support for local designation.**	The establishment of residential historic districts is being evaluated as part of the new Historic Preservation Plan Element.
2. **Explore the possibility of establishing view corridors and buffer zones adjacent to the Town Center Historic District to protect the district from inappropriate adjacent development. Determine whether sites adjacent to the Town Center Historic District and future historic districts should be referred by the Boards to the Commission for advisory reviews. Determine whether every municipal project requires Commission review.**	Not implemented.
3. **Explore the individual designation of historic properties in the Township by reaching out to individual property owners to gauge the interest for self-nomination for individual properties as was done with the American Legion Crawford Crews building at 210 Bloomfield Avenue.**	Individual designation was completed for the following properties: • Sigler Farm House • Welsh House • Clark House • Van-Reyper Bond House • James Howe House • Georgian Inn • Kohout House • Goodwillie House • Israel Crane House • Nathaniel Crane House

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2006 Reexamination Report	Current Status
	• Charles Schultz House • Montclair Heights Reformed Church • Montclair Women's Club • Social Services Building
4. **Work with the Montclair Business Improvement District (BID) to create new design guidelines for signage in the commercial districts in the Township. As part of this effort, investigate the possibility of allowing a wider variety of signage, including projecting signs.**	Historic Design Guidelines completed in 2015, adopted by HPC in March 2016. Updated funded by 2014 Certified Local Government Grant-in-Aid
5. **Prepare a map of the Town Center Historic District that would be available to the public and which would contain information on the history of the district as a well as photographs of key properties. Recognizing the need to identify the boundaries of the district to the public, explore the installation of signs at the entrances to the district.**	Township of Montclair: Historic Inventory Viewer, a GIS interactive map of all historic districts and landmarks, released to the public in Fall 2015. Links to NR and SR files provided in interactive map for photographs and images of properties. Links to Junior League survey forms added in May 2016.
6. **Review the existing design guidelines of the Commission, and explore potential changes that would serve to clarify the guidelines for applicants. Recognizing the concerns raised by applicants that the guidelines may be too vague, research the design guidelines for historic commissions in the state and country, in order to see how other communities have formed their guidelines.**	Historic Design Guidelines completed in 2015, adopted by HPC in March 2016. Updated funded by 2014 Certified Local Government Grant-in-Aid

Historic Preservation - Master Plan Recommendations

2006 Reexamination Report	Current Status
Update the Historic Preservation Element to reflect locally-designated historic districts and goals, identifying the standards used to assess worthiness for historic site or district identification, and analyzing the impact of each component of the Master Plan on the preservation of historic sites and districts.	In process. Funded by 2015 Certified Local Government Grant-in-Aid. Anticipated completion date September 2016.

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Historic Preservation - Development Regulation Recommendations

2006 Reexamination Report	Current Status
1. **Require the applicant or its representative to appear at the time of the review of a certificate of appropriateness application before the Commission.**	Applicants required to appear before Commission under Montclair Code 347-139(A), amended under O-12-58.
2. **Review the need for an ordinance which would require preservation of bluestone sidewalks in the public right-of-way.**	Not Implemented

TRANSPORTATION/PARKING/ TRAFFIC

Transportation/Parking/Traffic Objectives

2006 Reexamination Report	Current Status
1. **Increase the economic viability of our commercial districts by providing flexible parking options for visitors and employees and designing streets and intersections that safely accommodate drivers, pedestrians and bicyclists.**	Still valid.
2. **Increase the use of non-automobile transportation. Design "the complete street"—a street designed not only for the automobile, but for the pedestrian and bicyclist as well. Reduce dependency on the automobile by providing convenient and cost-effective alternatives such as intra-local shuttle buses to train stations and shopping areas and safe storage for bicycles.**	Still valid.
3. **Encourage mass transit via bus and train routes to New York and other New Jersey locations by providing adequate and affordable long term parking options near station facilities as well as non-automobile options such as shuttle bus service and bicycle storage.**	Still valid.
4. **Provide safe parking areas at schools and municipal recreation facilities with adequate capacity for staff and convenient drop-off locations for students and participants which do not negatively impact nearby residences.**	Township Engineer proposes changing this to encourage non-vehicular travel to schools and recreation facilities by improving pedestrian and bicycle safeguard amenities.
5. **Make Montclair a safe place to drive, walk, and cycle by incorporating traffic-calming measures into street and intersection designs and by providing a coherent circulation system which clearly links uses and destinations for vehicles, bicyclists and pedestrians.**	Still valid.

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Transportation/Parking/Traffic - General Recommendations

2006 Reexamination Report	Current Status
1. **Encourage shared off-street parking arrangements between uses with different peak demand times such as retail, restaurants, office, public buildings, houses of worship and apartment buildings. Identify underutilized parking areas that could provide parking spaces for uses with greater demand, and determine insurance issues to encourage better space utilization.**	Currently being implemented as part of site plan review and, in part, as part of the Township-wide parking study which included an evaluation of the capacity of the Township's parking lots and included recommended changes in managing the lots to improve utilization.
2. **Maintain off-street parking areas for long-term, flexible use (commuters and employees) and reserve on-street curbside parking for short-term use (visitors) through fees and/or regulations for parking. Provide overnight residential parking options both on the street by ordinance and in off-street locations.**	Being evaluated as part of comprehensive parking study.
3. **Create more parking spaces for persons with disabilities at all public facilities and within all commercial districts, either on or off street.**	Created accessible spaces both on-street and in lots throughout the Township.
4. **Install bicycle racks and lockers at each public building, public transit facility and in each commercial district.**	In progress.
5. **Evaluate recommendations contained in the Comprehensive Access Plan, April 2003, including intersection improvements and traffic light timing changes, and implement subject to engineering and economic feasibility. Update Plan as needed.**	Implemented in part.
6. **Develop long-term parking options for employees in commercial districts to get employees out of prime shopper parking spaces, including the conversion of underutilized metered spaces in municipal parking lots into employee spaces through permits offered at a reduced rate. Allow shared parking permits to accommodate employees with variable work schedules.**	Being evaluated as part of Comprehensive Parking Study.
7. **Evaluate recommendations from the Bicycle and Pedestrian Action Plan, including intersection improvements, bicycle lane striping, safe routes to schools identifications, greenways between parks, traffic calming measures, Bike Montclair map and publicity, and implement subject to engineering and economic feasibility.**	This plan is outdated and will be reviewed during the SAFE/CS Implementation Plan development.

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2006 Reexamination Report	Current Status
8. **Inventory all loading zones in commercial districts and determine utilization; assess whether they are needed and are properly located. Identify areas where new loading zones are needed. Define use of the zones in the ordinance.**	Completed in coordination with Traffic and Parking Advisory Committee in 2008.
9. **Make parking regulations clear in all municipal parking lots through better identification of meters by time limitations and informational signage.**	In progress.
10. **Complete the way-finding (signage) study already in progress to better identify the location of municipal parking and major facilities.**	Done in 2011 through NJDOT TE project.
11. **Encourage adherence to speed and other traffic laws and improve safety by employing traffic calming devices, such as speed humps and chokers.**	In progress. Done at various locations – Lackawanna, Bloomfield, South Park, Valley at Brookfield, Northview and Van Vleck.
12. **Prohibit all-day commuter parking on streets where off-street/deck parking is available.**	Parking policies have been evaluated as part of the Comprehensive Parking Study.
13. **In light of continued concerns about safety at the Watchung Avenue/Plaza intersection, conduct a second warrant study to determine whether a traffic light is needed.**	A warrant study was conducted and determined that a traffic light is not supported at this location.
14. **With the recent installation of fences along certain railroad tracks at train stations, re-evaluate the configuration of parking areas and pedestrian paths leading to the platforms.**	Not done.
15. **Provide safe drop off areas at municipal recreation facilities and enforce no parking safety zones at intersections and driveways.**	Done at Mountainside Park.
16. **In the commuter lots, create long-term non-permit parking spaces for occasional day commuters.**	Done at Watchung and Bay Street stations.
17. **Evaluate the senior citizen bus routes to ensure that routes are comprehensive and meet the needs of the users; consider evening routes and inclusion of Montclair State University stop.**	The effectiveness of the Senior Citizen bus has been a cause of concern and the Township has issued a Request for Proposals for a private entity to take over management of the Senior Citizen bus route.

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2006 Reexamination Report	Current Status
18. **Evaluate the commuter shuttle bus route, frequency and rate structure and redesign route for maximum convenience and usage. Consider shuttle buses for other transportation needs.**	Still valid. Expensive. Two grant applications denied.
19. **Create a parking fund whereby applicants receiving parking deficiency variances pay a fee which will be used for parking improvements in the community.**	Not implemented.
20. **Investigate a "Zip Car Program" which provides environmentally-friendly car sharing for occasional use.**	In progress.
21. **Codify guidelines for neighborhood traffic calming requests for consistency of responses.**	Done as policy adopted by Council resolution.

Transportation/Parking/Traffic - Master Plan Recommendations

2006 Reexamination Report	Current Status
Prepare a Circulation Plan Element which includes the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality. This Element must be in place to require developers' contributions to off-tract street improvements pursuant to the NJ Municipal Land Use Law.	Adopted the Unified Land Use and Circulation Element of the Master Plan in May 2015.

Transportation/Parking/Traffic - Development Regulations Recommendations

2006 Reexamination Report	Current Status
1. **Establish an ordinance to require a payment from an applicant for each required parking space that cannot be provided on site to be used for parking improvements in the Township.**	Not implemented.
2. **Add bicycle rack and locker design requirements to the site plan ordinance.**	Not implemented.
3. **Add language to the loading zone ordinances to define permitted and prohibited uses and effective hours.**	Discussed at TPAC but no action taken.
4. **Add and delete ordinances for loading zones as needed.**	Done.

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5. **Establish appropriate ordinances to implement recommendations in the Comprehensive Access Plan and the Bike and Pedestrian Study, subject to financial and engineering feasibility.**	Not applicable.

ECONOMIC DEVELOPMENT AND THE ARTS

Economic Development and the Arts – Objectives

2006 Reexamination Report	Current Status
1. **Encourage smart development. Use redevelopment statutes selectively to stimulate investment in appropriate locations where infrastructure, mass transit and services are available. Take opportunities to include public open space and green space in commercial redevelopment sites.**	Still valid.
2. **Promote Montclair as an arts community; recognize that the arts are integral to healthy community development and economic progress. Make it a destination point for the arts and entertainment venues. Emphasize the link between promotion of the arts with the economic vitality of the community. The "creative economy" is an effective and critical partner to business, government, education, health care and other community needs and enterprises.**	Still valid.
3. **Make Montclair a desirable and convenient place to shop. Provide safe, clean, pedestrian and bicycle-friendly commercial districts with parking options for short and long term stays. Offer the right mix of commercial uses to serve the community and the region. Provide a variety of retail, dining and personal services in all commercial districts to meet the needs of residents and workers both in Montclair and in the surrounding region, both day and evening.**	Still valid.

Economic Development and the Arts - General Recommendations

2006 Reexamination Report	Current Status
1. **Revise zoning ordinances to reflect a more appropriate mix of uses and scale of buildings in all commercial zones, recognizing the distinctive character of each area.**	Completed in part through new redevelopment plans and the rezoning for Glenridge Avenue and Church Street.
2. **Require semi-permanent barriers around public sidewalk dining areas to maintain unobstructed pedestrian passageways.**	Adopted – sidewalk café ordinance was amended to require barriers.

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2006 Reexamination Report	Current Status
3. **Consider the benefits of NJDOT/NJT Transit Village designation that would include the Walnut and Glenridge commercial districts.**	The Glenridge Avenue neighborhood commercial district is located within the designated Transit Village surrounding the Bay Street Station. The designation of Walnut Street as a Transit Village was considered as part of the Unified Land Use and Circulation Plan and was rejected.
4. **Assess the benefits of creating new Business Improvement Districts (BID).**	Not implemented.
5. **Implement physical improvements to the central business district that would create a public center on South Park Street, enhance vias or connectors between parking areas and destinations, design parking areas for maximum capacity, better access and circulation, and enhance the 6 points at Glenridge/Fullerton/Bloomfield/Church, subject to economic and financial feasibility. These upgrades coupled with several others proposed by the BID should be presented to the Township Council and the community.**	A streetscape improvement project for South Park Street was designed and completed since the 2006 Reexamination Report.
6. **Install appropriate traffic calming devices in all commercial districts as part of an overall street improvement when necessary.**	Traffic calming devices such as bump outs and enhanced crosswalks have been installed along Bloomfield Avenue in key locations and as part of various redevelopment initiatives.
7. **Determine optimum capacity of municipal parking lots while providing appropriate buffers for adjoining properties.**	Evaluated as part of the Comprehensive Parking Study which included an evaluation of the capacity of each of the Township's parking lots in the Supply and Demand Conditions Background Report
8. **Begin a shuttle bus route between MSU and all commercial districts.**	Discussed possibility with MSU and determined that MSU has its own shuttle bus service and will not support a shuttle bus service that competes with theirs.
9. **Sponsor a visioning forum that will assess the benefits and consequences of impending development and create strategies that will secure a diverse and vital local economy.**	Held several redevelopment visioning workshops as part of individual redevelopment initiatives and workshops associated with the Bloomfield Avenue Corridor Complete Streets Implementation Plan.

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2006 Reexamination Report	Current Status
10. **Improve traffic and pedestrian circulation by implementing a way-finding signage system.**	Implemented in 2011.
11. **Enhance the economic vitality of the South End Business District by increasing safety, installing bus shelters, assessing parking capacity and meter usage, analyzing the effectiveness of speed bumps, facilitating façade and other beautification initiatives, creating an open public space, reducing business vacancies and turnover as well as other economic development initiatives.**	Has been completed, in part, through improvements made to southbound Orange Road through the CDBG program.. Additional funding needed to improve northbound Orange Road as this section of Orange Road is not eligible for CDBG funds. South End has created its own merchants association and spearheads these efforts. New investment in area indicated by improvements made to new wellness center opened by Dr. Turner.
12. **Create a business development strategy and strengthen economic capacity for the Bay Street redevelopment area.**	Not completed.
13. **Develop public open space in the central business district.**	Open space is a major component of the Seymour Street redevelopment plan and the Lackawanna Plaza redevelopment plan.
14. **Develop new regulations for trash dumpsters to lessen their visual impact.**	Basic requirements added to ordinance in 2006. The Historic Preservation Commission has since established a good model for trash enclosures that has been used in historic districts.
15. **Explore the idea of enlarging the center area of the C1 Zone to increase pedestrian activity.**	Completed prior to the adoption of the last Reexamination Report.
16. **Explore the idea of a subzone of the center area of the C1 Zone with even stricter limits on permitted uses and design standards.**	Completed in part through the adoption of redevelopment plans and the new C-3 zone district.
17. **Through the Montclair Arts Council, advance the concepts of the 2001 Montclair Arts Plan, including marketing, facilities, education, public support and technology, subject to financial feasibility.**	The Montclair Arts Council was disbanded in 2010. Public arts initiatives have been supported through redevelopment plans that include a 1% funding requirement for public art. The primary purpose of the Seymour Street Redevelopment Plan is to support the arts in Montclair. .
18. **Use the Montclair Logo and Township Website in all marketing efforts and announcement of arts programs and events; develop an e-mail database for distribution of arts information; develop an artists' registry for all disciplines.**	The mechanism to manage and coordinate public arts initiatives was discontinued when the Montclair Arts Council was disbanded in 2010.

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2006 Reexamination Report	Current Status
19. **Identify usable performance venues for increased programming.**	This has been addressed, in part , as a component of the Seymour Street Redevelopment Plan which includes a zoning incentive for the developer to provide a performance venue.
20. **With significant community involvement, identify and facilitate arts programming for underserved constituencies.**	No longer implemented with the elimination of the Montclair Arts Council.
21. **Explore a voluntary or mandatory 1% for the arts program whereby art is included in every new commercial development.**	Part of some redevelopment plans.

Economic Development and the Arts - Master Plan Recommendations

2006 Reexamination Report	Current Status
Prepare an Economic Plan Element considering all aspects of economic development and sustained economic vitality, including an analysis of employment types and skill sets of the labor pool.	Not implemented.

Economic Development and the Arts - Development Regulations Recommendations

2006 Reexamination Report	Current Status
1. **Change the zone designation for the commercial district on Walnut Street between Forest Street and Grove Street from C2 General Business and Light Manufacturing Zone to NC Neighborhood Commercial Zone to better reflect its identity as a shopping/dining destination.**	This was one of the recommendations in the Unified Land Use and Circulation Plan which remains to be implemented.
2. **Include automobile repair and body work as a conditional use in the C2 Zone.**	Implemented in 2006 through Ordinance 06-43.
3. **Revise the public sidewalk dining ordinance to require semi-permanent physical barriers around the seating areas.**	Adopted as part of Sidewalk Café ordinance.
4. **Permit wall signs for second floor businesses subject to specific design guidelines.**	Adopted through an amendment to the Signage ordinance.
5. **Permit projecting signs in commercial districts subject to specific design guidelines.**	Adopted.

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2006 Reexamination Report	Current Status
6. **In the C1 Central Business Zone, eliminate auto sales and rentals as permitted uses; eliminate drive through banks and fast food restaurants as a conditional use; consider reduced parking requirements for sites proximate to public transit.**	Ordinance amended in 2006 to eliminate auto sales and rentals, drive-through banks and fast food restaurants as permitted uses in the C-1 zone. Reduced parking requirements near transit were not implemented.
7. **Consider increasing the maximum residential density requirement (units per acre) in the C1 Zone to encourage more downtown living space.**	Increased density in redevelopment plans.
8. **Consider an ordinance that would require display lighting in storefronts at night.**	Not implemented.
9. **Create an ordinance for a 1% set aside for the arts program for new commercial developments.**	Included in some redevelopment plans and/or redevelopment agreements.
10. **In the NC Neighborhood Commercial Zones, prohibit all office uses on the ground floors; prohibit drive-in banks and buildings that are exclusively residential, eliminate the 50/50 mix requirement for offices/banks and retail, personal services, medical offices and restaurants; eliminate assisted living facilities, schools, boarding houses, sheltered care homes and nursing homes from list of permitted/conditional uses, eliminate limitations on the number of employees at personal service establishments and bakeries, permit residential uses only on upper floors, change the minimum front yard setback requirement for principal buildings from 20 feet to 0 feet, change the minimum side yard setback for principal buildings to 0 feet, and 8 feet when adjoining a residential zone or property.**	Ordinance amended in 2006 to address these items.
11. **In the OR Zones, delete conditions required for business and professional offices; clarify that a bank is not a permitted use.**	Implemented in 2006.
12. **Change the definition of medical office to include physical therapists.** 13.	Definition amended to include therapists.

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2006 Reexamination Report	Current Status
14. **Rezone 29 Park Street from C1 Central Business Zone to OR3 as recommended by the Board of Adjustment in its Annual Report.**	Not implemented.

ENVIRONMENT

Environment - Objectives

2006 Reexamination Report	Current Status
1. **Encourage smart development by preserving what is important to us—clean drinking water, clean air, green space, trees and streams—and at the same time, providing opportunities for reasonable growth. We should be mindful of the impacts of further development on our environment and establish appropriate guidelines to avoid negative impacts on our quality of life. Striking the proper balance should be the key focus moving forward.**	Conservation Element adopted in 2007 recommended development regulations be adopted to protect stream corridors, flood hazard areas, wellhead protection areas and ridgelines/hilltops. The recommendations were not implemented.
2. **Preserve open space and identify opportunities to acquire additional open space in areas of the Township which are densely developed. As an urban suburb experiencing increased development pressures, the Township recognizes the importance of open space preservation now more than ever.**	Conservation Element adopted in 2007 identified municipally owned properties in the township and their potential use for parks/open space.
3. **Protect stream corridor buffers by limiting the removal of vegetation, construction, soil disturbance, installation of impervious surfaces as well as the use of pesticides and other chemicals, within floodplains and in the vicinity of streams.**	Chapter 295: Stormwater Control of Montclair Code adopted under Ordinance No. 06-18. Montclair Code 295(4)G(8)(d) specifies the development of stream corridor protection plans as part of a stormwater planning effort.
4. **Increase the amount of recycling which will have environmental as well as fiscal benefits to the Township. The less tonnage incinerated, the better the air quality. The more mixed paper recyclables sold, the more money earned by the Township, and the less spent on tipping fees.**	Chapter 292, Article II, section of Montclair Code amended under Ordinance No. 15-28 on September 29, 2015. Modifications to the code added a recycling drop-off center established at 219 North Fullerton Avenue.
5. **Preserve the Township's trees, particularly trees of special value due to age or species, as they are one of Montclair's most precious resources. The maintenance of trees on both public and private properties is essential to maintaining the beauty of**	Chapter 324: Trees, of Montclair Code, adopted by Ordinance No. 12-44 on June 12, 2012. Code section protects shade trees.

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2006 Reexamination Report	Current Status
our landscape	
6. **Encourage a reduction in automobile usage by promoting alternate forms of transportation such as walking and bicycling.**	Resolution regarding Sustainable Land Use Pledge adopted September 1, 2009 which encourages the creation of transportation choices and alternatives.
7. **Become a sustainable community through careful planning and decision-making. Incorporate principles of sustainability contained in the Sustainability Guide adopted by the Township Council in designing and constructing buildings, purchasing vehicles and products and conserving our water supply. Benefits of sustainable development can include improved environmental and public health and cost savings.**	Township certified by Sustainable Jersey on December 17, 2013 as a Bronze certified community.

Environment – General Recommendations

2006 Reexamination Report	Current Status
1. **Preserve the First Mountain ridgeline, designated as an Environmentally Sensitive Area in the New Jersey State Development Plan, as this is a significant natural resource to Montclair and to adjacent communities to the west. Building construction that disrupts the continuous ridgeline is inappropriate. In anticipation of further development of the Kip's Castle property, it is imperative that any such development respect the beauty of the ridgeline.**	Identified in 2007 Conservation Plan Element. Not implemented by ordinance. The Kip's Castle property is no longer for sale, but the current plans for the Coptic Church development pose many environmental threats which are being addressed by the Town Council and many additional groups.
2. **Reduce excessive noise caused by the use of mechanical devices such as leaf blowers and ground-mounted air conditioning condensers which can have a negative impact on the quality of life of residents. As more and more residents work at home and spend more leisure time at home, a peaceful environment becomes more important.**	Leaf blowers regulated under Montclair Code 217-6, last updated February 1, 2000 under Ordinance No. 00-02
3. **Reduce exterior light pollution from public and private developments which can impact the quality of life of adjacent residents. Reducing light spillover and glare can be achieved while still providing safely lit exterior spaces.**	Site Plan code lighting plan requirement adopted under Ordinance No. 11-53 on October 4, 2011.
4. **Adopt principles of sustainability and prioritize and implement recommendations as outlined in the Township's 2003 Sustainable Montclair Planning Guide, subject to financial feasibility.**	Township certified by Sustainable Jersey on December 17, 2013 as a Bronze certified community.

2006 Reexamination Report	Current Status
5. **Require a public open space component in all nonresidential redevelopment plans prepared pursuant to the New Jersey Local Redevelopment and Housing Law.**	Included in all redevelopment plans.
6. **Expand recycling efforts into schools, houses of worship, museums and other public buildings.**	Not implemented. Montclair Code 292-10(C) permits collection of recyclables by private haulers. Some schools are serviced by DPW and recycling takes place.
7. **Reduce excessive noise caused by the sounding of train locomotive horns at 12 grade crossings by creating a 24-hour Quiet Zone as authorized under 2003 federal railroad regulations. The institution of Midtown Direct service in 2002 caused an increase in train traffic each weekday from 28 trains to over 70. The Township should strive to implement a 24-hour Quiet Zone by fall 2008, the projected start of weekend service.**	Quiet Zone implementation recommended by Township Council resolution, dated June 10, 2008. Resolution supported application to Federal Railroad Administration to implement Quiet Zone restriction. Quiet Zone went into effect February 1, 2011, but it is not enforced.
8. **Identify properties for use as community gardens and open space--examine municipally owned remnant parcels for potential.**	Properties identified as part of the 2007 Conservation Plan Element.
9. **Evaluate each municipally-owned property for potential as preserved open space before selling for private development.**	Municipally-owned properties identified for use as open space/parks as part of the 2007 Conservation Plan Element.
10. **Identify other properties to increase open space inventory.**	Not implemented, but will be part of next Natural Resource Inventory.
11. **Implement the policy steps and recommendations from the Forestry Plan which is to be prepared in 2006. Create a subcommittee of the Environmental Commission to provide policy guidance and assist the Township in the plan's implementation.**	Montclair Community Forestry Management Plan 2015-2019 adopted by Environmental Commission, October 2014.
12. **Evaluate the feasibility of a well-head protection ordinance which would limit potentially polluting uses within certain radii of the Township's three existing wells and potential well sites. Consider instituting "best management practices" for existing uses such as gas stations and drycleaners within wellhead protection areas.**	Not implemented.
13. **Examine the critical slope ordinance to determine whether it should be strengthened, i.e., should development be prohibited on slopes exceeding a certain percentage.**	Identified in 2007 Conservation Plan Element. Not implemented by ordinance.

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2006 Reexamination Report	Current Status
14. **Examine the existing leaf blower ordinance to determine whether it should be strengthened, i.e., enforcement, limitations on hours and times, extend to electric powered machines.**	Not implemented. Leaf blowers regulated under Montclair Code 217-6, last updated February 1, 2000 under Ordinance No. 00-02.
15. **Examine existing noise ordinances to determine how to strengthen the language.**	Not implemented.
16. **Investigate a stream buffer ordinance which goes beyond NJDEP limits to determine whether it is appropriate for the Township.**	Identified in 2007 Conservation Plan Element. Not implemented by ordinance.
17. **Conduct a build-out analysis to determine at what point our growth tips the scale and the environmental costs become too high.**	Not implemented.
18. **Consider a conservation easement along the First Mountain Ridgeline.**	Not implemented.

Environment - Master Plan Recommendations

2006 Reexamination Report	Current Status
1. **Prepare a Conservation Plan Element providing for preservation, conservation, and utilization of natural resources including energy, open space, water supply, forests, soil, marshes, wetlands, waters, endangered or threatened species, and analyzes their impact on other components of the Master Plan. At a minimum, the Plan should examine the existing stream corridor buffers and identify where they should be widened for inclusion in the open space inventory.**	Completed. Conservation Plan Element adopted July 2007.
2. **Prepare a Recycling Plan Element which incorporates the State Recycling Plan goals, including provisions for collection, disposition and recycling of materials.**	Not implemented

Environment – Development Regulations Recommendations

2006 Reexamination Report	Current Status
1. **Incorporate the creation of public open space within private nonresidential developments above a minimum acreage through an amendment to the site plan ordinance.**	Not implemented.
2. **Add specifications on trash and recycling storage areas for residential and commercial buildings in the site plan ordinance pursuant to the New Jersey Statewide Mandatory Source Separation and Recycling Act.**	Implemented under Ordinance No. 11-53, which sets design standards for exterior garbage and recycling storage areas under Montclair Code 281-8.1(H)

2006 Reexamination Report	Current Status
3. **Prepare tree preservation ordinances which will control the number of trees removed each year, preserve trees of exceptional value and require replacement of trees removed.**	Implemented under Ordinance No. 12-44, which establishes the preservation of Shade Trees under Montclair Code Chapter 324-Trees.
4. **Add specifications for exterior lighting, including size of fixture, height, intensity and location, to the site plan ordinance.**	Implemented in O-11-53.
5. **Establish impervious surface coverage requirements in every zone.**	Not implemented.

3. CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE MASTER PLAN

Statewide Changes

Affordable Housing

There have been a number of developments related to affordable housing planning. COAH originally adopted affordable housing rules for the third round period in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification, and resulted in a remand of the 2004 rules back to COAH to revise them consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008. In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules. COAH failed to adopt new rules.

Due to COAH's failure to adopt new rules, the New Jersey Supreme Court ruled on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's March 10 ruling notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate … compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they … must defend [themselves] against exclusionary zoning litigation." Under the New Jersey Supreme Court's March 10 ruling, municipalities are afforded an opportunity to file declaratory judgment actions in order to validate their affordable housing plans as compliant with constitutional affordable housing obligations.

On July 7, 2015, Montclair Township filed such a declaratory judgment action. The Township also filed a motion for immunity from builder's remedy lawsuits while it prepared this Housing Element and Fair Share Plan. The court granted the Township temporary immunity from the filing of its declaratory judgment action until such time that the core issues in the declaratory judgement, namely whether the Township's affordable housing plan is constitutionally compliant, has been determined by the Court.

Court-appointed masters are currently preparing reports to determine the affordable housing obligation for Essex County municipalities.

Municipal Land Use Law Amendment - Time of Application Rule

Probably the most significant amendment to the MLUL was the abolition of the long followed time of decision rule that permitted a municipality to make zoning changes up to final moment of a development/land use approval. The new rule, which went into effect in May 2011, favors the developer by requiring that the zoning that is in place at the time of the filing of a development application will govern the review and approval of that application. Any zoning ordinances adopted subsequent to the date of submission of a complete application will no longer be applicable to that application. This change requires municipal diligence that the zoning ordinances remain current and that the consequences of those ordinances are understood.

Municipal Land Use Law Amendment - Environmental Sustainability

With the increasing awareness of climate protection and interest in sustainable planning and development practices, the Municipal Land Use Law (MLUL) was amended in 2008 identifying the Green Buildings & Environmental Sustainability Plan Element or Green Plan Element as a component of a municipal master plan. This element encourages the conservation and efficient use of natural resources; consideration of renewable energy systems; consideration of building impacts on the environment at all scales; and conservation and reuse of water resources. In addition, the Municipal Land Use Law was also amended in 2009 to allow wind and solar facilities as permitted uses on parcels of land comprising 20 or more contiguous acres in industrial zones and to make renewable energy facilities an "inherently beneficial use" (i.e., one that serves the public interest by its very existence), and was further amended in 2010 to prevent municipalities from unreasonably limiting small wind energy systems that generate power primarily for on-site consumption, as well as to exempt solar panels from impervious coverage.

These changes in State law are intended to make it easier for property owners to install wind turbines, solar panels and other renewable energy facilities, but it is recognized that there may be impacts on nearby properties from such installations, particularly in built-out communities like Montclair.

Permit Extension Act

As has been done in past economic downturns, this legislation was in response to the recession that started in 2008 to protect development approvals from expiring. The Permit Extension Act of 2008 protected against the expiration of certain state, county and municipal land development approvals which were "tolled" from January 1, 2007, to July 1, 2010. The Act is intended to protect approvals and prevent the abandonment of projects due to the difficult and uncertain economic conditions. The Act has been extended several times, the latest in December 2014 when the tolling provision within the Act was extended and expires on June 30, 2016. The Permit Extension Act was extended in 2016 to include counties that were affected by Hurricane Sandy, which includes Essex County. As a result, project approvals have been extended until June 30, 2017.

State Development and Redevelopment Plan

The New Jersey State Planning Commission and Office of Smart Growth adopted the State Development and Redevelopment Plan (SDRP) 2001. According to the State Planning Act, the purpose of the SDRP is to: coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public

facilities and services, and intergovernmental coordination. The State Strategic Plan is the revision to the 2001 State Development & Redevelopment Plan and sets forth a vision for the future of our State along with strategies to achieve that vision. It is the culmination of several years of work by the State and its staff in collaboration with county and local stakeholders and members of the public. The State Strategic Plan was prepared in 2012 but was never adopted.

New Jersey State Energy Master Plan

A statewide energy master plan was adopted in October of 2008 as both a blueprint and guide as to how New Jersey will address global warming while meet its future energy needs. The Plan identifies how transportation, land use and energy are the major determinants of climate changes in NJ and offers a multifaceted approach to addressing this challenge through improved energy efficiency, development of clean energy businesses, and by controlling energy costs. It is anticipated that the State will meet its mandate for a 20% reduction in carbon emissions by the year 2020 through the initiatives proposed. At the local level, incorporation of energy efficiency goals would likely involve adoption of a Green Plan as a first step to elicit public involvement and development of fundamental goals, policies and objectives.

Essex County Policy Changes

Essex County Transportation Plan

On April 8, 2014, Essex County adopted the Comprehensive Transportation Plan. The Plan was developed to meet mobility and transportation safety needs across Essex County, New Jersey through the year 2035. The Plan outlines a vision for a more comprehensive County-wide transportation system that maximizes investments, promotes efficiency and safety and promotes the use of travel mode alternatives to driving alone. Recommendations in the Plan reflect the priorities of local, state, and regional stakeholders to support economic development, environmental sustainability and mobility throughout the County. The Plan takes into account the County's existing transportation network and services and land use characteristics. It then evaluates the adequacy of the transportation system to meet travel needs through 2035. The role and potential contribution to meet future needs by every mode of travel including pedestrians, bicyclists, motor vehicles, public transportation, and air travel access and freight movement were established.

The Plan calls for the following improvements in Montclair:

- Pedestrian safety along Bloomfield Avenue and, in particular, the intersections of Grove Street and Bloomfield Avenue, and Seymour Street and Bloomfield Avenue.
- Pedestrian improvements to Watchung Avenue at Valley Road and Grove Street
- Bicycle improvements along Grove Street
- Train station lighting improvements.

Montclair Township Policy Changes

Land Use Policies

The 2015 Unified Land Use and Circulation Plan specified new land use and circulation objectives for the Township. It also included recommendations addressing transportation and mobility, land use and parking, neighborhood character, housing, economic development and the arts and infrastructure and utilities. A key component of the plan is to preserve the Township's existing residential neighborhoods

by concentrating new mixed-use development in areas served by public transportation in the form of transit-oriented development (TOD). Specific recommendations were provided for the Township's commercial areas, including Montclair Center, Walnut Street Business Area, Valley-Van Vleck business district, South End business district, Watchung Plaza business district, Upper Montclair business district and Montclair Heights.

The Township has adopted several redevelopment plans since 2006 including the Deteriorated Housing Redevelopment Plan, Elm/New/Mission Street Redevelopment Plan, Montclair Center Gateway Phase 1 Redevelopment Plan, Eastern Gateway Redevelopment Plan, HUMC/Mountainside Hospital Redevelopment Plan and the Seymour Street Redevelopment Plan.

The Township prepared a comprehensive Parking Management Plan that evaluates parking supply, parking demand and parking management policies for the Township. A draft plan was released in July 2016 and includes specific recommendations for managing the Township's parking resources The Parking Management Plan (PMP) is organized into the following six focus areas.

- Commercial Parking Management – Managing supply/demand conditions to maintain viable, multimodal options for accessing Montclair's commercial centers
- Station Parking Management – Managing supply/demand conditions at Montclair's six NJ Transit rail stations to maintain viable, multimodal options for accessing Montclair's transit resources
- Residential Curbside Management – Managing supply and utilization conditions along neighborhood streets, to maintain an optimal balance between prioritizing residential access and maintaining a public parking resource
- Supply/Capacity Expansion – Creating new public/shared parking supplies, and expanding the capacities of existing public/shared parking supplies, particularly in the context of accommodating desired forms and levels of land use development
- Mobility-Improvement/Demand-Reduction – Improving mobility options independent of driving is the most effective and sustainable means of reducing parking demand, and reducing parking demand is likewise one of the most effective means of improving non-driving mobility conditions. The PMP, therefore concludes with options for broadly enhancing this synergistic relationship across the township.
- Montclair Parking Utility — Exploring organizational and operational improvement opportunities.

Historic Preservation

In 2011, the Township adopted a revised Historic Preservation ordinance, has since adopted Historic Design Guidelines, and has created the Watchung Plaza Historic District. Additional historic landmarks have also been designated. The Township is currently working on a new Historic Preservation Element of the Master Plan.

Housing

The Township adopted a Housing Element and Fair Share Plan in 2009 for the Third Round housing obligation. The Plan received substantive certification from the New Jersey Council on Affordable Housing. The Township is currently working with the Court to prepare a new Housing Element and Fair

Share Plan. The Township has continued to create opportunities for affordable housing through its redevelopment plans, inclusionary zoning ordinance, partnership with HOMECorp on its gut rehabilitation and new construction program and the Voluntary Extension of Affordability Controls program.

Zoning Amendments

Following is a list of amendments to land use ordinances proposed and/or adopted following the adoption of the 2006 Master Plan Reexamination Report.

Ordinance Number	Date	Purpose
O-07-02	1/23/2007	Amending to building height definition (see Ord. 06-17 - 4/25/06)
O-07-08	2/20/2007	Established parking requirements for churches
O-07-11	3/6/2007	Landmark Designation - Sigler Farm House
O-07-14	5/22/2007	Landmark Designation - Welsh House
O-07-35	7/10/2007	Townhouse regulations in R-3 and R-4 zones
O-07-36	7/10/2007	Amend C-1 zone to create Center Area and Community Area
O-07-42	9/11/2007	Landmark Designation - Clark House and Van-Reyper Bond House
O-07-51	11/12/2007	Landmark Designation - James Howe House
O-08-02	2/11/2008	Building coverage; C-1 Community Area; parking
O-08-09	3/11/2008	Max. width of structure is 65% of lot width
O-08-17	6/24/2008	Development fees amendment
O-08-41	10/21/2008	Landmark Designation - Georgian Inn and Kohout House
O-09-01	1/6/2009	Landmark Designation - Goodwillie House
O-09-14	6/9/2009	Amended NC zone to include density
O-09-37	8/4/2009	Development fees amendment
	11/9/2009	Bicycle parking ordinance - not adopted.
O-09-54	9/22/2009	Inclusionary zoning ordinance with 20% set aside
O-11-02	2/15/2011	Amendment to application fees
O-11-23	4/5/2011	Land Use procedures - checklists
O-11-28	4/21/2011	Ordinance amending stormwater requirements
O-11-37	5/10/2011	Landmark nomination - 10 Madison Avenue - not adopted
O-11-50	10/4/2011	Duties of the zoning officer, enforcement
O-11-51	8/18/2011	Ordinance regarding temporary structures
O-11-52	10/4/2011	Amendment to fee schedule
O-11-53	10/4/2011	Site plan review - minor site plan, contents of site plan and design standards
O-12-20	2/21/2012	Rezone UR to R4
O-12-23	5/6/2012	Amendment to telecommunications ordinance (ht of rooftop equipment)
O-12-24	5/6/2012	Established lot depth
O-12-25	5/6/2012	Rear yard in R-1 and R-2 zones
O-12-44	5/22/2012	Tree preservation ordinance
O-12-45		Accessory dwelling unit - not adopted

Ordinance Number	Date	Purpose
O-12-49		Accessory dwelling unit - not adopted
O-12-58	10/16/2012	New Historic Preservation Ordinance
O-13-09	2/12/2013	Lot depth and C-1 zone parking requirements
O-13-12	4/9/2013	Community gardens - not adopted
O-13-21	5/14/2013	Signage ordinance
O-13-22	5/14/2013	Nonprofit institutional uses
O-13-23	6/18/2013	Escrow fee for historic preservation advisory review and minor site plans
O-13-28	7/16/2013	Landmark Designation - Israel Crane House, Nathaniel Crane House, Charles Schultz House
O-13-23	5/4/2013	Escrow deposit amendment
O-13-72	1/28/2014	Landmark Designation - Montclair Heights Reformed Church
O-13-73	1/28/2014	Landmark Designation - Watchung Plaza Historic Business District
O-14-07	2/1/2014	Prohibiting group homes
O-14-40	11/17/2014	Create down payment assistance program and extension of affordability controls program
O-15-16	6/16/2015	Appeals to the zoning officer
O-15-20		New zoning map.
O-15-29	7/21/2015	New zoning map amendment
O-15-25	8/25/2015	Amendment to fee ordinance
O-15-37		Prohibiting head shops in the NC district.
O-15-42	12/15/2015	Creation of Development Review Committee
O-16-06	3/15/2016	Landmark designation of 82 Union Street (Montclair Women's Club)
O-16-07	3/15/2016	Landmark designation of 60 S. Fullerton Ave (Social Services Building)
O-16-18	5/24/16	Create new C-3 zone district for Glenridge Avenue and Church Street

4. RECOMMENDATIONS CONCERNING THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Master Plan

The Township should prepare new Housing Plan, Utilities Plan, and Parks and Recreation Plan elements of the Master Plan. In addition, it is recommended that the Conservation Plan be amended and expanded to address sustainability issues. .

Land Use

1. Amend the land use plan for the streets near the Bloomfield Avenue corridor where the proposed intensity of development is inappropriate with existing neighborhood character.
2. Continue to create opportunities for open space in the central business district through use of increased setbacks and establishment of a parklet program.

Housing

1. There is uncertainty with respect to application of COAH formula. Once the COAH matter is settled, affordable housing obligation, if any, will need to be determined and a new Housing Element and Fair Share Plan prepared. The result of recent third-party COAH formula analyses is that Montclair may have zero affordable housing obligations. But the issue is not yet fully resolved. Implementation of final court-ordered action will be needed once known.
2. Montclair population is aging. The unique needs of 55 and older residents to enable continued residency in Montclair is an issue that should be considered in zoning and affordable housing. Proactive strategies need to be developed for adequate and appropriate housing to enable seniors to stay in town.
3. Renewed effort should be placed on rehabilitation of older housing with respect to affordable housing goals. Continue to utilize State and Federal grant programs to rehabilitate substandard housing which will assist in meeting the Township's fair share allocation pursuant to COAH.
4. Consider appropriate residential development of vacant land owned by the Township on New Street and Wildwood Avenue for affordable housing and/or senior housing. Seniors have concerns about the availability of "appropriate housing" that could be either in the "affordable" or "market rate" category.
5. Examine current regulations to see what changes would be needed to provide preference in affordable housing to Montclair residents.
6. Expect that Kensington will resubmit a plan for an assisted living facility. Consider such an application should it come before the Planning Board and Council. Identify sites for assisted living facilities for elderly who need a health care component with housing.
7. Consider a universal design requirement in all new housing. Universal design is the process of creating products (devices, environments, systems, and processes) which are usable by people with the widest possible range of abilities, operating within the widest possible range of situations (environments, conditions, and circumstances). Universal design has two major components:
    a. Designing products so that they are flexible enough that they can be directly used (without requiring any assistive technologies or modifications) by people with the widest range of abilities and circumstances as is commercially practical given current materials, technologies, and knowledge; and
    b. Designing products so that they are compatible with the assistive technologies that might be used by those who cannot efficiently access and use the products directly.
8. Continue to support the Housing Commission and Landlord/Tenant Housing Advisory Board to study issues and make recommendations concerning housing policies and fair housing regulations.
9. Maintain the developer's fees for affordable housing at maximum levels permitted by COAH.
10. Use the Abandoned Properties Act, in concert with the NJ Local Redevelopment and Housing Law, to designate abandoned residential properties as areas in need of redevelopment to encourage owners to rehabilitate or to condemn properties and resell them.

Conservation

The Township's Green Team has achieved Sustainable Jersey certification and received bronze level certification in 2013. Sustainable Jersey is a municipal recognition and incentive program started in

2009 that includes required and elective actions that municipalities can implement to receive the certification. While a municipality can cite zoning and master plan changes as part of its application for certification, Sustainable Jersey does not dictate zoning or supersede local authority. This program requires periodic renewal (every three years). The Conservation Element should be expanded to also address sustainability and updated to address the following:

1. A new Natural Resource Inventory should be prepared under the guidance of the Environmental Commission.
2. Environmental Commission should receive enforcement reports and transparency in implementation of the Tree Preservation Ordinance.
3. Environmental Commission to provide recommendations on increased eVehicle usage for municipal fleet, school buses and intra-local shuttle.
4. Township should continue to pursue Sustainable Jersey certification every three years.
5. Environmental Commission to seek update from the Water Department on the feasibility of a well-head protection ordinance.
6. Environmental Commission to evaluate noise ordinances in area to provide model language for local noise ordinance.
7. Environmental Commission to conduct a build-out analysis to determine at what point growth tips the scale and the environmental costs become too high.
8. A conservation easement along the First Mountain ridgeline to be explored in the Natural Resources Inventory prepared by the Environmental Commission.
9. Establish requirements for construction of "green buildings."

In addition, the Conservation Element should establish the basis for zoning changes to properly guide the installation of renewable energy facilities to minimize negative impacts and promote appropriate design. Potential standards could include prohibiting facilities in front yard areas, mandating setbacks from side and rear property lines, setting maximum height regulations and requiring screening for such facilities. The past few years have seen a tremendous surge in municipal green building policies and a growing number of local governments in New Jersey and throughout the country recognize that changing building practices is important not only for conserving scarce natural resources and preventing pollution, but also for improving health and achieving economic sustainability. Some communities are requiring the use of green design techniques for largescale projects in an effort to offset the negative impacts of development on natural resources. Montclair's recent redevelopment plans include policies that promote and encourage the use of sustainable design and green building practices.

Economic Development

1. The vacancies in the commercial / downtown areas need to be addressed. Not only are these an eyesore, but they give the impression of a struggling community. Some specific recommendations are:
    a. Write and enforce ordinances that necessitate any vacant property in our business districts to be maintained in a way that is indistinguishable from occupied space. Require attractive window displays that are clean and welcoming and impose guidelines for how acceptable "For Rent" or "Space Available" announcement / signs should look.

   b. Implement an "Unoccupied Commercial Property Fee" that kicks in six months after a space becomes vacant and escalates every six months thereafter until the space is again occupied.

2. The Wayfinding System throughout Township needs to be improved, but especially in the business districts. Although the work that was done beginning in 2011 is a step in the right direction, Wayfinding information needs to be significantly larger, more obvious and also aimed at smoothly flowing people and vehicles through Township. Westfield and Summit were cited by the Montclair Center BID as good examples of successful wayfinding programs.
3. As the Township moves towards a more structured parking environment, a computerized wayfinding system that clearly directs vehicles to lots with available spaces should be developed. One of the most often cited reasons for not visiting Montclair is the "horrendous" parking situation. The ideal model to improve this situation are the digital signs used in modern, Western U.S. cities and those across Europe that direct vehicles to where available parking spaces may be found. These must be attractive and, if implemented successfully, will significantly reduce automobile traffic by reducing the number of vehicles circulating through business districts in search of parking.
4. Redevelopment workshops should be an ongoing process, not a one-time event. The Planning Board should revisit what has been done to date and initiate a new series of workshops going forward. Getting the community involved, gaining input and understanding is vital to successful economic development.
5. Subzones of the C-1 district, with even stricter limits on permitted uses and design standards, should be completed as previous efforts did not go far enough.
6. The proposed 1% for Public Art needs to be mandatory. Even if a given Redevelopment Plan does not have a use for the entire amount, an "Arts Funding Pot" could be created to put this money to use elsewhere throughout Township.
7. The Montclair Center BID states that building better bridges to Montclair State University is important as the University is almost completely absent from Downtown. The Board should explore policies and regulations that will make Montclair feel more like a college town.
8. The Township should support the Montclair Center BID in their effort to eliminate vacant spaces in the downtown area through a "Pop-up Trial Space" program for merchants interested in coming to the Township, but wanting to "test the waters" first.
9. Parking Fees should be varied by time of day to increase demand during slow times for merchants.
10. The Bloomfield Avenue corridor needs to be more pedestrian-friendly. Parts of it are unsightly, traffic moves very quickly, and in general, pedestrians appear to be an after-thought.
11. Create a business development strategy and strengthen the economic capacity for the area around the Bay Street station, including the nearby commercial areas on both Pine Street and Bloomfield Avenue.
12. As the Seymour Street Redevelopment Plan moves forward, the Township should work with the developer to ensure that a meaningful amount of the arts space (both Commercial and Residential) is affordable.
13. The Township should continue to explore opportunities to link together available parking in downtown with pedestrian walkways and a well thought-out, publicized and executed Shuttle Bus system which would be a boon for the downtown.
14. Continue to support public arts initiatives, such as a 1% funding requirement for public art.

15. Support the creation of business improvement districts where appropriate.

Traffic/Parking/Circulation

A draft Parking Management Plan was prepared by Nelson Nygaard in July 2016 (The Plan). The Plan recommended changes to the zoning ordinance that the Planning Board evaluates to be inconsistent with the goals of the Land Use/Circulation Element of the Township Master Plan. Opposition was expressed via formal resolution that was passed on September 26,2016 and forwarded to our Township Council. The three categories of concern are as follows:

Preservation of Residential Neighborhoods
Commitment to protect existing residential character and form in established neighborhoods is stated to be a major objective and one of the "five big ideas" of the Master Plan. Therefore, the Planning Board opposes both of the following recommendations:

1. That Resident Permit Parking (RPP) zones be "defined along voting-district boundaries within each Ward"
2. That "all streets designated as either Neighborhood Thoroughfare (NT) or Residential Street (RS) be eligible for RPP regulation, except those located within Transit Core, Township Center or Village Zoning districts"

Procedures to petition for overnight parking permits on residential streets already exist; however, eligibility is available only for residents who live on the affected streets. The significant change being proposed regards who decides and who parks on those streets. The Planning Board opposes the Plan's suggestion that residential streets become the location for assignment of commercial-district parking overspill.

Use-Based "Shared Parking:
The Master Plan endorses a "shared parking" concept in which the number of parking spaces needed is mathematically calculated based on the development's approved categories of users (number of dwelling units vs. space for offices retail and/or other) during different times of the day and on different days of the week. However, in contrast, The Plan recommends that our Board "Halve the current parking requirements" and also recommends that the Board "Convert previous minimum requirement to maximums." Therefore, the Planning Board opposes the Plan's recommendation that the Board reduce its "shared parking" requirement, which is based on research, by 50%; and also opposes the Plan's recommendation that the Board "convert minimums to maximums." Both recommendations lack sufficient support in The Plan.

Onsite Parking

Montclair is a fully-developed community that lacks off-site land that could serve as substitute locations. Therefore, the present Master Plan has established permitted bulk and heights that include accommodation for on-site parking.

Proposal to "build now and meet parking demands later" increases traffic congestion, negatively impacts quality of life and is a detriment to the financial well-being of our Township:

- Experiment in which our Township adopted an ordinance that allowed approval for large building additions without requirement to provide on-site parking had been previously unsuccessful (from1995-2000) and therefore, with unambiguous clarity, the 2006 Master Plan

Reexamination Report recommends: "Require on-site parking for large additions in the C-1 zone" (Recommendation #29)

- Parking decks cost millions of dollars to construct, maintain, and upgrade. The Township experience is that the Crescent and Bay Street decks (constructed by MPA from 2005 -2007) incurred $ 2.6 million in debt by the year 2011. The MPA was unable to fulfill its $ 1.369 million lease payments to the Township.

Therefore, the Planning Board opposes implementation of the proposed PILOP fee option which recommends that, via payment of a low, one-time payment in lieu of parking fee (PILOP); developers would be given the option to buy a 100% exemption from on-site parking. Said option is flawed in that it:

- Fails to identify off-site land resources on which to build Township provided parking decks
- Provides no timely link between generation of parking need and the availability of spaces
- Insufficiently documents what the financial costs to our Township will be.

It is essential that our Township continue to require that developers provide on-site parking to the fullest extent that they are able to provide it, not pay their way out of it. The unacceptable change is that the draft Parking Management Plan proposes that developers be given permission to offer on-site parking only to the extent that they want to provide it. The Planning Board urges that the proposed PILOP not be implemented unless the Council identifies a specific plan with the allocated land necessary on which to locate the required number of parking spaces (or build a structured parking deck); as well as provide a mechanism to manage a parking program.

Other recommendations related to traffic, parking and circulation include the following:

1. The Township should create a parking fund whereby applicants receiving parking deficiency variances pay a fee which will be used for parking improvements in the community.
2. Evaluate alternatives to a shuttle bus that are more financially viable.
3. Continue to support the installation of appropriate traffic calming devices in all commercial districts to improve mobility and pedestrian safety.

Parks and Recreation

A new Parks and Recreation element of the Master Plan should be prepared. Montclair Township's parks are being used at capacity. Recreational fields are in such demand that Community Services cannot plant new grass seed and allow it to grow at the appropriate times of the year. Parks are often cleaned and trees pruned and planted by the "Friends of" organizations and park conservancies because of limitations in the resources of the Community Services Department. The Parks Recreation and Cultural Affairs Advisory Committee has requested that the Planning Board closely evaluate the impact of future development on the use of Montclair's parks and open space, including an evaluation of both passive and active open space. The Committee has asked the Board to look closely at the impact of residential growth and development to the parks and open space resources in the 4th Ward where much of the development has taken place. Require a public open space component in all redevelopment plans.

Utilities

A new Utilities Plan element of the Master Plan should be prepared. This plan should include an evaluation of the capacity of the Township's water and sewer infrastructure to handle the demands of anticipated development. It should also evaluate the Township's ability to move towards a more resilient infrastructure system.

Development Regulations

The following ordinance changes are recommended:

1. Revise the zoning ordinance to eliminate the progressive zoning structure and implement the recommendations in the Unified Land Use and Circulation Plan.
2. Ordinance to protect stream corridors, flood hazard areas, wellhead protection areas and ridgelines/hilltops should be drafted.
3. Work with the Environmental Commission to evaluate the lighting ordinance to minimize light pollution and research noise ordinances to provide model language for local noise ordinance.
4. Establish requirements for larger developers to provide electric car charging stations and to provide alternative energy sources such as solar power.
5. Consider whether any amendments to the zoning ordinance are necessary concerning telecommunications infrastructure required for new technologies such as Wi-Fi.
6. Establish ordinances that provide additional design requirements to ensure quality design in new development.
7. Amend the subdivision and site plan ordinances to reference the New Jersey Site Improvement Standards.
8. Move the maximum story limit in the R1 and R2 zones out of the maximum height section.
9. Create an ordinance requiring developers to pay their fair share of off-tract infrastructure improvements that are necessary to accommodate their developments.
10. Review the need for an ordinance that would require preservation of bluestone sidewalks in the public right of way.
11. Add bicycle rack and locker design requirements to the ordinance.
12. Continue to revise zoning ordinances to reflect a more appropriate mix of uses and scale of buildings along Bloomfield Avenue.
13. Develop new regulations for trash dumpsters to lessen their visual impact.
14. Create an ordinance that would require display lighting in storefronts at night.
15. Create an ordinance for a 1% set aside for the arts program for new commercial development.
16. Amend the zoning ordinance to make community gardens a permitted use.
17. Establish maximum impervious coverage requirements for every zone.
18. Explore the possibility of establishing view corridors and buffer zones adjacent to historic districts to protect the district from inappropriate adjacent development.
19. Determine which municipal projects require Historic Preservation Commission review.

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5. RECOMMENDATIONS CONCERNING REDEVELOPMENT PLANS

The following Redevelopment Plans should be incorporated into the Land Use Element of the Master Plan:

Name	Date Adopted
Deteriorated Housing Project Redevelopment Plan	January 7. 2007
Elm/New and Mission Area Redevelopment Plan	March 11, 2008
Montclair Center Gateway Phase 2 Redevelopment Plan	October 4, 2011
Eastern Gateway Redevelopment Plan	July 9, 2013
HUMC/Mountainside Hospital Redevelopment Plan	July 26, 2016
Seymour Street Redevelopment Plan	September 6, 2016

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