

MASTER PLAN REEXAMINATION REPORT

2006

Prepared for the Montclair Township Planning Board

by

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Adopted on April 17, 2006



Department of Planning and Community Development

Montclair

INTRODUCTION

The State Municipal Land Use Law requires that municipalities reexamine their Master Plans every 6 years. The last Master Plan Reexamination Report was adopted on December 13, 1999. The State law stipulates the specific contents of a reexamination report; at a minimum, the report must include 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 and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", into the land use plan element of the municipal master plan, and recommended changes, if any in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Planning Board formed a subcommittee in Fall 2004 to work with the Township Planning Department staff to begin the reexamination and develop a process for public input. The subcommittee consisted of representatives of the Planning Board, Board of Adjustment, Historic Preservation Commission, Environmental Commission and Housing Commission. Each representative took on a topic, including general land use, housing, transportation/parking, economic development and the arts, the environment and historic preservation. Extensive public outreach was undertaken by each subgroup beginning late in 2004 and continuing through the summer of 2005. The objective was to gather input from various Township committees to assist in formulating new goals and recommendations. Draft sections of the Report were made available on the Township's website, in the public library and at the municipal building. Articles appeared in the Montclair Times. Informal public input sessions were held in the Fall, and a formal public hearing on the entire Report was held, after which the Report was adopted by the Planning Board.

Master Plan Reexamination Report Subcommittee

- John Wynn, Chair, Planning Board
- Joyce Michaelson, Deputy Mayor/Planning Board
- Rita Nadler, Planning Board
- William Harrison, Chair, Board of Adjustment
- Jerry Mosier/Edward Lippincott, Chairs, Historic Preservation Commission
- Daniel Nachman, Environmental Commission/Planning Board
- Helen Mazarakis, Housing Commission

The original of this document has been signed and sealed in accordance with Title 13, Chapter 41, the Rules and Regulations of the New Jersey Board of Professional Planners, by Karen A. Kadus, PP/AICP, License No. 3368.

OVERVIEW

This section provides a description of the Township’s population, housing and related characteristics utilizing US Census data, and a discussion of the land use issues facing Montclair at this time. Specific goals and objectives and recommended ordinance changes are covered in other sections of this Report.

The Township’s population had been decreasing between 1970 and 1990, from a high of 44,000 to a low of 37,487. Montclair experienced a slight gain in the last decade—our 2000 population totaled 38,658. The North Jersey Transportation Planning Authority (the federally authorized Metropolitan Planning Organization for the 13 county North Jersey region) estimates 2005 population at 39,440 and projects a 2015 population of 40,430.

Median age is increasing, from 36.2 years in 1980 to 37.5 years in 2000. The age groups experiencing increases in the last decade are the “under 19” group, from 23.3% in 1990 to 27.7% in 2000, and the “35 to 54” group, from 28.7% to 34.8%. The adult population represents the wage earners, mostly with children, who chose to locate here for the fine schools, parks and proximity to Newark and New York City. The rise in the child population continues to impact public and private school expansion decisions as well as day care availability. It also encouraged more kid-focused retail, educational and recreational uses to locate in our commercial areas.

Nearly 100,000 s.f. of space was added to Montclair’s public and private schools over the last 10 years, including additions to Montclair Kimberly Academy, Montclair High School and several public elementary schools. The Montclair Board of Education’s 2005-2009 Long Range Facilities Plan projects a school enrollment increase of 154. Additions are planned for Edgemont and Glenfield Schools in 2009-2010, and a new elementary school on Elm Street is proposed for 2008. The Rand School will be renovated for the Renaissance School when the Rand School moves to Elm Street. The additions will address current overcrowding, accommodate the projected increase in enrollment and accommodate special education needs.

Population segments experiencing losses include the 55 to 64 group, decreasing from 9% to 8.2%, the 65 to 84 group, dropping from 12.9% to 10%, and the over 85 group, dropping slightly from 2.4% to 2%. Several factors may contribute to these decreases in the older population, including high property taxes, high maintenance costs for large homes, climate and lifestyle preferences, personal health issues, and the lack of housing options in Montclair for seniors who need a health care component with their housing. In 2000, 34% of the over 65 population had a disability. While Montclair offers a few nursing homes, large-scale continuum of care facilities for both well and ailing seniors are not offered here but are available in Essex County and other parts of the State.

Table 1 Population, Race and Age

	1980	1990	2000
Total Population	38,321	37,487	38,658
Median Age	36.2	36.5	37.5
Under 19	9,574 (25.0%)	8,737 (23.3%)	10,707 (27.7%)
20 to 34	9,045 (23.6%)	9,080 (24.2%)	7,012 (18.1%)
35 to 54	9,085 (23.7%)	10,772 (28.7%)	13,435 (34.8%)
55 to 64	4,395 (11.5%)	3,371 (9.0%)	3,158 (8.2%)
65 to 84	5,528 (14.4%)	4,838 (12.9%)	3,879 (10.0%)
Over 85	694 (1.8%)	882 (2.4%)	786 (2.0%)
White	26,496 (69.1%)	24,713 (65.9%)	23,297 (59.8%)
Black	11,150 (29.0%)	11,697 (31.2%)	12,497 (32.1%)
Other	675 (1.7%)	1,319 (3.5%)	2,864 (7.4%)

Note: 1990 and 2000 total population figures are the revised figures issued by the US Census. Subcategories were not adjusted to equal revised total population figures.

Although Montclair offers four senior citizen developments, they are restricted to low income seniors and waiting lists are full. No age-restricted market rate developments are currently offered. As seniors move out of larger homes, young families move in, contributing to the rise in the middle-aged and child populations.

Montclair has been and continues to be a diverse community—one more reason why people chose it as a place to live. The white population decreased from 1980 through 2000 from 69.1% of the total population to 59.8%; the black population increased from 29% to 32.1% and the “other race” population increased from 1.7% to 7.4%.

Household size remained at about 2.5 persons per household. Female householders with children under 18 increased from 1,038 to 1,336. A new category appeared in the 2000 Census: the percentage of grandparents responsible for children.

Almost 30% of grandparents in Montclair fall into this category. There was also a substantial increase in the disabled population, aged 16 to 64, from 1,016 persons to 3,052 persons. These indicators point to a need for family housing – housing with 2 or more bedrooms for single parents with kids, as well as accessible units for persons with disabilities. New construction is often smaller one-bedroom types designed for young professionals and not suitable for mothers with young children. While new residential construction of 4 or more units must be accessible by code, most of our older multi-family buildings are not.

Our population is becoming increasingly wealthier and more educated. Median household income in 2000 was \$74,894. According to the Affordable Housing Strategy, 2004, prepared by Baird + Driskell, Montclair’s median household income in 2003 was estimated at just over \$84,000. When adjusted for inflation, income growth was

Table 2 Household characteristics

	1980	1990	2000
Household Size	2.6	2.52	2.53
Female householder with children	737	1,038	1,336
Disabled ages 16 to 64	NA	1,016	3,052
Widowed Divorced Separated Females	4,619	4,466	3,950
Widowed Divorced Separated Males	NA	1,590	1,464

Table 3 Income & Education

	1980	1990	2000
Median Family Income	\$30,635	\$65,842	\$96,252
Median Household Income	\$52,442	\$69,223	\$74,894
Per Capita Income	\$11,508	\$28,940	\$44,870
Percent Below Poverty	7%	6%	5.6%
Percent w/ college degree	40%	49%	57%

about 5% since 2000. It is estimated that in 2003, almost 40% of our population was low or moderate income. Income is projected to rise by about 2% by 2008. Growth is projected in two higher income brackets (\$100,000 to \$500,000 and \$500,000 and over) from 2000 to 2008. Low and moderate income households will decline as a percentage of all households. Individuals below the poverty level declined from 6% in 1990 to 5.6% in 2000.

If adjusted for living costs in the New York Metropolitan area, this figure would be higher. Thus, Montclair will be losing the economic and age diversity which distinguishes it from other metropolitan communities.

While in 1990, 49% of the population were college graduates, 57% were in 2000.

The distribution of occupations experienced small changes over the last 10 years. The percentage of residents in management and professional occupations rose from 51% to 58%. Sales and office occupations declined from 28.3% to 23.7%. Construction, extraction and maintenance occupations declined from 6% to 2.7%.

A majority of workers, 66.4%, still commute to their jobs by automobile, but that percentage decreased from 71% in 1990. Public transportation commuters increased from 19.22% to 22%. Of those, 8.6% take the train, 12.8% take

Table 7 Occupation

	1990	2000
Management, Professional	51%	58%
Service	10.1%	10.4%
Sales, Office	28.3%	23.7%
Construction, extraction, maintenance	6%	2.7%
Production, transportation, material moving	4.4%	4.9%
Farming, fishing, forestry	0.2%	0%
Drove vehicle to work	71%	66.4%
Public transportation to work	19.2%	22%
Train	NA	8.6%
Bus	NA	12.8%
Worked at home	NA	6.3%

our commercial and office areas either on its own site or in mixed use settings. Most multi-family housing is located at or near office and commercial zones. While there is usually something for everyone, a few housing types not offered include age-restricted market rate developments and assisted living facilities, probably due to the absence of tracts of land needed for large developments of this type. Also limited are affordable housing options which will be discussed below.

Montclair is almost fully developed. New housing units are added mostly through scattered site, infill development, demolition or redevelopment of existing structures. The total number of housing units rose from 15,069 in 1990 to 15,531 in 2000. This does not reflect the most recently-constructed housing developments including the Bellclair (70 units), Fullerton Green (17 units) and Pineridge at Montclair (48 units). Projects under construction include 103 condominiums at The Siena on Church Street, 19 townhouses on Harrison Avenue and 10 loft style units on Walnut Street. One hundred sixty three units have been approved in the Pine Street Redevelopment Area. A list of residential developments constructed or approved between 1998 and 2005 appears on page 19.

the bus. These figures do not reflect usage since Midtown Direct service was instituted.

In 2000, 6.3% of the workforce worked at home. Although no data is available for 1990, the number of inquiries about establishing home occupations indicates an increase over the last decade. This reflects a national trend—innovations in communication and technology enable us to work virtually anywhere.

Montclair’s residential properties range from grand estates to modest apartments. Housing units come in all sizes, shapes, prices and styles. They are located on quiet streets and on main streets. This variety appeals to a diverse population of singles, couples, families, seniors and persons with disabilities, and is what attracts many people to the community. Condominium and cooperative conversions have slowed since the mid-1980s boom. Apartment living is increasing in the central business district reflecting a national trend in downtown living near shopping, dining and entertainment venues. Several new multi-family developments have been constructed in or near the downtown. Our zoning ordinances have historically permitted residential units in

Table 4 Housing Occupancy

	1990	2000
Total Housing Units	15,069	15,531
Total Occupied Housing Units	14,518	15,020
Owner occupied units	8,108 (55.8%)	8,476 (56.4%)
Renter occupied units	6,410 (44.2%)	6,544 (43.6%)
Percent of occupied housing units in structure:		
Single-family detached	47%	47.6%
Two-family detached	13.9%	13%
Multi-family, 3 or more units	35.5%	37.5%
Vacancy rate	3.7%	3.3%
Houses with 5 or more bedrooms	2,970 (19.7%)	2,606 (16.8%)
Single-family attached	2%	2%

There has been an increase in the number of subdivision applications since 2001. It occurred primarily in the one-family zones where an existing house may have had excess land on one side. Subdivision approvals were scattered throughout the Township; no one particular neighborhood experienced more subdivisions than another. One significant major subdivision occurred in 2004—the historic Marlboro Inn, a small hotel, was demolished to create 10 building lots for new single-family homes on a new street. See the list of subdivisions on page 20.

The proportion of owner to renter-occupied housing remained constant. Although many consider Montclair to be a predominantly one-family community, single family detached homes account

for 47.6% of the total occupied housing stock. The number of housing units in two-family structures dropped from 13.9% to 13%; the number of housing units in multi-family structures increased from 35.5% to 37.5%. The vacancy rate dropped from 3.7% in 1990 to 3.3% in 2000, indicating a constricted housing market which keeps supply low and prices high. Although regional trends indicate that the total square footage of new one-family homes has increased over the last decade, the total number of houses in Montclair with 5 or more bedrooms dropped from 19.7% to 16.8%.

The size of new homes is attracting much attention in Montclair and the region. Communities are experiencing an increase in teardowns and replacement with expensive over-scaled homes which do not blend with the size and style of existing dwellings. Montclair is addressing this issue through amendments to height, setback and coverage ordinances.

Montclair’s housing stock is well known for its rich history and notable architecture. Not surprisingly, sixty-one percent of our housing stock was constructed prior to 1940. It is one reason why people with an appreciation of historic homes wish to live here. There are 6 residential districts listed on the State and National Registers of Historic Places. One residential neighborhood, the Pine Street historic district, received local designation in 2005.

Table 6 Housing Value

	1990	2000
Median Value of House	\$271,700	\$317,500
Median Contract Rent	\$670	\$810

Several indicators from the US Census may be used to determine substandard housing conditions, including the number of persons per room and the lack of complete plumbing and kitchen facilities. Overcrowding is defined as more than 1 person per room. This indicator increased from 2.1% to 3.2% in the last decade. This indicator is also used as a measure of affordability – more people must live in one housing unit in order to meet housing costs. The number of units lacking complete plumbing or kitchen facilities remained constant. It is important to note that the number of units lacking complete kitchen facilities may include rooming units legally permitted in Montclair. One or two roomers who do not have cooking or kitchen facilities and who pay rent to a family occupant are permitted.

As in several other metropolitan Newark/New York suburbs, Montclair’s housing values are high and have remained high since the mid-1990s. The median value of a house was \$317,500 in 2000; the median contract rent was \$810. A local realtor calculated an average sale price of \$616,823 during 2005. When coupled with high real estate taxes (2005 tax rate is \$5.09 per \$100 assessed value; assessment is at 55% of market value), the purchase of a single-family home in Montclair is often out of reach for a significant segment of the population. A low income family of 3 can afford a house price of \$137,600; a moderate income family could afford \$220,100 (Affordable Housing Strategy, 2004). State and federal regulations define affordable housing as housing that costs no more than 30% of household income. Some can easily pay a higher percentage towards housing, but those with limited incomes cannot.

Table 5 Housing Condition

	1990	2000
More than 1 person per room	297 (2.1%)	485 (3.2%)
Units lacking complete plumbing	40 (.3%)	50 (.3%)
Units lacking complete kitchen	154 (1%)	169 (1.1%)

Montclair's affordable housing inventory totals 602 units, including four age-restricted developments. Almost all were funded through federal or state grant and loan programs and are monitored for compliance by those agencies. Our inventory includes both rental and for-sale units. HOME Corp, an affordable housing developer in Montclair, has developed 49 of the 602 units since 1991. Not included are units rehabilitated through the Essex County Home Improvement Program (HIP), which offers rehabilitation grants to homeowners who rent to income qualifying tenants at affordable levels. The HIP program rehabilitated 30 units since 2000. Also not included are the 290 households assisted with their monthly rent through the HUD Section 8 Rental Assistance Program which Montclair has operated since 1976.

Land use issues facing Montclair are not all that different from those of older suburban communities in the metropolitan region that are densely developed with aging infrastructure and limited open space. Montclair's excellent school system, beautiful parks and trees, easy commute to New York City, historic architecture and distinctive shopping/dining draw people to live, work and visit. But this popularity causes a strain on traffic flow and parking capacity, accelerates land development and keeps housing costs high. The New Jersey State Development and Redevelopment Plan, a state-wide planning document which establishes policies and guidelines for land development, discussed again later in this Report, characterizes Montclair as a Planning Area 1, an older suburb where growth and development should be directed because there are roads, utilities, buildings and mass transit facilities already in place (as opposed to more rural areas in western New Jersey where development is discouraged to preserve open space and prevent sprawl). While from a regional perspective, this "smart growth" approach makes sense, it does pose some very real concerns on the local level. While older communities such as ours may offer convenient mass transit, public utilities, and walkable, mixed use neighborhoods, along with that comes aging infrastructure, limited open space, expensive housing, traffic congestion, strained parking capacity, and overcrowded schools. In a fully grown community such as Montclair, the challenge now is how to move forward without further exacerbating these problems.

At the close of 2005, Montclair's most pressing land use issues include:

- Balancing the need for tax ratables with the preservation of our quality of life.
- Parking capacity which often falls short of demand.
- Aging infrastructure struggling to accommodate increased development.
- Teardowns of existing buildings and new construction which does not always harmonize with the built environment – in scale, density and style.
- Scarcity of housing affordable to households of limited means.
- Loss of remaining open space and construction on environmentally-sensitive lands.

MAJOR PROBLEMS AND OBJECTIVES IN 1999 AND HOW THEY HAVE BEEN REDUCED OR INCREASED

Perhaps the most important land use issue facing Montclair at the time of the last Reexamination Report was the Montclair Connection, a new rail line linking the Montclair Branch with the Boonton Line. Its potential impact on an historic affordable residential neighborhood and on the larger community itself had been hotly debated for years. With the signing of a Settlement Agreement with New Jersey Transit in 1998, the Connection became a reality, and it would soon affect the housing market, the physical landscape and the quality of life of those residing along its path.

Another focus in 1999 was the redevelopment of deteriorated and underutilized properties. The central business district along Bloomfield Avenue was experiencing a lack of investment and the vitality it enjoys today. The Township had used the State Local Redevelopment and Housing Law in 1998 to target deteriorated vacant houses for redevelopment, and began researching the benefits of that same law to stimulate development of selected properties in the central business district, particularly the long vacant Hahne's Department Store, to help revitalize the district.

Other problems identified in 1999 included the lack of affordable housing, highlighted by the pending construction of the Montclair Connection rail link through an affordable neighborhood, and the lack of parking capacity in our business areas, particularly the Town Center.

This section combines parts A and B required pursuant to MLUL 40:55D-89.

General

1. Assess the value of a Community Design Element of the Master Plan to guide boards in their review of architectural finishes of buildings.

Regulation of building design had been a growing debate over the years preceding the 1999 Master Plan Re-examination and continues to some degree today. Under New Jersey law, the Planning and Zoning Boards have limited jurisdiction over the style, material and color of buildings they approve in a site plan or variance application, although they often request of applicants, and at times receive, certain aesthetic improvements or revisions to the proposed plan. The Historic Preservation Commission, however, does have jurisdiction over style and material when reviewing applications for building construction and renovation within the locally-designated historic district along Bloomfield Avenue. The Montclair Architectural Forum, an organization comprised of local architects, held a public forum on the pros and cons of architectural design review and discussed how much authority the planning and zoning boards have regarding design. To date, no Community Design Element has been prepared.

2. Explore legislation to broaden use of PILOTs (payments in lieu of taxes) for tax-exempt properties to lessen tax burden on property owners.

The number of tax exempt properties had been increasing prior to 1999. There was concern about the impact of tax exempt properties on the property tax base, and the fact that Montclair homeowners carry most of the burden. Some non-profits do pay the Township a payment in lieu of taxes, or PILOT, such as our senior citizen apartment buildings and HUD-subsidized apartment buildings. The Township has increased the use of such payments, particularly in its redevelopment areas. An examination of tax assessment records indicates that a total of 382 properties were tax exempt in 2001. That number increased to 385 in 2005. Tax exempt properties include public/private schools, public land, charitable, cemetery and miscellaneous properties. Specifically, charitable properties increased from 138 properties in 2001 to 142 properties in 2005.

3. Reexamine religious institution ordinance, specifically permitted accessory uses and parking requirements.

Two large house of worship variance applications heard in the 1990s stirred much emotion and debate about their impact on the residential neighborhoods in which they were located. Parking and traffic-generating accessory uses, such as day care centers which are permitted in religious institutions by ordinance, often cause spillover of vehicles onto streets, blocking driveways and occupying on-street parking spaces. Although the last reexamination report recommended that accessory uses within religious institutions provide on-site parking, the ordinances were not amended to require this.

4. Improve our outdated telecommunications system.

Since 2000, the Township, Board of Education and Library designed, constructed and implemented a township-wide private fiber network which supports both the data and voice infrastructure of all three agencies. This network allows us to share resources with minimal duplication of costs and future expenses. We have also implemented Voice over IP (VoIP) which replaces our traditional telephone system with computer systems and telephone apparatus operating in connection with the company data network. This VoIP system utilizes the Township's private fiber network as the backbone for communications among the Township offices, Board of Education and the Library.

The Township has secured new radio frequencies from the FCC to implement a digital trunking radio system known as a Digital Communications System. All Township departments will have the ability to communicate with each other at the operations level, especially during crisis situations or when Emergency Management is activated. The efficiency of operations and allocation of resources is therefore greatly improved. Command decisions during emergencies can be discussed over a secure radio talk group without interrupting line personnel or revealing strategies or decision-making below the command level.

In 2004, the Montclair Police and Fire Departments partially implemented a Reverse 911 communication system. Reverse 911 is a geographically-based calling system to provide public safety agencies the ability to quickly communicate with residents. The system programs telephone numbers to be automatically called to deliver pre-recorded messages. This capability to disseminate information in a rapid timeframe is critical in times of emergency.

5. Reexamine lot width requirements for subdivisions, considering lot size minimums and/or density for R1 Zones.

The Planning Board continues to review its ordinances in light of the current trend towards large scale home construction in our single-family zones. In 2005, lot size, width and depth requirements in the one and two-family residential zones were moved from the Subdivision of Land Ordinance to the Zoning Ordinance in order to make deviations from these requirements a variance (with a stricter burden of proof) rather than a waiver or exception under the municipal land use law.

6. Revise zoning definitions, site plan and subdivision ordinances.

See the list of ordinances adopted since 2000 on page 21. Most recent amendments have focused on reducing the sizes of new homes through height and story limitations, and the designation of local historic districts.

7. Rezone Urban Renewal land on Pine Street and Glenridge Avenue.

This parcel became part of a designated redevelopment area for which new zoning regulations were established as part of an adopted Redevelopment Plan.

Housing

8. Insufficient supply of affordable housing.

The completion of the Montclair Connection increased awareness of the need to maintain and create affordable housing as the surrounding residential neighborhood experienced rent increases and rising property values. In 2003, an affordable housing task force was formed which held a speak-out in January 2004 to solicit public input on the issue. A housing conference

was held in March 2004 which brought together citizens and experts in the field of affordable housing. A housing consultant, Baird + Driskell, was hired in 2003 to prepare an Affordable Housing Strategy which was adopted by the Township Council in the summer of 2004. It offers eight strategies for maintaining and creating affordable housing units over the next 10 years. In early 2005, the Montclair Housing Commission was formed by the Township Council to implement strategies in the 2004 plan. The Commission has identified public education and inclusionary zoning as its first priorities.

The New Jersey Council on Affordable Housing (COAH) released its third round affordable housing regulations in December 2004. Montclair received an extension of its substantive certification of its 1997 Housing Element and Fair Share Plan through December 2005. Montclair adopted a new Housing Element and Fair Share Plan to reflect COAH's latest allocation on October 24, 2005. In 2000, there were 517 affordable housing units (units with affordability controls in place). At the close of 2005, there are 602 affordable units.

The Township enacted a Developer's Fee Ordinance in 2003 requiring all developers to contribute a percentage of the equalized assessed value of their development to a fund to be used to create or maintain affordable units. In early 2005, the Township increased its developer's fee to the maximum permitted by COAH. As of October 1, 2005, approximately \$36,000 was collected; no money has been expended. This money will be used to implement the Township's Housing & Fair Share Plan.

The Township was permitted to retain surplus Section 8 housing assistance funds to be used for affordable housing efforts. Some of these funds were loaned to owners of properties within the Montclair Connection area to create five affordable rental apartments for a period of 15 years. These two buildings at 27 Grant Street and 43 Glenridge Avenue were purchased by the Township from New Jersey Transit and then sold with a stipulation that they include an affordable component. The surplus funds also paid for the Affordable Housing Strategy written by Baird + Driskell in summer of 2004.

A 48 unit senior citizen housing development was completed in 2002 at Pine Street and Glenridge Avenue known as Pineridge at Montclair through a \$5 million Section 202 capital advance from the US Department of Housing and Urban Development and an \$800,000 grant from the New Jersey Department of Community Affairs. In addition, the Township's grant-funded Neighborhood Rehabilitation Improvement Program rehabilitated 11 dwelling units since 2000 which are occupied by persons with low/moderate incomes for a specified length of time. Essex County's Housing Improvement Program (HIP) renovated 30 housing units through grants since 2000. HIP units remain affordable for 20 years.

HOME Corp, a nonprofit affordable housing developer in the Township, continues its mission since 1990 of rehabilitating housing for low and moderate income occupancy. A few years ago, it began constructing new market rate housing to provide funds for its affordable developments. HOME Corp developed 25 additional affordable housing units since 2000.

The Township continued its use of the State redevelopment statutes to identify vacant deteriorated houses, an effort began in 1997, to encourage property owners to bring derelict properties in compliance with the property maintenance codes. The Deteriorated Property Redevelopment Plan was amended in 2005 to require that before a property is condemned and sold for market development, it must first be evaluated for its potential as affordable housing.

The Township also required a 10% affordable component in two redevelopment projects—The Siena at the former Hahne's Department Store site and Montclair Metro at the Bay Street train station site—for a total of 27 units to be completed within 2 to 3 years. The Township will continue to require an affordable housing component in designated redevelopment areas.

The Township participated in a Community Outreach Partnership Center (COPC) grant with Montclair State University from 2001 through 2004. One focus of the COPC was affordable housing. The grant was used to fund seminars for potential homebuyers, teach home repair skills and credit education. The seminars were sponsored jointly by HOME Corp.

9. Continue Section 8 Federal Rent Subsidy Program.

The Township has continued its Section 8 program, assisting 290 households with their monthly rent. HUD has not expanded the program funding, and no new vouchers are currently being offered. Therefore, it is anticipated that the maximum number of households receiving rental assistance will remain at 290.

10. Provide replacement housing for Montclair Connection displaced residents/businesses.

In 1998, the Township and New Jersey Transit entered into a Settlement Agreement to end the litigation and allow the Montclair Connection rail link to proceed. Under the terms of the Agreement, New Jersey Transit assisted displaced property owners and tenants by providing federal and state law mandated relocation benefits, including the purchase of property at fair market value, assistance in finding new residences in Montclair, reimbursement of moving expenses and reimbursement of closing costs, last resort supplemental payments to resident homeowners for the purchase of comparable but more expensive homes in Montclair, if necessary, a 54 month rent supplement (legally required 42-month supplement augmented by NJT's agreement to a 12-month extension for those who continue to rent beyond the basic 42 month period) that could exceed the \$5,250 basic limitation for appropriate relocates, and an option to use the basic 42 month supplement as a lump sum down payment on a new home instead of continuing to rent.

In addition to the federal and state relocation program described above and the 12 month extension agreed to by NJT, NJT provided relocation/acquisition information seminars (including private briefings when requested by affected residents) by an independent consultant selected by Montclair, paid for by NJT, to advise owners/tenants of the relocation process and their rights under the relocation program.

The Township received special permission from HUD, the grantee of funds for the senior housing development at Glenridge Avenue and Pine Street known as Pineridge at Montclair, to give first priority to applicants who were displaced by the Montclair Connection. Such individuals, if qualified, were given first preference, followed by residents of Montclair. Some of the residents displaced by the Montclair Connection now reside at Pineridge at Montclair.

11. Continue housing rehabilitation programs.

Montclair has been the recipient of millions of dollars of grants/loans from County, State and Federal housing rehabilitation programs. Most recently, the Township received approximately \$1 million in grant funds from the New Jersey Department of Community Affairs, Neighborhood Rehabilitation Improvement Program (NRIP) to renovate 31 apartments for income-qualified households in the New Street/Mission Street area. The program operated from 1998 to 2002. Affordable rent restrictions on the units range from 7 to 10 years.

Essex County operates a Home Improvement Program (HIP) which provides grants for home improvements of dwelling units occupied by income-qualifying households. Since 2000, 30 dwelling units have been renovated through this program. Affordability controls are put in place for a period of 20 years.

12. Enter into Regional Contribution Agreements (RCA) to create more affordable housing.

The Township had negotiated an RCA with the Township of East Hanover in 2003. East Hanover was to transfer funding to Montclair to rehabilitate housing units in Montclair which would be subject to affordability controls. Due to the release in 2004 of COAH's third round methodology, East Hanover put the RCA agreement on hold in order to more closely examine the methodology used to determine its fair share obligation under COAH's new rules. The Township of West Orange has expressed an interest in negotiating an RCA with Montclair, whereby West Orange would transfer funds to Montclair for the creation of 35 to 40 units of affordable housing beginning in 2007. The Township will explore RCAs with other communities who wish to meet their third round obligation through this program.

13. Enact an assisted living ordinance.

This was a recommendation carried from the 1997 Housing Element and Fair Share Plan. In 1998, the Township enacted an ordinance creating definitions of senior housing and assisted living facilities, established parking requirements and conditional use ordinances for assisted living facilities in multi-family zones at densities higher than those permitted for multi-family dwellings. They further clarified that senior citizen housing is permitted in all multi-family zones, and deleted the ordinance permitting senior housing in one-family zones as a conditional use. To date, no assisted living facility has located in the Township.

14. Provide market rate senior housing.

Housing for well seniors was identified as a need in prior reports. There are no age-restricted housing developments available for those seniors wishing to scale down their living space. Consequently, they are relocating to towns offering suitable housing types. As of this date, there has been no age-restricted market rate housing built in the Township, although it is permitted by ordinance.

15. Provide housing for persons with disabilities.

Affordable housing for persons with disabilities was identified as a need in prior reports. Although permitted as multi-family housing in certain zones, there has been no new construction of housing development exclusively for persons with disabilities, although newly constructed multi-family buildings must provide handicapped-accessible units. HOME Corp renovated one residential apartment on Maple Avenue specifically for a handicapped resident in 2004.

16. Amend zoning ordinance to allow handicapped ramps/lifts.

In 2005, the zoning ordinance was amended to exclude handicapped lifts and ramps from building setback requirements.

17. Adopt zoning regulations for the property at the intersection of Pine Street and Glenridge Avenue.

In 2003, the Township adopted a Redevelopment Plan establishing zoning regulations for the new senior citizen housing development at this location.

Economic Development

18. Insufficient supply of parking, particularly in business areas.

Several parking lots in our business areas were refurbished and capacity was increased, including the Watchung station parking lot. The reconfiguration of Watchung Park resulted in additional curbside parking spaces as well. Parking capacity increased in the South Willow parking lot as a result of a new design. The Crescent parking deck was completed in November 2005, increasing the number of parking spaces on that site from 176 to 430. Also, a new 28 space parking plaza will be created in 2006 on a section of Greenwood Avenue adjacent to Crane Park to serve that business area.

In 2002, the Township created the Montclair Parking Authority, an independent entity governed by a seven member commission, which manages 14 municipal parking lots:

- Bay (a new deck is approved)
- Crescent
- Fullerton deck
- Maple
- Midtown
- Plymouth
- South Fullerton
- South Willow
- Valley
- Grant Street E

- Grant Street W
- Sherman Street E
- Sherman Street W
- Orange

One of the first projects transferred to the Authority was the construction of a multi-level parking structure at The Crescent parking lot between South Fullerton Avenue and South Park Street. The structure contains 430 parking spaces and was completed in November 2005. The MPA manages the 78 parking spaces on the ground level of the new Orange Road parking deck and as well as the new 262 space Bay Street commuter parking deck scheduled to begin construction in 2006.

19. Speeding vehicles in business districts and on residential through streets.

The Police Department's traffic bureau has substantially increased its efforts to address speeding, particularly in the last year. Speed surveys are taken in trouble zones with the use of speed sentry boxes to collect speed data and large speed monitoring trailers which clock speeds of passing drivers. The Police also use covert radar operations such as unmarked cars, laser guns and radar traps. Vehicle stop checkpoints are also used to slow traffic. Two new motorcycles were purchased equipped with radar; a third was delivered in 2005. Every new police vehicle is now equipped with radar units mounted in the vehicle.

20. Reconfigure Watchung Avenue/Park Street intersection.

In response to safety concerns at this intersection, a warrant study was conducted to determine whether a traffic light was needed. The 2000 study found that one was not. An improvement project was initiated in early 2001. The design phase included numerous meetings with business owners and briefings with the Township Council. The design included several key features, including bump outs at the curbs to narrow the pedestrian crossing path. Another feature of the project was an extension of the island park, reducing a large expanse of pavement that created confusion for motorists. This park expansion also facilitated an increase in the number of on-street parking spaces, addressing a frequent complaint of area business owners. The project also included street and sidewalk improvements to Watchung Avenue, North Fullerton Avenue and Fairfield Street. Construction was completed in 2002.

According to police statistics, there were 19 accidents at the intersections of Watchung Avenue, Watchung Plaza and Park Street between April 2000 and March 2002 (before construction) and 16 accidents from August 2002 to July 2004. Concern about safety continues.

21. Create pedestrian friendly intersections.

Bumpouts were added to Watchung Plaza, Valley Road/Van Vleck Street and a section of Bloomfield Avenue to narrow the street width for pedestrian crossings. At a bump-out, the curb is extended into the parking lane to shorten the pedestrian crossing path. Bump-outs are also considered a "traffic calming" device, as they physically and visually narrow the roadway which cues motorists to slow down. Pedestrian crosswalks were enhanced with brick pavers at Bellevue and Valley, and "yield to pedestrian" signs were placed in this business district as well as others. Pedestrian and bicycle accident data is analyzed on a regular basis to determine which intersections need improvement.

22. Explore alternative transportation methods such as shuttle buses.

The Farmer's Market received a Community Development Block Grant to operate a shuttle bus to transport shoppers to the market on Saturday mornings. The shuttle ran for 1 year. Shopper shuttles have been explored but never instituted. There is some interest by Montclair State University to establish a shuttle bus service with the Montclair Economic Development Commission to bring students and teachers downtown, and to bring residents to the University's many events. Since February 2003, a shuttle bus provided by New Jersey Transit transports commuters to the Bay Street train station. A Bicycle and Pedestrian Action Plan has been completed and recommendations were made to the Township Council.

23. Market the Town Center as an arts and entertainment district.

A Montclair Arts Plan was completed in 2001 which established goals for marketing, facilities, education, public support, technology and employment and recommended actions and programs. The Township Council recognized the value of arts in the economic development of Montclair, and established an interim Arts Council in 2004 and a permanent Council in 2005. Goals include the advancement of the 2001 Montclair Arts Plan, the advocacy and support of individual artists and art organizations, and the enhancement of economic development through the arts. Under the direction of the Arts Council, public art was installed at the new Crescent Parking Deck. The Council hired a full-time director in January. The Arts Council will manage the selection of public art in our Town Center redevelopment areas.

24. Revitalize the Town Center.

The Township embarked on several major initiatives to revitalize the Town Center, including the creation of a business improvement district and a municipal parking authority, and the designation of several redevelopment areas and an historic district.

In 2001, the Montclair Economic Development Corporation (MEDC) retained The Atlantic Group, a consulting firm, to organize a Business Improvement District (BID) which would address such issues as safety, beautification and marketing. The Township enacted an ordinance creating the Montclair Center BID in 2002. The BID's original focus was on general cleanup, code enforcement and loitering. The BID retained a cleanup crew as an initial step to supplement cleanup by the Township. Emphasis was placed on cleaning street tree pits and eliminating graffiti. More recently the BID has focused on attracting tenants to specific available spaces. One example is the many restaurants locating farther east on Bloomfield Avenue and thus encouraging more pedestrian traffic along and below the slope. The BID is also focusing its efforts on physical improvements to the district, including creation of a public space in the center of the shopping district, enhanced vias or connectors to parking areas, enhancement of the 6 corners intersection of Bloomfield/Fullerton/Church/Glenridge and increased parking capacity at parking areas.

The Township has utilized the New Jersey Local Redevelopment and Housing Law (LRHL) since 2000 to designate properties within the Town Center as areas in need of redevelopment. Underutilized deteriorating properties in key locations along and near Bloomfield Avenue were selected for redevelopment with the following 6 goals: stimulate private investment, increase parking capacity, create more affordable housing, create open space/public art locations, renovate deteriorated properties and attract quality businesses. They include:

- Hahne's/The Crescent: Contains the former Hahne's Department Store and parking area as well as a municipal parking lot. The properties will be developed with a new municipal parking deck, and a 7 story mixed commercial/residential building known as The Siena. Ten percent of the housing units will be affordable. Pursuant to a redevelopment plan, the former Hahne's parking area on the north side of Church Street may be developed with a hotel, mixed use building and/or parking area.
- Orange Road: Contains the recently completed parking deck, the ground floor of which contains 78 public parking spaces and the upper floors will contain spaces for Montclair Auto Group vehicles.
- Bay Street Train Station: Contains a 48-unit senior citizen housing development and a municipal fire headquarters completed in last 2 years. Redevelopment plan permits 163 housing units with a 10% affordable component, a commuter parking deck for at least 262 vehicles and a day care center.
- Elm Street/Mission Street/Bloomfield Avenue: Redevelopment Plan in progress.
- Glenridge Avenue: Redevelopment Plan in progress.
- Maple Plaza/Bloomfield Ave/Valley Rd: Redevelopment plan in progress.

In 2002, the Township designated a portion of the Town Center as a local historic district. All building construction and renovation is strictly reviewed and regulated by the Historic Preservation Commission. The district was expanded in 2004, and another expansion eastward was approved in 2005. The boundaries now extend along Bloomfield Avenue from Maple Avenue to Valley Road.

25. Redesign unattractive streetscapes.

Numerous streetscape projects have been undertaken since 2000, including Bloomfield Avenue, Glenridge Avenue, Valley Road and Bellevue Avenue, Valley South, Walnut Street and Orange Road. New brick paver sidewalks, crosswalks, trees and lighting are included in streetscape designs. South Park Street is scheduled for a redesign but is awaiting completion of the Siena on Park and Church Streets.

The Township has operated a commercial façade improvement program for approximately 10 years along Bloomfield Avenue in the central business district. The eligible area has recently been extended to include businesses along the easterly portion of Glenridge Avenue. The program, known as the Commercial Economic Revitalization Program (CERP), is funded through the Community Development Block Grant (CDBG) program. Grants fund up to half the cost of the improvements.

26. Install art in public spaces.

Public art has been installed at Crane Park on Glenridge Avenue, and in a triangular park at the intersection of Valley Road and Northview Avenue. It is also a required element in several redevelopment areas, including Hahne's/The Crescent, Orange Road and the Bay Street Train Station redevelopment areas. Redevelopers are required to incorporate a public art component into their redevelopment projects. Public art will also be included as a requirement in the redevelopment plans prepared for several redevelopment areas in the Town Center, including Elm Street and Glenridge Avenue. The selection and installation of public art will be a major initiative of the new Arts Council.

27. Install theme parking signage.

In 2000, a committee was formed to prepare a way-finding signage system to better direct visitors, particularly in our central business district, to parking and attractions. A consultant was identified but never retained, and the project was dropped. A new committee was formed by the MEDC, and a consultant retained, to do preliminary work on a signage system. Funds have been appropriated in the municipal capital budget for the planning of locations and designs for the sign program.

28. Create a town-wide economic development plan.

The Township has not prepared a town-wide plan.

29. Require on-site parking for large additions in the C1 Zone.

In 1995, the zoning ordinance had been amended to permit building additions in the C1 Zone without the provision of on-site parking, recognizing that most properties could not accommodate parking due to their size and building coverage. A few large building additions were approved without parking pursuant to the ordinance, and the Township realized that large additions could have a significant impact on municipal parking resources if no private parking was provided for that building. Therefore, the Township amended the ordinance in 2000 to require the provision of on-site parking whenever a new addition exceeding 15% of the total floor area of the building is constructed.

30. Create a fund for parking improvements.

The Township funds parking improvements through Community Development Block Grants (CDBG) in eligible areas, NJDOT funds and municipal capital funds. The Planning Board had recommended that a parking improvement fund be established by ordinance whereby applicants who receive variances for insufficient on-site parking would be required to contribute to a fund for parking improvements in the Township. No ordinance has been adopted to date.

31. Create a fund for public infrastructure improvements generated by private developments.

Infrastructure improvements are funded through the CDBG program in eligible areas, DOT funds and municipal capital funds. Developers of major projects are requested to contribute their fair share to any infrastructure upgrades necessitated by their development. The Township has not adopted an ordinance creating an infrastructure fund.

32. Remove municipal staff parking from Valley Road municipal lot.

For many years, the municipal staff has been occupying parking spaces in the Valley Road municipal parking lot because there is no on-site parking available at the Public Safety Building which houses court and police (and until Spring 2004 the fire headquarters). To reduce dependence on the Valley Road lot, the Township acquired a lot for municipal staff parking directly behind the Public Safety Building. There remain two additional properties behind the Public Safety Building that were not acquired. Funds for acquisition are included in the Township's capital budget. The acquisition of these two remaining properties will free up the Valley Road lot for shopper parking.

33. Adjust parking meter times to accommodate long-term parkers.

Visitors to the business districts needed longer meter times for shopping, dining and theater parking. Three hour meters were provided in sections of two municipal parking lots: The Crescent and Bellevue. In 2005, the Township allowed a "5 minute grace period" to allow drivers extra time to return to their vehicles.

34. Adopt development regulations for the Bay Street train station site.

The Township enacted an ordinance adopting the Bay Street Train Station Redevelopment Plan, Phases I and II, in 2000 and 2001, and amended the Bay Street Plan Phase II in 2002 and 2004. These Plans establish development regulations for the land along Pine Street between Glenridge Avenue and Bloomfield Avenue on the east side.

Environment

35. Take an inventory of our open space.

The Environmental Advisory Committee became a statutory commission in 2001. It completed an Environmental Resource Inventory in 2004 which will form the basis of a Conservation Plan Element to be prepared by the Commission and the Planning Board. According to the ERI, forests comprise 5.4% of our land area. No new open space has been added to our inventory since 2000.

In 2003, the Township Council adopted a Sustainable Montclair Planning Guide which provides a roadmap to the Township to improve environmental and public health, reduce municipal capital and operating costs and realize quality of life benefits. Issues covered by the Guide include energy efficiency/green energy, transportation, building construction, purchasing, solid waste and recycling, water resources, stormwater/pesticide and chemical management and brownfields inventory and redevelopment.

36. Prepare a stormwater management plan and ordinances.

With the release of NJDEP's stormwater rules in January 2004, each municipality must enact an ordinance adopting these standards for non-residential development. They are effective for residential developments by incorporation into the New Jersey Residential Site Improvement Standards. In 2005, the Township prepared a Stormwater Management Plan and a Stormwater Pollution Prevention Plan that became elements of the Master Plan when they were adopted in April 2005.

37. Enact a tree preservation ordinance.

In 2006, the Township will hire a certified tree expert to prepare a comprehensive Forestry Plan to bring the Township into compliance with the New Jersey Shade Tree and Community Forestry Act. The Forestry Plan will identify the need for tree preservation ordinances for Planning Board review and adoption by the Township Council.

38. Complete an inventory of street trees.

The Township is preparing a forestry plan, including a shade tree inventory, for submission to the State early in 2006. When accepted, Montclair will be eligible for priority grant funds. An inventory is also helpful in long-range planning.

The Township performs a yearly tree survey for hazard assessment purposes. There are approximately 40,000 street trees in Montclair.

Each year, the Montclair Garden Club completes a comprehensive street tree inventory in and around our business districts. These trees represent about one-third of the Township's street tree inventory.

39. Begin a public education program on recycling and stream protection.

Since 2000, the Township created a staff position of Environmental Coordinator and a Department of Code Enforcement and Environmental Affairs. One of the responsibilities of the Coordinator is to provide information to residents, schools, businesses and municipal offices on various municipal environmental issues such as recycling, waste prevention, stormwater management (protecting local waterways), energy efficiency, renewable energy use, and sustainability. The outreach campaigns have included recycling and stormwater updates, press releases, newspaper articles, website postings, and special events such as the now bi-annual Computer Recycling Day, at which time any consumer electronics can be dropped off for refurbishing or recycling, and last year's public watershed workshop entitled We All Live Downstream.

40. Create a citizens conservancy for tree maintenance.

A conservancy has not been established.

41. The Township should expand collection of recyclable material types to increase tonnage, i.e., grass clippings and more frequent pick up of mixed paper.

In addition to increasing mixed paper recycling collection from monthly to weekly, we have initiated an increase in the enforcement of recycling ordinances, specifically with multi-family dwellings. Expanding mixed-paper collection saves the Township approximately \$74 per ton in tipping fees at the Essex County Utilities Authority and generates \$35 per ton in revenue. Also, in 2004, the Township eliminated the set-out/set-back refuse collection system which was a deterrent to recycling participation. Rear yard pickup is now offered for a fee on a limited basis. The recycling tonnage has increased since 2000, from 5,765 tons of household recyclables (including approximately 400 tons of mixed paper from the US Post Office) to 5,807 tons in 2004 (without US Post Office collection). Since 2000, refuse tonnage has not significantly increased. Refuse tonnage has increased from 14,913 in 2000 to 14,940 in 2004, a difference of 27 tons which is equivalent to less than 2 truckloads.

Historic Preservation

42. Review and comment on grant applications impacting historic buildings.

All grant applications for building construction or renovation in the Neighborhood Rehabilitation Improvement Program (NRIP) received Section 106 review by the Historic Preservation Commission. Section 106 reviews are also conducted on all Community Development Block Grant (CDBG) applications involving renovation/construction. Municipal street improvements (resurfacing, curbing, lighting) require Section 106 reviews when state or federal grant funds are used.

43. Review and comment on new Bay Street train station and redevelopment area.

The Historic Preservation Commission reviewed and commented on the site plans for the senior citizen apartment building, fire headquarters, commuter parking deck, day care center and apartment building.

44 Survey and document significant commercial and public buildings.

A Cultural Resources Survey of the central business district was completed by a preservation consultant in December 1999. With the signing of the Montclair Connection Settlement Agreement between the Township and New Jersey Transit, the Pine

Street Historic District was documented and listed on the State and National Registers of Historic Places. Data was recently updated in Spring 2005 in anticipation of its nomination as a local district. Most recently, an update of the original 1982 surveys for several State and National residential districts was completed. There is also some discussion with the Upper Montclair Business Association to explore historic designation of that shopping area, and research on buildings in the area has begun.

45. Draft design guidelines for historic buildings and infill construction in business districts.

No specific guidelines have been drafted for Montclair buildings. The Township follows the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. General design criteria for new construction is outlined in the zoning ordinance.

46. Monitor NJT progress before the New Jersey Sites Council to ensure compliance with regulations of demolitions of historic structures.

The Township employed a Montclair Connection Coordinator who monitored the demolition of the structures as well as the relocation of residents and businesses from the area.

47 Offer advice to property owners wishing to make renovations to their properties.

The Historic Preservation Commission and its individual members are available for informal reviews of building renovations or new construction by request of the owner.

48. Prepare new Historic Preservation Element which analyzes and documents historic commercial and public properties.

A new Historic Preservation Element has not been prepared.

49. Draft a new Historic Preservation ordinance.

A new historic preservation ordinance has not been drafted.

50. Explore local designation to improve visual image and eliminate inappropriate alterations.

In 2002, the Township enacted its first local historic district—the Town Center—located primarily along Bloomfield Avenue and certain side streets. In 2003 and again in 2005, the district was expanded to Valley Road to the west and to Maple Avenue to the east. The Township designated the Pine Street historic district in 2005.

Transportation, Circulation and Parking

51. Create more pedestrian friendly shopping environments.

Improved pedestrian circulation is a major element of all streetscape designs for the business districts. Accident data is analyzed to determine which traffic-calming devices should be implemented.

52. Accommodate long-term parkers.

See #33.

53. Expand parking opportunities for shoppers.

See #18 and #32.

54. Install traffic calming devices.

Bumpouts have been used in several street designs, as are Yield to Pedestrian signs. Speed bumps are used less frequently. All requests for methods to slow traffic requires the support of a majority of residents of the street for traffic calming devices

other than signage. The Township Engineer prepared guidelines for neighborhood traffic calming in 2003 which are used to assess each request.

55. Establish variable parking meter times.

See #33.

56. Establish shuttle bus service for rail commuters and shoppers.

In February 2003, the Township established a commuter shuttle bus service to transport commuters to the Bay Street train station. The bus and initial operating money was supplied by New Jersey Transit. No shuttle service has been established for shoppers at this time.

57. Continue the Farmer's Market shuttle bus service.

See #22.

58. Acquire land behind Public Safety building for municipal employee parking.

See #32.

59. Establish a parking improvement fund.

See #30.

60. Require large additions to buildings in C1 zone to provide on-site parking.

See #29.

**RESIDENTIAL DEVELOPMENT APPLICATIONS
APPROVED SINCE JANUARY 1998**

Year Approved	Address	Description
1998	218 Bloomfield Avenue	8 dwelling units/commercial
	148 Valley Road	3 dwelling units
1999	420 Bloomfield Avenue	4 dwelling units/commercial
	52-54 Fairfield Street	2 dwelling units/commercial
	149-151 Valley Road	4 dwelling units/commercial
2000	Bloomfield Ave/Bell Street	70 dwelling units
	66 South Fullerton Avenue	15 townhouses/3 dw.units
	204 Bloomfield Avenue	4 dwelling units
	176 Bellevue Avenue	3 dwelling units/3 townhouses
2001	51 Greenwood Avenue	8 dwelling units/2 dwelling units
	120 Walnut Street	2 dwelling units/commercial
	60 Glenridge Avenue	48 dwelling units
2002	145 Valley Road	4 dwelling units/commercial
	16 Montclair Avenue	2 dwelling units
2003	Walnut Street	10 dwelling units
	Harrison Avenue	19 townhouses
	8 South Mountain Avenue	4 townhouses
	51 Greenwood Avenue	2 dwelling units
2004	48 Plymouth Street	1 dwelling unit
	56 Church Street	103 dwelling units/commercial
	201 Bellevue Avenue	3 dwelling units/commercial
	184 Bellevue Avenue	2 dwelling units
2005	Pine Street	163 dwelling units/day care

Note: Does not include residential subdivisions.

Information current as of July 19, 2005.

SUBDIVISIONS CREATING NEW BUILDING LOTS 1995 to 2005

Year	Address	# New Lots
1995	89-91 High Street	1
1996	18 Heller Drive	1
	7 Seneca Place	1
	226 Highland Avenue	1
1997	242-246 North Fullerton Avenue	2
	44 Warfield Street	1
1998	69 Alexander Avenue	1
	Stonebridge Road/Wilfred Street	4
1999	132 Lorraine Avenue	1
2000	24 Talbot Street	1
2001	61-63 North Mountain Avenue	2
	86 Clinton Avenue	1
	36 Gray Street	1
2002	Virginia Ave/Nishuane Road	1
	386 Park Street	1
	101 Gordonhurst Avenue	1
	117 Willowdale Avenue	1
	130-132 Squire Hill Road	1
2003	70 Yantacaw Brook Road	1
	21 Wheeler Street	1
	35 Norman Road	1
	51-53 Greenwood Avenue	1
	483 Valley Road	1
2004	334 Grove Street	10
2005	86 Midland Avenue	1
	7 Seneca Place (same as 1996)	1
	TOTAL	40

Information current as of July 19, 2005.

ORDINANCE AMENDMENTS 2000 to 2005

Ordinance #	Subject
00-03	Adopted Bay Street Redevelopment Plan Phase I
00-45	Required off-street parking for large additions in C1 Zone
00-51	Added 104 Essex Ave to Deteriorated Property Redevelopment Plan
00-64	Added 16 Cross Street to Deteriorated Property Redevelopment Plan
01-41	Added 25 Linden Ave, 46 No. Willow St, 6 Washington St 237 No. Fullerton Ave to Deteriorated Property Redevelopment Plan
01-43	Required public notice for minor subdivision applications
01-45	Adopted Bay Street Redevelopment Plan Phase II
01-46	Changed Montclair Environmental Advisory Committee To a Commission
02-04	Created Montclair Business Improvement District (BID)
02-06	Adopted Orange Road Redevelopment Plan
02-12	Amended Bay Street Redevelopment Plan Phase II
02-13	Adopted Hahne's/Crescent Redevelopment Plan
02-51	Created Montclair Parking Authority
02-52	Permitted gravel parking areas for one/two family houses Clarified height of telecommunication antennae Clarified average front yard setback calculation Revised minimum side yard setback for accessory structures Created definitions of accessory building, professional office, Through lot, flag lot, top plate or wall plate, yard Clarified fence setback
02-38	Designated Town Center Historic District
02-43	Created developer's fee for affordable housing
02-44	Designated Crawford Crews property as historic landmark
03-6	Adopted Montclair Community Hospital Redevelopment Plan
03-7	Adjusted developer's fee and exemptions
03-48	Adopted Pine Street Rehabilitation Plan
03-49	Amended Hahne's/Crescent Redevelopment Plan
03-47	Expanded Town Center Historic District
04-05	Created tax abatement program for Pine Street area
04-36	Amended Montclair Community Hospital Plan

Ordinance #	Subject
04-51	Amended Bay Street Redevelopment Plan Phase II
05-06	Increased developer's fee for affordable housing
05-27	Added 31 Madison Ave, 21 Franklin Ave, 22 Pleasant Ave to Deteriorated Property Redevelopment Plan
05-32	Expanded OR3 zone along a portion of No. Fullerton Ave
05-34	Changed height measurement calculation Amended site development and structure definitions Increased escrow fees Reduced accessory structure coverage Added story limit to maximum height requirement in one and Two-family Zones Added minimum setback for driveways Clarified sign coverage in window area
05-02	Rezoned 1 Willard Place and 603 Grove Street
05-13	Expansion of Town Center Historic District
05-59	Designated Pine Street Historic District
05-60	Excluded handicapped ramps/lifts from setback req. Increased height of principal structures in multi-family zones Added definition of a basement
05-61	Moved minimum lot width requirement to the zoning ordinance
05-63	Clarified minimum site yard setbacks for residential additions

Information current as of January 10, 2006

GENERAL LAND USE

Goals

- 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.
- 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.
- 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.
- Direct new development to conform to the objective of preserving and increasing open space.

Recommendations

- 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.
- Analyze the capacity of our infrastructure to determine the level of development it can reasonable accommodate.
- 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.
- 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.
- Assess the value of a Community Design Element of the Master Plan to guide boards in their review of architectural finishes of buildings.
- Consider an ordinance permitting Bed & Breakfast establishments in certain zones.
- Consider whether any amendments to the zoning ordinance are necessary concerning telecommunications infrastructure required for new technologies such as wi-fi.

New Master Plan

- 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.
- 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.
- 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.

Ordinance Changes

- Establish maximum impervious surface coverage and building coverage requirements in residential zones.
- Redraft zoning regulations for multifamily zones and include specific requirements for townhouse style developments.
- Create an ordinance requiring developers to pay their fair share of off-tract infrastructure improvements that are necessary to accommodate their developments.

HOUSING

Goals

- 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.
- 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.
- 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.
- 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.

Recommendations

- 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.
- 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.
- Maintain the developer's fees for affordable housing at maximum levels permitted by COAH.
- 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.
- 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.
- Continue to require an affordable component in all housing developments constructed or rehabilitated in designated redevelopment areas.
- 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.
- Identify sites for assisted living facilities for elderly who need a health care component with housing.
- 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.
- Evaluate and implement the strategies included in the Affordable Housing Strategy, 2004.
- Enter into one or more Regional Contribution Agreements through COAH to construct or rehabilitate affordable housing with funding from one or more municipalities.

- 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.
- Reexamine density and bulk requirements for residential development and adjust to insure that new construction is harmonious with existing development patterns.

New Master Plan

- 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.

New Ordinances

- Consider the implementation of an inclusionary zoning ordinance to help the Township meet its fair share of affordable housing pursuant to COAH guidelines.
- Create height, setback, coverage and density standards for townhouse style dwellings.
- Amend the subdivision and site plan ordinances to reference the New Jersey Residential Site Improvement Standards.
- Develop maximum building coverages in the one and two-family zones; establish new minimum setback requirements.
- Move the maximum story limit in the R1 and R2 zones out of the maximum height section.

HISTORIC PRESERVATION

Goals

- Preserve the rich architectural heritage of the Township—one of the defining characteristics of the community. Few communities offer such a variety of architectural styles. Recognize the value of our built environment which represents Montclair’s rich and varied history.
- Educate the public on the importance of historic preservation for Montclair. Demonstrate the benefits of preservation to residents, business owners and property owners.

Recommendations

- 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.
- 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.
- 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.
- 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.
- 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 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.
- 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.

New Master Plan

- 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.

New Ordinances

- Require the applicant or its representative to appear at the time of the review of a certificate of appropriateness application before the Commission.
- Review the need for an ordinance which would require preservation of bluestone sidewalks in the public right-of-way.

TRANSPORTATION/PARKING/TRAFFIC

GOALS

- 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.
- 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.
- 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.
- 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.
- 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.

RECOMMENDATIONS

- 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.
- 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.
- Create more parking spaces for persons with disabilities at all public facilities and within all commercial districts, either on or off street.
- Install bicycle racks and lockers at each public building, public transit facility and in each commercial district.
- 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.
- 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.
- 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.
- 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.

- Make parking regulations clear in all municipal parking lots through better identification of meters by time limitations and informational signage.
- Complete the way-finding (signage) study already in progress to better identify the location of municipal parking and major facilities.
- Encourage adherence to speed and other traffic laws and improve safety by employing traffic calming devices, such as speed humps and chokers.
- Prohibit all-day commuter parking on streets where off-street/deck parking is available.
- 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.
- 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.
- Provide safe drop off areas at municipal recreation facilities and enforce no parking safety zones at intersections and driveways.
- In the commuter lots, create long-term non-permit parking spaces for occasional day commuters.
- 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.
- 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.
- Create a parking fund whereby applicants receiving parking deficiency variances pay a fee which will be used for parking improvements in the community.
- Investigate a "Zip Car Program" which provides environmentally-friendly car sharing for occasional use.
- Codify guidelines for neighborhood traffic calming requests for consistency of responses.

NEW MASTER PLAN

- 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.

NEW ORDINANCES

- 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.
- Change the provision of the existing conditional use ordinances for schools, museums and houses of worship to require that the minimum street width refers to the street on which the vehicular access is located.
- Add bicycle rack and locker design requirements to the site plan ordinance.
- Add language to the loading zone ordinances to define permitted and prohibited uses and effective hours.
- Add and delete ordinances for loading zones as needed.
- Establish appropriate ordinances to implement recommendations in the Comprehensive Access Plan and the Bike and Pedestrian Study, subject to financial and engineering feasibility.

ECONOMIC DEVELOPMENT AND THE ARTS

Goals

- 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.
- 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 interprises.
- 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.

Recommendations

- 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.
- Require semi-permanent barriers around public sidewalk dining areas to maintain unobstructed pedestrian passageways.
- Consider the benefits of NJDOT/NJT Transit Village designation that would include the Walnut and Glenridge commercial districts.
- Assess the benefits of creating new Business Improvement Districts (BID).
- 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.
- Install appropriate traffic calming devices in all commercial districts as part of an overall street improvement when necessary.
- Determine optimum capacity of municipal parking lots while providing appropriate buffers for adjoining properties.
- Begin a shuttle bus route between MSU and all commercial districts.
- Improve traffic and pedestrian circulation by implementing a way-finding signage system.
- 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.
- 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.

- Create a business development strategy and strengthen economic capacity for the Bay Street redevelopment area.
- Develop public open space in the central business district.
- Develop new regulations for trash dumpsters to lessen their visual impact.
- Explore the idea of enlarging the center area of the C1 Zone to increase pedestrian activity.
- Explore the idea of a subzone of the center area of the C1 Zone with even stricter limits on permitted uses and design standards.
- 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.
- 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.
- Identify usable performance venues for increased programming.
- With significant community involvement, identify and facilitate arts programming for underserved constituencies.
- Explore a voluntary or mandatory 1% for the arts program whereby art is included in every new commercial development.

New Master Plan

- 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.

New Ordinances

- 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.
- Include automobile repair and body work as a conditional use in the C2 Zone.
- Revise the public sidewalk dining ordinance to require semi-permanent physical barriers around the seating areas.
- Permit wall signs for second floor businesses subject to specific design guidelines.
- Permit projecting signs in commercial districts subject to specific design guidelines.
- 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.
- Consider increasing the maximum residential density requirement (units per acre) in the C1 Zone to encourage more downtown living space.
- Consider an ordinance that would require display lighting in storefronts at night.
- Create an ordinance for a 1% set aside for the arts program for new commercial developments.
- 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.

- In the OR Zones, delete conditions required for business and professional offices; clarify that a bank is not a permitted use.
- Change the definition of medical office to include physical therapists.
- Rezone 29 Park Street from C1 Central Business Zone to OR3 as recommended by the Board of Adjustment in its Annual Report.

ENVIRONMENT

Goals

- 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.
- 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.
- 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.
- 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.
- 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 our landscape.
- Encourage a reduction in automobile usage by promoting alternate forms of transportation such as walking and bicycling.
- 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.

Recommendations

- 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.
- Reduce excessive noise caused by the use of mechanical devices such as leafblowers 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.
- 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.
- Adopt principles of sustainability and prioritize and implement recommendations as outlined in the Township's 2003 Sustainable Montclair Planning Guide, subject to financial feasibility.
- Require a public open space component in all nonresidential redevelopment plans prepared pursuant to the New Jersey Local Redevelopment and Housing Law.
- Expand recycling efforts into schools, houses of worship, museums and other public buildings.
- 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.

- Identify properties for use as community gardens and open space--examine municipally owned remnant parcels for potential.
- Evaluate each municipally-owned property for potential as preserved open space before selling for private development. Identify other properties to increase open space inventory.
- 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.
- 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.
- Examine the critical slope ordinance to determine whether it should be strengthened, i.e., should development be prohibited on slopes exceeding a certain percentage.
- Examine the existing leafblower ordinance to determine whether it should be strengthened, i.e., enforcement, limitations on hours and times, extend to electric powered machines.
- Examine existing noise ordinances to determine how to strengthen the language.
- Investigate a stream buffer ordinance which goes beyond NJDEP limits to determine whether it is appropriate for the Township.
- Conduct a build-out analysis to determine at what point our growth tips the scale and the environmental costs become too high.
- Consider a conservation easement along the First Mountain Ridgeline.

New Master Plan

- 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.
- Prepare a Recycling Plan Element which incorporates the State Recycling Plan goals, including provisions for collection, disposition and recycling of materials.

New Ordinances

- Incorporate the creation of public open space within private nonresidential developments above a minimum acreage through an amendment to the site plan ordinance.
- 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.
- 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.
- Add specifications for exterior lighting, including size of fixture, height, intensity and location, to the site plan ordinance.
- Establish impervious surface coverage requirements in every zone.

CHANGES IN POLICIES ON THE STATE AND COUNTY LEVELS

Since the adoption of the last Master Plan Reexamination Report in 1999, there have been a number of initiatives on the State level worth noting for their impact on municipal land use. A review of those State agency programs and regulations having a direct impact on land use policy are discussed in this section. Most State agencies have now incorporated the concepts of “smart growth” and “anti-sprawl” into their policies and procedures to further the goals established in the NJ State Development and Redevelopment Plan. Those agencies include the Department of Environmental Protection, the Department of Transportation, the Council on Affordable Housing, the Department of Community Affairs and New Jersey Transit. There appears to be, at least on paper, a concerted effort to coordinate Statewide policies throughout the government to reach common goals. Funding decisions made by State agencies are taking into consideration the goals and recommendations of the State Development and Redevelopment Plan.

New Jersey State Development and Redevelopment Plan

On April 28, 2004, the New Jersey State Planning Commission released a preliminary NJ State Development and Redevelopment Plan which is used to “guide municipal, county and regional planning, state agency functional planning and infrastructure investment decisions.” The Plan establishes statewide planning objectives regarding land use, housing, economic development, transportation, conservation, recreation, and historic preservation and serves as a blueprint for the future of New Jersey. The Plan places nearly all of Montclair in a PA1 Metropolitan Planning Area, as it did in the original State Plan 2001, an area that is targeted for growth. The policies and objectives of PA1 communities are largely the same as outline in the 1992 State Plan, as follows:

- Using land use controls focusing on development and redevelopment where efficient use of public facilities and services can be achieved.
- Preserving housing stock and providing a range of housing choices.
- Encouraging infill developments, assembly of parcels into efficiently developed sites, and the creation of public/private partnerships.
- Capitalizing on high-density settlement patterns to encourage use of public and non-auto transportation.
- Reclaiming environmentally damaged sites (brownfields) and preventing future damage, with particular emphasis on remaining wildlife habitat, air quality, open space, and recreational opportunities.
- Maximizing recreational opportunities by enhancing existing parks and facilities and creating new sites.
- Integrating historic preservation into redevelopment efforts.
- Eliminating deficiencies in public facilities and expanding them where necessary to accommodate future growth and redevelopment.
- Regionalizing and coordinating as many public services as feasible and economical, encouraging private-sector investment, and public/private partnerships.

The Township’s parklands are mapped on the State Map as Parks and Natural Areas. Our critical slope area along First Mountain is mapped as a PA5 (environmentally-sensitive planning area). Our State and National Historic Districts are mapped as Critical Environmental Sites.

New policies introduced in the 2004 Preliminary State Plan include environmental justice, the location of educational facilities and their relationship to the local community, the health benefits of smart growth, the promotion and preservation of the agriculture industry, the transport of goods and the relationship between incompatible land uses. It expands on the process of Plan Endorsement and clarifies the role of the State Plan and COAH. COAH will utilize the State Plan

when granting substantive certification of Housing Elements and Fair Share Plans. COAH will allow municipalities to rely upon the population and employment projections which will be contained in the State Plan when it is readopted, or prior to that, the projections that were prepared by the North Jersey Transportation Planning Authority (NJTPA) in determining a municipality's third round affordable housing allocation. The 2004 Plan also developed indicators and targets that will more accurately measure how well the Plan is being implemented and the extent to which plans submitted for Plan Endorsement meet the goals of the Plan.

The Township participated in the County's Cross-acceptance process which involved comparing our municipal planning documents with the goals of the State Plan and identifying any inconsistencies. The Township's Master Plan and our redevelopment plans are consistent with the goals of the State Plan for a PA1 community. The State anticipates the adoption of the Final State Plan in 2006.

It is recommended that the Township explore Plan Endorsement designation from the Office of State Planning, once this Reexamination Report is adopted. The State Planning Commission adopted amended regulations improving the plan endorsement process in 2004. We may be eligible for priority assistance and incentives, including technical assistance, direct state capital investment, priority for state grants and loans, and permit streamlining. The goals of Plan Endorsement are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan.
2. Encourage counties and municipalities to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations.
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems.
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues.
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives.
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan.
7. Ensure that petitioners fully comply with the requirements of applicable State land use statutes and regulations in the Plan Endorsement process.

New Jersey Local Redevelopment and Housing Law

In 1992, the State's existing urban renewal statutes were rewritten and streamlined to make them easier for communities to use. Instead of blighted, properties were called "areas in need of redevelopment". Montclair began utilizing the LRHL in 1998 with a housing project aimed at encouraging the renovation of vacant, deteriorated houses throughout the Township. This particular redevelopment project was a unique use of the law for scattered house sites. As deteriorated properties are identified, they are evaluated and added to the Redevelopment Plan. The houses are either developed by the owners, sold privately to new owners who renovate, or are condemned by the Township and resold to private entities who renovate. In 2005, the Township Council amended the Redevelopment Plan to require that before condemnation and sale, each property must first be evaluated for its affordable housing potential.

Montclair continued to identify and designate areas in need of redevelopment mostly in and around the Town Center with the exception of the vacant Montclair Community Hospital site on Harrison Avenue. An historic neighborhood surrounding Pine Street was designated as an area in need of rehabilitation to encourage historic preservation and the creation of affordable housing through incentives such as tax exemptions.

A 2001 amendment facilitated the creation of an "area in need of rehabilitation" by allowing municipalities to find that more

than half of the housing stock in the area was at least 50 years old, or the majority of the water and sewer infrastructure was at least 50 years old and in need of repair. The Township used this statute to create its first rehabilitation area in the Pine Street historic district in 2003.

In July 2003, the LRHL was amended to require that all municipal resolutions establishing areas in need of redevelopment or in need of rehabilitation be submitted to the Department of Community Affairs (DCA) before they take effect. Areas in need of redevelopment or rehabilitation located in areas where development or redevelopment is to be encouraged pursuant to state law or regulation, such as Planning Area 1, take effect as soon as the resolution is received by DCA. If the designated area is not located in an area appropriate to receive growth pursuant to the State Development and Redevelopment Plan, approval of the DCA Commissioner is required before the resolution will take effect and other than in particular circumstances, such as brownfields sites, DCA generally will not approve the designation. Most of Montclair's areas were designated prior to this amendment. However, the three most recently designated deteriorated houses did require submission to DCA and did take effect because of Montclair's location in Planning Area 1.

Another July 2003 amendment added an eighth criteria for designation—the area may be “consistent with smart growth planning principles, adopted pursuant to law or regulation”.

Both short and long-term tax exemptions and payments in lieu of taxes (PILOTS) are still permitted under the LRHL. Montclair has utilized both in certain areas in need.

Transit Village Designation

Since 1999, the NJ Department of Transportation and NJ Transit have partnered to create the Transit Village Initiative. Goals of the program are to help revitalize communities around transit facilities to attract people to live, work and play there, reducing dependency on the automobile thereby easing traffic congestion and improving air quality. It encourages the placement of housing within a 1/2-mile radius of a transit facility. A municipality must apply to be designated a Transit Village. There are now 14 in New Jersey.

The benefits of designation include:

- State commitment to the municipality's vision for redevelopment.
- Coordination among State agencies that make up the Transit Village task force.
- Priority funding from some State agencies.
- Technical assistance from some State agencies.
- Access to the annual \$1 million in NJDOT's Transit Village funding.

A municipality must meet the following criteria to be designated:

- Willing to grow in jobs, housing and population.
- Existence of a transit facility.
- Opportunities for redevelopment: vacant land, underutilized or deteriorated buildings, brownfields or grayfields.
- A strategy for compact, walkable, mixed-use, transit-supportive development.
- Increase in residential development.
- Ready-to-go projects.
- Pedestrian and bicycle friendliness.
- Transit facility used as a focal point and gathering place of the community.

- Station area management.
- Minimize auto use by maximizing the appeal of transit.
- Manage parking appropriately.
- Support of local arts and culture.
- Preservation of historic and architectural integrity.

There are two potential Transit Village locations within the Township which should be further explored with merchants and residents, including the Pine/Glenridge area and the Walnut/Grove area.

New Jersey Residential Site Improvement Standards

On January 6, 1997, the NJ Residential Site Improvement Standards (RSIS) were adopted by the New Jersey Department of Community Affairs, superseding local planning regulations and design criteria for residential developments. The objectives of the State were to reduce the multiplicity of development standards throughout the State thereby reducing the cost of housing construction while ensuring the protection of public health and safety, provide predictability in design, streamline the approval process and provide a wide range of design freedom. RSIS specifies parking ratios, street improvements, utility improvements and design criteria for residential developments. The Township is required by law to adhere to the RSIS when reviewing residential site plans and subdivisions. In some cases, RSIS parking ratios are higher than the Township's ratios, and RSIS governs.

RSIS was most recently amended on January 20, 2004 to include a reduction in the required width of parallel parking lanes, and changes to diagrams, illustrations and figures relating to sidewalks, graded areas, curb construction and stormwater management. The Township's zoning, subdivision and site plan ordinances should be amended to make reference to RSIS.

New Jersey Council on Affordable Housing

In 1985, the State established the Council on Affordable Housing (COAH) to define housing regions throughout the State, estimate affordable housing needs, set criteria for determining a municipality's fair share, and review municipal housing elements and fair share plans. Given the efforts of the Township in creating affordable housing units mostly through grant programs, the Township met its COAH fair share obligation for both the first and second rounds and received substantive certification of its 1997 Housing Element and Fair Share Plan. Certification expires on December 20, 2005.

On December 20, 2004, COAH adopted new affordable housing regulations with a revised methodology for calculating municipal fair share. Under the new rules, fair share consists of three components: a rehabilitation share, a remaining prior round obligation and a growth share. The growth share is a new concept, requiring a municipality to provide one affordable housing unit for every 8 market rate units built, as well as one unit for every 25 jobs created through the year 2014. COAH's intent is to tie the production of affordable housing to both housing and job growth.

The Montclair Planning Board adopted a 2005 Housing Element and Fair Share Plan on October 24, 2005. The Township Council has petitioned COAH for certification of the Plan.

New Jersey Department of Environmental Protection's Stormwater Management Regulations

On January 6, 2004, two sets of stormwater rules were signed into law. The first set is known as the Phase II NJ Pollutant Discharge Elimination System Stormwater Regulation Program Rules which are designed to address and reduce pollutants from existing stormwater runoff. The second set is known as the Stormwater Management Rules which outline the required components of the regional and municipal stormwater management plans and establish design and performance standards for new development. The rules became effective for residential developments on February 2, 2004 and were incorporated into the NJ RSIS. For non-residential development, they will become effective when a municipal ordinance is passed adopting these standards. New development that will result in the disturbance of one or more acres of land, or increased impervious surface

by one-quarter acre or more must comply with the new stormwater management rules. Single-family dwellings are exempt.

In April 2005, the Planning Board adopted a Stormwater Management Plan Element of the Master Plan as well as a Pollution Prevention Plan. The Planning Board will be recommending ordinances for Township Council adoption which will meet the goals of the Plan. They include ordinances creating a maximum impervious surface coverage in all zones and a tree preservation ordinance.

Transfer of Development Rights

In March 2004, the State Transfer of Development Rights Act was established authorizing all municipalities to utilize the Transfer of Development Rights (TDR), previously available since 1989 only to municipalities within Burlington County. The goal of the new TDR program is to shift the development rights on an environmentally sensitive, historic or agricultural parcel of land to another which can more appropriately accommodate development. Owners of land may sell their development rights to purchasers who can build in growth areas of the community at a density higher than normally allowed by the zoning ordinance.

This new legislation and its implementation in the six municipalities that are participating in a TDR demonstration program established by the Office of Smart Growth should be closely examined to determine its use and benefits to Montclair—perhaps to save significant historic properties or environmentally sensitive parcels of land. Particular attention should be paid to the TDR program being developed in Fanwood Borough which is seeking to use TDR to preserve buildings in an historic district.

CHANGES IN POLICIES ON THE COUNTY LEVEL

Community Development Block Grant

Montclair is one of 18 municipalities in Essex County which comprise the “urban consortium” which receives its HUD CDBG funds through the County. Essex County continues to provide these funds for a variety of social service and economic development projects, including a façade improvement program and streetscape design and improvements, to help revitalize the business areas. The County also continues to provide funding for affordable housing construction and rehabilitation, as well as a grant program for income-qualifying first-time homebuyers known as HIP.

Although the CDBG program was cut 50% in 2005, Montclair received a sizable allocation for street improvements, downtown lighting and a variety of social service projects.

The policies and the program have remained essentially the same, although in 2005, the boundaries of the Township’s façade improvement area were extended to Glenridge Avenue upon our request. Also, the County is aware of the consortium’s affordable housing mandates and is seeking to develop expanded programs for funding affordable housing activities.

INCORPORATION OF REDEVELOPMENT PLANS

The Planning Board recommends that the following Redevelopment and Rehabilitation Plans be incorporated into the Land Use Element of the Master Plan:

Plan Name	Date of Adoption
Deteriorated Property	June 21, 2005
Bay Street Train Station, Phase II	August 10, 2004
Hahne's/The Crescent	August 19, 2003
Pine Street	July 22, 2003
Montclair Community Hospital	March 4, 2003
Orange Road	March 5, 2002