

Master Plan
Re-Examination Report
of the
Borough of Watchung
Somerset County

Adopted by the Borough of Watchung
Planning Board on: December 14, 2020

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



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I. INTRODUCTION

Overview

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

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

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

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

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

Borough Planning History

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

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

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

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

- In 2000, an Open Space Plan (dated May 16, 2000) was prepared.
- In October of 2002, the village circle area of the Borough received Village Center designation from the NJ Office of Smart Growth. Accompanying that Village Center designation was adoption of an agreement (entitled “Planning and Implementation Agenda”) between the State and the Borough regarding a variety of planning issues and initiatives.
- A limited-scope Master Plan Reexamination Report, that primarily addressed the redevelopment of the quarry area, was adopted in June 2003.

In 2005, the Planning Board conducted a comprehensive reexamination of the Borough’s Master Plan and development regulations. The 2005 Master Plan Reexamination Report was adopted on November 15, 2005. The 2005 Reexamination Report addressed the statutory criteria by addressing the land development problems and objectives addressed in the 1999 Reexamination Report and went a step beyond by evaluating, as well, planning issues raised in other Borough planning

documents including the Open Space Plan, the Watchung Village Center Designation, and the Housing Element and Fair Share Plan. In this way, the 2005 Reexamination Report served not only to bring the Master Plan up-to-date in comparison to the 1999 master plan reexamination, but essentially served as a wider-scope “state of the Borough” assessment of planning, zoning and development issues and objectives in the Borough. The 2005 Reexamination Report presented a wide-range of rather significant recommendations with respect to:

- “Statement of Objectives, Principles, Assumptions, Policies and Standards” contained in the Borough’s Master Plan Update. The 2005 Reexamination Report found that most of the goals and objectives of the 1994 Master Plan remained relevant and that the recommendations contained in the Report were consistent with, or served to effectuate the goals and objectives. However, a few specific amendments were recommended.
- Land Use and Development. The 2005 Reexamination Report evaluated and made recommendations regarding the following land use and development issues: residential zone plan goals; the need for an updated zoning ordinance; quarry redevelopment; Highway Development (HD) zoning; the “B-A” Neighborhood Business District; shopping center regulations; cemetery zoning; steep slope regulations; wireless telecommunication facilities; impervious surface limits in the R-M-L districts; houses of worship; lighting standards; zoning for assisted living; and home professional offices.
- Village Center/Somerset Street. Regarding the Borough’s Village Center/Somerset Street areas the Report evaluated and made recommendations with respect to: “village center” designation; enhancement of blighted areas; pedestrian improvements around the village center; improvements to Somerset Street and Spratford Park; commercial zoning; and, design/aesthetic improvements in the village center.
- Community Facilities. The Report addressed: open space and recreation planning; a new library/community center; long-range educational facility needs; municipal facilities; disposition of paper streets; and, infrastructure improvements.
- Traffic Circulation. The 2005 Reexamination Report evaluated and made recommendations regarding the following traffic circulation issues: regional traffic considerations; the “Watchung Circle” area; traffic-related Master Plan goals; pedestrian improvements; and, speed limits.
- Implementation. The 2005 Report contained a detailed implementation agenda.

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

- A new Open Space and Recreation Plan was prepared and adopted by the Planning Board as an element of the Master Plan in June 2006 and subsequently endorsed by the Borough Council. It updated and expanded upon the May 2000 Open Space Plan and was intended to meet the requirements for Green Acres funding.
- The Borough prepared a new Housing Element/Fair Share Plan to address the Borough’s

“Third Round” obligation for affordable housing. The Plan was adopted by the Planning Board on July 20, 2010 and submitted to the Council on Affordable Housing (COAH) for substantive certification.

The Planning Board conducted a subsequent comprehensive reexamination of the Borough’s Master Plan and development regulations in 2011. Just as with the previous reexamination, the 2011 Reexamination Report addressed the statutory criteria by addressing the land development problems and objectives addressed in the previous Reexamination Report as well as planning issues raised in other Borough planning documents. Thus, the 2011 Reexamination Report similarly served as a wider-scope “state of the Borough” assessment of planning, zoning and development issues and objectives in the Borough including bringing the Master Plan up-to-date in comparison to the previous master plan reexamination. Generally, the 2011 Reexamination Report found that the Borough had implemented the vast majority of the recommendations in the 2005 Reexamination Report (including but not limited to a number of zoning changes, and a comprehensive update of the Borough LDO). The 2011 Reexamination Report offered recommendations including those related to land use and development, Village Center/ Somerset Street, traffic circulation.

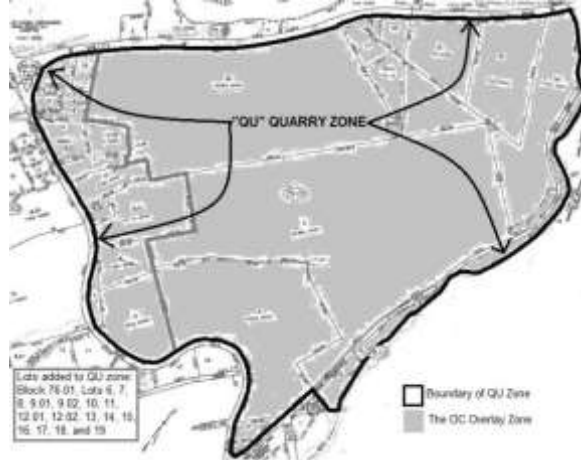
Subsequent to the Planning Board’s adoption of the 2011 Master Plan Reexamination Report the following additional major planning activities have been undertaken by the Borough:

Quarry Area Master Plan Amendment

In December 2014, representatives of the Weldon Quarry, located in northwesterly portion of the Borough, approached the Borough seeking an expansion of the “QU” Quarry zone to encompass the lots fronting Bonnie Burn Road. By resolution of the Borough Mayor and Council the matter was referred to the Planning Board requesting that the Planning Board review the matter and, at the Board’s discretion, re-examine the Master Plan and propose an Ordinance consistent with any Master Plan re-examination report addressing Weldon’s request.

The Planning Board subsequently conducted a deliberate examination of the proposal which culminated in the Planning Board’s adoption of the “Quarry Area Master Plan Amendment” on April 19, 2016 and the Borough Council’s subsequent adoption of an ordinance implementing the Planning Board’s recommendations outlined in the Master Plan Amendment.

The Master Plan Amendment (and subsequent ordinance) extended the “QU” Quarry zone placing the entirety of Block 76.01 within the Quarry (QU) zone. Along with the extension of the zone, very specific buffer and setback requirements were imposed and site plan approval by the Planning Board was required. The ordinance also corrected discrepancies (between the zoning map and ordinance text) on the placement of certain properties within the Office/ Business Conference Overlay District.



Housing Element and Fair Share Plan

The Borough adopted a new Housing Element and Fair Share Plan (HEFSP) in 2019. The HEFSP was subsequently approved by the Superior Court of Somerset County, granting the Borough immunity from builder’s remedy lawsuits through 2025. The extensive process involved (including the ordinances adopted to effectuate the HEFSP) is explained in Section III, below.

Master Plan Reexamination Process

The Master Plan Subcommittee of the Planning Board, working with the Planning Board’s consultant, prepared a draft reexamination report following the criteria dictated by the Municipal Land Use Law (i.e., identification of problems and objectives at the time of the adoption of the last reexamination report; evaluation of extent to which such problems and objectives have changed; identification of significant changes in relevant assumptions, policies, and objectives; and development of specific changes recommended for the master plan and development regulations).

The Committee’s draft was forwarded for the review of the full Planning Board. The reexamination report was updated a number of times as a result of input received by the Planning Board at meetings from August through November 2020.

The Planning Board held a public hearing, noticed per requirements of the MLUL, on the Reexamination Report on December 14, 2020.

II. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE 2011 REEXAMINATION AND CURRENT STATUS OF SUCH PROBLEMS AND OBJECTIVES

This section identifies problems and objectives identified in the 2011 Reexamination and describes the current status of such problems and objectives (e.g., that the matter was resolved or that the Planning Board has determined as part of this Reexamination that the matter no longer needs to be addressed). If the matter is not resolved this section refers the reader to Section IV which contains recommended changes to the master plan and development recommendations.

Land Use and Development

1. Impervious Surface Limits in the R-M-L Districts. The 1999 Reexamination Report indicated that the R-M-L VI District had an impervious surface limitation and indicated a need for impervious coverage limits within the Borough's other R-M-L Districts. The 2005 Reexamination Report noted that the draft proposed LDO (i.e., the draft at that time of adoption of the Report) proposed impervious coverage limits for the Borough's other R-M-L Districts. The 2011 Reexamination Report indicated that they were not included in the adopted LDO. It noted that prior to its eventual adoption without such limitations, prior drafts of the LDO proposed impervious coverage limits of 25% for the R-M-L II, R-M-L III and R-M-L IV zones, while an impervious coverage limit of 45% was proposed for the R-M-L V zone. No impervious coverage limitation was proposed for the R-M-L I zone in the draft LDO. It recommended that the Borough consider impervious coverage limits for the Borough's R-M-L Districts. However, prior to adopting any such limitations, it recommended that the Borough review these limitations in light of existing development with the goal of appropriately limiting impervious coverage while not creating unnecessary nonconformities.

Status: Not accomplished. See recommendation in Section IV.

2. Proposal in R-M-L II zone. The 2011 Reexamination Report addressed a request received by the Borough to expand the RML II zone located along Bonnie Burn Road.

Status: This site was included in the Bonnie Burn Redevelopment Plan which provides for the site to be developed as an inclusionary multi-family housing development which includes 46 very low-, low- and moderate-income, non-age restricted affordable rental units. This Plan is the principal means of addressing the Realistic Development Potential (RDP) portion of the Borough's Third Round Obligation and addresses a portion of the portion of the Borough's Prior Round Obligation as well. See Section III, below, for a more detailed summary of the recently-adopted Housing Element and Fair Share Plan.

3. McMansions. “McMansions” are generally defined as large new houses that are out-of- scale, and commonly inconsistent in character, with the rest of the neighborhood. The 2011 Reexamination Report identified “McMansions” as an issue of concern, particularly with respect to a few particularly out-of-scale homes in the Borough. It recommended that the Borough revise the Land Development Ordinance (LDO) to address this issue. However, it recommended that the regulations be carefully prepared to address the matter as directly as possible while minimizing the creation of unintended non-conformities.

Status: Not accomplished. The Borough evaluated the matter with assistance of its planning consultant. However, an ordinance addressing “McMansions” was not adopted as it was determined to be difficult to implement such an ordinance without causing some nonconformities on non-problematic properties. See recommendation in Section IV.

4. Lighting Standards. The 2005 and 2011 Reexamination Reports each recommended consideration of creating lighting standards for residential recreation areas (e.g., basketball and tennis courts) and to the placement of lighting on residential property. Factors to be considered include: a limitation on illumination at the property line (e.g., zero footcandles); requirement that the light source be concealed from view of neighbors; and that the light be focused toward the ground and not outward so as to be visible to neighbors.

Status: No new ordinance has been adopted. However, the Planning Board believes that existing Section 28-401.U.2 could be used to enforce this matter. Section 28-401.U.2 states, in part that “exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining units, adjoining zoning districts or streets.”

5. Donation Bins. The Borough should consider limiting placement of donation bins and regulations that limit the size of the bin, number of bins per location and placement including maintaining clear sight triangles, circulation, setbacks, parking and driveways.

Status: Accomplished via ordinance.

6. Connell Properties. The Connell properties along Valley Road (i.e., opposite quarry area) should remain in its low density residential zone and should be out of the sewer service area. The area is heavily constrained by environmental factors and should be pursued for open space acquisition consistent with the Open Space and Recreation Plan.

Status: These remain valid recommendations. These properties remain in a low density residential zone and remain outside of the sewer service area, and should remain so. The properties have not been acquired as open space. Thus, these recommendations remain.

7. Impervious Surface Limits in Residential Zones. The 2011 Reexamination Report recommended that the Borough investigate changes to the LDO to address potentially avoidable, requests for impervious surface variances in residential districts. It was indicated that such variances arose in instances where homes were set back from the roadway and that the longer than usual driveway caused the sites to exceed the impervious surface limitation of the zone. It was suggested that the Borough investigate changes to the ordinance to avoid the need for such variances (e.g., excluding from the calculation of impervious surface portions of the driveway which extend beyond the required front yard setback).

Status: Not accomplished. See recommendation in Section IV.

8. Definition of Impervious Surface. The 2011 Reexamination Report indicated that the definition of impervious surface in the LDO includes certain surfaces such as gravel and the underside of raised decks which do not impede infiltration to the same degree as asphalt and buildings. It was indicated that this creates the need for potentially unnecessary variances. It indicated that potential solutions may include pro-rating surfaces such as gravel commensurate with their run-off coefficients. It cautioned, however, that impervious surface limitations do not solely address drainage purposes but also address aesthetics and community character.

Status: Not accomplished. The Planning Board does not recommend changes to the ordinance at this time.

9. Nonconforming Streets. The 2011 Reexamination Report indicated that in some areas of the Borough street rights-of-way have been widened over the years rendering some homes along them non-conforming. This has resulted in the need for variances when homeowners wish to expand. It was indicated that this has occurred most frequently in the R-A or R-B zones.

Status: Not accomplished. This matter was raised around the time of the previous Reexamination. However, no specific examples have been cited and the Planning Board is unaware of a continued pattern since the time of the last Reexamination. Thus, the Planning Board does not recommend changes to the ordinance at this time.

10. Steep Slope Ordinance. The 2011 Reexamination Report identified the ordinance affecting lot coverage limitations on lots with steep slopes (Section 28-401.G) as a potential issue that may result in potentially unnecessary variances, particularly when applied in the Borough's RA and R-B zones.

Status: Not accomplished. The Planning Board does not recommend changes to the ordinance at this time.

11. Driveway Setback Ordinance. The setback requirements of Section 28-401.W require residential driveways and parking areas to be set back the same distance from the lot line as the principal building. It was indicated that these requirements have resulted in the need for potentially unnecessary variances and also encourages less than ideal design (e.g., it discourages side-facing garages in favor of street-facing garages). The 2011 Reexamination Report indicated that this was particularly problematic in the R-A and R-B zones and in certain situations where slope is a factor. Potential solutions may include reducing the setback requirements and/or allowing waiver by the Zoning Officer in lieu of requiring a variance.

Status: Not accomplished. See recommendation in Section IV.

12. Fencing. The fencing requirements in the LDO with respect to pools should be reviewed for consistency with the building code and revised accordingly.

Status: Not accomplished. See recommendation in Section IV.

13. Conservation Easements. The LDO should be clarified regarding permitted encroachments in conservation easements (e.g., fences, deer fences, emergency access, detention basins).

Status: Not accomplished. See recommendation in Section IV.

Village Center/Somerset Street

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

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

- “a. The “Village Center” should be conceived and planned to be the civic heart of the Borough of Watchung and provide a special sense of community and identity.
- b. The “Village Center” should be designed and constructed to create a mixed use village environment which includes municipal government offices, retail shops and

services, professional offices and residences and which emphasizes pedestrian circulation, attractive civic spaces, environmental preserves, greens and parks.

- c. The “Village Center” should be subject to reasonable and appropriate zoning controls in order to promote land uses with architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.”

The 2011 Reexamination Report indicated that the following as efforts that remained to be accomplished:

- Acquisition of the existing gas station in this area and its conversion to park use so that the entire strip would be used for park. This recommendation was also made in the 2006 Open Space and Recreation Plan which recommended that the “remaining properties not in public ownership are to be acquired so the entire area can be developed as a park” (e.g., gas station).

Status: Not accomplished. See recommendation in Section IV.

- The 1994 Master Plan Update suggested the need for design standards in the village center by suggesting zoning controls that address “architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.” The 2005 and 2011 Reexamination Reports each recommended that the Borough pursue the creation of design standards for the village center and that the Borough should pursue the availability of potential monies that might be available through the County or State sources for the purpose of aesthetic improvements to public and private properties.

Status: Not accomplished. See recommendation in Section IV.

- The 2011 Reexamination Report recommended that the Borough consider decreasing the area of the Village Center Historical Overlay Zone to eliminate areas that do not contain historic buildings (e.g., the triangle).

Status: Accomplished. The Village Center Historical Overlay Zone no longer extends over the triangle area located between Watchung Avenue, Somerset Street and Johnston Drive.

- In the 2011 Reexamination Report the Planning Board recommended construction of a sidewalk along Mountain Boulevard from Brookdale Road to the Ness Property and that the sidewalk be provided on the north side of Mountain Boulevard.

Status: Not accomplished. The Planning Board recommends that the Borough pursue opportunities to create a more interconnected pedestrian network within the Borough including where such pedestrian improvements would connect different portions of the Borough and provide greater access from the Borough’s neighborhoods to the Village Center, recreational amenities and the lakes. Examples include a sidewalk along Valley Road from Bayberry Lane to Bonnie Burn Road and along Mountain Boulevard from Brookdale Road connecting to the existing sidewalk in Warren.

Traffic Circulation

1. Regional Traffic Considerations. The Borough is located between two major regional thoroughfares – Interstate 78 and US Highway 22. As such, the Borough experiences a significant amount of regional cut-through traffic. The 1994 Master Plan Update and 1999, 2005 and 2011 Reexamination Reports all identified regional traffic through the Borough as a significant issue. The significance of this issue is demonstrated by the fact that “A Statement of Objectives, Principles, Assumptions, Policies and Standards” of the 1994 Master Plan dedicated no less than three planning objectives to this issue:

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

The 1999 Reexamination Report addressed this issue, as well, and specifically indicated that “traffic congestion needs to be relieved in the areas of New Providence and Bonnie Burn Roads as well as Hillcrest Road and Somerset Street” and that the Borough “should be active

in the seeking assistance from the County and/or State to find solutions to these traffic issues.”

The 2005 and 2011 Reexamination Reports each reaffirmed the three traffic-related goals of the 1994 Master Plan Update, as well as the related statements in the 1999 Reexamination Report. Both noted that the Borough continued to be affected by regional traffic and suggested that the Borough continue to monitor factors such as capital improvements that may affect regional traffic through the Borough. The planned I-78 Interchange at Diamond Hill Road was cited as a concern that could increase traffic along New Providence Road resulting in a bottleneck condition implying the need for improvements to New Providence Road.

Status: This Reexamination Report reaffirms the three traffic-related goals of the 1994 Master Plan Update, as well as the related statements in the 1999 Reexamination Report. The Borough continues to be affected by regional traffic. The issue only continues to get worse. It is suggested that the Borough continue to monitor factors such as capital improvements that may affect regional traffic through the Borough.

2. Route 78 Interchange at Diamond Hill Road. The 2011 Re-examination Report indicated that the previously planned Route 78 Interchange at Diamond Hill Road was not moving forward at that time. The 2011 Reexamination Report recommended that the previously planned improvements to this intersection be reconsidered and that the Borough actively lobby to make this happen. It noted that plans included a crucial additional leg to the intersection that would have allowed westbound Route 78 traffic to exit at Diamond Hill Road and proceed south-bound on Diamond Hill Road/ New Providence Road (whereas currently, west-bound exiting traffic can only proceed north-bound on Diamond Hill Road). It stated that these interchange modifications would provide a regional benefit by providing the motoring public additional options for traversing between I-78 and Route 22 and that it would specifically benefit the Borough by reducing the significant congestion that occurs daily through the heart of the Watchung village center via the Somerset Street/ Hillcrest Road connection between Route 22 and I-78.

Status: Despite multiple efforts over the years on the part of the Mayor and Council to convince State and Federal efforts on the need for these improvements, the interchange has not been modified. See Section IV for further discussion of this matter.

3. Park Avenue/ Route 22 interchange and the Valley Road and New Providence Road/Diamond Hill Road intersection. The 2011 Reexamination Report further noted that the improvements to the Park Avenue/ Route 22 interchange and the Valley Road and New Providence Road/Diamond Hill Road intersection would only help facilitate Route 22 to I-78 movements in this area and support the need for improvements to the I-78/ Diamond Hill Road interchange.

The Report recommended that modifications to New Providence Road through the Borough be pursued as well.

Status: Improvements were made to the Park Avenue/ Route 22 interchange and the Valley Road and New Providence Road/Diamond Hill Road intersection.

Modifications to New Providence Road have not occurred.

See recommendations in Section IV.

4. The 2011 Reexamination Report recommended that the improvements to Mountain Boulevard also include a left turn lane at Anderson Road.

Status: Not accomplished. This Reexamination Report reaffirms the above.

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

Past and Potential Future Changes in Population and Land Use

Population

The Borough has remained generally stable in terms of population and development for several decades. The Borough population in 1980 was 5,290. The Borough's population decreased slightly to 5,110 in 1990, increased somewhat to 5,613 in the 2000 Census and increased slightly again to 5,801 in the 2010 Census. The North Jersey Transportation Planning Authority (NJPTA) estimated a year 2015 population of 6,133 and projects a year 2045 population of 6,680.

In 2010, 24.9% of Watchung's population was 19 years of age and younger, while 21.1% of the population or 1,225 persons were 65 years or older. This represents a 34% increase in the senior population from 2000, when there were 914 persons 65 years or older. Somerset County experienced a 19% increase in people over 65 years, while the State increased by 6.5% over the year 2000 figures. On a percentage basis, Watchung's population is aging more rapidly than both the County and State.

Land Use

Watchung is, in essence, built-out. This was demonstrated in the Existing Land Use Analysis included in 1994 Master Plan Update and as it was by various vacant land analyses conducted in association with the Borough's housing elements over the years.

In April 2018, an updated Vacant Land Inventory ('VLI') was performed per the requirements of N.J.A.C. 5:93-4.2 to establish the current Realistic Development Potential (RDP) for Watchung's Third Round obligation. The VLI determined that only 9 properties in Watchung are vacant and contain the 0.83 acres or more of developable land that is considered the minimum requirement for potentially developing affordable housing. The only sizeable site identified was an approximately 40-acre site on Bonnie Burn Road (Lots 19.01 & 19.02 in Block 7402 and Lots 5 & 10 in Block 7403) that was incorporated into the Housing Element and Fair Share Plan as the Bonnie Burn Redevelopment Area as the primary means of addressing the Borough's RDP.

Most of the vacant lots are affected by one or more significant development constraints such as a lack of sanitary sewers, lack of road frontage (i.e., "land-locked") and/or the presence of steep slopes, floodplains or wetlands. These constraints are likely the reason why these properties have remained undeveloped and will likely contribute to these properties remaining vacant for the foreseeable future. Vacant lands so constrained include the vacant properties located along the northerly side of I-78 and a number of vacant parcels located on the hillside to the rear of the shopping centers along Route 22. These properties make up the majority of the vacant land acreage in the Borough. As a result, it is anticipated that residential development, beyond that anticipated in association with meeting the Borough's affordable housing obligation, will be minimal for the foreseeable future.

The Borough's commercial zones are largely built-out as well. However, it is foreseeable that future development may occur in such zones as a result of expansion or private redevelopment. A recent example of such redevelopment is the redevelopment of the Sears and Sears Automotive sites as a shopping center and theater respectively.

Traffic Improvements Within and/or Affecting the Borough

- Significant modifications to improve roadways and surrounding intersections around the Park Avenue/ Route 22 interchange and overpass in Watchung and adjacent Scotch Plains were constructed for the purpose of improving traffic flow and safety in the area. The improvements included additional travel lanes and modification of the traffic signal at the Bonnie Burn Road/New Providence Road (Weldon Quarry corner) intersection. The road widening improvement goes up Bonnie Burn Road up to just beyond Johnston Drive in Watchung.

- The intersection of Valley Road and New Providence Road/Diamond Hill Road was modified to add additional lanes including additional turning lanes, with associated intersection modifications.
- The previously planned Route 78 Interchange at Diamond Hill Road is not moving forward. Plans included a crucial additional leg to the intersection that would have allowed west-bound Route 78 traffic to exit at Diamond Hill Road and proceed south-bound on Diamond Hill Road/ New Providence Road. Currently, westbound exiting traffic can only proceed north-bound on Diamond Hill Road.
- Somerset County made a number of modifications along Mountain Boulevard including striping, curbing and shoulder improvements as well the addition of left turn lanes at Washington Rock Road and Brookdale Road.
- Consistent with its “Supporting Priority Investment in Somerset County Phase III Study”, Somerset County has implemented the vast majority of the recommended improvements in the Village Circle reflected below.



Affordable Housing Obligation

The 2011 Reexamination Report indicated that, at that time, the future of COAH was uncertain. The 2011 Reexamination Report cited various reasons for this uncertainty including a series of Court decisions that invalidated various portions of COAH's third round rules and various legislative approaches that were proposed at the time to address affordable housing obligations.

The 2011 Reexamination Report indicated that "all of these factors point towards major potential changes to affordable housing requirements" but noted that it was "unclear what their exact form will be or what the potential effect [would be] on the Borough." The 2011 Reexamination Report further noted that "it has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing. This obligation will not likely go away entirely." As a result the 2011 Reexamination Report indicated that it was "imperative that the Borough continue to monitor the changes to affordable housing regulations, evaluate their effect on the Borough and react appropriately."

After years of litigation and failed amendments, on September 26, 2013, the New Jersey Supreme Court (Court) affirmed the Appellate Division's invalidation of COAH's "growth share methodology" on the basis that the "growth share" methodology, incorporated into the Third Round Rules, were beyond the purview of the rulemaking authority delegated to COAH because they conflicted with the NJ Fair Housing Act. The Supreme Court "endorsed the remedy imposed by the Appellate Division," that required COAH to adopt new Third Round Rules within five (5) months. The effect of the Supreme Court's decision was to require COAH to adopt new Third Round Rules by February 26, 2014 consistent with the lower court's decision.

After numerous delays, court challenges and COAH's failure to adopt revised regulations consistent with the Court's order and in response to the Fair Share Housing Center (FSHC) filing a motion "in aid of litigant's rights," the Supreme Court issued its decision on March 10, 2015 stripping COAH of its administrative duties relating to the affordable housing certification process.

This decision granted FSHC's motion in aid of litigant's rights, declared COAH ineffective in complying with the mandates of the Fair Housing Act (FHA), dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation. The New Jersey Supreme Court appointed "Mount Laurel" judges for each of the state's fifteen (15) judicial vicinages to hear and decide these actions. The Court directed that the reviewing judges utilize methodologies similar to that developed by COAH in the prior first and second rounds.

The Order allowed that towns (like Watchung) that had petitioned for Substantive Certification before COAH in 2008 to file a Declaratory Judgment during a 30-day window (June 8 – July 8,

2015) to alert the Court that the Borough wishes to comply with its constitutional mandate to provide affordable housing. Watchung filed its complaint for Declaratory Judgment on July 2, 2015.

Since 2015 the Borough has worked with the Courts, the Court-appointed Special Master and the FSHC (a Supreme Court-designated interested party in this matter) to address its affordable housing obligation. On June 7, 2018, the Borough of Watchung and the FSHC Settlement Agreement (“Settlement Agreement”) was adopted. Subsequently, the Superior Court of Somerset County found that the Settlement Agreement was fair and reasonable to the interests of lower-income households and ordered that the Borough adopt and submit a new Housing Element and Fair Share Plan (HESFP) consistent with the Settlement Agreement and the Court Order as well as all resolutions and ordinances necessary to implement the HESFP. The Borough subsequently adopted and submitted to the Court a new HEFSP and all necessary resolutions and ordinances. On August 28, 2019, the Honorable Thomas C. Miller, P.J, Civ., granted the Borough of Watchung an affordable housing Judgment of Compliance and Repose which grants the Borough immunity from exclusionary lawsuits through July 1, 2025.

Following is a summary of the land use ordinances adopted in order to satisfy the affordable housing obligation outlined in the Settlement Agreement and HEFSP:

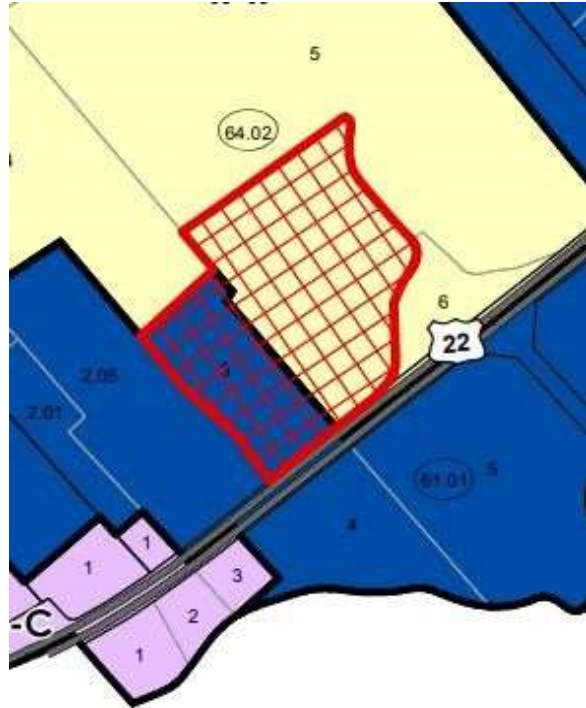
Bonnie Burn Road Redevelopment Area

The Borough Council adopted Ordinance #OR18/20 adopting a Redevelopment Plan for a non-condemnation area in need of redevelopment with respect to Block 7402 Lots 19.01 & 19.02 and Block 7403 Lots 5 & 10. The Redevelopment Plan provides for the site to be developed as an inclusionary multi-family housing development of a maximum of 230 rental apartments including 46 very low-, low- and moderate-income, non-age restricted affordable rental units. Implementation of Redevelopment Plan is the principal means of addressing the Realistic Development Potential (RDP) portion of the Borough’s Third Round Obligation and addresses a portion of the portion of the Borough’s Prior Round Obligation as well, as outlined in the Housing Element and Fair Share Plan adopted by the Planning Board.



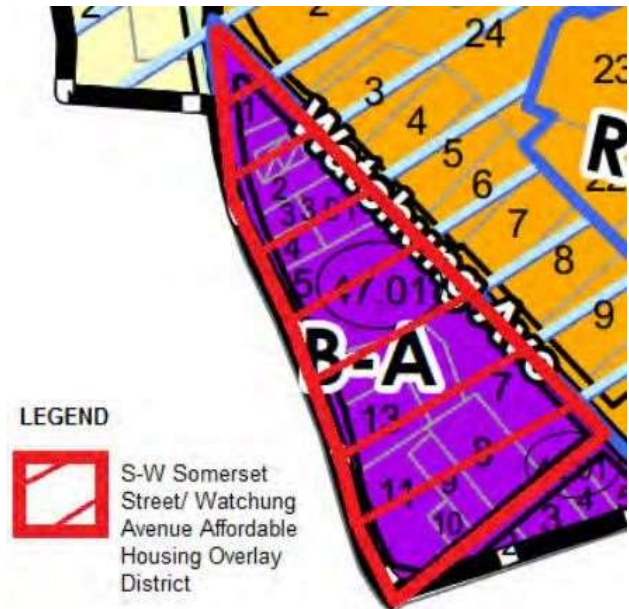
Route 22 Overlay Zone

This overlay zone encompasses the 5-acre Liccardi Ford Tract and a 13.7-acre portion of the Mount Saint Mary’s Academy Tract. This ordinance was required in order to meet the “unmet need” portion of the Borough’s obligation. There is no obligation that development in accordance with the overlay zone occur only that the overlay allows the opportunity for the production of affordable housing. The underlying H-D Highway Development and R-R Rural Single-Family Residential zoning remain in effect and unchanged. The overlay zone permits multifamily residential development at a density of 14 units per acre for for-sale development (with a 20% affordable set-aside) and 18 units per acre (with a 15% affordable set aside) for rental development.



Triangle Area Affordable Housing Overlay Zone

This overlay zone encompasses the “Triangle” area bounded by Watchung Avenue, Somerset Street and Johnston Drive. This ordinance was required in order to meet the “unmet need” portion of the Borough’s obligation. There is no obligation that development in accordance with the overlay zone occur only that the overlay allows the opportunity. The underlying commercial zone (B-A) remains intact and unchanged. The overlay zone permits mixed-use development consisting of first floor commercial uses and residential units above with a permitted density of 6 units/acre for for-sale units (with a 20% affordable set-aside) and a permitted density of 10 units/acre for rental units (with a 15% affordable set aside). There is no change in bulk requirements (e.g., setbacks, building and lot coverages, building height) compared to underlying commercial zone

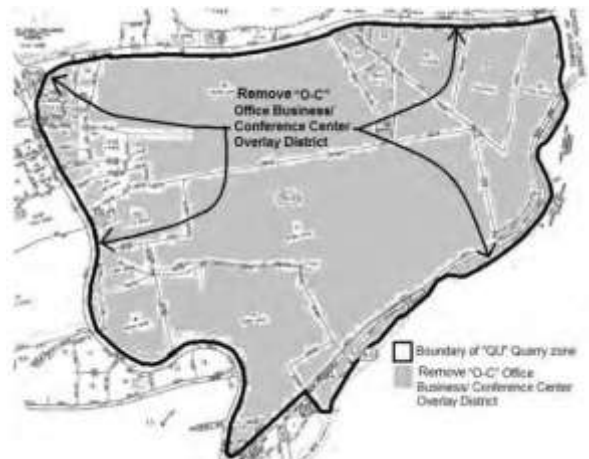


Borough-Wide Set-Aside Ordinance

This ordinance requires that all residential development of 5 or more units that may occur at a density above 6 units per acre arising as a result of a density or use variance or rezoning or approval of a redevelopment or rehabilitation plan shall be required to provide a minimum affordable housing set-aside of 20%, except that the minimum set-aside shall be 15% where affordable rental units are provided. This ordinance was required in order to meet the “unmet need” portion of the Borough’s obligation. It should be noted that this ordinance would apply only under the circumstances indicated (i.e., a development of 5 or more units at a density of above 6 units per acre). The ordinance would not apply, for example, to single-family subdivisions built in accordance with Borough ordinance.

Elimination of “O-C” Office Business/ Conference Center Overlay Zone

This Ordinance amended the Borough of Watchung LDO and Zoning Map to repeal the “O-C” Office Business/ Conference Center Overlay District consistent with the Settlement Agreement between the Borough of Watchung and Fair Share Housing Center Settlement Agreement and the Order on Fairness and Preliminary Compliance Hearing. Repeal of this overlay zone did not change the underlying zoning in the area.



State Plan

In April 2004, the New Jersey State Planning Commission approved the release of the Preliminary State Development and Redevelopment Plan (State Plan) and the Preliminary State Plan Policy Map. The State Plan Policy Map places the entirety of the Borough within the PA2 Suburban Planning Area.

The 2011 Reexamination Report noted that, similar to affordable housing, the future of state planning at that point was uncertain. It noted that the former Office of Smart Growth had been recently renamed the Office of Planning Advocacy, and was moved from the Department of Community Affairs to the office of the Lt. Governor. It indicated that while a revised draft of the State Plan had been issued, the future of the State Plan is uncertain. This remains the case. It therefore recommended that the Borough continue to monitor the State Plan and the actions of the Office of Planning Advocacy and react appropriately.

Other Factors

1. Retail Market Trends. National trends in the retail market such as on-line sales, changes in consumer tastes, interactive technologies to market products and direct consumers to stores, and other factors (e.g. multi-channel retail approaches where online sales have been found to promote sales at stores and vice versa) will likely affect the viability of the retail market in Watchung. Anchor tenants for shopping centers are among those most affected by the highly competitive and changing retail economy. Indications are that this issue may potentially worsen in the wake of the Covid-19 public health emergency due to impact of the emergency on various major retailers and as consumers increasingly move towards on-line sales.

Retail development constitutes a significant component of the Borough's non-residential tax base (e.g., the Blue Star and Watchung Square shopping centers and other retail development along Route 22). Thus, it is important that the Borough continue to monitor the retail market in the Borough and take necessary measures, within its powers, to improve its viability.

2. Office Market Trends. Following the economic downturn starting in 2008 and resulting from what appear to be permanent changes in the national economy (e.g., reduced need for office space due to technology advances and other changes in business practice), office vacancy has increasingly become a concern. Indications are that this issue may also potentially worsen in the wake of the Covid-19 public health emergency as it is believed that the emergency may further increase the shift towards working remotely. This issue has potential to negatively affect the Borough's non-residential tax base (although potentially to a lesser degree than retail due to the lesser prevalence of office development in the Borough). Further, the potential impact on the Borough may be less than experienced in nearby towns (which have experienced abandonment of large-scale single-use office complexes) as most office development is comprised of small-scale, multi-tenant buildings. Nonetheless, it is important that the Borough continue to monitor the office market in the Borough and take necessary measures, within its powers, to improve its viability.
3. Brook Hill Swim and Tennis Club. The Brook Hill Swim and Tennis Club closed in 2019. The potential re-use or redevelopment of the site is likely to be an issue that the Borough will need to contend with in the future. The property is located with the Borough's Rural Residential single-family zoning district.

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

Introduction

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

Master Plan Goals and Objectives

The 1994 Master Plan Update contains the Borough’s overall planning and zoning goals and objectives in a section entitled “A Statement of Objectives, Principles, Assumptions, Policies and Standards.” As indicated above, the 2005 Reexamination Report amended a few of the goals and objectives. Following are the Borough’s overall planning and zoning goals and objectives, as amended by the 2005 Reexamination Report and further amended and re-affirmed in the 2011 Reexamination Report:

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

6. The Development Plan should continue to address the mandate of the “Mt. Laurel II” New Jersey State Supreme Court Decision and the requirements of the New Jersey Council on Affordable Housing (COAH) which obligates each municipality to provide for its “fair share” of its region’s “low” and “moderate” income housing. The Borough of Watchung should formulate a so-called “Housing Compliance Plan” which safeguards the integrity of existing residential neighborhoods, acknowledges environmentally fragile areas, and permits the continuance of a reasonable balance between residential and non-residential development.
7. The Development Plan should strive to improve upon the commercial vitality of the Borough of Watchung and should promote new development of nonresidential uses in appropriate locations with appropriate regulation. The overall goal is to promote a strong economy and a balance between residential and non-residential development, so that appropriate retail establishments are provided for the convenience of the Borough residents, job opportunities are available, and a balanced tax base is created.
 - a. All major retail and other large scale commercial uses within the Borough should continue to be located along the Route 22 corridor in the southeastern portion of the Borough ~~with the exception of the quarry area which is planned to be redeveloped as a planned hotel, office, conference center development.~~
 - b. Neighborhood Business (B-A) and Professional Office (B-B) zones should be located in areas of the Borough that are appropriate for such development considering: the location in the Borough; the nature of surrounding land uses; the nature and capacity of surrounding roadways; and the ability of the area to accommodate commercial development in light of site conditions such as site size, slope conditions and environmental factors.
8. The Development Plan should strive to create a “Village Center” in the vicinity of the “Watchung Circle” in the central portion of the Borough of Watchung, where the five (5) major residential connective roadways in the Borough converge (i.e., Valley Road, Hillcrest Road, Somerset Street, Mountain Boulevard and Stirling Road).
 - a. The “Village Center” should be conceived and planned to be the civic heart of the Borough of Watchung and provide a special sense of community and identity.
 - b. The “Village Center” should be designed and constructed to create a mixed use village environment which includes municipal government offices, retail shops and services, professional offices and ~~existing~~ residences and which emphasizes pedestrian circulation, attractive civic spaces including but not necessarily limited to a library and arts center, environmental preserves, greens and parks.

- c. The “Village Center” should be subject to reasonable and appropriate zoning controls in order to promote land uses with architectural themes which reflect the scale, details, ornamentation and overall appearance of traditional American villages and which are compatible with the existing architecturally significant buildings in this portion of the Borough.
 9. The Development Plan should foster the policy of encouraging the preservation of historic districts, sites and structures within the Borough of Watchung through the formulation and implementation of appropriate mechanisms to identify and protect those districts, sites and structures which are of value to the Borough.
 10. All municipal and county roadways in the Borough of Watchung should be provided with the minimum improvements necessary to provide safe travel; over-improvements may cause traffic speeds to unnecessarily increase, may require cut back of many existing front yards, and may require the removal of existing vegetation along the road’s frontage.
 11. No particular municipal or county roadway in the Borough of Watchung should be called upon to move volumes of traffic which will result in the necessity to improve the roadway in a manner incompatible with residential development. Regional traffic should be diverted from the Borough wherever possible.
 12. The “Watchung Circle” may be improved to provide safer and more manageable traffic flow, but the improvement design must strictly conform with the character, objectives and goals of the proposed “Village Center.” While the Borough of Watchung recognizes that improvements to the “Watchung Circle” are the responsibility of Somerset County, the Borough also recognizes that improvements to the “Watchung Circle” designed to accommodate and promote regional traffic flow will not foster the viability to the “Village Center.”
 13. The Development Plan should, to the extent possible, provide for the creation of a coordinated pathway system which will connect to the “Village Center” which itself is to be pedestrian oriented.
 14. The quarry, asphalt and concrete recycling, and stone crushing operation in the eastern portion of the Borough of Watchung should be carefully monitored to assure that adverse impacts upon adjacent and nearby residential and commercial development are kept to a minimum.
 15. The Land Development Plan (including the Land Use Plan Map) and the LDO provisions adopted to implement the Development Plan (including the Zoning Map) should be clearly and concisely drafted in order to eliminate the necessity for landowners to request deviation
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from the adopted provisions in order to remedy inconsistencies in the plan or the ordinance provisions. Moreover, variances from the ordinance provisions should only be requested and granted for legitimate “hardship” and/or “special” reasons in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.)-and not for the purpose of financial gain, which is not a legitimate reason.

Recommendation: The above goals and objectives have been reviewed in the context of this Reexamination Report and are re-affirmed with the modifications indicted above. The Planning Board further finds that the recommendations contained in this Reexamination Report are consistent with, or serve to effectuate these goals and objectives.

Land Use and Development

1. Impervious Surface Limits in the R-M-L Districts. As recommended in previous Reexamination Reports and addressed in Section II, the Borough LDO should be revised to incorporate impervious coverage limits for the Borough’s R-M-L Districts. This remains a valid recommendation. The 2011 Reexamination Report indicated that at one point an impervious coverage limit of 25% was proposed for the R-M-L III and R-M-L IV zones, while an impervious coverage limit of 45% was proposed for the R-M-L V zone. Prior to adopting any such limitations, it recommended that the Borough review these limitations in light of existing development with the goal of appropriately limiting impervious coverage while not creating unnecessary non-conformities.
2. McMansions. As indicated in Section II, the Borough evaluated the matter with assistance of its planning consultant but did not pursue the matter further as it was determined to be difficult to implement such an ordinance without causing some non-conformities on non-problematic properties. The Planning Board, however, recommends that the Borough *re-investigate* this matter as the potential impact of “McMansions” on the character of the Borough’s neighborhoods warrants careful consideration. The “McMansion” issue generally affects the Borough in two different ways:
 - Tear-down and replacement of older, smaller houses with much larger homes that are out-of-scale with the surrounding neighborhood. This largely occurs in neighborhoods with smaller lots, where homes are located in closer proximity to one another (i.e., the R-A and R-B zoning districts).
 - Purchase of adjoining lots to create double-sized lots upon which are built homes that are significantly larger than homes that could be otherwise built in the zone. This largely occurs in the R-R zoning district.

The Borough should investigate the “McMansion” issue in general and the two issues above in particular. Potential approaches include: residential floor area ratio requirements (i.e., ratio of building floor area to lot area); height/setback ratio restrictions (i.e., required setback gets

larger with house size); and building volume ratio limitations (i.e., volume indicator that measures the entire volume of the building above finished grade).

3. R-M-L II Zone. With the adoption of the Bonnie Burn Redevelopment Area, there no longer exists an R-M-L II zone. Thus, Section 28-413 should be deleted as should any references in the ordinance to the R-M-L II zone.
4. Driveway Setback Ordinance. The setback requirements of Section 28-401.W which require residential driveways and parking areas to be set back the same distance from the lot line as the principal building, should be relaxed. The Planning Board recommends driveway and parking area setbacks similar that existing for flag lot “flag poles” which require a 7-foot setback which increases 0.5-foot on each side for each 1-foot that the driveway exceeds 12 feet in width. The ordinance should coordinate the requirements of Sections 28-401.V.4, 28-401.W.2.b(1), and 28-401.W.3.b(1). Some form of landscape buffering when the driveway setback is below a certain width should be required.
5. Fencing. Review of Section 28-502.L, regarding fencing around swimming pools, reveals that certain portions are either unnecessary (e.g., citing need to comply with the UCC) or possibly in conflict or more properly addressed in the construction code (e.g., distance of fence from pool and ability of structure to act as barrier). Section 28-502.L should be updated appropriately.
6. Conservation Easements. The 2011 Reexamination recommended that the LDO be clarified regarding permitted encroachments in conservation easements (e.g., fences, deer fences, emergency access, detention basins). Section 28-502.M, Buffer Zone, Conservation Easements and Conservation Areas, indicates in part that “no fence shall be permitted in any area designated as a buffer zone, conservation easement or conservation area by any other part of the Code of the Borough of Watchung (emphasis added). However, it is noted that the Borough has found it appropriate to permit fencing in buffer and conservation areas principally for the purpose of allowing visual screening (e.g., in the Quarry zone and in the Bonnie Burn Redevelopment Area). Further, it is conceivable that the Planning Board or Board of Adjustment may find it appropriate, in their review of subdivision or site plan applications, to allow certain limited encroachments in buffer and conservation areas such as emergency access, utility crossing or stormwater facilities. Thus, while the Planning Board continues to recommend that encroachments in buffer and conservation areas be generally disallowed, the ordinance (including Section 28502.M) should be modified to eliminate the outright prohibition and allow the Planning Board or Board of Adjustment to allow limited encroachment as part of a development application and subject to recording of a conservation easement that reflects that encroachments permitted by the approving board.
7. R-M-L VI Zone. The Borough should amend the zoning of the Ness property to place it in the R-R zone (similar to adjoining properties) rather than its current zoning designation of R-M-L

VI since this property was not included in the recently-adopted Housing Element and Fair Share Plan and is instead targeted for open space and/or other public purpose.

8. Quarry Area. The Borough should carefully monitor the quarry to assure that adverse impacts upon adjacent and nearby residential development are kept to a minimum including but not limited to the continued viability of buffering of quarrying activities from view of adjoining and nearby properties. The quarry should be required to submit yearly status reports addressing the status of these efforts and should be required to make necessary modifications to reduce potential impacts (e.g., necessary replacement of and/or supplement to vegetative screening).
9. Ordinance Enforcement. The Borough has various ordinances in effect (e.g., land development and property maintenance) intended to preserve the quality of life in Watchung. Such ordinances address a variety of issues including: property maintenance; garage conversions; parking of disabled vehicles in the right-of-way; overnight parking; the noise ordinance; open fires; burning of household garbage and trash; and enforcement of single-family zoning. However, the effectiveness of such ordinances are reduced if they are not consistently and aggressively enforced. Thus, in order to better preserve the quality of life in Watchung, the Borough should review its policies, practices and procedures related to these ordinances and make necessary modifications to more effectively and aggressively enforce these ordinances.
10. Retail and Office Market Trends. As indicated above in Section III, the Borough should continue to monitor the retail and office market trends in the Borough and take necessary measures, within its powers, to retain their viability.
11. Board of Adjustment Annual Report. The Planning Board has reviewed the ZBA's latest Annual Report and has offered the following:
 - *Outdoor dining* – The Board recommends no change to the ordinance
 - *Tree ordinance* – The Board recommends that no tree be permitted to be removed without a permit, that the Borough should enforce tree replacement and that there should be penalties for clear cutting parcels
 - *Fencing* – The Board had recommended that the restriction against solid fencing remain. However it is understood that an ordinance allowing solid fencing has recently been adopted by the Borough Council.
 - *Steep Slope Calculations* – The Board recommends that the ordinance remain as-is.
12. Brook Hill Swim and Tennis Club. The existing Rural Residential (R-R) single-family zoning designation of this property should remain in effect. The Borough should pursue open space preservation of this property or other public use such as a park-and-ride lot.

13. Impervious Surface Limits in the Borough's Commercial Zones. The permitted lot coverage (i.e., the percentage of the site covered by impervious surfaces) in the Borough's commercial zones are relatively high (i.e., generally 75% or 80%). Lower impervious surface limits have many benefits including reduced stormwater runoff and aesthetic benefits including increased opportunities for landscaping both internal to the site (e.g., in the form of parking lot landscape islands) and around the perimeter along the site's road's frontages and buffering of adjoining uses. The Borough should require, in the Borough LDO, that its commercial sites are required to reduce impervious surface as these sites are redeveloped (either partially or in whole).

14. Impervious Surface Limits in the Borough's Residential Zones. The Borough should amend the LDO to reduce the likelihood of impervious surfaces variances in situations where homes are set back a significant distance from the roadway. Large front setbacks of homes furthers the rural-suburban character of the Borough and should be encouraged. As indicated in the 2011 Reexamination Report such longer-than-usual driveways commonly caused the sites to exceed the impervious surface limitation of the zone, necessitating variances. The Borough should investigate changes to the ordinance that involve a formula whereby the impervious surface of such longer driveways are pro-rated in some manner. To the extent that such changes may permit houses to increase in size, this recommendation will need to be balanced against the concern raised elsewhere about "McMansion."

15. Green Development Checklist. The Borough should incorporate the Green Development Checklist developed by Sustainable Jersey¹ into the Borough's LDO. The Model Green Development Checklist has been prepared by Sustainable Jersey to assist communities in encouraging and reviewing planning submittals for sustainable green design aspects of development projects and to assist in a more comprehensive understanding of the development's potential to incorporate green design and sustainability. A Green Development Checklist lists various green design strategies that can be incorporated into a development and is one of several items to be submitted with a completed Site Plan/Subdivision Application. The intent of the Checklist is to provide an opening to discuss municipal green design objectives with the development community. It is important to note that while completion of the Checklist by applicants would be mandatory, compliance with the Checklist items would not be a condition of approval.

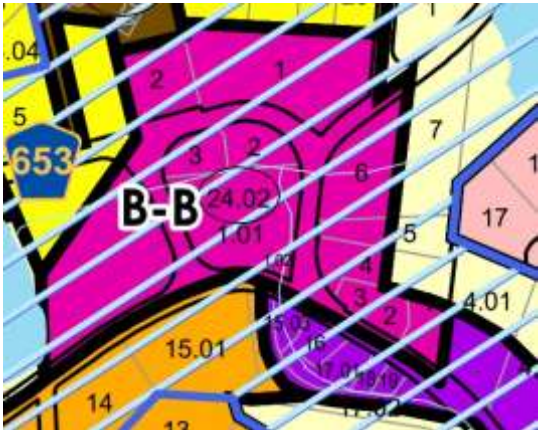
16. Legalized Cannabis. In the November 2020 General Election, over 60% of the local and state voters backed a ballot question that amended the state's constitution to legalize the sale and use of cannabis. The Watchung Planning Board supports the municipality in adopting regulations governing the times of operation, location, manner and number of cannabis

¹ https://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Actions/Green_Development_Checklist/Model_Checklist_Final_Upload_2015_10_09-final.pdf

establishments, distributors or delivery service. The Planning Board believes that such an ordinance(s) provides the Borough with control on the operation/sale/use of cannabis.

Village Center/Somerset Street

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

1. An integral component of a village center is the close proximity of civic facilities and amenities. In addition to the Borough Hall, Watchung's village center includes the Watchung Borough Fire Headquarters, the Watchung Exempt Firemen's Club, the Watchung Rescue Squad, the Watchung Art Center, the Watchung Public Library, and the Texier House Museum. These civic facilities and amenities form the municipal heart of the Borough and thus should remain in close proximity to one another in the village center. The library and arts center should be located in the village center.
2. Rather than creating design standards covering the entirety of the Village Center Historical Overlay Zone (as recommended in previous Re-examination Reports), the Planning Board recommends the creation of architectural design standards that cover just the village circle area (i.e., the B-B zone as well as the gas station site).
 
3. The Borough should continue to pursue opportunities to further enhance gateways into the Borough including but not limited to along Somerset Street into the Village Center area.
4. The Borough should investigate widening of the walkways around Watchung Lake where practicable. This effort should be done in a manner that results in positive environmental impacts including minimizing potential impacts to the water quality of the lake, appropriate soil erosion control measures, careful selection of native plantings to stabilize and beautify the area and compliance with requirements of reviewing agencies including those of the New Jersey Department of Environmental Protection (NJDEP).
5. Remediation of Watchung Lake should include bank stabilization to prevent further erosion and ensure the long-term stability of the walkway around the lake. This effort should similarly be done in a manner that results in positive environmental impacts including minimizing potential

impacts to the water quality of the lake and compliance with requirements of reviewing agencies including those of the NJDEP.

Circulation

1. Regional Traffic Considerations – Passenger Vehicles and Truck Traffic. As discussed above in Section II the Borough continues to experience a significant amount of regional cut-through traffic due to its location between two major regional thoroughfares - Interstate 78 and US Highway 22.

An important subset of regional traffic concerns is truck traffic through the Borough. For the reason stated above with respect to overall traffic through the Borough (location between two major regional thoroughfares - Interstate 78 and US Highway 22) the Borough experiences an excessive amount of regional truck traffic. Even more so than passenger vehicles, such truck traffic creates inordinate safety issues, air quality concerns, and as a result, impacts to the character of the community.

The Borough should continue to monitor factors such as capital improvements that may affect regional traffic through the Borough (see related discussion below), should encourage aggressive enforcement of related rules (e.g., truck routing), and should continue to be active in the seeking assistance from the County and/or State to find solutions to these traffic issues.

2. Route 78 Interchange at Diamond Hill Road. The Planning Board continues to recommend that the previously planned improvements to this intersection (consisting of an additional leg to the intersection that would allow westbound Route 78 traffic to exit at Diamond Hill Road and proceed south-bound on Diamond Hill Road/ New Providence Road) be reconsidered and that the Borough continue to actively lobby to make this happen.

The Planning Board further recommends that improvements to this interchange include modifications that would allow drivers to access westbound lanes of Route 78 from Diamond Hill Road.

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

3. Realignment of New Providence Road/ Diamond Hill Road. New Providence Road/ Diamond Hill Road should be realigned and otherwise upgraded to increase its capacity so as to facilitate vehicular movement from Route 22 to the Route 78 interchange at Diamond Hill Road. Preferably, such modifications would be done in concert with the previously-described recommendations for the I-78 Interchange at Diamond Hill Road.
4. Mountain Boulevard. A left turn lane should be provided at Anderson Road.
5. Speed Limits. Speeding on the major roadways within the Borough affects the quality of life and safety within the Borough. The Borough Council addressed this issue by lowering speed limits on the following roadways segments via Ordinance 20/04:
 - *Mountain Boulevard* (County 527) between Wildwood Terrace and Brookdale Road lowered and set at 35 MPH
 - *Mountain Boulevard* between Brookdale Road and the Watchung Circle lowered and set at 25 MPH
 - *Valley Road* (County 527) between Bonnie Burn Road and Knightsbridge lowered and set at 35 MPH
 - *Valley Road* between Knightsbridge and the Watchung Circle lowered and set at 25 MPH
 - *Stirling Road* (County 653) between Dogwood Lane and Watchung Circle lowered and set at 25 MPH
 - *Somerset Street* (County 531) between Johnston Dr and Watchung Circle lowered and set at 25 MPH
 - *Hillcrest Road* (County 531) between Crestwood Dr and Watchung Circle lowered and set to 25 MPH.

As indicated in the ordinance the effectiveness of the ordinance is contingent upon, the County of Somerset passage and approval of these lowered speed limits.

The Planning Board supports the Borough Council's adoption of this ordinance and urges Somerset County passage and approval of the same. The Planning Board further encourages the consistent and aggressive enforcement of these lower speed limits.

6. Bike Lanes. Bikes lanes should be encouraged along roadways in the Borough.
7. Sidewalks. As recommended above, the Borough should pursue opportunities to create a more interconnected pedestrian network within the Borough including where such pedestrian improvements would connect different portions of the Borough and provide greater access from the Borough's neighborhoods to the Village Center, recreational amenities and the lakes. Examples include a sidewalk along Valley Road from Bayberry Lane to Bonnie Burn Road and along Mountain Boulevard from Brookdale Road connecting to the existing sidewalk in Warren.

V. INCORPORATION OF REDEVELOPMENT PLAN(S) INTO MASTER PLAN AND RECOMMENDED CHANGES, IF ANY, TO DEVELOPMENT REGULATIONS

This section addresses N.J.S.A 40:55D-89.e which requires that reexamination reports address 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.

As addressed above, the Borough adopted a Redevelopment Plan for a non-condemnation area in need of redevelopment. The Bonnie Burn Redevelopment Plan provides for the Bonnie Burn Road site to be developed as an inclusionary multi-family housing development including 46 very low-, low- and moderate-income, non-age restricted affordable rental units. Implementation of the Bonnie Burn Redevelopment Plan is one of the key means of addressing the Realistic Development Potential (RDP) portion of the Borough's Third Round Obligation and addresses a portion of the portion of the Borough's Prior Round Obligation as well, as demonstrated in the Housing Element and Fair Share Plan (HEFSP) which was adopted by the Planning Board as an element of the Borough Master Plan. There exists no need to incorporate this redevelopment plan into the Master Plan as that was accomplished by the Planning Board's adoption of the HEFSP as an element of the Borough Master Plan. There does not exist the need to amend the development ordinance to effectuate the redevelopment plan as this was accomplished by the Borough Council's adoption by ordinance of the Bonnie Burn Redevelopment Plan.

