

*Hawthorne Planning Board  
445 Lafayette Avenue  
Hawthorne, NJ 07506*

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Board Attorney/Secretary  
William A. Monaghan, III, Esq.

Board Engineer  
Boswell McClave Engineering

December 27, 2000

Passaic County Planning Board  
Administrative Building  
401 Grand Street  
Paterson, New Jersey 07505

Attention: James D. Rogers  
Planning Director

Re: 2000 Periodic Reexamination Report,  
Master Plan, Borough of Hawthorne

Dear Mr. Rogers:

In accordance with N.J.S.A. 40:55D-89, enclosed herewith please find a copy of the 2000 Periodic Reexamination Report of the Hawthorne Master Plan prepared by Kasler Associates, together with a copy of a resolution of the Hawthorne Planning Board dated December 19, 2000 adopting the Reexamination Report.

Very truly yours,

  
WILLIAM A. MONAGHAN, III  
Board Attorney/Secretary

WAM/km  
Enclosure  
c: Clerks of adjoining municipalities (w/encl.)

WHEREAS, pursuant to N.J.S.A. 40:55D-89 the Planning Board is required to conduct a general reexamination of the Borough Master Plan and development regulations at least every six years and to prepare and adopt by resolution a report on the findings of such reexamination; and

WHEREAS, the Planning Board has undertaken the general reexamination as required by the Municipal Land Use Law and has authorized the preparation of a report on the findings of the reexamination; and

WHEREAS, the report, dated December 18, 2000, was prepared by Kasler Associates of Hackensack, New Jersey, planning consultant to the Board; and

WHEREAS, the report was presented to the Board at its meeting dated December 5, 2000 by Malcolm Kasler, AICP, PP, of Kasler Associates at which time Board members discussed the findings contained in the report; and

WHEREAS, in addition to the findings contained in the report prepared by Kasler Associates, the Board wishes to make the following supplemental statements:

1. With regard to the problems and objections set forth in the 1994 reexamination report, the Board notes that several issues have been addressed. The recent approval of a conditional use shopping center on Wagaraw Road, which will include a large supermarket, will meet two of the concerns listed in the 1994 report. The COAH litigation noted in the 1994 report remains pending, however it is anticipated that the resolution of the suit will bring the Borough into compliance with its obligations under the Fair Housing Act. Traffic signals have been installed at the intersections of Goffle Road/Lafayette Avenue and Wagaraw Road/Lafayette Avenue. A steep slope

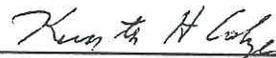
and tree removal ordinance have been adopted. A new assisted living (R7) zone has been adopted. A zone change shall be made to address the DPW yard area.

2. A number of problems and objectives set forth in the 1994 report require further study and/or action. Several of these could be addressed through the preparation of a major revision of the Master Plan together with a review and update of the Borough's zoning ordinance and land use regulations. It is strongly recommended by the Board, as noted in the report prepared by Kasler Associates, that the governing body make provision in the 2001 municipal budget for a major revision of the Master Plan as well as a complete review of the zoning ordinance, zoning map and land use regulations. The review process could take advantage of the latest GIS (geographic information systems) techniques and new Federal census data to address issues such as an inventory of vacant and/or municipally owned land, discrepancies between property locations on tax records and mailing addresses, parking and traffic issues, conversion of one- and two-family residences to B-1 commercial uses and the continued existence of pockets of mixed residential and industrial uses. Other issues which have not been resolved since the 1994 report include installation of traffic signals at the intersections of Goffle Road/Diamond Bridge Avenue and Goffle Road/Braen Avenue/Rock Road and enactment of a soil movement ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hawthorne that the Periodic Reexamination Report prepared by Kasler Associates

dated December 18, 2000 be and hereby is adopted and the Board Secretary is hereby directed to send a copy of the report and this resolution to the Passaic County Planning Board and to the Clerks of each municipality adjoining the Borough of Hawthorne.

The undersigned, Chairman of the Planning Board of the Borough of Hawthorne, hereby certifies that the above is a true copy of a resolution adopted by said Board on the 19<sup>th</sup> day of December, 2000.



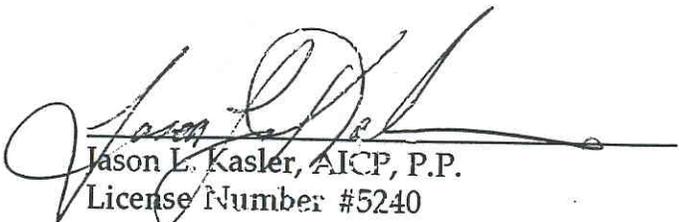
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Kenneth H. Colyer, Chairman

**Periodic Re-Examination Report  
Borough of Hawthorne,  
New Jersey**

**Prepared For:  
Hawthorne Borough Planning Board**

The original document was appropriately signed and sealed by Jason L. Kasler, AICP, P.P. on December 19, 2000 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
Jason L. Kasler, AICP, P.P.  
License Number #5240

## INTRODUCTION

The New Jersey Municipal Land Use Law requires that municipalities periodically reexamine their master plan and development regulations. N.J.S.A. 40:55D-89 requires that this periodic reexamination occur minimally every six years.

The Planning Board is empowered with the task of preparing a report on the findings of the reexamination. The report, as set forth in the Statutes, must minimally include the following elements:

- 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 use, 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 regulation 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 seq.) 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 Borough of Hawthorne adopted its Master Plan in 1968 which was followed by the adoption of a Master Plan in October of 1978. The 1968 Plan included background data on land use, population, housing, utility services and economic development. It concluded with an enumeration of the general planning objectives which form the basis for the land use plan recommendations for the future use of land in the Borough.

The Borough of Hawthorne last adopted periodic reexamination reports on August 3, 1982; August 16, 1988 and July 19, 1994. The 1968 Master Plan document was prepared by the planning firm of Candeub, Fleissig and Associates. The 1978 Master Plan was prepared by the Hawthorne Planning Board and was dated October, 1978.

## MASTER PLAN GOALS AND OBJECTIVES

The 1968 Master Plan set forth a number of goals and objectives which formed the basis for the plan recommendations. These objectives were identified as follows:

1. To encourage the development of a variety of housing types at increased densities because of the decreasing supply of developable land.
2. To provide various types of apartments in order that elder residents, as well as other age groups, will be given a broader choice of housing.
3. To preserve the existing high quality of the one and two family homes.
4. To provide adequate industrial districts to meet current and future needs.

Industrial sites should have:

- Adequate area with expansion capabilities
  - Proper off-street parking and loading facilities
  - Proper separation from residential districts
  - Good access to main transportation routes;
  - Adequate public utility services.
5. To serve as the commercial and professional office center for the entire Borough (the downtown area).
  6. To provide neighborhood commercial areas in proximity to residential districts. These centers should provide goods and services which are purchased on a day-to-day basis.
  7. To provide well maintained and adequate off-street parking and loading facilities.
  8. To handle through traffic in a manner that will least adversely affect local traffic movements.
  9. To relate the functional use of streets to their traffic handling capacity.
  10. To make appropriate proposals for alleviating any hazardous traffic conditions.
  11. To encourage the use of public transportation systems

12. To provide adequate office and work space to all municipal officials.
13. To provide for the centralization of municipal functions.
14. To eliminate the current overcrowded school conditions.
15. To relate school expansion and/or new construction to the availability of recreation areas.
16. To provide related facilities so as not to exceed a maximum of 30 pupils per classroom.
17. To provide 10 acres of recreation space per 1,000 population.
18. To provide neighborhood recreation areas in central locations.
19. To provide adequate public sewer and water for all sections of the Borough.

Concerning the Hawthorne Central Business District, the following objectives were identified:

20. To encourage commercial consolidation by discouraging dispersed commercial development along Lafayette Avenue.
21. To provide for additional commercial development.
22. To encourage the development of a coordinated professional office district.
23. To provide a safe and efficient street system which adequately serves both local and through traffic.
24. To maintain at least two lanes for moving traffic on all downtown streets.
25. To develop a pedestrian walkway system which is functionally related to the off-street parking lots.
26. To preserve the existing public buildings and open space.
27. To add a unifying design element through the use of an architectural theme encompassing: building facades, lighting, landscaping and advertising signs.
28. To provide small sitting parks at strategic locations in the heart of the business district.
29. To design parking areas in an aesthetic manner.

## MAJOR PROBLEMS REPORTED IN THE 1994 PERIODIC REEXAMINATION

N.J.S.A. 40:55D-89 states that a re-examination report must identify “the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.” The 1994 Periodic Reexamination Report identified the following major problems. These are noted as follows:

At the time of this report the Borough of Hawthorne is almost completely developed and very little vacant land suitable or available for development remains. The Housing Element of the Master Plan lists 65 parcels of vacant land remaining in the Borough. Of those 65 parcels, 33 are environmentally sensitive, 29 not suitable for inclusionary development and four reserved for recreation requirements.

The New Jersey Council on Affordable Housing (COAH) has indicated that the Borough has not complied with the requirements of the New Jersey Fair Housing Act in terms of providing low and moderate income housing. Due to the nature of the land remaining for development in the Borough, other alternatives must be considered to meet COAH’s requirements.

There is currently pending in the Superior Court a Builder’s Remedy action against the Borough seeking to allow for the development of low or moderate income housing on a tract in the north end of the Borough.

The mix of industrial and residential uses continues and has changed very little from the time of the last review and there continues to be pockets of mixed industrial and residential uses. Traffic along Lafayette Avenue as well as other main roads is also a continuing problem.

Additionally, there remains a significant need to amend the Zoning Ordinance to provide needed relief to a number of landowners in residential zones. Changes to the ordinance are still needed in regard to parking and traffic flow.

It is clear that there is less vacant land in the Borough in the year 2000 than existed in 1994. The Borough’s master plan in 1968 indicated there was very little vacant undeveloped land more than 30 years ago. The 1994 Periodic Reexamination report indicated that there were some 65 parcels that continued to be undeveloped. No acreage was reported. As will be noted in the segment “Recommended Changes”, a new master plan should be prepared for the Borough and the current vacant land should be identified and its respective acreage calculated.

Pending litigation in the Superior Court concerning Mt. Laurel housing continues in 2000 as it did in 1994. A resolution of this matter should also be incorporated in a new master plan for the Borough.

Traffic conditions today along Lafayette Avenue and other principal thoroughfares is an on-going condition and the mixture of residential and industrial uses in portions of the Borough has not materially changed.

Zoning issues should likewise be incorporated into a new master plan program.

The new Census of Population and Housing will be released within the next six to eight months by the Federal government. This information should also be incorporated into a new master plan program.

REDUCTION IN PROBLEMS REPORTED IN 1994 REEXAMINATION

The second requirement of a re-examination report is to state the “extent to which problems and objectives have been reduced or have increased subsequent to the last reexamination.”

Table 1, which follows, provides an indication of residential construction during the period from 1990 to 1999. This data indicates building and demolition permits issued during this time period.

Table 1  
 Number of Building and Demolition Permits Issued  
 Hawthorne, New Jersey  
 1990-1999

<u>Year</u>	<u>Residential Building Permits</u>			<u>Demolition Permits Issued</u>
	<u>Single Family</u>	<u>Multi-Family</u>	<u>Total</u>	
1990	8	4	12	3
1991	12	0	12	0
1992	34	0	34	0
1993	20	0	20	2
1994	25	0	25	0
1995	19	0	19	0
1996	21	0	21	2
1997	4	2	6	5
1998	12	0	12	1
<u>1999</u>	<u>10</u>	<u>0</u>	<u>10</u>	<u>3</u>
Total	163	6	169	16

Source: New Jersey Department of Labor, 2000

Other data, such as covered employment, development activities by types of business are not available at this time and should be incorporated into a new master plan element, if said document is to be prepared.

The following represents additions, actions and programs which have reduced some of the problems identified in 1994.

1. Traffic light at Goffle Road, Rock Road and Braen Avenue Intersections.
2. Goffle Brook flooding concerns and solutions; Army Corps of Engineer' involvement studies and proposals.
3. Traffic studies and controls for Rea Avenue and Goffle Road.
4. Studies underway to possibly provide a jitney bus service for Borough commuter to relieve parking congestion in our downtown.
5. Introduction of a mixed use zone for commercial development on the B.A.S.F. site on Wagaraw Road. Starwood Ceruzzi Properties is the developer. The plans have been approved and development is scheduled for the Spring, 2001.
6. A garage and ambulance building is contemplated on the DPW/Rescue 5 site at 920 Goffle Road. A volunteer ambulance corps. requires more garage and meeting space.
7. A "Future of Hawthorne" committee has worked on the Wagaraw Road development. They are presently reviewing senior citizen needs, description and recommendations of our downtown and professional locations with upgrading plans.
8. A new assisted living zone, R-7, was added to the zoning ordinance which coincides with assisted living development under construction on Goffle Road.

A more explicit description and analysis of these elements could be incorporated in the proposed 2001 Master Plan.

## SIGNIFICANT CHANGES

A re-examination report must indicate “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 specific planning issues and governmental policy.”

Some of the issues that should be evaluated in the proposed 2001 Master Plan that affects the Borough’s future policies, assumptions, goals, etc:

1. Trend in converting one and two family residence into B-1 uses.
2. Changes to the zoning map and ordinances.
3. Traffic of Lafayette Avenue.
4. Pockets of development containing mixed industrial and residential use.
5. Compliance with COAH.
6. Changes in zoning concerning parking and traffic flow.
7. Conversion of industrial uses on Wagaraw Road.
8. Major grocery chain store.
9. Amendments to the zoning ordinance concerning parking regulations for retail stores and relief for areas consisting of undersized lots.
10. Definition of wood decks.
11. Traffic signals at Goffle and Diamond Bridge, Goffle and Braen and Rock Road. Completion of signals at Goffle and Lafayette and Wagaraw and Lafayette.
12. Left turn signals at Goffle to Lafayette and Lincoln to Wagaraw should have time extended.
13. Changes in the zoning ordinance concerning the garage and ambulance building on the DPW/Rescue 5 site contemplated at 920 Goffle Road should be evaluated.

The assumptions, policies and objectives which formed the basis for the 1968 and 1978 master plans in general have not changed dramatically.

Further, the policies and objectives of a number of sources outside the municipality have, in fact, changed dramatically. Changes to the Municipal Land Use Law are the primary external governing factor that significantly impacts Hawthorne. Recent changes to these governing laws - which have a varying degree of impact upon the Borough -- are outlined below.

A. Municipal Land Use Law Changes

- |    |                    |                                                                                                                        |
|----|--------------------|------------------------------------------------------------------------------------------------------------------------|
| 1. | NJSA 40:55 D-3     | Definitions<br>amended - 1992                                                                                          |
| 2. | NJSA 40:55 D-4     | Definitions<br>amended – 1992                                                                                          |
| 3. | NJSA 40:55 D-5     | Definitions<br>amended – 1998                                                                                          |
| 4. | NJSA 40:55 D-6     | Definitions<br>amended – 1996                                                                                          |
| 5. | NJSA 40:55D-8      | Municipal fees, exemptions<br>amended - 1996                                                                           |
| 6. | NJSA 40:55 D-10    | Hearings on application or development , or<br>adoption, revision of amendment of the master<br>plan<br>amended – 1998 |
| 7. | NJSA 40:55 D- 10.2 | Vote by a member who was absent from hearing;<br>conditions<br>amended – 1998                                          |

8. NJSA 40:55 D-12 Notice of applications from municipal office  
amended –1998
9. NJSA 40:55D-12.1 Notice of applications to public utilities, cable  
television companies and local utilities  
new – 1992
10. NJSA 40:55D-12.2 Notification requirements by administrative  
officer to public utilities  
new – 1992
11. NJSA 40:55D-12.3 Validity of hearing  
new – 1992
12. NJSA 40:55 D-17 Appeal to the governing body; time; notice;  
modification; stay of proceedings  
amended – 1991
13. NJSA 40:55 D-19 Appeal or petition in certain cases to the Board of  
Public Utility Commissioners  
amended – 1999
14. NJSA 40:55D-23 Planning board membership  
amended – 1998
15. NJSA 40:55 D-23.1 Alternate members to the planning board  
amended -1998
16. NJSA 40:55D-23.2 Substitute members when conflict exists  
new – 1991

- 17. NJSA 40:55 D-24                      Organization of planning board  
amended – 1998
- 18. NJSA 40:55D-25                      Powers of Planning Board  
amended – 1999
- 19. NJSA 40:55D-28                      Preparation and Adoption of the Master Plan;  
amended - 1999

**Comment:** N.J.S.A. 40:55D-28 establishes the parameters of the community’s master plan. Since the adoption of the 1978 Plan, the requirements and regulations have changed substantially. The law now mandates the adoption of a land use plan element, a housing plan element, and a recycling plan element as a minimum level of planning.

The Municipal Land Use Law requires that:

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act,” sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the Solid Waste Management Act, P.L. 1970, c. 39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

- 20. NJSA 40:55D-34                      Issuance of permits for building structures  
amended – 1991
- 21. NJSA 40:55 D-35                      Building lot to abut street  
amended – 1989
- 22. NJSA 40:55D-36                      Appeals  
amended – 1991

- |     |                  |                                                                                                |
|-----|------------------|------------------------------------------------------------------------------------------------|
| 23. | NJSA 40:55 D-38  | Contents of ordinance for subdivisions or site plan approval<br>amended – 1993                 |
| 24. | NJSA 40:55 D-39  | Discretionary contents of ordinance of subdivision or site plan<br>amended – 1987              |
| 25. | NJSA 40:55D-40.1 | Site improvement standards - definitions<br>new -1993                                          |
| 26. | NJSA 40:55D-40.2 | Legislative findings and declarations<br>new - 1993                                            |
| 27. | NJSA 40:55D-40.3 | Site improvement advisory board<br>new – 1993                                                  |
| 28. | NJSA 40:55D-40.4 | Recommended statewide site improvement standards, model application form; waiver<br>new – 1993 |
| 29. | NJSA 40:55D-40.5 | Superseding local regulations; effective date<br>new – 1993                                    |

30. NJSA 40:55D-40.6 Zoning power intact  
new – 1993

*Comment:* The State of New Jersey recently passed the Residential Site Improvement Standard (RSIS) which applies to all residential development in the State of New Jersey. These standards supersede local subdivision and site plan requirements for residential development. Requirements for residential development which are located within the zoning ordinance are not superseded and are still effective. There is no need for Hawthorne to amend their ordinance as these laws supersede local subdivision and site plan requirements.

31. NJSA 40:55D-40.7 Exceptions  
new – 1993

32. NJSA 40:55 D-42 Contribution for off-tract water, sewer, drainage  
and street improvements  
amended – 1998

33. NJSA 40:55D-46.1 Minor Site Plan Approval  
amended – 1991

34. NJSA 40:55D-47 Minor Subdivision  
amended - 1991

35. NJSA 40:55D-49 Effect of Preliminary approval  
amended - 1991

36. NJSA 40:55D-52 Effect of final approval of a site plan or major  
subdivision  
amended - 1991

- 37. NJSA 40:55D-53 Guarantees required; surety; release  
amended – 1999
  
- 38. NJSA 40:55 D-53.a Standardized form for performance guarantee,  
maintenance guarantee, letter of credit  
new – 1999
  
- 39. NJSA 40:55 D-53.b Acceptance of standardized form  
new – 1999
  
- 40. NJSA 40:55D-53.2 Escrow payments for professional services  
new – 1995
  
- 41. NJSA 40:55D-53.2a Applicant notification to dispute charges; Appeals  
new – 1995
  
- 42. NJSA 40:55D-53.3 Performance and Maintenance guarantees  
limitations  
new – 1991
  
- 43. NJSA 40:55D-53.4 Estimate of cost for improvement installation  
new – 1995
  
- 44. NJSA 40:55D-53.5 Letters of Credit - acceptance  
new – 1991
  
- 45. NJSA 40:55D-53.6 Acceptance of street lighting, Responsibility of  
Municipality  
new - 1991

46. NJSA 40:55D-54 Recording of final approval of major subdivisions;  
filing of all subdivision plats  
amended – 1991
47. NJSA 40:55D-62 Power to zone  
amended - 1992

**Comment:** The amendment to this section deals with compliance with the “State Highway Access Management Act”. This section does not establish minimum lot size or frontage requirements for lots fronting upon a state highway but restricts access to the state highway.

*NJSA 40:55D-62 of the Municipal Land Use Law requires that:*

Such (zoning) ordinance shall be adopted after the planning board has adopted the land use plan element of a master plan, and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance.”

The Statutes were amended in 1985 to require the filing of a statement of inconsistency with the County Planning Board and the ordinance or ordinances that are inconsistent with the Plan which “...shall not take effect until a copy of the resolution of inconsistency is filed with the county planning board. (See N.J.S.A. 40:55D-16)

The review of the Master Plan and Borough’s zoning ordinance for Hawthorne indicates some areas which may require updating. Some of the zoning definitions may be out-of-date or may no longer be applicable. Consideration should be given to updating the Borough’s zoning ordinance.

Other areas that may require updating relate to the analysis of planning in the adjoining communities, the evaluation of the State Development and Redevelopment Plan, which was adopted by the State Planning Commission in 1992 and an update of the land use plan element.

The Planning Board may wish to amend its housing plan to reflect changed conditions. Moreover, since the Borough is almost totally developed, the Borough may wish to consider filing an application seeking substantive certification as a fully developed community.

48. NJSA 40:55D-62.1                      Amendment to Zoning Ordinance  
new – 1995

*Comment:* Notice of an amendment to the zoning ordinance must be supplied to all property owners within 200 feet of the subject property or subject properties.

49. NJSA 40:55D-63                      Protest proposed zoning amendments;  
amended – 1995

50. NJSA 40:55 D-65                      Contents of zoning ordinance  
amended – 1996

51. NJSA 40:55D-65.1                      Designation and Regulation of Historic Sites or  
Districts  
new - 1991

*Comment:* Preservation of historic sites or districts must be based upon an historic preservation plan element of the Master Plan.

52. NJSA 40:55D-66.1                      Community Residences for Developmentally  
Disabled  
new – 1998

53. NJSA 40:55D-66.2 Definitions  
new - 1998

**Comment:** Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries are permitted uses in all residential districts within the State of New Jersey.

54. NJSA 40:55 D-66.4 -- through -- 40:55 D-66.5  
Repealed – 1998

55. NJSA 40:55D-66.5a Definitions  
new – 1991

56. NJSA 40:55D-66.5b Legislative findings regarding family day care homes in residential districts  
new – 1992

57. NJSA 40:55 D-69 Zoning board of adjustment creation  
amended – 1998

58. NJSA 40:55D-66.6 Child Care centers  
new – 1990

59. NJSA 40:55D-66.7 Non- Residential Development with Child Care Center; Calculation of Density  
new - 1992

**Comment:** Child care centers are a permitted use in any non-residential zone within the municipality. Furthermore, the square footage of a proposed day care facility cannot be included when making calculations for parking requirements. In an effort to provide sufficient parking for child care facilities, the Borough may wish to implement a parking ordinance which is based upon the number of occupants and not square footage.

60. NJSA 40:55 D-66.7a Child care programs, exemption from local zoning restriction  
new – 1999
61. NJSA 40:55D-66.8 Siting of structure/equipment required for ground water remedial action deemed essential  
new - 1994
62. NJSA 40:55D-66.9 Variances for structure/equipment used in ground water remedial action  
new – 1994
- Comment:** Allows the municipality to adopt reasonable standards for the siting of structural equipment required for ground water remediation.
63. NJSA 40: 55 D-68.1 Expansion of non conforming hotel, guest house, rooming house or boarding house operations  
new – 1989
64. NJSA 40:55 D-68.2 Filing with commissioner of community affairs by the owner of any expanding hotel, guest house, rooming house or boarding house  
new – 1989
65. NJSA 40:55 D-68.3 Penalty for false filing of expanding hotel, guest house, rooming house or boarding house  
new – 1989
66. NJSA 40:55 D-68.4 Municipalities cannot to prohibit senior citizens from leasing or renting rooms within single family primary residences to one person  
new – 1998

67. NJSA 40:55 D-68.5 Senior citizen defined as any person attaining the age of 62  
new – 1998
68. NJSA 40:55 D- 68.6 Act not to limit regulations pertaining to fire safety, and public health and welfare in the renting described in 40:55 D-68.4  
new – 1998
69. NJSA 40:55D-69.1 Substitute members for board of adjustment when conflict exists  
new - 1991
- Comment:* Class IV members of the Planning Board can sit on the Board of Adjustment when it lacks a quorum as provided by Statute
70. NJSA 40:55D-70.2 Administrative officer error pursuant to report of historic preservation commission or planning board  
new – 1991
71. NJSA 40:55D-89 Periodic Re-examination  
amended - 1992
- Comment:* Periodic Re-examinations must now contain a fifth element discussing the incorporation of redevelopment plans.
72. NJSA 40:55D-95 Purposes of Storm Water Management Plan  
amended – 1991
73. NJSA 40:55D-95.1 Safety requirements for storm water detention facilities  
new - 1991

74. NJSA 40:55D-96 Exceptions from storm water management plan  
amended – 1991

75. NJSA 40:55D-97 County Planning Board approval  
amended - 1991

*Comment:* Requires a storm water management plan and storm water management ordinance subject to conditions.

76. NJSA 40:55D-108 Funding Historic Preservation Commission  
amended - 1991

77. NJSA 40:55D-110 Referrals by planning board and board of  
adjustment to Historic Preservation Commission  
amended – 1991

78. NJSA 40:55D-111 Designation and regulation of historic sites or  
districts by ordinance; reference of application for  
issuance of permits to commission, report for  
grant, conditional grant or denial  
amended – 1991

*Comment:* Requires the governing body to provide funds for an historic preservation commission.

79. NJSA 40:55D-130 Permit Extension Act  
new – 1992

80. NJSA 40:55D-131 Legislative findings  
new – 1994

- |     |                 |                                                                                                               |
|-----|-----------------|---------------------------------------------------------------------------------------------------------------|
| 81. | NJSA 40:55D-132 | Definitions<br><br>new – 1994                                                                                 |
| 82. | NJSA 40:55D-133 | Extension of governmental approvals scheduled to expire during economic emergency exemption<br><br>new – 1996 |
| 83. | NJSA 40:55D-134 | No extension for project pursuant to Wetlands Act, Application to DEP<br><br>new – 1992                       |
| 84. | NJSA 40:55D-135 | Notice of extensions of approvals<br><br>new – 1992                                                           |
| 85. | NJSA 40:55D-136 | Construction of act<br><br>new - 1992                                                                         |

*Comment:* Permit Extension Act grants extensions of permits which expired during the time period between January 1, 1989 and December 31, 1996.

**B. Americans With Disabilities Act (ADA)**

This Federal legislation was passed by Congress in 1990 and affects every community in the United States. It was estimated there were 43 million people in 1992 with “physically challenging” conditions. The Act provides requirements for public entities such as municipalities and school districts as well as private sector employment to insure accessibility and usability for the physically challenged.

The Borough of Hawthorne may wish to consider an overview of areas where compliance is required by Federal law.

C. Fair Housing Act

Since the adoption of the 1978 Land Use Plan, there have been a number of changes in State Housing Policy. The Fair Housing Act was enacted in 1986 which also created the Council on Affordable Housing. The Act also mandated that every Planning Board in New Jersey adopt a housing element and fair share housing plan as part of its master plan. The Planning Board may wish to create a new Fair Share Housing plan for the Borough.

D. Residential Site Improvement Standards

Residential Site Improvement Standards were adopted by the New Jersey Department of Community Affairs on December 5, 1996 which appeared in the January 6, 1997 issue of the New Jersey Register. In accordance with the Site Improvement Act, chapter 32 of the laws of 1993, the rules became operative on June 3, 1997, the 180th day following the day on which they were adopted.

As of June 3, 1997, these rules took effect in all municipalities in New Jersey. The standards supersede, and automatically replace, all technical requirements previously established by municipal ordinance with regard to streets, residential parking, water supply, sanitary sewers and storm water management in residential developments. They are the only standards which may be applied to residential subdivisions or site plan review. It is not necessary for a municipality to adopt any ordinance to make the site standards effective. The DCA notice states that "It may be advisable to delete or modify conflicting provisions of existing ordinances. Any existing municipal requirements will continue to apply to non-residential and mixed-use developments.

E. New Jersey State Master Plan SDRP-Cross Acceptance

The New Jersey State Development and Redevelopment Plan is mandated by the State Planning Act of 1985 and establishes State level Planning Policy. The current Plan was adopted by the State Planning Commission in June of 1992 and is required to be updated on a three year cycle.

The new State Master Plan is proposed to be released in the year 2001.

## RECOMMENDED CHANGES

A periodic reexamination report must also indicate “specific changes recommended for the master plan or development regulations, and whether a new plan or regulations should be prepared.”

The assessment of the Borough Land Use Plan reveals that it continues to represent a sound document to guide the development of the community. However, recent amendments to State Statutes, as well as the underlying policies which these amendments represent, suggest the need for certain adjustments and additions to Hawthorne’s master plan and development regulations. Additionally, some of the goals and objectives which form the basis for the original Plan recommendations should be refined to ensure that they continue to represent the contemporary planning issues which need to be addressed. The following is noted:

### 1. Land Use Plan

The land use plan element of Hawthorne was last adopted 32 years ago.

Much of the data and information is out-of date, particularly information related to population, employment, housing, recreation and open space etc,. Information concerning environmental issues are lacking.

### 2. Amendments to the Hawthorne Zoning Ordinance

It is recommended that the Hawthorne Planning Board undertake a review of the Borough’s zoning ordinance and map as a part of the master plan program. The ordinance which has served the Borough well through the years might be updated to provide some new definitions, procedures and standards which are reflective of current planning. Some new elements of the Municipal Land Use Law also should be reflected in the Borough ordinance.

### 3. Historic Planning and Zoning

The Borough does not contain a Historic Preservation Element. If the Hawthorne Planning Board is desirous of analyzing and reviewing appropriate information relative to historic sites in the municipality, the Municipal Land Use Law requires an amendment to the Borough Master Plan with certain specific elements noted by Statute. This process could prove to be a noteworthy element in updating the Borough Plan.

4. Relationship to Adjoining Communities / State Plan

These elements are mandatory requirements and have not been addressed since the Municipal Land Use Law was adopted in 1976. These components must be addressed in whatever planning forum the Borough elects to prepare.

INCORPORATION OF REDEVELOPMENT PLAN AND RECOMMENDED CHANGES

Lastly a periodic reexamination must make "...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 seq.) 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."

There are no redevelopment plans which pertain to the Borough of Hawthorne at this time. However, this issue might be considered in the process of updating the Borough Master Plan.