

Master Plan Reexamination Report

Borough of Fanwood Union County, New Jersey

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Prepared for:
Borough of Fanwood Planning Board

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*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

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Table of Contents

I — Introduction.....	1
II — Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report.....	2
Goals	2
III — Extent to Which Such Problems and Objectives Have Been Reduced or Increased.....	3
Goals	3
IV — Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives.....	5
Changes at the Local Level.....	5
Demographic Changes.....	5
Changes in the Housing Stock.....	7
Land Use Change.....	7
Planning Board Applications	8
Housing Element and Fair Share Plan.....	8
Land Use Studies.....	9
Ordinance Amendments.....	9
Changes at the County/Regional Level.....	9
Union County Transportation Master Plan	9
Union County Hazard Mitigation Plan Update.....	9
Union County Parks Master Plan.....	10
Union County Roadway Projects.....	10
Changes at the State Level.....	10
Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability	11
Climate change-related hazard vulnerability assessment Complete Streets.....	11
Sustainable Jersey	13
State Strategic Plan.....	13
Local Redevelopment and Housing Law	13
Safe Routes to School.....	14
New Jersey Council on Affordable Housing (COAH).....	14
Impacts of COVID-19.....	15
V — Specific Changes Recommended to the Master Plan and Development Regulations	17
Changes to the Master Plan	17
Changes to the Goals and Objectives	17
Master Plan Elements.....	17
Changes to Development Regulations.....	17
Other Recommendations.....	18
Sustainable Jersey	18
Union County Hazard Mitigation Plan.....	18

Open Space and Recreation.....	18
State Plan.....	18
Municipal Land Use Law.....	19
Miscellaneous Changes	19
VI — Recommendations Concerning the Incorporation of Redevelopment Plans....	20
Appendix I	Fanwood Environmental Commission Master Plan / Green Element Recommendations

I — Introduction

The New Jersey Municipal Land Use Law (MLUL) requires that each municipality undertake a review and reexamination of its master plan at least once every ten years. The purpose of the Reexamination Report is to review and evaluate the master plan and municipal development regulations on a regular basis, in order to determine the need for updates and revisions thereto. The Reexamination Report is also intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes in order to ensure that the master plan is current and meets the needs of the municipality. In addition, the preparation of a statutorily compliant Reexamination Report provides a presumption of validity of the municipal zoning ordinance under the law.

The Borough of Fanwood adopted its last master plan reexamination report in 2010. Said report served as a reexamination of the Borough's 1998 Master Plan, as amended by the 2004 Reexamination Report and 2007 Land Use Plan Amendment.

The municipal Planning Board is responsible for completing the reexamination, as well as preparing and adopting by resolution and report on the findings of the reexamination. This report serves as the 2020 Master Plan Reexamination Report for the Borough of Fanwood, as required by the MLUL at NJSA 40:55D-89.

The MLUL requires that the reexamination report describe the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in 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 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," PL 1992, c. 79 (NJSA 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 2020 Master Plan Reexamination Report addresses each of these statutory requirements.

II — Major Problems and Objectives Relating to Land Development at the Time of the Adoption of the Last Reexamination Report

The major problems and objectives relating to land development in the Borough are embodied in its master plan goals. The goals of the 2010 Master Plan Reexamination Report are outlined below.

Goals

1. The Land Use Plan of the Borough of Fanwood should build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.
2. The Land Use Plan should preserve and enhance the identity of the Borough as a totality and the integrity of the various single-family residential neighborhood areas to the maximum extent possible.
3. The Land Use Plan should recognize and reaffirm the quality of life and sense of community which has been established within the Borough; any changes to the existing Zone Plan of the municipality should be adopted only if they foster the continuance of these attributes and, conversely, do not adversely impact them.
4. The Land Use Plan should recognize the physical characteristics of the Borough and acknowledge the inherent capabilities and limitations of the land to support physical development.
5. The soon to be enlarged Central Commercial (CC Zone) provides for the construction of apartment flats over newly constructed businesses in an effort to provide additional housing.
6. With the exception of the Block 64 Redevelopment Area, the Central Commercial area of the Borough should continue with only modest expansion as dictated by the existing land use patterns; however, Ordinance controls should be instituted in order to assure that the future development of the lands within the central commercial area is accomplished in a manner which promotes a “village” atmosphere.

III — Extent to Which Such Problems and Objectives Have Been Reduced or Increased

Since the adoption of the 2010 Master Plan Reexamination Report, some problems and objectives relating to land development in the Borough have changed. As part of this master plan reexamination report, the Borough has assessed its master plan goals, and has identified the extent to which each has changed since the last master plan reexamination report. In the subsections below, each of the former goals and objectives are listed, with commentary as to how each has changed in ***bold, italic font*** beneath each of them.

Goals

1. The Land Use Plan of the Borough of Fanwood should build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.

This goal remains valid.

2. The Land Use Plan should preserve and enhance the identity of the Borough as a totality and the integrity of the various single-family residential neighborhood areas to the maximum extent possible.

This goal remains valid.

3. The Land Use Plan should recognize and reaffirm the quality of life and sense of community which has been established within the Borough; any changes to the existing Zone Plan of the municipality should be adopted only if they foster the continuance of these attributes and, conversely, do not adversely impact them.

This goal remains valid.

4. The Land Use Plan should recognize the physical characteristics of the Borough and acknowledge the inherent capabilities and limitations of the land to support physical development.

This goal remains valid.

5. The soon to be enlarged Central Commercial (CC Zone) provides for the construction of apartment flats over newly constructed businesses in an effort to provide additional housing.

The CC Zone ordinance was adopted in 2016 and the Borough is witnessing progress in the implementation through various multi-family projects in CC-W, CC-C and CC-E subzones of the CC zone.

6. With the exception of the Block 64 Redevelopment Area, the Central Commercial area of the Borough should continue with only modest expansion as dictated by the existing land use patterns; however, Ordinance controls should be instituted in order to assure that the future development of the lands within the central commercial area is accomplished in a manner which promotes a “village” atmosphere.

This goal remains valid. The CC Zone ordinance was adopted to ensure that the future development of the lands within the Central Commercial area is accomplished in a manner that promotes a “village” atmosphere.

IV — Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives

The following subsections outline the extent to which there have been significant changes in the assumptions, policies, and objectives related to land development in the Borough of Fanwood since 2010.

Changes at the Local Level

As described in the following subsections, there have been some changes in local assumptions, policies, and objectives since the adoption of the 2010 Master Plan Reexamination Report.

Demographic Changes

At the time of the 2010 US Census, the Borough of Fanwood had a population of 7,318 residents. Since the time of the 2010 US Census, which roughly corresponds with the time of the last reexamination report, the Borough's population has grown. Indeed, as reported by a 5-Year Estimate of the US Census Bureau's American Community Survey Program, the Borough's population averaged at 7,602 over the period from 2017 through 2018. This represents an increase of 284 residents or 3.9 percent over the 2010 US Census figure of 7,318 residents.

The increase in population since the time of the 2010 US Census represents the continuation of a trend in population growth since at least 1990. Indeed, the Borough's population grew by 0.8 percent between the times of 1990 and 2000 US Censuses, and 2.0 percent between the 2000 and 2010 US Censuses.

Recent population trends are shown in Table 1.

Table 1: Recent Population Trends

1990	2000	2010	2014-2018*
7,115	7,174	7,318	7,602

Source: US Census Bureau

* Values are 5-Year American Community Survey Program estimates of average conditions over the period from 2014 through 2018.

According to information from the US Census Bureau, key demographic indicators have changed in the period from 2010. Indeed, as reflected between the 2010 US Census and 5-Year Estimates for the period from 2014 through 2018, the median age has increased from 40.5 to 41.1, and average household size has increased from 2.78 to 2.94. In addition, the number of households has decreased from 2,627 to 2,544. The changes in these indicators are presented in Table 2.

Table 2: Recent Population Trends

Number of Households		Average Household Size		Median Age	
2010	2014-2018*	2010	2014-2018*	2010	2014-2018*
2,627	2,544	2.78	2.94	40.5	41.1

Source: US Census Bureau

* Values are 5-Year American Community Survey Program estimates of average conditions over the period from 2014 through 2018.

Please note that although change is reflected in the indicators that are presented in Table 2, the margin of error reported by the US Census Bureau's American Community Survey Program is large enough to include all 2010 values with the exception of average household size (n.b., the margin of error for the 2014-2018 average household size estimate is 0.15 members).

With regard to age structure, it is noted that the following age cohorts saw increases in the period since the 2010 US Census: 5 to 9 Years; 10 to 14 Years; 15 to 19 Years; 20 to 24 Years; 25 to 34 Years; 45 to 54 Years; 60 to 64 Years; and, 65 Years and Older. Conversely, the following age cohorts saw reductions in population: Under 5 Years; 35 to 44 Years; and, 55 to 59 Years. Population age structure is reported in Table 3.

Table 3: Population Age Structure

	2010		2014-2018*		Change	
	Number	Percent	Number	Percent	Number	Percent
Pre-School						
Under 5 Years	573	7.8	441	5.8	-132	-23.0
School Age						
5 to 9 Years	620	8.5	681	9.0	61	9.8
10 to 14 Years	534	7.3	604	7.9	70	13.1
15 to 19 Years	400	5.5	554	7.3	154	38.5
Working Age						
20 to 24 Years	251	3.4	267	3.5	16	6.4
25 to 34 Years	617	8.5	722	9.5	105	17.0
35 to 44 Years	1,251	17.1	954	12.5	-297	-23.7
45 to 54 Years	1,211	16.6	1,329	17.5	118	9.7
55 to 59 Years	457	6.2	359	4.7	-98	-21.4
60 to 64 Years	383	5.2	479	6.3	96	25.1
Senior Age						
65 Years and Older	1,021	13.9	1,212	15.9	191	18.7
Total	7,318	100.0	7,602	100.0	284	3.9

Source: US Census Bureau

* Values are 5-Year American Community Survey Program estimates of average conditions over the period from 2014 through 2018.

Changes in the Housing Stock

At the time of the 2010 US Census, Fanwood had a total of 2,686 housing units. Since 2010, however, there has been a reduction in the total number of housing units in the Borough. Indeed, as reported by the New Jersey Division of Codes and Standards, there has been a net loss of approximately 143 housing units in the Borough resulting from the issuance of 132 residential certificates of occupancy and 275 residential demolition permits. This represents a loss of 5.3 percent over the total of 2,686 housing units recorded during the 2010 US Census.

Land Use Change

Between 2010 and 2020, land use was relatively static within the Borough of Fanwood. This is reflected in the land use distribution of the real property of the Borough, as provided in Table 4.

**Table 4: Land Use Reflected in 2010 and 2020 Property Tax Assessment
(by Number of Assessed Properties)**

	2010		2020		Change: 2010-2020	
	Number	%	Number	%	Number	%
Class: 1 — Vacant Land	39	1.5	39	1.5	0	0.0
Class: 2 — Residential	2,489	93.1	2,480	93.0	-9	-0.4
Class: 4A — Commercial	76	2.8	74	2.8	-2	-2.6
Class: 4B — Industrial	17	0.6	15	0.6	-2	-11.8
Class: 5A — Railroad (Class 1)	0	0.0	3	0.1	3	100.0
Class: 5B — Railroad (Class 2)	3	0.1	0	0.0	-3	-100.0
Class: 5F — Unknown	1	0.0	0	0.0	-1	-100.0
Class: 6A — Telephone	1	0.0	1	0.0	0	0.0
Class: 15C — Public Property	29	1.1	27	1.0	-2	-6.9
Class: 15D — Charitable	11	0.4	11	0.4	0	0.0
Class: 15F — Other Tax Exempt	8	0.3	18	0.7	10	125.0
Total	2,674	100	2,668	100	-6.0	-0.2

As shown in Table 4, land use was relatively static in the period between 2010 and 2020. Indeed, the number of parcels of all land use classifications did not change by more than ten (10) in the period between 2010 and 2020 and, in fact, the numbers of the following land use categories remained constant: Class 1 — Vacant Land; Class 6A — Telephone; and, Class 15D — Charitable. In addition, the largest land use category, Class 2 — Residential, which accounts for 93.01 percent of all parcels in the Borough, changed by only -0.4 percent in the period between 2010 and 2020. This represents a reduction of just nine (9) parcels (n.b., though unconfirmed by this analysis, we note that the loss of nine [9] parcels may actually result from lot consolidation rather than conversion of use). We note that the relatively static land

use distribution in the period between 2010 and 2020 is a reflection of the Borough's developed character and established land use pattern.

Planning Board Applications

The Fanwood Borough Planning Board is a "combined" board, which means that the board acts as both the planning board and the zoning board. A planning board acts on site plans and subdivisions applications for permitted uses. A zoning board of adjustment makes decisions, or interpretations in some matters, on requests for variances from the bulk Requirements (e.g., minimum lot area, setbacks) and uses that are not permitted in the particular zone district (e.g., a retail store in a zone district limited to only single-family homes). Table 5 contains a tabulation of the decisions of the Planning Board during the time period of 2015 through 2019, by type:

Table 5: Planning Board Decisions — 2015 through 2019

Application Type/Year	2015	2016	2017	2018	2019	Total	% of Total
Bulk Variance	7	10	12	12	14	55	56%
Use Variance	2	0	0	0	0	2	2%
Subdivision	1	2	0	1	1	5	5%
Site Plan	0	4	2	0	0	6	6%
Other	8	7	5	2	5	27	27%
Downtown Redevelopment	0	2	0	1	1	4	4%
Total	18	25	19	16	21	99	100%

Based on a review of the Board's annual reports that summarize the Board's decisions, the Planning Board decided 99 applications from 2015 through 2019. More than half of the applications were for bulk variances (e.g., for front, side or rear yard setbacks). The Board had two (2) use and conditional use cases during this time period. Less than one-fifth of the total applications were the traditional Planning Board "fare" of subdivision or site plans.

Housing Element and Fair Share Plan

The Borough of Fanwood Planning Board adopted a third round Housing Element and Fair Share Plan on November 30, 2016. Said plan, which implements the terms of a June 13, 2016 settlement agreement with the Fair Share Housing Center, was subsequently endorsed by the Fanwood Borough Council on December 5, 2016.

As of the preparation of this Reexamination Report, the Borough was in the process of preparing a Midpoint Review in accordance with the terms of its settlement agreement with the Fair Share Housing Center and the New Jersey Fair Housing Act at NJSA 52:27D-313. The purpose of the Midpoint Review is to: summarize the Borough's implementation of its adopted Housing Element and Fair Share Plan; and, identify any proposed revisions thereto, which might be necessary to continue to

provide a realistic opportunity for the construction of affordable housing within the Borough.

Additional information on the Borough's adopted Housing Element and Fair Share Plan, as well as general issues surrounding the process of affordable housing planning in New Jersey is provided in the section of this Reexamination Report that is entitled "New Jersey Council on Affordable Housing (COAH)."

Land Use Studies

No new land use studies were prepared after the 2010 reexamination report.

Ordinance Amendments

- Central Commercial (CC) District standards were adopted in 2016 to ensure that the future development of the lands within the central commercial area is accomplished in a manner which promotes a "village" atmosphere. Three separate zones are established in the CC zone- CC-C, CC-W and CC-E. Each of the three zones have separate area-specific standards.
- An ordinance to update the provisions associated with the Borough's affordable housing development fee ordinance was adopted in December 2016.
- An ordinance to address the uniform housing affordability controls (UHAC) as they pertain to compliance with municipal affordable housing obligations was adopted in December 2016.

Changes at the County/Regional Level

As described in the following subsections, there have been some changes in planning efforts at the county level since the adoption of the 2010 Master Plan Reexamination Report.

Union County Transportation Master Plan

The Union County Transportation Master Plan of 2016 provides the framework for transportation planning and investment for the County and municipalities. This plan identifies existing conditions and major transportation issues in Fanwood related to traffic, parking, bicycle and pedestrian network and public transportation. The survey in the plan is summarized with the following wish list identified by stakeholders:

Transportation Wish List:

- Lighted pedestrian signs in the Downtown and Park areas;
- Peak service, one-seat train ride to New York Penn Station;
- Crosswalks in school areas;
- North Avenue and Sheelan's Crossing bump-out; and,
- Improved bicycle facilities and amenities.

Union County Hazard Mitigation Plan Update

The Union County Hazard Mitigation Plan (HMP) was updated in 2016. The Borough of Fanwood is identified as high priority for the hazards of: ice storms; severe storms; winter weather; and, straight-line winds. The borough is also at the medium priority

level for flood, hail, high wind-tornado and severe storm lightning. Hazard Mitigation Strategies with new and existing actions are identified in the HMP. For the maintenance of the HMP, the Emergency Management Coordinator for Fanwood is responsible for updates and changes to the plan and submitting the annual progress reports to the County.

Union County Parks Master Plan

Union County updated the Master Plan for the County Park System in 2010. However, there are no parks under county jurisdiction within Fanwood.

Union County Roadway Projects

Union County develops a capital improvement plan on a periodic basis. The last plan was developed in 2015 for the period of 2015-2020. The plan does not specifically list any roadway projects in the Borough of Fanwood. However, Fanwood Capital Improvement projects related to roadways are listed below according to the Borough Engineer.

- The Borough has spent close to \$1 million each year for various roadway projects including resurfacing, drainage, curbing etc. that has taken place over the last 5 to 6 years.
- Elizabethtown Gas company updated the gas system in the entire Borough and paved all streets they worked on.
- The Borough received \$800,000 for a tap grant to upgrade streetscape on South Avenue. The concept plans are in development. However, it will take more time to implement the project since it is funded by the federal aid.
- The Borough is interested in installing 5G wireless service through the light poles to connect core cables. This is expected to be done as part of the South Ave Improvements project.
- The Borough is interested in providing loading zones at certain parts of South Avenue; however, it is a state highway, stopping is not permitted and the speed zone is 25 miles/hr. This would require minor lane realignments along South Avenue, and coordination with the NJDOT.

Changes at the State Level

As indicated in the following subsections, there have been considerable changes at the state level since the adoption of the 2010 Master Plan Reexamination Report.

Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability

The Municipal Land Use Law (MLUL) was amended in 2018 by PL 2017, c. 275 to provide that any land use plan element adopted after the effective date of the amendment, must provide a statement of strategy concerning: smart growth, which shall consider potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and

environmental infrastructure; and, environmental sustainability. The law became effective on January 8, 2018.

Climate change-related hazard vulnerability assessment

The Municipal Land Use Law (MLUL) is amended by PL 2021, c.6 to provide that any land use plan element adopted after the effective date of the amendment, must provide a climate change-related hazard vulnerability assessment which shall (i) analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise; (ii) include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development; (iii) identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state; (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan; (v) provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards; (vi) include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

Complete Streets

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation- walking, bikes, cars, trucks, and buses.



The New Jersey Bicycle and Pedestrian Resource Center states that Complete Streets benefit communities by addressing the needs of all road users regardless of age, ability, or mode of transportation. Benefits can include the following:

1. Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
2. Improving safety;
3. Enhancing the sense of community and quality of life;

4. Reducing reliance on automobiles;
5. Reducing congestion;
6. Revitalizing downtowns;
7. Increasing private investment;
8. Increasing property values;
9. Promoting tourism;

A municipal Complete Streets policy is the community's formal strategy to focus decision making and funding on planning, designing, and constructing community streets that accommodate all intended users. According to the National Complete Streets Coalition, the following items represent some of the items in an ideal Complete Streets policy:

1. A vision for how and why the community wants to complete its streets;
2. Identification that "all users" includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit-vehicle operators;
3. Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation;
4. Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way;
5. Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs;
6. Establishment of performance standards with measurable outcomes; and,
7. Steps for implementation.

As of June 16, 2020, eight (8) counties and 169 municipalities in New Jersey have adopted complete streets policies.

Fanwood adopted a Complete Streets Policy with the adoption of Resolution No. 14-03-63 on March 18, 2014. Per the policy, the Borough is committed to create a comprehensive, integrated, connected street network that accommodates all non-motor vehicle users of all abilities and for all trips through the implementation of a Complete Streets policy. The policy is set forth for implementation of Complete Streets principles to incorporate them in a context sensitive manner recognizing the inter-connected multi-modal network of street grid. The resolution identifies the following planning efforts:

- All public street projects, both new construction and reconstruction in the Borough shall be designed and constructed as Complete Streets
- Complete Streets principles and features should be considered during the design, planning, maintenance and operations phases and incorporate changes into some retrofit and reconstruction projects.
- Departments shall reference New Jersey Roadway Design Manual; the AASHTO Guide for the Development of Bicycle Facilities; AASHTO Guide for the Planning, Design and Operation of Pedestrian Facilities; the Manual of

Uniform Traffic Control Devices; the NACTO Urban Bikeway Design Guide and other design criteria as necessary, striving to balance all needs, when repaving or reconstructing streets.

- Recognizing the inter-connected multi-modal network of street grid, the Borough will work with Union County and state agencies through existing planning efforts to ensure Complete Streets principles are incorporated in a context sensitive manner.
- The Planning Board, along with their respective planning and engineering professionals, shall incorporate this Complete Streets policy into its reviews and recommendations of major site plan and development/redevelopment projects.

Sustainable Jersey

Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. The program provides tools, training, and financial incentives to support and reward communities as they pursue sustainability programs.



The Borough of Fanwood has received bronze level certification in 2013 and 2020 from Sustainable Jersey. The application for further certification was rejected for multiple reasons including lack of updates in the Historic Preservation element of the Master Plan and the extreme temperatures event plan. The Borough plans to continue the efforts to receive more Sustainable Jersey Points to achieve the silver certification.

State Strategic Plan

The New Jersey State Planning Commission is now staffed by the Office of Planning Advocacy (OPA), which is within the Department of State. The OPA has released a draft State Strategic Plan that would supersede the current State Development and Redevelopment Plan. The draft State Strategic Plan differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September of 2012, the draft State Strategic Plan was put on hold following Superstorm Sandy and, to date, has yet to be adopted by the State Planning Commission.

Local Redevelopment and Housing Law

There have been a number of recent amendments to the Local Redevelopment and Housing Law (LRHL) that were made in response to court decisions concerning the criteria used for determining an area "in need of redevelopment." The most significant of these decisions include the NJ Supreme Court decision in Gallenthin vs. Paulsboro, 191 N.J. 344 (2007), which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of redevelopment; Harrison Redevelopment Agency v. DeRose, 398 N.J. Super. 361, 942 A.2d 59 (App. Div. 2008), which addressed the requirements for notifying property owners in connection with a redevelopment area designation; and the NJ Supreme Court decision in 62-64

Main Street, L.L.C. v. Hackensack, 221 N.J. 129 (2015), which further refined the application of the statutory criteria post-Gallenthin. In response to the Gallenthin and Harrison decisions, the LRHL was amended in 2013 to provide for both a non-condemnation and condemnation redevelopment area designation and redefine the criteria and procedures for designating an area in need of redevelopment and rehabilitation, including an update to the requisite notice requirements during the redevelopment area designation process.

The LRHL was subsequently amended in 2019 to expand the criterion for designation as an area in need of redevelopment that is provided at N.J.S.A. 40A:12A-5(b) to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as buildings with significant vacancies for at least two (2) consecutive years. As amended, N.J.S.A. 40A:12A-5(b) reads:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

Safe Routes to School

New Jersey Safe Routes to School (NJ SRTS), is supported by the New Jersey Department of Transportation with funding from the Federal Highway Administration in order to enable safer and more accessible walking and bicycling environments for children in New Jersey. In 2012, NJ SRTS completed an update to the statewide strategic plan that identifies a mission and vision for NJ SRTS, looks at past successes in the state, and identifies goals and performance measures to ensure success. The program also offers infrastructure grant funding that may be used for infrastructure (construction) projects which encourage and enable students from grades K-8 to safely walk and bike to school within 2 miles of the school. Typical improvements include installation of ADA compliant sidewalks, bike paths, striping, lighting, signals, and traffic calming improvements.

Sidewalk audit is prepared in June 2017 which identifies the locations where new construction or repair of the sidewalks are necessary. The Borough shall focus on the high propriety areas for the portions of Madison Avenue and South Avenue as listed in the Audit.

New Jersey Council on Affordable Housing (COAH)

The Council on Affordable Housing (COAH) originally adopted affordable housing rules for the third round period (i.e., the period from 1999 through 2025) in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of

the 2004 rules back to COAH to revise them to be consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

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

On June 8, 2015, the Borough of Fanwood filed a declaratory judgment action in order to validate its affordable housing plan as compliant with its constitutional affordable housing obligations. The Borough also filed a motion for immunity from builders' remedy lawsuits while it prepared its latest Housing Element and Fair Share Plan.

The Court granted the Borough five months of temporary immunity from the filing of its declaratory judgment action on June 8, 2015. The original term of immunity was to end on December 8, 2015. However, it was subsequently extended to June 15, 2016. The Borough's fairness hearing on its proposed compliance plan and settlement with Fair Share Housing Center was held on August 4, 2016 and temporary immunity was extended through the final compliance hearing. The Borough received a final judgment of compliance and repose from the Court on January 2nd, 2018.

The Borough of Fanwood Planning Board adopted the Borough's current Housing Plan Element and Fair Share Plan on November 30, 2016. The Plan was subsequently endorsed by the Borough of Fanwood Council on December 5, 2016. The Plan was prepared in accordance with the terms of the Borough's June 13, 2016 settlement agreement with the Fair Share Housing Center. The Borough's current court approved housing plan addresses its third-round affordable housing obligation through 2025.

Impacts of COVID-19

The Borough of Fanwood has adopted outdoor dining standards related to the land use impact of the COVID-19 pandemic. The Borough is anticipating changes in the retail frontage due to the impacts of the pandemic that leads to the increase in

outdoor space use. The Borough has adopted ordinance for the outdoor dining and sidewalk café permits.

V — Specific Changes Recommended to the Master Plan and Development Regulations

The following subsections outline the specific changes that are recommended to the Borough's master plan and development regulations.

Changes to the Master Plan

At this time, the Planning Board is not recommending any changes or amendments to the Master Plan pending a comprehensive update of the Master Plan in 2022.

Changes to the Goals and Objectives

As part of the development of a new comprehensive master plan, a new goal should be added to the list of goals and objectives. The recommended goal shall read:

- Provide opportunities for connections between the thriving downtown and the train station with multimodal transportation alternatives.

Master Plan Elements

It is recommended that the Borough of Fanwood analyze and update various Elements of the Master Plan per MLUL. The elements of the 1998 Master Plan are recommended to be reviewed comprehensively and updated in 2022. It is recommended that a new comprehensive Master Plan be prepared.

Green Element of the Master Plan

Recognizing the importance of green building and sustainability, in 2008 the New Jersey Legislature adopted an amendment to the Municipal Land Use Law (MLUL) to add the "Green Building and Environmental Sustainability Plan Element" to the list of optional elements of municipal master plans. The Green Element should be addressed prior to the preparation of the next master plan or during the next comprehensive update of the Borough Master Plan.

Fanwood environmental commission as well as Fanwood Green Team has emphasized on the need to prepare the Green Element of the Master Plan. Specific recommendations and issues to be covered in the Green Element are listed in the Environmental Commission letter dated December 23, 2020 and attached as Appendix I.

Changes to Development Regulations

No changes to the Borough's development regulations are recommended at this time, however the thorough review of the Borough's development regulations should take place as part of the comprehensive update to the Borough Master Plan. Following sections are recommended for further study and evaluation.

- The single-family residential area south of the South Avenue Corridor between Stagaard Place and fifth Avenue is recommended for further study to evaluate the potential to rezone to two-family residential zone.
- The need for height limitations for the accessory buildings in the Borough shall be evaluated to limit the use of the second floor other than storage.
- The access issues for the fire trucks and emergency vehicles for the lots along South Avenue should be addressed. The issues shall be addressed with design provisions for rear access for the lots in the downtown area.
- Standards for the outdoor dining and sidewalk cafes should be revisited for the temporary use of parking stalls, parking lots, right-of-way, and aisles as well as for the additional requirements of buffer around the outdoor dining area.

Other Recommendations

Sustainable Jersey

It is recommended that the Borough of Fanwood continue to make efforts to receive silver certification from Sustainable Jersey. The issues raised in the denial letter include preparation of the Historic Preservation Element of the Master Plan.

Union County Hazard Mitigation Plan

It is recommended that the Borough of Fanwood continue to work towards the objectives of the Union County Hazard Mitigation Plan of 2016 as listed below:

- Work towards increasing the integration of mitigation principles and activities in a range of local regulations, plans, ordinances and activities.
- Ensure that government officials and local practitioners have accurate and current information about best practices for hazard mitigation planning, project identification, and implementation.
- Develop and maintain detailed data about critical facilities, as the basis for risk assessment and development of mitigation options.

Open Space and Recreation

- As a “built out community” Fanwood Borough has limited opportunities to preserve open space. The Borough goal should be to enhance the current facilities within the existing parks, supplement facilities where possible and improve programs at current parks.
- This plan recommends investigating the feasibility of constructing a bike route or greenway in Fanwood on the utility path and gas line right-of-way. Connections of the greenway with adjoining municipalities’ greenway are recommended.
- Appropriate Conservation easements and development review procedures shall be established to preserve the utility right-of-way clear from obstructions for the passive recreation/future greenway.

State Plan

The Borough of Fanwood should continue to monitor the progress of the new State Plan and how it will affect local-level planning decisions.

Municipal Land Use Law

- In line with the Municipal Land Use Law amendments in 2018, the Borough of Fanwood shall consider the development of a smart growth statement of strategy as part of a comprehensive update to its Master Plan.
- Pursuant to the requirements of PL 2021, c.6, that requires municipalities to incorporate climate-related hazard vulnerability assessments as part of their master plan updates, Fanwood shall consider the development of a Land Use Plan element consistent with the law.

Miscellaneous Changes

- It is recommended that setback requirements for generators and air-conditioning condensers should be provided to reduce variance requests.
- It is recommended that standards pertaining to the required parking stall size shall be updated consistent with the RSIS requirements.

VI — Recommendations Concerning the Incorporation of Redevelopment Plans

No new areas in the Borough are recommended for redevelopment study at this time. Following is the status of the current redevelopment plans implementation.

- The Borough of Fanwood adopted an amendment to the Block 64 Downtown Redevelopment Plan on June 6, 2016. The Block is completely developed according to the redevelopment plan.
- The Old South Ave Redevelopment Plan was adopted on August 5, 2019. A concept plan of the new development is currently under informal review by the Planning Board and the formal application will be submitted in 2021.

Appendix I

Fanwood Environmental Commission
Master Plan / Green Element Recommendations