

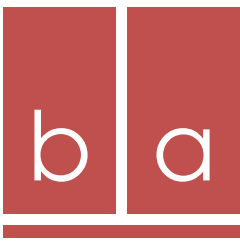
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2020 BOROUGH OF BERNARDSVILLE MASTER PLAN REEXAMINATION REPORT

BOROUGH OF BERNARDSVILLE
SOMERSET COUNTY, NEW JERSEY



B U R G I S
A S S O C I A T E S , I N C .



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2020 BOROUGH OF BERNARDSVILLE MASTER PLAN REEXAMINATION REPORT

Borough of Bernardsville
Somerset County, New Jersey

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The original document was appropriately signed and sealed on September 17, 2020 in accordance with the State Board of Professional Planners and adopted by the Bernardsville Planning Board on _____.



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I. INTRODUCTION

The Borough of Bernardsville Planning Board conducted its last master plan reexamination in 2016 which culminated in the adoption of a master plan reexamination report on December 15, 2016 entitled Borough of Bernardsville 2017 Master Plan Reexamination. The 2017 Reexamination Report reviewed the Borough's 2000 Comprehensive Master Plan as well as subsequent elements that were added to the plan including the 2004 Environmental Resource Inventory adopted on October 28, 2004, the Stormwater Management Plan adopted on March 5, 2005, the Housing Plan Element and Fair Share Plan adopted on November 17, 2005 and subsequently a new Housing Plan adopted on May 20, 2010.

The 2017 Reexamination reaffirmed the goals of the 2000 Master Plan. As a result of the identification of the Borough's downtown as a Town Center in the State Plan, the 2017 Reexamination also introduced new goals and policies specific to downtown development that were adopted by the Planning Board which included the following:

- To promote the downtown as the commercial and civic center of Bernardsville.
- To enhance the physical characteristics of the downtown through sign, façade, architecture and streetscape improvements.
- To improve the circulation patterns into and through the downtown.
- To create a pedestrian-friendly atmosphere in downtown, and
- To provide sufficient parking in the downtown by rationalizing land use with parking needs.

While the 2017 Reexamination Report identified goals related to downtown development, no specific recommendations were offered to guide redevelopment of the Borough's downtown to implement the goals of the master plan as recommended by the report.

The Borough then authorized the preparation of a draft downtown zoning ordinance prepared by Common Ground Urban Planning And Design dated September 23, 2019. Subsequently, the Borough authorized the investigation of 65 Morristown Road, also referred to as the Audi site and Quimby Lane for potential designation as redevelopment areas pursuant to the New Jersey State Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL). The Borough has designated the Audi site as an area in need of redevelopment and adopted a redevelopment plan for the property on July 13, 2020. The Borough has also designated the Quimby Lane area as an area in need of redevelopment and is in the process of adopting a redevelopment plan.

The 2017 Reexamination Report also acknowledged the Borough's constitutional obligation to provide for affordable housing consistent with the New Jersey's Supreme Court Mount Laurel decisions and indicated that the Borough was in the process of preparing a Housing Element and Fair Share Plan (HE&FSP). Subsequently, the Borough adopted a housing plan on August 23, 2018.

The purpose of this reexamination report is to review the proposed zoning and associated land use changes within the statutory mandated framework of a reexamination report and provide recommendations for needed amendments to the Borough's master plan in response to changes proposed by the downtown study, adopted HE&FSP and the redevelopment investigations that have been adopted by the Borough. **Since both the Audi site and Quimby Lane areas are encompassed within the downtown area, it is appropriate to consider both sites within the context of this reexamination.**

This 2020 Reexamination Report is not intended to be a comprehensive review of all of the master plan elements of the Borough's master plan documents or land development regulations as these were addressed by the recently adopted 2017 report. The Borough has, by law, satisfied this obligation until the year 2026. However, given the scope of the changes envisioned by the proposed downtown rezoning, the HE&FSP and The Audi and Quimby redevelopment areas, the Planning Board has determined that the Downtown Ordinance which proposes to rezone the entirety of the Borough's current business zones into one comprehensive Downtown District with four downtown subdistricts, the redevelopment areas identified by the Borough and land use changes incorporated into the HE&FSP are consistent with the goals of the recommendations of the Borough's master plan documents and should be adopted and incorporated as amendments to the Borough's land use element of the municipal master plan.

II. LEGAL REQUIREMENTS FOR PLANNING

The New Jersey Municipal Land Use Law (MLUL), under section N.J.S.A. 40:55D-89, requires municipalities to periodically reexamine their master plan and development regulations at a minimum of at least every ten (10) years. Failure to conduct this review “shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable.”¹ It is therefore, an extremely important function of a Planning Board to conduct this review in a timely manner. A master plan reexamination is also a major component to any municipal planning program as the process ensures that a municipality’s planning policies and development regulations are relevant to current community needs.

Aside from the statutory requirement however, a reexamination of a municipality’s planning documents and development regulations offers an excellent opportunity to assess where a community was, what has occurred in the intervening time and to establish a pathway to the future. The reexamination process provides the necessary framework needed to address community planning issues that have evolved over time and to adjust planning policies accordingly.

A common public misconception is that a reexamination of a master plan automatically results in the preparation of an entirely new master plan or can only occur every ten years. In practice however, there is no minimum time frame established by law for a master plan reexamination to occur. Also, a reexamination analysis does not necessarily result in a conclusion that an entirely new master plan must be prepared. A Board’s analysis could result in findings that range from re-affirming the policies of the past with no recommended changes to recommending that an entirely new master plan be prepared. Very often, modification to present policies, without the need for an entirely new master plan document, is the most common result of a typical master plan reexamination.

The MLUL provides specific guidelines for conducting a master plan reexamination which must 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;

¹ N.J.S.A. 40:55D-89.1

- 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 features, 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; and
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This document examines the Borough's Master Plan as a result of changes in land use policy resulting from the Borough's desire to implement zoning changes to the Borough's commercial districts specifically, to create a new downtown commercial district with associated subdistricts, to establish zoning criteria and design standards to guide development of the downtown, and to identify the Audi site and Quimby Lane redevelopment areas as part of the Borough's Land Use Element. This document further seeks to review the land use changes resulting from the adopted HE&FSP and to incorporate these into the Borough's land use plan element.

This reexamination is intended to comply with the statutory requirements of the MLUL by providing an assessment of the Borough's planning policies and land use regulations, as a result of these changes within the framework of a reexamination report as required under N.J.S.A. 40:55D-89.

III. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT

The major problems and objectives identified in the 2017 Reexamination Report have not changed significantly since the adoption of the report and remain valid to this date. Specific goals relating to the Borough's downtown are reaffirmed by this document as follows:

2000 Master Plan Downtown Plan

The 2000 Master Plan as amended included a Downtown Plan that provided the following recommendations:

1. Encourage private building façade enhancement which can include for example, new facades, new color-coordinated signage and new canopies.
2. Coordination of public and private parking areas to increase shopper parking by connecting parking areas and provide pedestrian accessways to both the front and rear of stores and to sidewalks.
3. Promotion of the greening of the downtown by introducing mini-parks at strategically located visible sites. Provide a pedestrian greenway from the Borough Hall through the downtown and ultimately to connect to Jockey Hollow Park.
4. Study of the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas and introducing new land uses.
5. Encourage the NJDOT to enhance the railroad station building and parking area. Streetscaping improvements in front of the station property are also needed.
6. Requiring screening of all front yard parking areas.
7. Coordination of the recommendations herein with the land use plan element.
8. Seeking of State funding for the downtown improvement grants including enhancement of the railroad station neighborhood and reduction of traffic congestion.

9. Develop a downtown center vision plan, based upon the coordinated vision of merchants, land owners, government and citizens.

2017 Reexamination Report

1. To promote the downtown as the commercial and civic center of Bernardsville.
2. To enhance the physical characteristics of the downtown through sign, façade, architecture and streetscape improvements.
3. To improve the circulation patterns into and through the downtown.
4. To create a pedestrian-friendly atmosphere in downtown, and
5. To provide sufficient parking in the downtown by rationalizing land use with parking needs.

The 2000 Master Plan described the downtown as characterized by strip-style commercial development. The 2000 Master Plan identified the need for building façade and streetscape enhancements. The 2017 Reexamination identified the enhancement of the downtown as a continuing major concern. These concerns continue to this day.

Although not identified as a specific problem, the 2017 Reexamination Report acknowledged the preparation of a compliant housing plan was underway through the court system. This obligation was left open ended by the document.

IV. EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST REEXAMINATION

Pursuant to the MLUL, this section of the Reexamination Report examines the extent to which problems and objectives have been addressed.

It is noted that issues of increasing commercial vacancies within the downtown, growing competition from e-commerce vendors such as Amazon and shifting market demands have intensified since the 2017 Reexamination Report requiring a policy response to address current and future concerns relating to the Borough's downtown commercial areas.

In response to community concerns regarding the current condition of the Borough's downtown district, the proposed downtown zoning ordinance is intended to address these issues by providing a framework for land use and design criteria intended to create a more viable and robust commercial area that better serves the needs of the community and region. Similarly, the redevelopment areas, which are contained within the proposed downtown district, share the same goals and intention.

In response to the Borough's constitutional mandate to provide housing opportunities for low and moderate income families pursuant to the New Jersey Supreme Court's Mount Laurel decisions, the Borough adopted a Housing Plan Element and Fair Share Plan(HE&FSP) on August 23, 2018 which was subsequently approved by the Superior Court in action granting the Borough a judgement of compliance and repose. As a result, the open question of compliance with the Borough's affordable housing obligation has been addressed.

V. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENTAL REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO SPECIFIC PLANNING ISSUES AND GOVERNMENT POLICY

The Board notes that there have been no significant changes in the assumptions, policies and objectives that form the basis of the Borough's master plan or development regulations since adoption of the 2017 Reexamination Report.

The 2017 Reexamination Report identified goals related to the Borough's downtown but lacked specific land use recommendations or design criteria to implement the stated goals. The Board also notes that the current Borough zoning ordinance is outdated and does not provide an adequate regulatory framework that would address the need to redevelop the Borough's downtown district to address the issues and goals identified in the 2017 Reexamination Report. Significantly, the proposed zoning regulations and redevelopment plans are intended to implement the goals of the Borough's master plan relating to downtown development by providing specific tools and mechanisms that were not provided in the 2017 report thereby supplementing and strengthening the planning objectives of the Borough's master plan.

The Board further notes that the 2017 Reexamination Report also did not fully address the Borough's affordable housing obligation which was left to a separate document. The land use changes that resulted from the adoption of the Borough's HE&FSP are recognized as significant changes in the community that should be acknowledged and incorporated into the Borough's land use plan.

VI. 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

The Board finds that most of the elements of the present master plan remain relevant and therefore, a new master plan document is not required. However, in light of the significant changes identified in this report the Board has determined and hereby recommends certain amendments to the Borough's current land use element and zoning regulations.

The current land use plan and zoning ordinance lacks specific tools to address the emerging issues facing the Borough's downtown and commercial districts that render the downtown at a distinct disadvantage to current market trends that has contributed to the downtown's decline as evidenced by a growing and sustained commercial vacancy rate. The Board also notes that the current zoning ordinance does not provide for specific design standards that would result in the physical improvement of the downtown area as properties seek to potentially redevelop in the future.

The proposed draft downtown ordinance and accompanying zone map seek to address the shortcomings of the present zoning ordinance by providing a regulatory framework that will enhance the Borough's commercial districts by consolidating all of the various commercial zones into one downtown district that is then divided into four downtown subdistricts. Importantly, the draft ordinance provides design requirements that are presently lacking in the present ordinance that, when implemented, will result in a significant improvement to the physical appearance of the downtown to the benefit of the community. The enhanced design of the downtown area will create a more viable and vibrant commercial district by promoting an architectural design that is consistent with the historic character of Bernardsville.

The proposed downtown zoning ordinance results in zone boundary changes that eliminate the Borough's current commercial zones in order to create a new downtown zone with four subdistricts. These new subdistricts include:

- Downtown Core (D-C)
- Downtown Corridor (D-Co)
- Downtown Gateway (D-G)
- Downtown Claremont Road (D-CL)

The attached mapping indicates the zone boundary changes as recommended by the draft ordinance.

It is noted that by consolidating the various commercial districts into one downtown district with four separate subdistricts allows for a more unified and coordinated approach to regulating and improving the Borough's commercially developed areas. The Board further finds that changes to the boundaries of the commercial districts as recommended by the draft ordinance seek to correct current conditions related to existing commercial properties that are divided between commercial and residential zones and land uses that are not consistent with the current commercial zoning.

It is for the reasons as set forth above that the Board finds that the draft downtown ordinance is consistent with and implements the recommendations identified in the 2000 Master Plan and the 2017 Reexamination Report as described herein.

The Board therefore, recommends that the land use element of the Borough's Master Plan be amended to incorporate the proposed new downtown district and subdistricts with associated zoning and design regulations as recommended by the draft Bernardsville Downtown Zoning District prepared by Common Ground and Design dated September 23, 2019. The specific zone boundary changes are identified in the mapping contained within the Appendix of this document.

The Board further recommends that the land use element also be amended to reflect the changes as proposed within the adopted 2018 HE&FSP as a measure necessary to satisfy the Borough's constitutional obligation to provide for its fair share of low and moderate income housing units and to provide for consistency between the two documents as required by the Municipal Land Use Law.

VII. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE PLAN ELEMENT AND RECOMMENDED CHANGES IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY

Consistent with the goals and objectives identified by the 2000 Master Plan and the 2017 Reexamination Report relating to commercial development and the Borough's downtown area, the Borough has designated two specific areas as areas in need of redevelopment pursuant to the Local Redevelopment and Housing Law. This would include the Audi site and Quimby Lane as detailed below.

Audi Site

The Audi Site is identified located at 65 Morristown Road and is furthered identified as Block 125, Lot 13 by Borough tax assessment records. The Borough designated the property as an area in need of redevelopment by Resolution #19-254 adopted by the Governing Body on December 19, 2019. The redevelopment plan was adopted by the Borough on June 18, 2020.

Quimby Lane

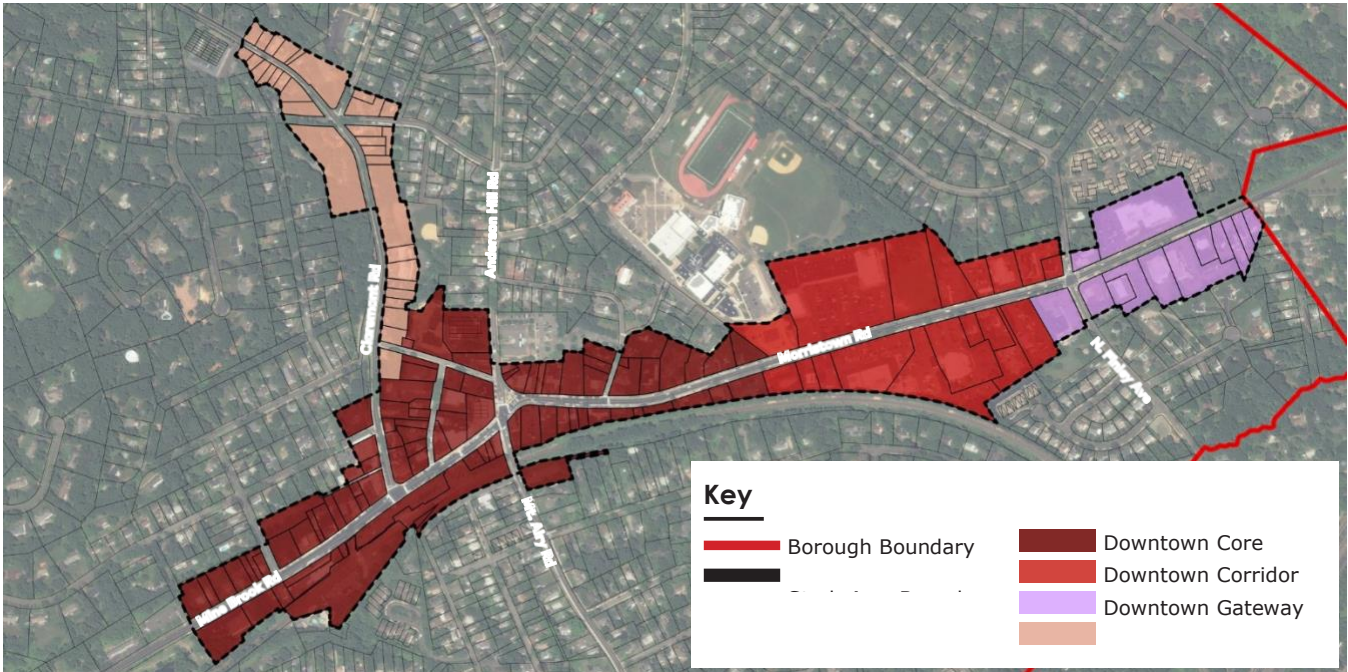
The Quimby Lane redevelopment area identified by Borough tax assessment records as Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12, and 13; Block 98, Lot 1; Block 124, Lot 1; and Block 144, Lot 1 was designated as an area in need of redevelopment by Resolution #20-28 adopted by the Governing Body on January 13, 2020. A redevelopment plan is pending.

As both sites have been determined to satisfy the statutory criteria for designation as areas in need of redevelopment and redevelopment of these sites will promote the goals and objectives of the Borough's master plan, it is recommended that both redevelopment areas be incorporated into the Master Plan Land Use Element.

The specific zone boundary changes are identified in the mapping contained within the Appendix of this document.

RECOMMENDED LAND USE MAP AMENDMENTS

DOWNTOWN ZONE DISTRICT DESIGNATION



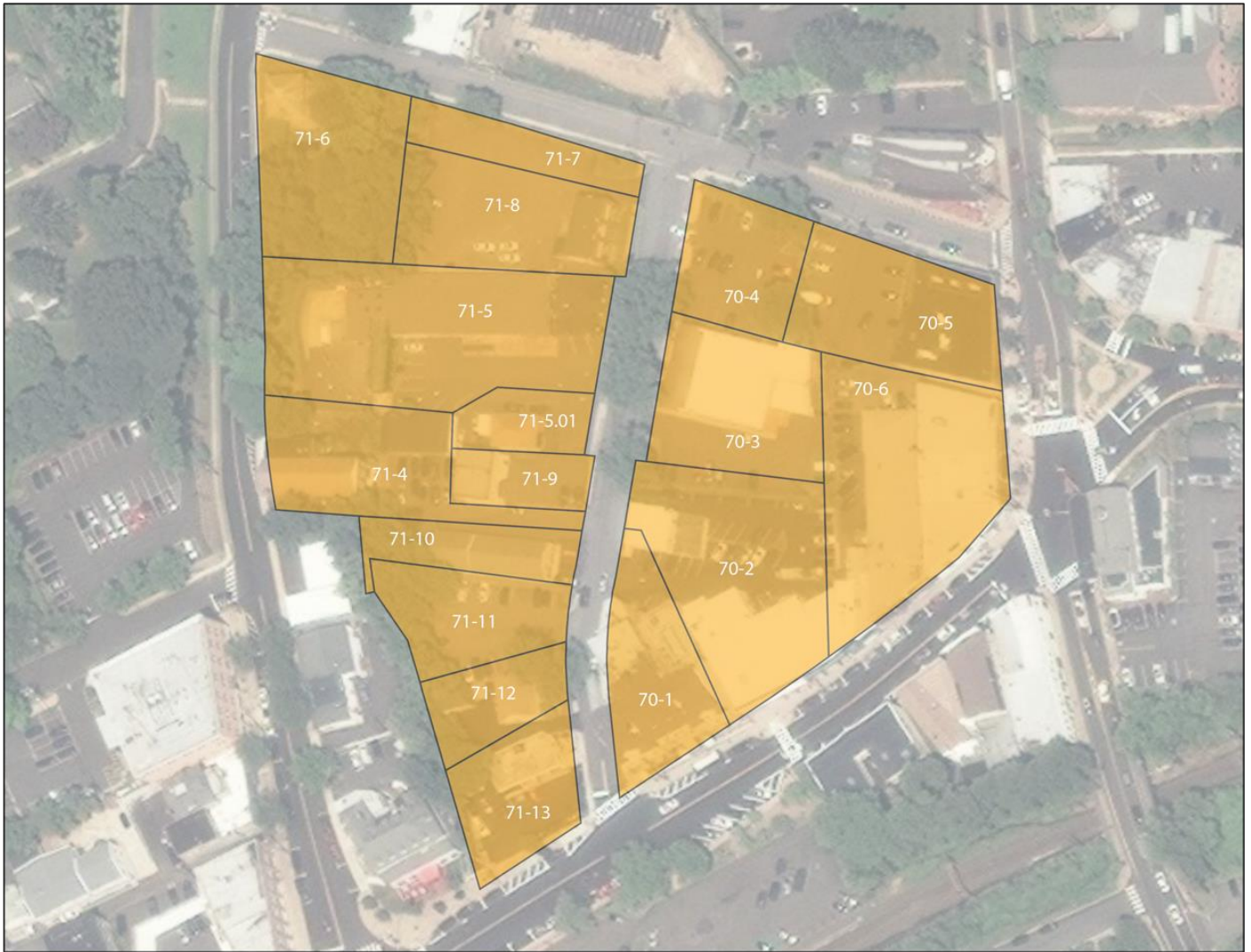
Source: Bernardsville Downtown Zoning District Draft Ordinance

65 MORRISTOWN ROAD REDEVELOPMENT AREA



Source: Adopted Redevelopment Plan – 65 Morristown Road

QUIMBY LANE REDEVELOPMENT AREA



Source: Quimby Lane Redevelopment Investigation Report