

Township of West Milford
MASTER PLAN
LAND USE PLAN ELEMENT

Township of West Milford
Passaic County, New Jersey

December 7, 2017

Prepared by the
West Milford Planning Board
with assistance from Banisch Associates, Inc.
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Planning Board – 2017**

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I. OVERVIEW

It has been 30 years since the Township of West Milford adopted a comprehensive Master Plan. Subsequent to the 1987 Master Plan the Planning Board conducted periodic reexaminations on November 4, 1993; October 27, 1999; May 28, 2003; October 28, 2010; and March 7, 2013. The West Milford Planning Board also adopted an Amendment to the Master Plan Land Use Plan Element on October 28, 2010 with a limited focus to rezone a higher density residential district to a low density zone. There have been changes at various times in response to specific land use policy objectives such as the effort to establish a “town center” with its origins in the 1987 Master Plan. That concept advanced with an official proposal in 1998 but, in another policy shift, was later withdrawn in 2001. A redevelopment area was designated in 1995 with the intention of creating a golf course and conference center. This too, was later modified to in order to preserve the land in question for open space.

The most significant shift, albeit outside the Township’s control, was the passage by the New Jersey Legislature in 2004 of the *New Jersey Water Protection and Planning Act* [Highlands Act] thereby instituting regional planning control over 88 municipalities in northern New Jersey, including West Milford. In compliance with the Highlands Act, West Milford adopted a new “Highlands” Master Plan Element in September 2012. As one of only five municipalities in the Highlands Region situate entirely within the Preservation Area, West Milford must adhere to the land use policies set forth in the Highlands Regional Master Plan and the aforementioned Highlands Master Plan Element and is regulated by the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) for all development that does not fall within an exemption category.

In addition to the Highlands Master Plan Element, the West Milford Environmental Commission reviewed and revised the Highlands Environmental Resource Inventory in 2012. Together these two documents provide an extensive analysis of natural conditions that comprise the Township of West Milford including its HUC14 sub-watersheds, topography, soil conditions, water supply, forested areas, critical habitats, and water bodies. Further, as part of the initial Highlands Plan conformance process, the Township has the benefit of a report entitled West Milford Municipal Build-Out Report, dated July 2009 wherein it determined that with the application of the restrictive Preservation Area regulations Township-wide, future residential development, based upon resource and utility constraints would total just 19 units.

Despite the adoption of the Highlands Master Plan Element the West Milford Planning Board finds it essential to implement a new Land Use Plan Element as the basis for a thorough review and revision of the Township’s zone plan and zoning ordinance. For various reasons certain zone districts have become obsolete and some are no longer feasible in light of the development restrictions imposed by the Highlands Act. It is important to have a municipal planning scheme that reflects the changes since 1987.

II. 1987 MASTER PLAN

The West Milford Master Plan of May 1987 began with a summary of the previous Master Plan dating back to 1976 as a starting point for its findings and recommendations. It stated, in part:

The Planning Board would characterize the period of West Milford's history between 1976 and 1983 as emerging years. This period of growth principally saw the single family development approach to the Township's growth. Existing commercial facilities were capable of accommodating this growth with some minor additions i.e. banking facilities. Offices consisted of local service type facilities with no speculative office buildings constructed. Industrial uses were comprised of local resource related activities i.e. sand and gravel, and industrial locations that were influenced by service areas of the companies and/or residential choices of the principal owners.

The CR [*Commercial Recreation*] activity showed a considerable degree of speculation that could have altered the face of the Township had they been constructed. By and large it was economic factors which prevented these from being effectuated.

Review of the development applications since 1977 show considerable interest to develop property [*sic*] in several classifications of land uses. However, only a small percentage of the larger proposals were constructed while many of the smaller (non-speculative) projects were completed. This indicates that although the potential development existed, the proper economic and demographic environment had not yet materialized.¹

1987 LAND USE PLAN

RESIDENTIAL

The Land Use Plan set out ten land use classifications that remain more or less, the foundation of the Township's zoning scheme. Very low residential density areas (Rural Residential with a density range between 4 to 10 acres per lot) covered much of the western and southerly portions of the municipality generally coinciding with the Newark Watershed area and in the northeast consistent with the State parkland. Today these areas are in the R-4 "Very Low Density Residential" zone district with a permitted density of 4 acres per lot. The Low Density Residential area with a density range between 3 to 4 acres per lot corresponds to the current R-3 district with a 3 acre lot standard. The Moderate Density Residential category with a density range between 1.5 to 3 acres per lot is generally reflected by the present R-2 district with a 2 acre lot requirement.

The Higher Density Residential which called for single family dwellings supported by an individual on-site septic system on 1 to 2 acres and multifamily residential, served by center

¹ 1987 Master Plan, pages 14-15

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water and sewer, at a density of 6 units per acre was concentrated in the central core area of the Township where the Town Center was envisioned. Presently the R-1/PN and the Senior Congregate Care zones are situated in this area as was the R-1/I (residential inclusionary) zone until rezoned in 2010 in light of the Highlands Preservation Area restrictions which eliminated the potential for the type of infrastructure necessary to support this level of density.

A Lake District called for one-half to one acre lots for residential in proximity to the many lakes throughout the Township although, concerned with nitrate pollution from individual septic systems, various options were considered including no additional development, providing public water and sewer facilities, instituting a transfer of development program, and adopting standards for alternate treatment systems. Calling for more detailed study of the situation the Land Use Plan settled for the above-referenced lot area range. The current LR zone requires a minimum lot area of 20,000 square feet.

COMMERCIAL AND INDUSTRIAL

Commercial districts were distinguished between neighborhood, community and regional centers with the conclusion that West Milford did not have the land area, population or road infrastructure to support a regional center. The current distribution of Community Commercial (CC), Highway Commercial (HC), and Neighborhood Commercial (NC) are in the generally same location as depicted on the 1997 Plan except for the area that became the Historic New City Preservation Zone in 1994 which is discussed below in more detail.

Industrial zoning was recommended to remain along Burnt Meadow Road, Airport Road, Edgar Drive, Union Valley Road, and Oak Ridge Road reflecting existing conditions. One location was identified on the Land Use Plan map for Office Research (OR) but little narrative regarding same. This area, along the easterly side of Macopin Road and to the north of Weaver Road continues to have the OR zone in place.

SPECIAL ECONOMIC DISTRICT

The 1987 Plan also recommended the creation of a Special Economic District, stating in part:

One area of the Township has always had a special unique character and uses associated with it. That area includes the Jungle habitat and Airport properties along Airport Rd. The recreational facility has been closed for over 10 years while the airport remains operational, but no services are provided. Overall, there are approximately 1200 acres of land available. Land uses on the periphery of the sites include industrial and residential, but it is primarily vacant land. The airport hazard zone designation directly affects this area, restricting the permitted land uses. The portion of the tract on the Burnt Meadow Rd. side is extremely rugged and therefore has been included in the Rural Residential District.

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The Plan envisioned opportunities to "...rehabilitate and/or reuse the airport facilities in conjunction with a mixed use type development scheme" and called for the "...implementation of office-industrial, commercial and residential uses within the District to create a unique living and working environment that would link together the positive attributes of the designated uses while continuing to preserve environmentally sensitive lands."²

This became the basis for the Special Economic District Zone situate to the east of Morsetown Road and south of Marshall Hill Road, which requires a minimum tract size of 500 acres with development to be served by central sewer and water facilities and allows a mix of uses with the proviso that nonresidential uses shall predominate.

SPECIAL HOUSING DISTRICT

In addition to the residential zones of varying densities, the nonresidential zones for commercial, industrial, and office and the mixed-use Special Economic District, the 1987 Plan called for the establishment of a Special Housing District. The purpose of this District was to "...encourage the construction of moderately priced or least cost housing."³ A maximum density of 6 units per acre with a 20 percent low and moderate family set-aside with a minimum tract size of 20 acres was specified. It was intended as an overlay zone with "...an underlying zone or district which will be applicable if the criteria of the special district cannot be met."⁴ The SHD zone on the 1987 Land Use Plan /R-2 Zone District located west of Mocopin Road and bordered by Wooley Road to the south and Dockerty Hollow Road to the north became the location for the SHD/R-2 – SHD Rental Overlay/R-2 Special Housing District/Residential which permits single family dwellings on lots of at least two acres as the underlying zoning with a provision for higher density housing on lots of 5,000 to 6,000 square feet with a minimum tract size of 20 acres and a maximum density of 6 units per acre with a 20 percent low/moderate set-aside as called for in the 1987 Plan.

III. CHRONOLOGY OF MAJOR LAND USE POLICIES

1987: TOWN CENTER

West Milford Township's Master Plan of May 1987 proposed the concept of a Town Center which culminated in a Petition to the New Jersey Office of State Planning in August 1998 for official designation. The Land Use Element of the 1987 Master Plan offered the following recommendation:

The overall direction of the Plan is to establish a Town Center with two satellite areas. This concept is developed by a combination of factors, including the existing land use patterns, the physical constraints of the land, the existing public and private open space areas, the road and transportation systems, and planning studies conducted over the past several years. The

² 1987 Land Use Plan page 77

³ page 78

⁴ page 78

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Town Center will, of course, have the majority of the community related to commercial development. The higher housing densities would be within close proximity to the Center. Housing densities become lower as distance from the Center increases, in general. This is not always possible where the studies advise against the proposed pattern. Industrial development and mixed uses are also within this area or within close distance to the Center.⁵

The Town Center area extends from the south shore of Greenwood Lake to Apshawa and includes many of the smaller lake communities as well as the more recent subdivisions and developments. It includes Industrial, Commercial, Higher, Moderate, and Low densities, Special Economic and Special Housing Districts.

The Moderate Density area includes the section of the Township from Maple Road to West Milford Lakes and includes Highview, Olde Milford, Pinecrest Lake area, Ridge Road, Camp Savio, Birch Hill, and West Milford Lake. Several areas exhibited water or sewer problems so that higher densities were not feasible, particularly in the West Milford Lake watershed and between Wooley and Dockerty Hollow Roads.

The Higher Density area includes property along Union Valley road from crescent Park, Dockerty Hollow Road and Cahill Cross Road to Greenwood Lake and Awosting. Specific neighborhoods include Crescent Park, Bald Eagle, Terhune – Rohmer, Hines, Pinecliff Lake (overdeveloped), Collins Pond area, West Milford Lake, Greenbrook, Wallisch Estates, Reidy Place, Warwick Turnpick, and Awosting. Densities were established according to data of water supply. Central water and sewer facilities are assumed within the district according to recent practice and potential MUA action.⁶

On July 10, 1996, the West Milford Planning Board adopted the **Town Center Report** as an amendment to the Township's Master Plan. West Milford continued this endeavor by seeking an official designation for the "Town Center" from the New Jersey State Planning Commission culminating in yet another report prepared by the Township entitled **Center Designation Report** dated August 7, 1998, to the State Planning Commission wherein the Town Center was described, in part, as follows:

Town Center is about 2.7 square miles and its boundary is depicted on Figure 3. It is generally bounded by State land to the west, a vacant apple orchard (formerly Terhune Gristmill) to the south, Township open space, vacant land and the Greenwood Lake Airport to the north. Lands within this boundary

⁵ Master Plan Township of West Milford, May 1987, Land Use Element, Overall Plan Philosophy, page 61

⁶ Ibid. Page 80.

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will accommodate growth to the year 2010 to promote economic development and renewal.⁷

Town Center is an existing, partially developed commercial and residential community that could accommodate additional growth. The area is accessible by three major County roadways: Union Valley Road from the south and north, Macopin Road from the south and Greenwood Lake Turnpike/Marshall Hill Road from the northeast.⁸

The **Center Designation Report** anticipated an amended Wastewater Management Plan that would have included a new “...sewer service area boundary conforming to the community Development Boundary for Town Center.”⁹

On October 6, 1999, West Milford received substantive certification from COAH for its second round affordable housing obligation as addressed in the Township’s Housing Element and Fair Share Plan (HE/FSP) dated January 22, 1997. To address the “new construction” obligation of 98 units the Township relied upon the “Town Center”, specifically the implementation of “inclusionary zoning” within the higher residential densities permitted in the R-1/Planned Neighborhood (R1/PN) zone district. By 2001, however, the West Milford Township Council decided to withdraw the request for “Town Center” designation stating in its Resolution No. 2001-36, adopted on February 15, 2001, “...in order to facilitate the Township’s conducting a thorough and objective re-examination of its Master Plan consistent with sound planning concepts and a participatory planning process, unencumbered by prior planning priorities and policies.”¹⁰

West Milford did not initiate any further action to implement “center” designation although the Township did retain the R-1/PN Zone District residential zoning notwithstanding the fact that such zoning outside of a designated center was inconsistent with the policies of **State Development and Redevelopment Plan**, specifically Planning Area 5.

Of the four inclusionary sites in the certified second round HE/FSP – Stanford Village, Valley Ridge, Random Woods, and Bald Eagle Manor – only Bald Eagle proceeded to construction. On December 8, 2005 the West Milford Planning Board adopted a third round HE/FSP, subsequently amended on November 29, 2007, which did not proceed through the substantive certification process. It did, however address the prior round sites as follows:

The Township’s Round Two Substantive Certification consisted of four inclusionary sites, and one mediated site zoned commercial for which the

⁷ Center Designation Report, West Milford Township, West Milford Township Planning Board, August 7, 1998, page 4.

⁸ Ibid. Page 11.

⁹ Ibid. Page 26.

¹⁰ Resolution No. 2001-36 “Resolution of the Township Council of the Township of West Milford Requesting the Removal of All Proposed Center Designations for West Milford From the Draft State Plan”, February 15, 2001.

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owner agreed to provide an “in lieu” contribution. One inclusionary site and the mediated commercial site never proceeded with a development application. Furthermore, the two sites exhibit extreme environmental constraints that prohibit the development previously anticipated. Two other inclusionary sites, Valley Ridge Gardens and Random Woods, are not expected to develop. Valley Ridge has been denied its final approval from the Township Planning Board and has had its Highlands exemption revoked by DEP. Random Woods has not pursued its final subdivision approval with the Township Planning Board and has not received the necessary highlands approvals.

The Township seeks to have these four sites removed from its Third Round Fair Share Plan, in accordance with the provisions outlined in the Third Round Rules, 5:94-4.5(a)3.¹¹

Stanford Village and Random Woods were not included in an existing sewer service area. Valley Ridge was included in the Olde Milford sewer service area but will no longer be part of that system pursuant to the Highlands Act and the goals and policies of the Highlands RMP. As a result of the Preservation Area restrictions, no new centers will be designated within this portion of the Highlands Region per section 13:30-7.d of the Highlands Act which reads as follows:

The preservation area shall not include any land located within the boundaries of any regional center or town center designated by the State Planning Commission pursuant to the “State Planning Act” P.L. 1985, c. 398 (C.52:18A-196 et al.) as of the date of enactment of this act, except to the extent necessary as set forth in the boundary description of the preservation area in subsection b. of this section to reflect appropriate and nearest practicable, on-the-ground, and easily identified reference points.

1995: REDEVELOPMENT AREA DESIGNATED

A “Redevelopment District” was designated in 1995 encompassing the Office Research zone district and select contiguous properties in the R-4 zone district. Its purpose was to allow for “...*recreation and tourism activities for the purposes of economic development*”¹², with the specific intent of developing a golf course, clubhouse and ancillary facilities.

In 2003 the Township Council amended the Redevelopment Plan with Ordinance No. 2003-16, to incorporate “open space preservation” as a goal for the Redevelopment District, citing the area’s critical location “...*as part of a vital greenway connector between the eastern and western portions of the New Jersey Highlands...*” While noting that preserving land in this district was not

¹¹ **Housing Element and Fair Share Plan**, adopted December 8, 2005, amended November 29, 2007, page 11.

¹² Township Ordinance No. 1995-19, “An Ordinance Establishing A Redevelopment Plan”, adopted July 5, 1995.

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consistent with the 1987 Master Plan which identified the area in question for office research related uses, the Ordinance stated, in part: “...*the 1987 Master Plan recommendation for an office-research park at the Redevelopment District location is no longer realistic, appropriate or consistent with public policy.*” The majority of properties constituting the Redevelopment Zone were subsequently sold to the State of New Jersey, Department of Environmental Protection.

2003: RESIDENTIAL AND PROFESSIONAL/LIMITED SERVICE ZONE DISTRICT ESTABLISHED

Ordinance 2003-44, adopted November 13, 2003, created the Residential and Professional/Limited Service Zone (RPLS) along a portion of Macopin Road whose stated purpose was “...*to provide for a transition area for a residential area that has developed historically with professional and limited service uses.*”

2004: HIGHLANDS WATER PROTECTION AND PLANNING ACT OF 2004

West Milford is located entirely within the Preservation Area of the Highlands Region thus compliance with the Highlands Act (P.L. 2004 c. 120), is mandatory and requires alignment of the Township’s Master Plan and development regulations with the policies of the Highlands Regional Master Plan. All development activity within the Township, other than activities which qualify for one of the Highlands exemptions, is subject to the aforementioned Highlands Rules. New or expanded potable water and sanitary sewer facilities are prohibited except for limited circumstances. Municipal zoning notwithstanding, development (residential density and nonresidential intensity i.e. total building square footage) where served by on-site well and septic are strictly controlled by limits on new septic systems with a design flow of 2,000 gallons per day or less to one system per 88 acres where land is forested and 25 acres in non-forested areas. A composite calculation is required where a combination of forest and non-forest characteristics co-exist.

2005: OFFICE TRANSITION ZONE DISTRICT ESTABLISHED

Less than two years after the creation of the Professional/Limited Service Zone, it was repealed and replaced in part by a new zone district, the Office Transition (OT) district and by an expansion of the R-1/Higher Density Residential district. The OT zone provides “...*an office district in a less intensive transition zone between the more intensive commercial zones and residential zones.*”¹³

2008: HIGHLANDS REGIONAL MASTER PLAN

The Highlands Act also created a body known as the Highlands Water and Planning Protection Council, which has become known by the abbreviated title, Highlands Council, to draft and adopt a master plan for the entire Highlands Region. In August 2008 the Highlands Council approved the 2008 Highlands Regional Master Plan (RMP) leading to its formal adoption on September 8, 2008.

¹³ Township Ordinance No. 2005-1 “Ordinance Providing for the Establishment of an Office Transition Zone”, adopted February 10, 2005.

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The RMP includes what is known as the Land Use Capability Zone Map which is designed to “...address the requirements of the Highlands Act and provide regional guidance for the implementation of the policies contained in the Regional Master Plan.”¹⁴ This Map creates what are known as “overlay zones” each having a number of policy objectives that will affect how the Township addresses the issue of consistency.¹⁵ The vast majority of West Milford falls within the Protection Zone which comprises 43,758 acres or 84.3 percent of the land area in the Township. The RMP describes this zone as follows:

The Protection Zone consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

The Existing Community Zone consists of 2,146 acres or 4.1 percent of the Township’s land area. This zone includes many, but not all of the developed residential and commercial sections of the Township. The ECZ is defined as follows:

The Existing Community Zone consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

A subset of the Existing Community Zone is the Lake Community Sub-Zone which, as the name suggests, covers the area in proximity to the various lakes within West Milford. (Actual lake area approximates 3,786 acres or 7.3 percent of the Township’s surface area.) The Lake Community Sub-Zone applies to the lands adjacent to the bodies of water affecting approximately 1,831 acres or 3.5 percent of the Township’s land area and is defined as follows:

The Lake Community Sub-Zone consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is

¹⁴ Highlands Regional Master Plan – 2008, page 110.

¹⁵ Ibid. Pages 111-112.

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planned, encompassing the full lake watershed, for protection of the lake water quality. This zone has unique policies to prevent degradation of water quality, and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Finally, the Existing Community Zone – Environmentally Constrained Sub-Zone which is another subset of the Existing Community Zone covers some isolated pockets of land within the ECZ totaling 387 acres or 0.7 percent of the Township’s land area. The RMP describes this sub-zone as follows:

The Existing Community Zone – Environmentally Constrained Sub-Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat ‘stepping stones’ to larger contiguous Critical habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

2010: R-1/PN ZONE DISTRICT REDUCED

Pursuant to a recommendation in 2010 Periodic Reexamination Report of the Master Plan and Development Regulations, an amendment to the Land Use Plan Element was adopted recommending the rezoning of some 394 acres of undeveloped land in the R-1/PN zone district to the R-4, Very Low Density Residential district in light of the Highlands regulations and the Township’s shift from higher density residential development as advocated in the former Town Center proposal. Township Ordinance No. 2010-018 implemented this change.

2012: HIGHLANDS PRESERVATION AREA MASTER PLAN ELEMENT

The adoption of the Highlands Preservation Area Master Plan Element by the West Milford Planning Board in 2012 (Resolution No. 2012-15, memorialized October 25, 2012) in compliance with the requirements of the Highlands Water Protection and Planning Act superimposes regulatory control upon the Township’s zoning plan and zoning regulations in accordance with the Highlands overlay zones and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) except for certain categories of exemptions.

IV. NEW LAND USE PLAN

A. Goals & Objectives

The goals and objectives established in the Township’s **Re-Examination Report Master Plan** of May 28, 2003 remain valid and serve to complement those set forth in the

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Township's Highlands Master Plan of 2012. The 2003 goals and objectives, which are incorporated in full in this 2014 Land Use Plan Element, are as follows:

Goal I

Preserve and protect the semi-rural and environmentally sensitive character of the Township
Objectives

1. Preserve scenic, cultural, historic, and environmentally sensitive land.
2. Encourage aesthetic, energy efficient and environmentally sensitive site design.
3. Promote farmland preservation through appropriate zoning.
4. Prevent sprawl type development.

Goal II

Preserve contiguous open space

Objectives

1. Limit growth in and protect lands with major physical constraints and critical habitats.
2. Provide suitable land uses on sensitive lands through zoning.
3. Protect existing lakes and waterways from deterioration.
4. Encourage open space by the use of appropriate land use techniques.
5. Identify and implement a greenway network linking privately and publicly preserved lands.

Goal III

Protect water resources

Objectives

1. Consider alternative and technological advancements in wastewater treatment.
2. Provide for methods of reducing storm water runoff and its impact through best storm water management practices.
3. Appropriately zone vacant land adjacent to open bodies of water for minimal development impact.
4. Protect areas of high groundwater recharge value.
5. Protect stream corridors.

Goal IV

Land/Use and Growth Management

Objectives

1. Focus growth around existing business districts, encouraging infill and mixed land use.
2. Provide a range of housing opportunities that will encourage "least cost" housing and housing geared toward municipal needs.
3. Encourage commercial and industrial growth on suitable land in appropriate areas recognizing the existing roadway system
4. Promote recreational opportunities.
5. Provide for zoning standards that are consistent with existing neighborhoods.

Goal V

Regulate circulation patterns throughout the Township for through traffic and local traffic demands to residential and commercial land uses.

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Objectives

1. Improve roadways in response to traffic needs.
2. Encourage the continuation of the private road improvement program so that these residential communities can be serviced properly.
3. Encourage and plan for the use of mass transportation uses through additional park and ride facilities and bus services.
4. Encourage the development of multi-modal pathways.

Goal VI

Preserve character of existing lake communities

Objectives

1. Permit limited "infill" growth in existing lake communities consistent with the character of those communities.
2. Establish septic maintenance program.
3. Protect lake vistas.
4. Establish fertilizer, pesticide, and herbicide standards.
5. Minimize shoreline deforestation.

Goal VII

Encourage economic vitality of community business districts

Objectives

1. Promote a functional physical environment consisting of streetscapes, pedestrian improvements, shared parking and building design criteria.

B. New Land Use Plan

1. Create New Public & Conservation Zone District

In accordance with a recommendation in the 2010 Master Plan Reexamination Report, a new Public & Conservation zone district is proposed to encompass publicly-owned lands in West Milford, including Federal and State parklands, County properties, parcels on the Township's Recreation and Open Space Inventory (ROSI) and Township and Board of Education properties devoted to public facilities and schools. This includes approximately 23 acres of Federal land (portion of Appalachian Trail), 14,442 acres comprising portions of Norvin Green State Forest, Wawayanda State Park and Abram Hewitt State Forest, 1,563 acres are owned by the County of Passaic, and approximately 167 acres under the jurisdiction of the West Milford Board of Education. Acreage owned by the Township of West Milford to be included in this category consists of approximately 855 acres. Permitted uses should include municipal and educational-related buildings and facilities, active and passive recreation facilities, and open space.

2. Eliminate the Historic New City Preservation Zone.

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The land are currently zoned HNCP should be reclassified to be part of the R-4 zone district. The rationale for the Historic New City Preservation Zone (HNCP) zone, created in 1994 following the adoption of a Historic Preservation Plan Master Plan Element on September 28, 1994 by the West Milford Planning Board has been obviated by the removal of all the buildings intended for restoration and preservation. The zone's Purpose is described in §500-61 as follows:

There is hereby established the Historic New City Preservation Zoning District (HNCP) for the purposes of preserving the historic structures existing within this zone, and to promote the renovation and the development of new buildings in conformance with the requirements of the zone. Accordingly the zone is separated into six development areas with specific permitted uses for each identified area that relate to the historic, cultural and economic development goals of this zone. This zone is in furtherance of the Master Plan Historic Preservation Element and the Township of West Milford Historic Preservation Ordinance and is in conformance with the State Development and Re-Development Plan.

The Historic Preservation Plan, prepared by TAMS Consultants, Inc. dated September 1994 offered the following observations and recommendations for the area known as New City encompassed within New City Road, Germantown Road and Route 23.

Regarding New City, the Historic Preservation Plan stated, in part:

New City is a residential community of approximately 13 acres, sited ½ mile north of the intersection of Route 23 and west of Germantown Road, at the western boundary of West Milford. It is comprised of eight frame dwellings, and a masonry pump house set in a rural and communal group. A main road, New City Road, and several lesser roads survive in poor condition.

Although the buildings surviving with a high degree of integrity, they are [*sic*] survive in a threatened stated. Vacant, they are boarded over and seem without benefit of a maintenance program. Within the past year, one of the wood frame buildings was lost to fire, another to demolition.¹⁶

New City was built in 1910 by the city of Newark as the base for a community of employees (and their families) at the Newark Watershed in West Milford. The development of a network of reservoirs to provide potable water to the City of Newark had a major impact on the physical character of West Milford. Between 1885 and the early 1900s, land and rights-of-way were secured for the reservoirs and their surrounding watershed totaling 18,000 acres. The City of Newark employed approximately 50 area residents to oversee and maintain the dams, streams and property around the reservoirs. Those employees and their families were

¹⁶ Township of West Milford Historic Preservation Plan, September 1994, TAMS Consultants, Inc., page 42.

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typically provided with homes by the City of Newark within the watershed property and near the reservoir at which they worked. At some point in the early 1900s, the City of Newark consolidated some of the housing for their employees in on planned community which became known as “New City”.

The buildings were occupied by Newark Watershed employees until mid-1991.¹⁷

The Historic Preservation Plan offered the following recommendation:

New City, designated a local landmark in 1992, appears to be eligible for the National Register of Historic Places. It is recommended that National Registers Designation be pursued in conjunction with the Historic Preservation Office.

The vacancy of the buildings is a threat to their preservation. It is recommended that the Township of West Milford actively pursue a rehabilitation program with the City of Newark that would insure the resources rehabilitation and continued use.

It is further recommended that a new zone be created for New City with a companion zoning ordinance.¹⁸

The Element goes on to describe the particulars that the new zoning ordinance should address such as design issues specific to the district, and lot area and bulk standards consistent with the historic development in New City. An Ordinance (Ord. No. 1994-39) establishing the Historic New City Preservation Zone and development regulations was adopted by the Township Council on December 7, 1994. Neither the area in general nor any of the individual buildings have been listed on either the New Jersey or National Registers of Historic Places. Unfortunately, in the years since, the remaining buildings, plagued by continued deterioration and arson, were demolished as unsafe structures. As a consequence, there is no reason to retain the protections afforded by the provisions in Chapter 500. In addition, the entire HNCP districts area falls within the Newark Watershed and subject to the restrictions set forth in the May 31, 2006 *Deed Of Conservation Easement* between the City of Newark and the State of New Jersey, Department of Environmental Protection which precludes, among other activities, residential structures.

Ordinance No. 1994-39 did not provide a listing of properties by block and lot designation, however a map entitled “New City Development Area Map”, dated August 1994 was included which became the official district on the Township’s Zoning Map. Based upon a review of Township Tax Map 141 the HNCP zone district comprises approximately 54 acres.

¹⁷ Ibid. Pages 44-45.

¹⁸ Ibid. Page 45.

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- Block 14104, Lot 3: 27.40 ac.
- Block 14105, Lot 1: 1.40 ac.
- Block 14106, Lot 1: 2.75 ac.
- Block 14107, Lot 1: 2.32 ac.
- Block 14403, Lot 1: *20.00 ac.

* Approximate portion of Lot 1 in Block 14403 in HNCP zone district.

3. Eliminate the Office Research (OR) Zone District

The existing Office Research (OR) zone district is located to the east of Macopin Road, between Weaver Road to the south and Maple Road to the north. This zone consists of contiguous lots 25, 26, and 33.01 in Block 12001. Lots 25 (119 acres) and 33.01 (25.3 acres) were acquired by the State of New Jersey, Department of Environmental Protection in December 2005. Lot 26 is owned by the City of Newark and is situated within the protected Newark Watershed portion of the Township. All but 5 acres of the 119 acres comprising Lot 26 are encumbered as watershed property according to the May 31, 2006 *Deed Of Conservation Easement*, however there is no information as to where the unencumbered acres lie within the site which is undeveloped. Land area owned by the State of New Jersey should be reclassified as Public & Conservation zone with the remainder rezoned to R-4.

4. Eliminate the Special Economic District (SED)

The SED zone consists of the entire 114.99 acres of Lot 31 in Block 6002 and portions of lots 18.01 and 33. Lot 31 is owned by the State of New Jersey and is developed with the Greenwood Lake Airport. Lot 33 has been in the ownership of the State of New Jersey, Department of Environmental Protection since 1998. Lot 18.01 is owned by the Township of West Milford. Public & Conservation zoning is recommended for the properties in question.

5. Eliminate the SHD Rental Overlay District

The Special Housing District Rental Overlay/Residential zone is predicated upon community water and sanitary sewerage facilities to accommodate a density of six units per acre. The SHD overlay district is limited to the Pine Crest Lake area bordered by Wooley Road to the south and Dockerty Hollow Road to the east. This area is also situated within the Highlands Protection Zone and pursuant to the regulations applicable to the Highlands Preservation Area in general and the Protection Zone in particular, there will not be an opportunity to provide central water and sanitary sewer service to this location. Accordingly, the SHD overlay zone should be eliminated, leaving the underlying R-2 zoning in place.

6. Rezone certain CC-Community Commercial areas to NC-Neighborhood Commercial

The type of principal uses permitted in the Community Commercial zone district such as major food stores, department stores, hotels and motels are not appropriate in terms of scale, traffic impact and need of potable water and sanitary sewerage facilities in several areas

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currently zoned in this category. As such the CC zone districts in the northerly portion of the Township fronting upon Warwick Turnpike and White Road, Greenwood Lake Turnpike and Marshall Hill Road, and Lincoln Avenue and Marshall Hill Road, and in the southwesterly portion of the Township fronting upon Oak Ridge Road and Cooper Road, and Oak Ridge Road and Apple Tree Lane should be rezoned to NC-Neighborhood Commercial. The areas in question are as follows:

Exhibit I

West side of Union Valley Road/White Road

- Block 6902, Lots 16, 17 (partial), 18-21, 22-25 (partial), 27-30

All lands encompassed within Warwick Turnpike (north), White Road (west), Union Valley Road (east/south)

- Block 6803, Lots 14, 5, 5.01, 5.02, 6-11, 13.

East of Union Valley Road

- Block 6402, Lots 1-3

Area bordered by Greenwood Lake Turnpike and Marshall Hill Road

- Block 6404, Lots 1.01, 1.02, 2.01, 2.02, 3-7, 9, 11

Area bordered by Lincoln Avenue (west) and Marshall Hill Road (south)

- Block 6504, Lots 11-20

Exhibit II

Area encompassed by Apple Tree Road (west), Wallace Cross Road (east), Oak Ridge Road (south)

- Block 16101, Lots 1-4

Area fronting along Oak Ridge Road / Cooper Road

- Block 16307, Lots 19-23
- Block 16302, Lots 5-9, 10.02, Lot 11 (partial)

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Exhibit I



Exhibit II

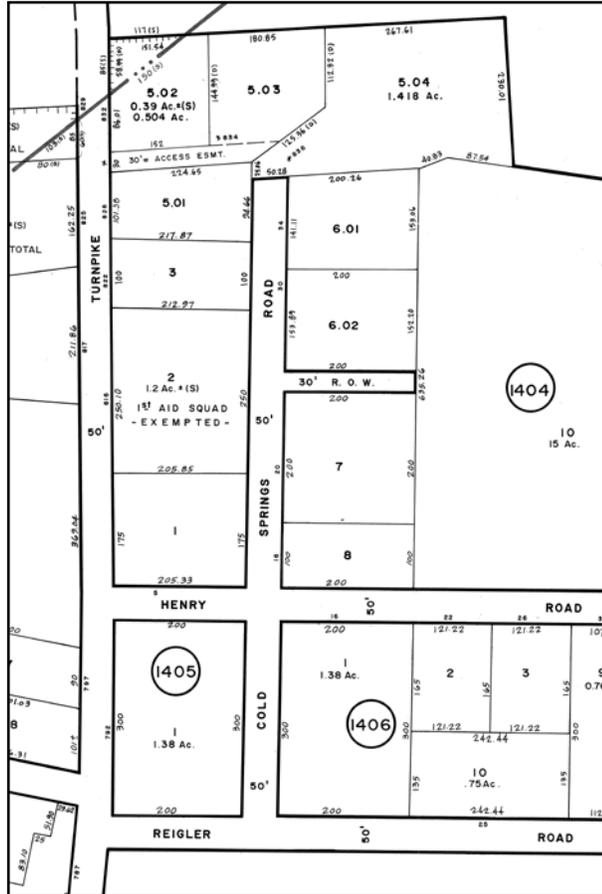


7. Rezone NC Zone on Warwick Turnpike/Henry Road

The West Milford Zoning Board of Adjustment approved a use variance and a minor subdivision in 2003 to permit the subdivision of then existing Lot 5.02 in Block 1404 into three parcels to be developed for residential use. Located in the NC-Neighborhood Commercial zone district located along the easterly side of Warwick Turnpike in proximity to the Upper Greenwood Lake Elementary School, the Board's Resolution [No. 48-2003, memorialized December 18, 2003] noted two prior use variances to permit single family dwellings in this same area. The Board's annual report of 2003 cited this use variance history to support a recommendation to rezone the area from Neighborhood Commercial to a residential district at the next Master Plan update.

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Block 1404, lots 1, 2, 3, 5.01, 5.02, 5.03, and 5.04 are contiguous properties having frontage on Warwick Turnpike except Lot 5.03 which has street access via an easement and Lot 5.04 which connects with Cold Spring Road. Each parcel except Lot 2, which contains the Upper Greenwood Lake First Aid Squad building, is improved with a single family dwelling. It is recommended all seven lots be rezoned to the LR-Lake Residential district consistent with the existing LR zone surrounding Upper Greenwood Lake. The other remaining parcel currently in the NC zone in this vicinity is Lot 1 in Block 1405 which is bordered on all sides with public street frontage (Warwick Turnpike – west, Henry Road – north, Cold Spring Road – east, and Reigler Road – south). It has a 4A (commercial) tax classification and appears to be a boat repair and storage business. Comprised of approximately 1.4 acres, this commercial property will remain in the NC zone district which requires a minimum lot area of one-half acre.



8. Lake Residential Zone District

Annual reports issued by the West Milford Zoning Board of Adjustment (ZBA) have proposed changes to the Lake Residential (LR) Zone District with respect to the minimum lot area requirement, setback standards, and height limits for both principal and accessory buildings and structures. This Land Use Plan does not recommend a reduction from the minimum lot requirement of 20,000 square feet to 10,000 square feet as suggested in the ZBA reports as it would be inconsistent with the Purpose clause for the LR district as set forth in Chapter 500, *Zoning*, §500-7,D which calls for upgrading in lot sizes, notwithstanding the existing character of such areas, as follows:

The Lakeside Residential (LR) District is created to develop meaningful and appropriate residential standards in the lake communities of the Township. The intent is to respect the existing development patterns of the lake communities, but to encourage an upgrading in lot sizes. This approach addresses the Township studies, which suggest future water and sewer problems in these areas if current development trends are continued.

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Advanced technologies, including alternate design, septic systems, and low flow water devices, as approved by the Township Departments of Planning and Building and Health are to be encouraged.

Such a change would likewise be inconsistent with the policies of the Township's Highlands Preservation Area Master Plan Element, adopted in September 2012. Modification to existing setback standards for principal buildings may warrant consideration. For example, a reduction to the required front yard setback of 40 feet to 30 feet, as suggested by the ZBA may be appropriate if that reflects the predominate condition throughout the various LR districts within the Township. Reducing side (30 ft.) and rear (60 ft.) yard setbacks might provide a better match for established neighborhoods, although cutting each by half (15 ft. for side, 30 ft. for rear) could result in increased building coverage and perceptions of crowding thus any such changes on this point or to the required setbacks for accessory buildings or structures deserve a more detailed study. Principal building height should remain at 35 feet /2½ stories pursuant to §500-11 and any imposition of height limits for accessory buildings and structures should be done in a comprehensive fashion for all residential zone districts rather than for the LR district along.

9. LMI-Limited Manufacturing and Industrial Zone District

The LMI-Limited Manufacturing and Industrial Zone District should be modified to include a new Permitted Conditional use to allow Class B recycling facilities and such ancillary functions as topsoil production. With the appropriate controls such as establishing a minimum lot area sufficient in size to accommodate setbacks and buffers, distances to residential districts, on and off-site measures to control odor, dust, noise and regulated hours of operation, this will enhance the viability of the LMI zone and will further a key objective as set forth in the Municipal Land Use Law at N.J.S.A. 40:55D-2, subsection 'o' which is as follows: *To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.*