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BOROUGH OF OLD TAPPAN
PERIODIC RE-EXAMINATION REPORT,
EVALUATION OF ADJACENT MUNICIPALITIES,
COUNTY MASTER PLAN,
STATE DEVELOPMENT AND REDEVELOPMENT PLAN
AND DISTRICT SOLID WASTE MANAGEMENT PLAN

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STATE DEVELOPMENT AND REDEVELOPMENT PLAN
AND DISTRICT SOLID WASTE MANAGEMENT PLAN

PREPARED FOR:
BOROUGH OF OLD TAPPAN PLANNING BOARD

JANUARY, 1989

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INTRODUCTION

The New Jersey Municipal Land Use Law requires municipalities to periodically re-examine their master plan and development regulations. The Statute requires that this re-examination take place at least once every six years.

The Planning Board is charged with the responsibility of preparing a report on the findings of the re-examination. The Law states that the report must include, at a minimum, the following elements:

- a. The major problems and objectives relating to land development in the municipality at the time of such adoption, last revision or re-examination, if any;
- b. The extent to which such problems and objectives have been reduced or have increased to such date;
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural resources, energy conservation and changes in State, county and municipal policies and objectives;
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

The Municipal Land Use Law, under NJS 40:55D-89.2 states the following:

"The absence of the adoption of the Planning Board of a re-examination report pursuant to Section 76 of the act (C.40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable."

The adoption of the Periodic Re-examination by the Borough of Old Tappan Planning Board and the filing of the document with the Bergen County Planning Board are essential in preserving the validity of the Borough's zoning ordinance.

PERIODIC RE-EXAMINATION STUDY

This section of the report addresses the statutory elements as set forth in the Municipal Land Use Law with respect to the state-mandated periodic re-examination, under the provision of NJS 40:55D-89.

I. The Major Problems and Objectives to Land Development in the Municipality at the Time of the Preparation of the Borough's Last Master Plan

The 1982 Master Plan Update and Periodic Re-examination report presented a summary of objectives and concerns. These objectives were noted as follows:

1. To promote and protect environmentally sensitive lands, streams and reservoirs.
2. To encourage a desirable visual environment.
3. To ensure the compatible development of different land uses with a view of lessening the cost of development and encouraging the efficient expenditure of public funds.
4. To encourage the best possible design for new developments in the Borough and established sections of the community.
5. To promote the continued maintenance and rehabilitation of the Borough's housing stock and supporting facilities and utilities.
6. To assure and protect the stability and vitality of residential neighborhoods.
7. To recognize and protect the watershed lands in the Borough as an important regional source of potable water.
8. To encourage the development of new recreation facilities in appropriate locations serving the different neighborhoods in the community.
9. To promote the recognition and preservation of historic sites and uses.
10. To promote the improvement of existing circulation routes and the construction of new roads in a safe and efficient manner.

11. To promote the efficient expansion of governmental, recreational, educational and other community facilities in appropriate locations.
12. To provide and continually monitor the Borough's land use regulations which serve to implement Old Tappan's land use plan element.

The 1982 Re-examination also noted that the concern for public sewer facilities had been decided since the 1978-1979 Master Plan. Public sewerage was not contemplated at the time of the Re-examination report.

II. Extent to Which Problems and Objectives Have Been Reduced or Have Increased Subsequent to the Last Master Plan

The 1982 Re-examination report summarized some of the changes that took place since the 1979 Master Plan. The changes proposed in the 1982 Plan basically reflected the recommendations advanced in the previous plan, but deviated slightly in concept and format. Three areas were modified in 1982 to contain a low density residential designation. This description comprised a density of approximately 1 dwelling unit per acre. The areas modified in 1982 are as follows:

- o The north side of Old Tappan Road west of the proposed commercial area to Washington Avenue north;
- o The Westwood Avenue area including Fred Street and the easterly side of Westwood Avenue;
- o The Hackensack Water Company Lands totalling 947.6 acres of land including Lake Tappan.

The 1982 Land Use Plan also established a new planning category for professional business and executive office uses. This was situated on the north side of Old Tappan Road east extending from De Wolf Road on the east to the present commercial area on the west.

Two categories of land use were also established in the 1982 Land Use Plan which were not included in the 1979 Master Plan. These categories included the following:

- o Parks and Open Space - existing and proposed parks and open space;
- o Public Land Uses - all public lands not included as parks and open space.

A copy of the 1982 Land Use Plan is included herein.

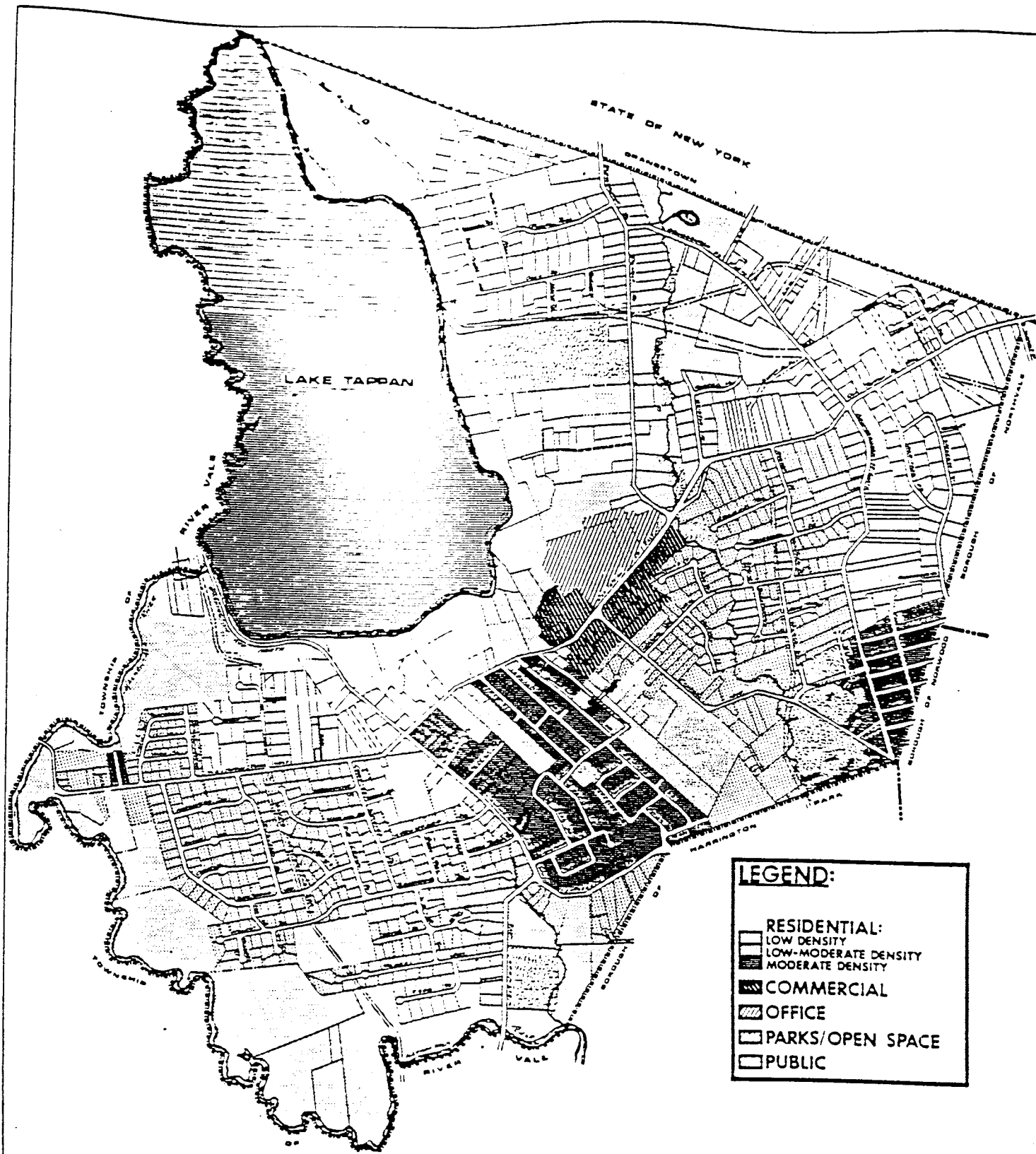
III The Extent To Which There Have Been Significant Changes In The Assumptions, Policies And Objectives Forming The Basis For Such Plan Or Regulations With Particular Emphasis On Specific Planning Issues And Governmental Policy

There have been several substantive changes, at the local and State level, which were not contemplated at the time of the preparation and adoption of the Master Plan Re-Examination and Update. These are identified as follows:

1. According to data published by the Hackensack Water Company, the Borough of Old Tappan includes 947 acres of lands owned or controlled by the Water Company, of which 527 acres are underwater reservoir lands, 88 acres are marshlands and 332 acres are uplands. The State Development Guide Plan prepared in 1980 designated all of these lands as part of a 'growth area'. Other reservoir lands in Bergen County and Passaic County have been classified as 'conservation areas'.

Due to the designation of Lake Tappan as a 'growth area', the Borough's "fair share" housing obligation does not take into consideration that these lands are undevelopable. Thus, Old Tappan's "fair share" obligation can be viewed as excessive. The Borough is currently pursuing means by which this obligation can be reduced.

2. The State Planning Commission has been established and charged with preparing a State Development and Redevelopment Plan, which will supercede the 1980 State Development Guide Plan. To date, the Preliminary State Development and Redevelopment Plan has been distributed to each community for the cross acceptance procedure. Approximately six months will be allotted to the municipalities to accept, reject or modify the State Development and Redevelopment Guide Plan through the auspices of the County Planning Board.
3. The Preliminary 1988 State Plan includes Lake Tappan as a Park area. The error made in the previous plan of not recognizing the lake as a reservoir and an environmentally sensitive area seems to be carried forth into the new State Plan. The balance of the community appears to be designated as Tier 2 - Stable suburb and Tier 4 - a suburbanizing area.
4. The State of New Jersey has established a Council on Affordable Housing which is directed to prepare a comprehensive planning and implementation response to the constitutional obligation to provide, through municipal land use regulations, a realistic opportunity for a fair share of regional present and prospective need for low and moderate income households. It is the responsibility of the individual municipalities to prepare housing plans to meet this need.



LEGEND:

- RESIDENTIAL:
 - LOW DENSITY
 - LOW-MODERATE DENSITY
 - MODERATE DENSITY
- COMMERCIAL
- OFFICE
- PARKS/OPEN SPACE
- PUBLIC

NOT TO SCALE
 NOT TO SCALE
 NOT TO SCALE
 NOT TO SCALE

SCALE IN FEET

DESIGNED BY GEORGE H. KASER & ASSOCIATES, P.A.	DATE MAY 1982
DRAWN BY J. KASER	DATE JULY 1982
CHECKED BY J. KASER	DATE AUGUST 1982

1982 LAND USE PLAN

BOROUGH OF OLD TAPPAN
 BERGEN COUNTY, NEW JERSEY

malcolm kaser & associates, p.a.
 1000 ROUTE 17, SUITE 200, HOBOKEN, N.J. 07030

5. Since the adoption of the 1982 periodic re-examination, the United States Army Corps of Engineers, and more recently the New Jersey Department of Environmental Protection, has accepted increasing responsibility concerning wetland areas. As of July 1, 1988, the New Jersey Department of Environmental Protection has assumed responsibility for wetland areas and on July 1, 1989 will require certain wetland buffers that currently are not regulated.
6. The Fair Housing Act was adopted in 1986 and also created the Council on Affordable Housing. The Act also mandated that every Planning Board in New Jersey must adopt a housing element and fair share housing plan as part of its Master Plan by August 1, 1988.

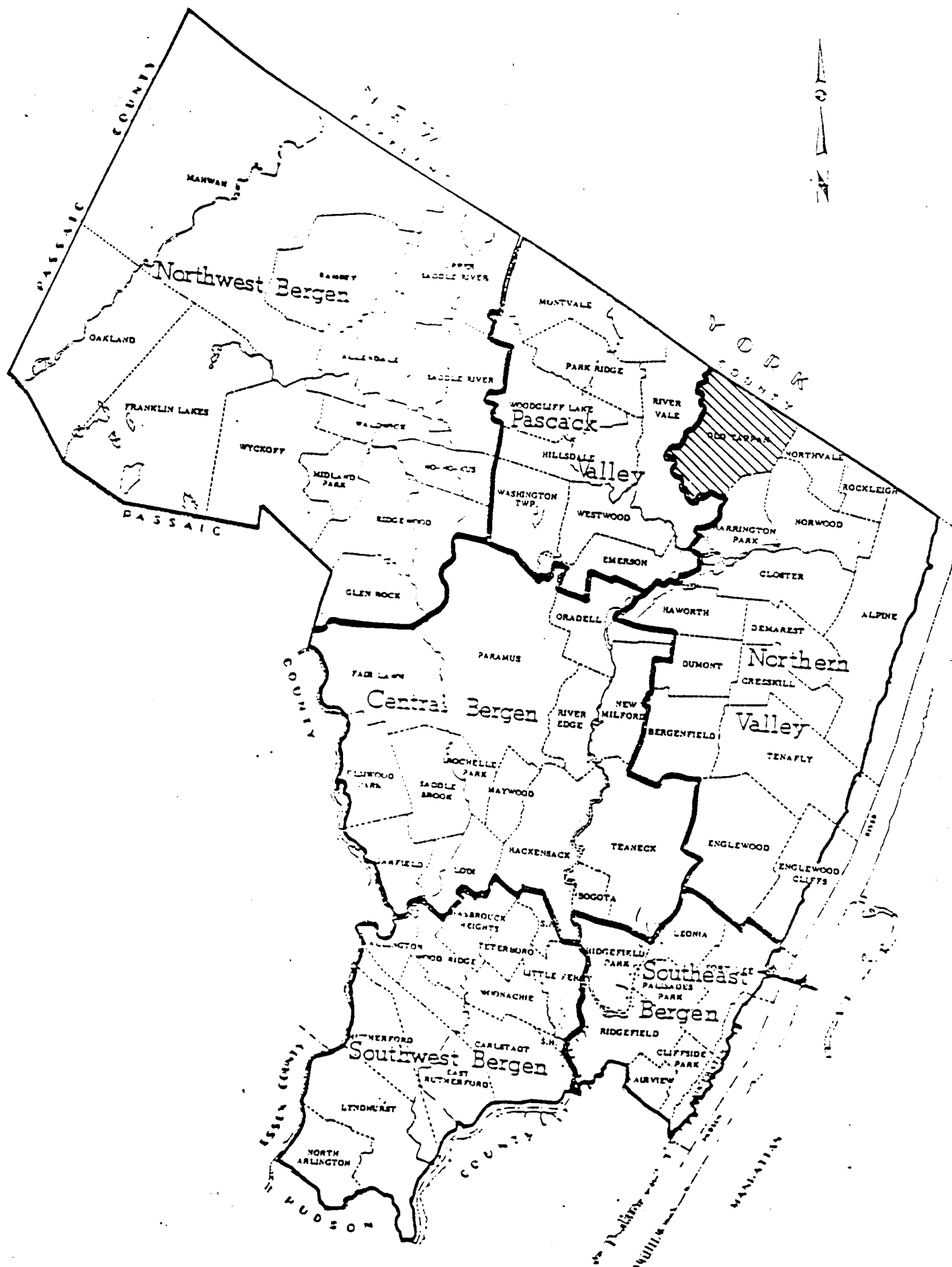
Malcolm Kasler and Associates, P.A. prepared the Borough's Housing Element and Fair Share Housing Plan, which was adopted by the Planning Board on April 15, 1987. The Borough intends to fulfill its housing obligation and has adopted zoning regulations to permit builder's setaside housing including mandatory construction of low and moderate income housing.

IV. Specific Changes

The Borough of Old Tappan's best interest would dictate that the lands owned by the Hackensack Water Company be placed in a "Tier 7 - environmentally sensitive area" designation. This should be pursued during the "cross-acceptance" process which is a part of the State Development and Redevelopment Guide Plan.

Additionally, some of the State requirements concerning wetlands, wetland buffers, historic sites and related environmental factors should be incorporated into the master plan process.

REGIONAL LOCATION MAP



RELATIONSHIP TO ADJOINING COMMUNITY MASTER PLANS

The Municipal Land Use Law requires that community master plans consider their relationship to adjoining communities as well as those of the County and State. The Statute requires the following :

"The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) the State Development and Redevelopment Plan adopted pursuant to the State Planning Act."

There are four municipalities in the State of New Jersey which are contiguous to the Borough of Old Tappan. These include the Boroughs of Harrington Park, Northvale and Norwood and the Township of River Vale.

Borough of Harrington Park

The Borough of Harrington Park's Master Plan and the Master Plan General Re-examination were prepared by the Planning Board in 1978 and 1984, respectively. Malcolm Kasler and Associates, P.A. prepared the Periodic Re-examination Report in June of 1988, which notes that the land development objectives advanced in the 1978 Master Plan are still applicable today. The document acknowledges that the Borough intends to meet its fair share housing obligation, while maintaining the residential character of the community.

The Borough of Harrington Park adjoins Old Tappan's southeasterly boundary. Harrington Park's Master Plan Map dated November of 1984 indicates two land use designations abutting Old Tappan. The R-3 Residential District makes up the bulk of the area adjacent to Old Tappan, and extends from the Hackensack River northward to the westerly terminus of Division Street. The minimum permitted lot area for parcels in the zoning district is 18,000 square feet. The area adjacent to Division Street, to the west of Central Avenue, is designated as an R-1 Residential District wherein lot areas are maintained at a minimum of 10,000 square feet.

Borough of Northvale

The Borough of Northvale Master Plan was prepared by Stanley John Lacz, and adopted in November of 1979. Michael F. Kauker prepared the Master Plan Reexamination Report in July of 1988. The re-examination report noted that a Revised Comprehensive Master Plan was being completed. The 1979 Master Plan remains in effect until the completion and adoption of the revised plan.

The Borough of Northvale shares a small portion of Old Tappan's northeasterly municipal boundary. The adjoining area of Northvale is maintained as an R12.5 Residential Zoning District. Lots encompassed by this district contain minimum lot areas of 12,500 square feet.

Borough of Norwood

Michael F. Kauker Associates prepared the Comprehensive Master Plan for the Borough of Norwood. The document was adopted by the Planning Board on June 16, 1988. Norwood abuts a small portion of Old Tappan's north-easterly border.

The Comprehensive Master Plan indicates that land along Old Tappan's municipal boundary is proposed to contain a Research/Office district. This district will replace the existing Light Industrial and Low Density Residential District presently designated for this area. The report notes that because of the poor soils and drainage conditions existing in this area, large scale office development is best suited because it will respect the physical and environmental limitations of this tract.

This proposed land use is incompatible with the moderate density residential use taking place along the municipal boundary in Old Tappan.

Township of River Vale

The Township of River Vale Master Plan Re-examination was prepared by Joseph Murphy, Planner, and adopted by the Planning Board on July 18, 1988. This document maintains that the 1975 Master Plan, prepared by Frederick P. Clark Associates, along with the Re-examination prepared in 1978 and 1982 remain part of the Master Plan program.

River Vale abuts Old Tappan's westerly municipal boundary, in addition to a portion of the southerly border. The westerly boundary of Lake Tappan and the Hackensack River create the municipal boundary between the two communities.

The Proposed Land Use Plan Map prepared in 1982 by C.G. Engineers, P.E., designated two categories for property along the Old Tappan municipal boundary. These categories consist of A-1 Residence and A Residence, which contain minimum lot areas of one dwelling unit per acre and two dwelling units per acre, respectively. Land in River Vale adjoining Lake Tappan is zoned at a minimum density of one dwelling unit per acre.

The development pattern in Old Tappan adjoining the Township of River Vale is designated as a Low Density Residential District. These areas contain a minimum lot size of 40,000 square feet. The two plans appear to be compatible with one another except for the office zoning for the Sterling Drug property.

Bergen County.

The Bergen County Planning Board adopted a land use plan element in 1973. The County does not have a current land use plan. The 1973 Land Use Plan is out-of-print according to County records. A new County plan is currently being prepared which will present a County-wide zoning map. This map is being drawn from each municipality's zoning map as filed with the County.

The Bergen County Transportation Improvement Program prepared by the Division of Transportation, Department of Planning and Economic Development contains no scheduling for major transportation improvement projects in the Borough of Old Tappan for fiscal years 1989 through 1993.

State Plan

The Division of State and Regional Planning in the New Jersey Department of Community Affairs in May 1980 prepared a document entitled State Development Guide Plan in response to a legislative mandate for a state-wide plan. The document designated the Borough of Old Tappan including Lake Tappan as a growth area.

The New Jersey State Planning Commission has recently released the Preliminary State Development and Redevelopment Plan. The cross-acceptance process is to be initiated between the Bergen County Planning Board and the Borough of Old Tappan. This process in Bergen County will begin in January of 1989.

The Preliminary Plan adopted by the Planning Commission in December of 1988 indicated three development tiers for Old Tappan. Tier 2 and Tier 4 are classified as Stable Suburbs and Suburbanizing Areas, respectively. A third category indicates that Lake Tappan is designated as Parkland. During the cross-acceptance process, the municipality should ensure that Lake Tappan be recognized by the State as a body of water and as an Environmentally Sensitive Area, a Tier 7 designation, by virtue of the lake's function as a reservoir. Additionally, watershed lands of the Hackensack Water Company should also be incorporated into that category.

The newly revised preliminary SDRP, consists of three volumes, two of which have been approved by the State Planning Commission in December of 1988. The Borough of Old Tappan should carefully review the entire Preliminary Plan and fully participate in the Cross Acceptance process with the Bergen County Planning Board.

SOLID WASTE MANAGEMENT PLAN

The Municipal Land Use Law under NJS 40:55D-28(d) requires every municipality's master plan to include "... the district solid waste management plan required pursuant to the provisions of the 'Solid Waste Management Act' P.L. 1987, c. (C. 13:1E-1 et.seq) of the County in which the municipality is located."

The Borough of Old Tappan has adopted Ordinance No. 403-88 on April 25, 1988 establishing a recycling program and providing for the collection of recyclable materials within the Borough of Old Tappan. The ordinance as amended, constitutes Old Tappan's response to the Municipal Land Use Law requirements for solid waste management. The ordinance is presented in its entirety on the following pages.

ORDINANCE NO. 403-88

An Ordinance to Supplement Chapter III,
"General Police Regulations", Establishing
a Recycling Program and Providing
for the Collection of Recyclable Materials Within the
Borough of Old Tappan and Empowering
the Adoption of Regulations Therefore and
Providing for Penalties for the Violation of this Ordinance

WHEREAS, the conservation of recyclable materials is an important
national and local concern; and

WHEREAS, conservation of recyclable materials is necessary to improve
our environment; and

WHEREAS, the Mayor and Council deem it to be in the best interests of
the residents of the Borough of Old Tappan to establish a recycling program
which provides for the collection of certain recyclable materials;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough
of Old Tappan as follows:

Section 1: Chapter III, "General Police Regulations", is hereby
supplemented by the addition of the following:

3-11 RECYCLING PROGRAM

3-11.1 Definitions

- a. "Aluminum" shall mean recyclable aluminum cans.
- b. "Corrugated Cardboard" shall mean cardboard of the type
used to make cardboard boxes, cartons, pasteboard and
similar corrugated and draft paper material.
- c. "Glass" shall mean all products made from silica or sand,
soda ash and limestone which are transparent or translucent
and used for packaging or bottling of various matter and
all other materials commonly known as glass; excluding,
however, blue and flat glass commonly known as window glass.
- d. "Hi-grade office paper" shall mean computer paper, tab cards,
white letterhead, ledger and non-glossy paper.

- e. "Leaves" shall mean those materials naturally formed from trees and bushes that are suitable for composting and mulching purposes.
- f. "Newspaper" shall mean paper on the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are all magazines or similar periodicals as well as all other paper periodicals of any nature whatsoever.
- g. "Recycling center" shall mean any facility designed and operated solely for receiving, storing, processing and transferring source-separated, nonputrescible or source-separated commingled nonputrescible metal, glass, paper, plastic containers, and corrugated and other cardboard, or other recyclable materials approved by the Department of Public Works.
- h. "Regulations" shall mean and include such rules, implementation dates, schedules of time and such other requirements promulgated by the Recycling Coordinator in conjunction with the Superintendent of the Department of Public Works and approved by the Mayor and Council as may be necessary to carry out the purposes and objectives of this ordinance.
- i. "Solid waste" shall mean all garbage and rubbish normally produced by the occupants of commercial, industrial, and residential property and disposed of by private or public pick up.
- j. "Source separated recyclable materials" shall mean recyclable materials, including but not limited to newspaper, aluminum cans, glass, corrugated cardboard, and used motor oil, which are kept separate and apart from residential, commercial and institutional solid waste by the generator thereof for the purposes of collection, disposition and recycling.
- k. "White goods" shall mean domestic or household bulky items including washing machines, dryers, refrigerators, stoves, water heaters, dishwashers, and household appliances, of primarily ferrous metal.

3-11.2 Recycling Coordinator.

- a. The position of Recycling Coordinator is hereby created and established within the Borough of Old Tappan.
- b. The Recycling Coordinator shall be appointed by the governing body for a term of one year expiring December 31 of each year. The term of the person first appointed as Recycling Coordinator shall expire as of the next annual reorganization meeting following their appointment.

3-11.3 General Obligations of Owners, Lessees and Occupants of Property.

All persons who are owners, lessees and occupants of residential property in the Borough shall separate aluminum, glass (by color-clear, green and brown), leaves, newspaper and white goods from any other trash and garbage produced by any such residences and shall separately place same for pickup, collection and recycling in accordance with this ordinance and all applicable regulations. Commercial and institutional owners, lessees and occupants of property shall separate the same recyclable materials as residents and, in addition, high-grade office paper and corrugated cardboard. The procedure for pickup, collection and recycling of these materials shall be specified in the regulations promulgated pursuant to this Ordinance.

3-11.4 Separation and Placement in Containers.

- a. Aluminum shall be reasonably rinsed and secured in suitable reusable containers supplied by the owner, lessee or occupant. Containers constructed of paper or cardboard materials or plastic bags shall be deemed not suitable for this purpose; but reusable wood, metal or plastic containers shall be deemed suitable.
- b. Glass shall be separated and reasonably rinsed and metal caps shall be removed. This glass shall be contained in suitable reusable containers supplied by the owner, lessee or occupant. Containers constructed of paper or cardboard materials or plastic bags shall be deemed not suitable for this purpose; but reusable wood, metal or plastic containers shall be deemed suitable.

- c. From September 1 to December 31 of each year, the owner, lessee or occupant shall separate leaves and place them in the street at curbside in front of the property. Leaves shall not be placed in plastic bags.
- d. Newspaper shall be bundled in units not to exceed 12 inches in height. Bundles may be placed in paper bags or string tied or in such a manner designated by the regulations promulgated by this Ordinance. Such bundles shall not be contained in plastic bags.
- e. White goods shall not be placed at the curb for collection unless special arrangements have first been made with the Superintendent of the Department of Public Works.

3-11.5 Pick Up and Collection of Separated Recyclable Materials.

The Recycling Coordinator in conjunction with the Superintendent of the Department of Public Works shall promulgate reasonable regulations establishing the commencement dates for mandatory separation of recyclable materials and the manner, dates and times for the collection of same in accordance with the terms of this ordinance. Any such regulations promulgated by the Recycling Coordinator in conjunction with the Superintendent of the Department of Public Works shall be approved by the Mayor and Council and may be changed, modified, repealed or amended in whole or in part by the Mayor and Council. A copy of such regulations promulgated by the Recycling Coordinator in conjunction with the Superintendent of the Department of Public Works, as approved, modified or amended, shall be available for public inspection at the office of the Borough Clerk during regular office hours. Recyclable materials may be delivered to a recycling center in accordance with such published regulations.

3-11.6 Used Motor Oil.

It shall be unlawful for any person to dispose of used motor oil in any manner other than through an authorized "used oil collection site." On and after the enactment of this Ordinance, and in accordance with existing state regulations (N.J.A.C. 14A:3-11), all service stations and motor vehicle reinspection stations with used oil holding tanks shall accept up to five gallons at a time of used motor oil from individuals changing oil from cars, lawn mowers, or motorcycles. Residents may also deliver used motor oil to a recycling center.

3-11.7 Ownership after Placement at Curb.

From the time recyclable materials are placed at the curb by the owner, lessee or occupant for collection by the Borough of Old Tappan, such recyclable materials shall become the property of the Borough. It shall be a violation of this ordinance for any person not authorized by the Borough to collect or pick up or cause to be collected or picked up any such recyclable materials for any purpose whatsoever once the same has been placed at the curb. Any and each such collection in violation hereof from one or more premises shall constitute a separate and distinct offense punishable as hereinafter provided.

3-11.8 Certain Collection, Transportation or Disposal Prohibited.

No person shall collect, transport or dispose of solid waste for land fill or incineration which contains source-separated recyclable materials.

3-11.9 Certain Sale of Recyclable Materials Permitted.

No provision herein shall be construed to prohibit groups or individuals who shall be authorized by the Superintendent of the Department of Public Works from collection or picking up recyclable materials at curbside or otherwise in such a manner and under such terms and conditions as shall be prescribed by the Superintendent. No such collection or pickup shall conflict or interfere with pickup and collection by the Borough and its duly authorized agent(s).

3-11.10 Enforcement

The Recycling Coordinator, the police department and the Department of Public Works are each hereby authorized and directed to enforce this Ordinance.

3-11.11 Violations and Penalties.

Any person who violates any provision of this Ordinance or the Regulations issued pursuant hereto, following a maximum of two warnings, shall upon conviction thereof be subject to a fine of not less than \$25.00 nor more than \$500.00.

Section 2: Repealer

All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 3: Severability

In any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The governing body of the Borough of Old Tappan declares that would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of this section, subsection, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4: Effective Date

This Ordinance shall take effect immediately upon passage and publication according to law.