

2021 Master Plan Reexamination Report

Borough of Prospect Park

Passaic County, New Jersey

Originally Prepared: July 28, 2021

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*The original of this document was signed
and sealed in accordance with New Jersey Law*

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1.0 — Introduction

New Jersey's Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) requires that each municipality undertake a reexamination of its master plan at least once every ten years. The purpose of the reexamination is to review and evaluate the master plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. The reexamination is also intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes to the master plan and municipal development regulations in order to ensure that they meet the needs of the municipality. Additionally, the preparation of a statutorily compliant reexamination provides a legal presumption of validity of the municipal zoning ordinance. The municipal planning or land use board, as applicable, is responsible for completing the reexamination and preparing and adopting by resolution a report on its findings.

The Borough of Prospect Park adopted its last master plan in June 2000 and subsequently reexamined it in February 2009. The current report, which shall hereinafter be referred to as the 2021 Master Plan Reexamination Report, is the second reexamination of the master plan.

1.1 — Statutory Requirements

The 2021 Master Plan Reexamination Report has been prepared in accordance with the requirements of the Municipal Land Use Law (M.L.U.L.) at N.J.S.A. 40:55D-89. These requirements specify that reexamination reports describe the following:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. The extent to which there have been significant changes in assumptions, policies, and objectives forming the basis for the master plan or development regulations as*

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last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county, and municipal policies and objectives.

- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared.*
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*
- f. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

The 2021 Master Plan Reexamination Report addresses each of these statutory requirements.

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

Major problems and objectives relating to land development are reflected in the master plan's listings of: positive and negative characteristics of the Borough; and, goals and objectives, as supplemented by the last reexamination. These are outlined below.

2.1 — Positive and Negative Characteristics

2.1.1 — Positive Borough Characteristics

1. *Small town atmosphere with a sense of community pride*
2. *Local heritage with new ethnic diversity*
3. *A commitment to family and spiritual values*
4. *Affordable housing opportunities*
5. *Quality community services*
6. *Financial resources: State and Federal grant program opportunities and quarry funds*

2.1.2 — Negative Borough Characteristics

1. *North 8th Street and Haledon Avenue Commercial districts*
 - a. *Lack of identity and character*
 - b. *Lack of parking*
 - c. *Sign pollution*
 - d. *Residential use conflicts with commercial uses*
2. *Pressure on volunteer services such as Fire Department and Ambulance Corp., especially daytime coverage*
3. *Quarry Impacts: odor, noise, dust, lack of truck route, lack of long-range reclamation plan, blasting*
4. *Older housing stock/property maintenance/absentee landlords*

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2.2 — Goals and Objectives

2.2.1 — General Goals

- 1. Prepare a Master Plan consistent with the Municipal Land Use Law, State Plan, Passaic County Plan and adjacent Municipal Plans.*
- 2. Identify and establish an identity for the Borough that recognizes the diverse characteristics of Prospect Park and yet promotes harmony and cohesiveness in the community.*
- 3. Develop redevelopment opportunities based on the historic, cultural and ethnic diversity of the citizens of Prospect Park.*
- 4. Encourage a rebirth in the North 8th Street and Haledon Avenue commercial districts.*
- 5. Provide redevelopment strategies for underutilized and vacant properties and buildings.*
- 6. Maintain and encourage upgrades to the housing in the Borough.*
- 7. Examine and recommend vehicular and pedestrian improvements to provide an efficient and safe environment.*
- 8. Review existing recreation facilities based on an identified need.*
- 9. Encourage resource recovery and the recycling of materials.*

2.2.2 — Land Use Element

- 1. Maintain the existing one family uses and discourage any two family conversions.*
- 2. Maintain and upgrade existing housing opportunities by preservation and enhancement of the existing housing stock.*
- 3. Encourage adequate off-street parking.*
- 4. Reduce the mixing of residential and business uses by eliminating spot zoned business zones.*
- 5. Separate industrial uses as much as possible from residential uses by means of a buffer area, landscaping and open space.*
- 6. Identify and provide strategies to address Brownfield properties in the Borough.*

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7. *Establish "Architectural and Site Standards" for commercial properties.*
8. *Reclaim and redevelop the Tilcon Quarry property in a manner that creates a sustainable vibrant neighborhood in Prospect Park that utilizes smart growth planning principles (n.b., this goal/objective was added with the adoption of the last reexamination report).*
9. *Preserve and protect the character of existing residential neighborhoods of the Borough by recognizing the existing residential density and building structural style, while allowing for reasonable increases in select areas to encourage the redevelopment of deteriorated, vacant or appreciably underutilized properties (n.b., this goal/objective was added with the adoption of the last reexamination report).*

2.2.3 — Housing Element

1. *Concentrate efforts on the preservation and rehabilitation of existing housing to produce the greatest impact on the supply of sound housing.*
2. *Preserve the character of existing neighborhoods.*
3. *Locate rehabilitation projects in a transitional neighborhood. In this way the neighborhood can be kept from deteriorating, the spread of blight can be restrained, and individual rehabilitation efforts can be inspired.*
4. *Intensify housing inspections and more vigorous enforcement of the building code.*
5. *Encourage owner occupants to discourage absentee landlords.*
6. *Control housing conversions and divisions in order to avoid excessive population densities.*
7. *Establish a Housing Rehabilitation Program to receive housing funds from other communities and New Jersey Department of Community Affairs (Small Cities Grants).*
8. *Provide a broad range of housing to meet the needs of all residents including low- and moderate-income housing, middle-income housing and market rate or luxury*

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housing (n.b., this goal/objective was added with the adoption of the last reexamination report).

9. *Promote the development of senior citizen housing that enables older residents to “age in place” including independent living, assisted living and congregate care housing (n.b., this goal/objective was added with the adoption of the last reexamination report).*
10. *Recognize the potential of selected vacant, underutilized or deteriorated properties for in-fill residential development (n.b., this goal/objective was added with the adoption of the last reexamination report).*
11. *Identify commercial and industrial properties that are suitable for adaptive reuse and encourage their redevelopment for mixed use with housing on upper floors (n.b., this goal/objective was added with the adoption of the last reexamination report).*

2.2.4 — Circulation Element

1. *Re-establish clear and logical patterns of vehicular movement that complement the business and residential areas of the Borough, improve traffic circulation, limit through-town traffic to major roadways and county roads.*
2. *Improve and provide adequate off-street parking and off street loading facilities.*
3. *Create a safe, convenient and attractive environment for residents, shoppers, workers and visitors.*
4. *Close unnecessary streets to provide greater neighborhood and community relations, play areas, park areas, parking areas and efficiently reorganizing traffic circulation to enhance active and passive recreation space with special consideration of health, safety and welfare of children residing in the area.*
5. *Strict enforcement of all traffic regulations which encourage citizens to obey traffic and parking regulations for increased safety and reduction of traffic accidents.*

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6. *Landscape and/or screen from public view parking and loading facilities with non-deciduous shrubs, fences and ground covers. Materials selected shall be appropriate to the growing conditions of the Borough's environment.*
7. *Establish truck routes on County Roads North 6th and North 8th Streets and prohibit truck traffic on the Borough streets as required to protect the neighborhood character.*
8. *Evaluate and implement methods of providing adequate parking to serve existing development and proposed redevelopment. Consider facilitating lease parking options between private sector business operators to take advantage of low peak parking demand (n.b., this goal/objective was added with the adoption of the last reexamination report).*
9. *Incorporate adequate parking into new developments (n.b., this goal/objective was added with the adoption of the last reexamination report).*
10. *Encourage the maintenance of sidewalks in the Borough (n.b., this goal/objective was added with the adoption of the last reexamination report).*

2.2.5 — Recreation Element

1. *Provide recreational space and facilities which are adequate to meet the needs of residents of the Borough of Prospect Park.*
2. *Provide recreational programs that meet the needs of the Borough of Prospect Park.*

2.2.6 — Community Facilities Element

1. *Promote shared facilities for indoor activities including Haledon PAL and school facilities.*

2.2.7 — Utility Element

1. *Continue to evaluate and improve the water and sewer facilities and storm water structures to meet the current and future needs of the Borough.*

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- 2. Establish a plan with PSE&G to convert the street lighting to energy efficient spread lights.*

2.2.8 — Recycling Element

- 1. Continue to maintain and improve service by increasing the items and frequency of collections.*
- 2. Establish shared services with neighboring communities for recycling operations.*

2.2.9 — Non-Residential Development

- 1. Strengthen commercial districts by encouraging a mix of non-residential and residential uses that provide employment, retail opportunities, services and entertainment (n.b., this goal/objective was added with the adoption of the last reexamination report).*
- 2. Continue the improvement of non-residential properties in the Borough (n.b., this goal/objective was added with the adoption of the last reexamination report).*
- 3. Improve the appearance of the Borough by revitalizing properties in disrepair, designing and installing streetscape improvements and improving sign regulations and their enforcement (n.b., this goal/objective was added with the adoption of the last reexamination report).*

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

The majority of the positive and negative characteristics of the Borough and goals and objectives that are listed in the master plan remain valid. There are, however, a limited number of positive and negative characteristics and goals and objectives that are no longer valid. There are also positive and negative characteristics and goals and objectives for which supplemental information is available.

The extent to which positive and negative characteristics of the Borough and goals and objectives are no longer valid or supplemental information is available is described in the following subsections (n.b., the relevant characteristic, goal or objective is duplicated, and commentary is provided in **bold**).

3.1 — Positive and Negative Characteristics

3.1.1 — Positive Borough Characteristics

4. Affordable housing opportunities

- ***It is noted that the Borough of Prospect Park continues to provide affordable housing opportunities. This is demonstrated by the fact that, as reported in Section 4.1 of this reexamination report, the Borough recently adopted redevelopment plans for the Quarry Site and Block 40, lots 10 and 11. Both redevelopment plans include specific requirements for the provision of affordable units.***

3.1.2 — Negative Borough Characteristics

1. North 8th Street and Haledon Avenue Commercial districts

- a. Lack of identity and character*
- b. Lack of parking*
- c. Sign pollution*
- d. Residential use conflicts with commercial uses*

- ***While the negative characteristics that have been described above persist, the Borough has adopted a redevelopment plan for Block 40, lots 10 and 11, which are located along North 8th Street (Passaic County Route No. 657). This represents initial action to ameliorate negative characteristics of the Borough. Complete details on the redevelopment plan are provided in Section 4.1 of this reexamination report.***
- 3. Quarry Impacts: odor, noise, dust, lack of truck route, lack of long-range reclamation plan, blasting
 - ***This negative characteristic should be deleted. Extraction activity on the Quarry Site has ceased and reclamation activities are currently in progress. In addition, a redevelopment plan for the Quarry Site has been adopted. The envisioned redevelopment will transform the Quarry Site into a positive attribute of the Borough. Complete details on the redevelopment plan are provided in Section 4.1 of this reexamination report.***

3.2 — Goals and Objectives

3.2.1 — General Goals

3. Develop redevelopment opportunities based on the historic, cultural and ethnic diversity of the citizens of Prospect Park.
 - ***The adoption of redevelopment plans for the Quarry Site and Block 40, lots 10 and 11 represent an important step in achieving this goal. Complete details on these redevelopment plans are provided in Section 4.1 of this reexamination report.***
4. Encourage a rebirth in the North 8th Street and Haledon Avenue commercial districts.
 - ***The recently adopted redevelopment plan for Block 40, lots 10 and 11, which are located along North 8th Street (Passaic County Route No. 657), is currently the only redevelopment plan in the North 8th Street and***

Haledon Avenue corridors. The potential for additional use of redevelopment along these corridors should be explored. To this end, the Borough may wish to explore the possibility of developing a corridor redevelopment plan for both the North 8th Street and Haledon Avenue corridors.

8. Review existing recreation facilities based on an identified need.
 - ***While this goal remains valid and existing recreation facilities should continue to be reviewed on an ongoing basis, it is noted that the redevelopment plan for the Quarry Site, which regulates an area that comprises over 25 percent of the Borough of Prospect Park's total land area, requires the following open space amenities: a clearly articulated and rationally designed open space system that consists of both integrated active and passive parks; a layout of landscaped streets and open space edges to encourage pedestrian interconnections to Hofstra Park, civic and commercial uses; and, community greens that are designed to act as focal points of activity and interaction. Once developed, these open space amenities will be an important part of the Borough's open space and recreation system.***

3.2.2 — Land Use Element

8. Reclaim and redevelop the Tilcon Quarry property in a manner that creates a sustainable vibrant neighborhood in Prospect Park that utilizes smart growth planning principles (n.b., this goal/objective was added with the adoption of the last reexamination report).
 - ***The Quarry Site has been designated as an area in need of redevelopment and a redevelopment plan has been prepared. While the quarry is in the process of being reclaimed to pre-mining grades, the potential redeveloper has not brought forth a site plan for any of the anticipated redevelopment phases. For this reason, this project is partially stalled. A***

project of this magnitude requires a redeveloper with the vision and financial resources to bring it to fruition. This has become a critical issue for the redevelopment of the quarry project moving forward.

3.2.3 — Housing Element

11. Identify commercial and industrial properties that are suitable for adaptive reuse and encourage their redevelopment for mixed use with housing on upper floors (n.b., this goal/objective was added with the adoption of the last reexamination report).

- ***The redevelopment plan that was recently adopted for Block 40, lots 10 and 11 provides for flexible commercial space on the first floor and multifamily residential on upper stories. This is consistent with this Housing Element goal.***

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

To properly assess the extent to which there have been significant changes in the assumptions, policies and objectives that inform the Borough’s master plan and development regulations, this reexamination report studies changes at the local level, County level and State level. Each of these levels is discussed in separately in the subsequent sections.

4.1 — Changes at the Local Level

Changes at the local level include demographic changes and changes resulting from specific Borough actions (e.g., adoption of redevelopment plans, provision of park improvements). These changes are elaborated upon in the following subsections.

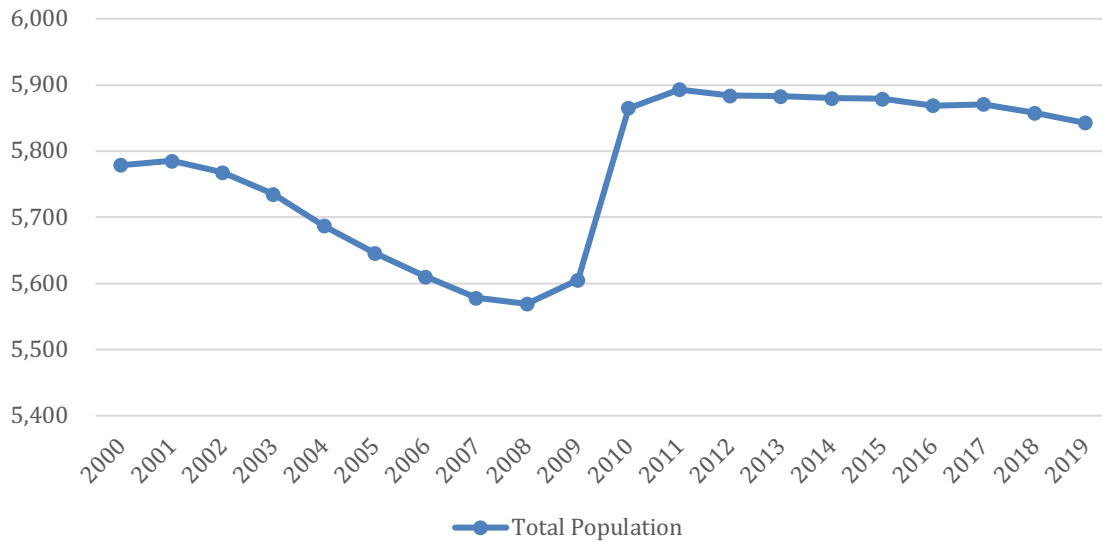
4.1.1 — Demographic Changes

Since the last reexamination report, the US Census Bureau has released updated demographic information for the Borough. Because demographic changes can impact the outcome of planning efforts, this reexamination report provides an overview of current population and housing characteristics and recent trends therein.

4.1.1.1 — Population

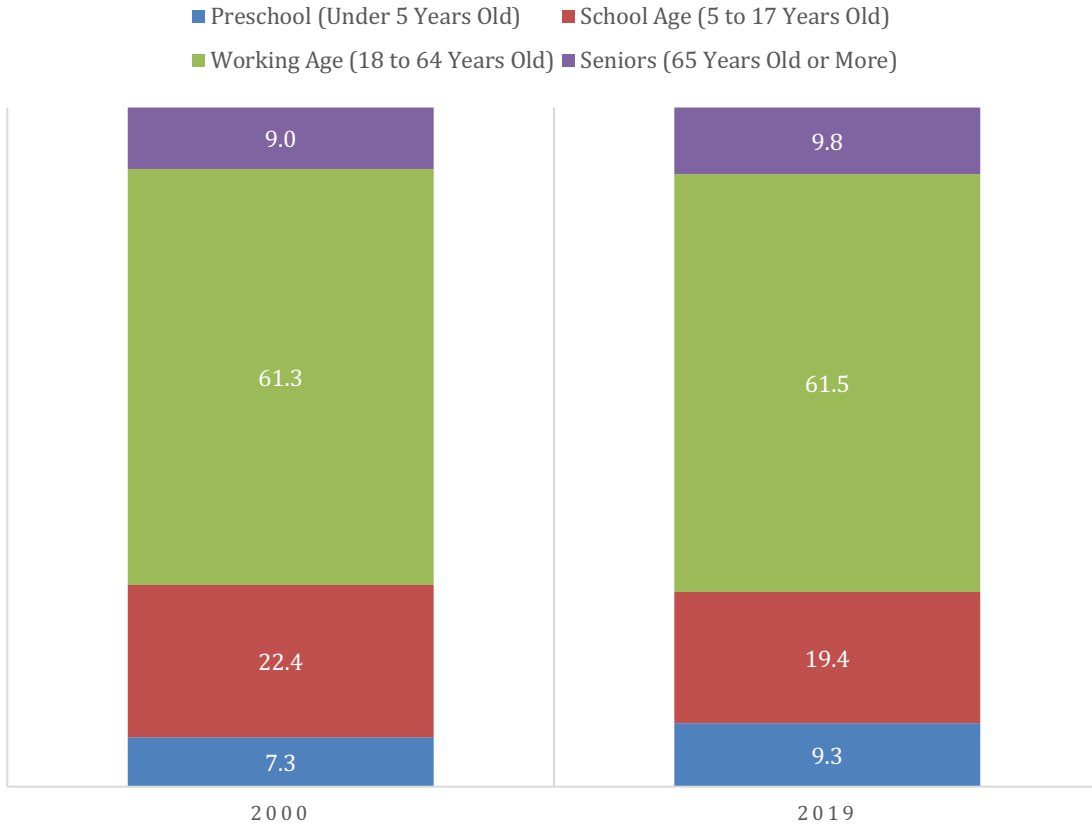
In the 2000 US Census, the Borough of Prospect Park was recorded as having a population of 5,779 residents. In the period since, the Borough’s population has grown by 64 residents (i.e., 1.1 percent) to reach an estimated total of 5,843 residents as of July 1, 2019 (n.b., this is the last date for which a population estimate is available). While there has been overall growth in the 2000–2019 period, it has been unstable and there was a period of significant decline in the 2001–2008 period. Chart 1 shows recent population trends since 2000.

Chart 1: Recent Population Trends



With regard to the age structure of Prospect Park’s population, it is noted that there have been increases in the following age cohorts in the 2000–2019 period: Preschool (Under 5 Years Old); Working Age (18 to 64 Years Old); and, Seniors (65 Years Old or More). In addition, there has been a decrease in the School Age (5 to 17 Years Old) age cohort over the same period. The degree of change experienced in all cohorts, however, has been small. This is demonstrated in Chart 2.

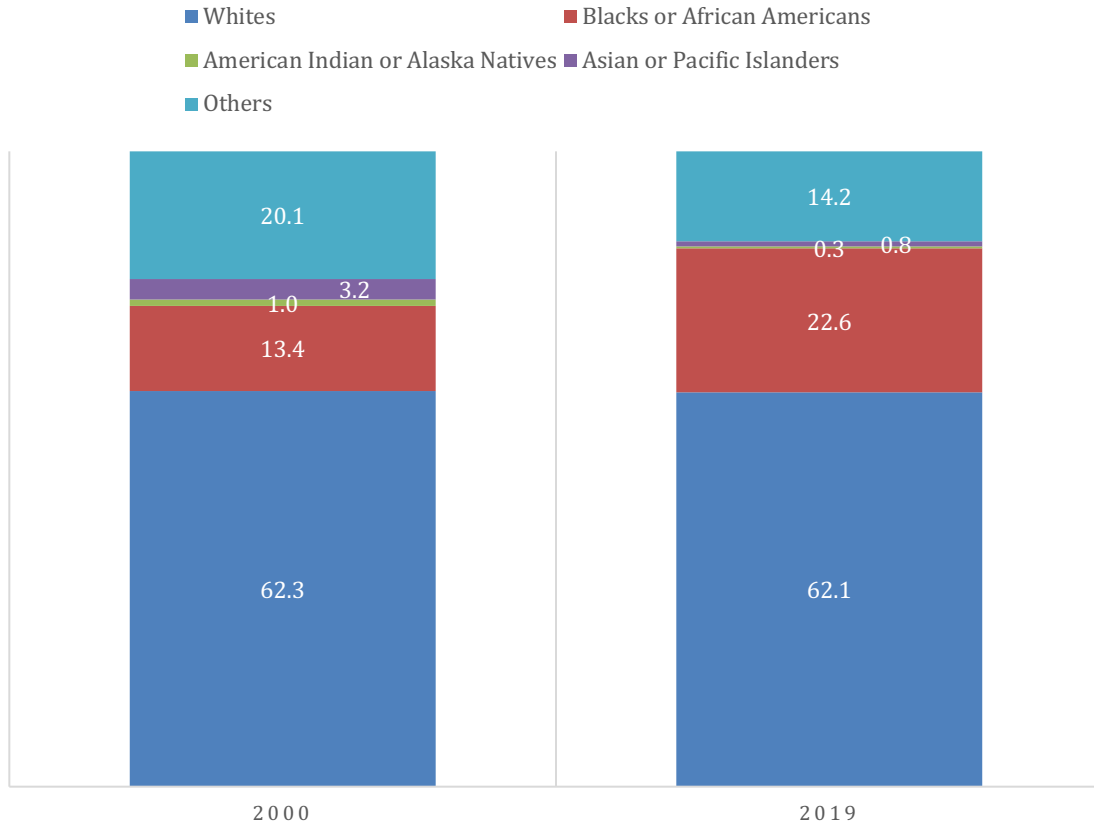
Chart 2: Population Age Structure



With the changes in population age structure that have been discussed above, the Borough's median age has decreased very slightly from 31.7 years in 2000 to 31.0 years in 2019. This is a change of -2.21 percent.

The racial composition of Prospect Park's population has experienced change in the 2000–2019 period. Indeed, while the proportion of whites has remained relatively stable, there has been an increase in proportion of blacks or African Americans (n.b., 13.4 percent of the population identified as black or African American in 2000 and in 2010 this percentage had grown to 22.6 percent).

Chart 3: Racial Composition



In addition to the above, it is noted that the Borough’s Hispanic population has grown. Indeed, at the time of the 2000 US Census, 38.3 percent of the Borough’s population identified as Hispanic. In 2019, however, this had grown to 53.1 percent. Please note that the Hispanic population can be of any race.

4.1.1.2 — Housing

At the time of the 2000 US Census, there were 1,889 housing units in Prospect Park. Of these, 1,794 units (96.5 percent) were occupied, and 89 units were vacant (3.5 percent). While reliable data from a more recent vintage is unavailable, the 2010 US Census reports that the number of housing units in Prospect Park had increased by 2.2 percent to 1,931 units, which includes 1,797 occupied units (93.1 percent) and 134 vacant units (6.9 percent).

Occupied housing units constitute households, the size of which is measured in terms of the number of members. As reported in the 2000 US Census, the average household size in Prospect Park was 3.17 members. It is interesting to note, however, that the average household size increased by 2.8 percent to reach 3.26 members at the time of the 2010 US Census. It would seem that the slight increase in the preschool age population cohort that has been discussed above would be a factor that contributes to the growth in average household size.

4.1.2 — Quarry Site Redevelopment

The last master plan reexamination report included a lengthy discussion about the Tilcon Quarry Site (hereinafter Quarry Site) and the Borough's vision for its redevelopment. The Quarry Site is located in the northernmost section of the Borough and has a total area of approximately 78.5 acres, which amounts to more than 25 percent of the Borough's total land area.

In the period since the last master plan reexamination report, the Borough has studied the Quarry Site and, in 2015, designated it as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.; L.R.H.L.). Thereafter, in 2017, the Borough prepared and adopted a redevelopment plan which outlines standards, policies and procedures to effectuate its vision for the redevelopment of the Quarry Site.

The Borough's vision for the Quarry Site is one of reclamation and redevelopment with an innovative project that creates a sustainable, vibrant, mixed-use, pedestrian-oriented community that is integrated with its surroundings. Key principles of the Borough's vision include:

1. Applying land reclamation techniques and context-sensitive site design to alter the physical form of the Quarry Site.
2. Reconnecting the site to its surroundings by restoring the original topography.

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3. Regenerating existing surrounding residential areas, businesses, parks and schools through the construction of new housing and a mix of other uses.
4. Revitalizing Planten Avenue by extending it into the Quarry Site and developing a new town center at its terminus.
5. Reinforcing the pedestrian environment with new streetscapes, pathways and trails, as well as providing connections to the surrounding community.
6. Re-greening the environment through reclamation of the former mining site through a clearly articulated, rationally designed and accessible open space system that consists of both integrated active and passive parks, and that increases green open space for overall community benefit.

As of the preparation of this reexamination report, as mentioned in Section 3.2 of this Plan, the quarry has been actively reclaimed to pre-mining grades. However, no formal site plan to advance any of the Redevelopment Plan development phases has been prepared or submitted to the Borough's Planning Board. For this reason, the project is moving slowly or stalled. The Borough continues committed to redeveloping the project in accordance with the Redevelopment Plan provisions.

4.1.3 — North 8th Street/Haledon Avenue Corridors

The last reexamination report indicated that commercial areas along North 8th Street (Passaic County Route No. 657) and Haledon Avenue (Passaic County Route No. 504) lacked the "critical mass" necessary to function as a vibrant downtown, and recommended that the Borough consider orienting the area from general retail to niche retail, specialty service and entertainment in order to create a market niche that is separate and distinct from the suburban shopping malls with which the area competes. In addition, the last reexamination report acknowledged that while parking is a critical component to creating a vibrant business environment, the area should not be over-parked so as to encourage the retention of traditional development patterns with buildings located close to the street with parking and other services located at the rear of properties; the planning rational is to prevent a

strip commercial feel to new development. All of the issues described above remain valid at the time of the preparation of the current redevelopment plan in April 2021.

4.1.3.1 — North 8th Street Redevelopment Study and Plan

In response to the need to address the above-described land use issues and need to revitalize the North 8th Street and Haledon Avenue corridors, the Borough designated a portion of the North 8th Street Corridor, specifically including Block 40, lots 10 and 11, as an area in need of redevelopment and, subsequently, adopted a redevelopment plan; these actions were completed in 2018. Said redevelopment plan articulates a vision of:

1. Improving and upgrading Block 40, lots 10 and 11 with development that responds to current market needs.
2. Increasing the supply of high-quality, multifamily dwelling units.
3. Promoting the development of new, mixed-income housing units with 20 percent of the units affordable to low- and moderate-income households where the householder is a veteran.
4. Enhancing the Borough's image with high-quality building and site aesthetics.
5. Stimulating investment and promoting economic growth and vitality.

The redevelopment plan for Block 40, lots 10 and 11 identifies multifamily residential and flexible commercial space as the principal permitted uses for the area.

Since adoption of the redevelopment plan, site plan approval was granted and construction on the building has begun.

4.1.4 — Park Improvements

Recreation is required to maintain a healthy way of life. What people do to recreate is a response to their internal needs and desires. The quality and quantity of recreational opportunities available to a community has a direct effect on the community's general quality of life. To satisfy the recreational needs and wishes of

an entire community, many variables must be considered. It is important to realize that the recreational opportunities will serve a variety of different individuals. To ensure that the Borough can provide residents with a variety of needed recreation programs and facilities, there should be a core system of lands owned and controlled by the Borough and dedicated to local public recreation use.

To this end, since the last reexamination report, the Borough has made improvements within Hofstra Park, including the construction and installation of an artificial turf field, the installation of LED sports lighting fixtures as well as associated improvements. Other park improvements in recent years included a new pavilion and a spray park. These improvements are consistent with public input received at Borough Hall by residents in 2015. The Borough remains committed to park and recreation improvements that are consistent with the needs of its citizenry.

4.1.5 — Underutilized Properties

The Borough's last reexamination report in 2009 identified four underutilized properties. These properties are listed below with their current status:

- Block 35, Lot 1, which was identified in the last reexamination report as “265 North 9th Street (Fairview Avenue Intersection),” is discussed in Section 6.0 and recommended to be studied to determine whether it is in need of redevelopment;
- Block 43, Lot 1, which was identified in the last reexamination report as “132 Haledon Avenue (Adjacent to Chase Bank — Haledon Ave. and North 7th Street Intersection),” is also discussed in Section 6.0 and recommended to be studied to determine whether it is in need of redevelopment;
- Block 40, lots 10 and 11, which were identified in the last reexamination report as “308-316 North 8th Street,” were determined to be in need of redevelopment and, as described in Section 6.0 and elsewhere in this reexamination report, a redevelopment plan has been adopted; and,

- Block 19, lots 3 and 5, which were identified in the last reexamination report as “306-308 Haledon Avenue,” have since been developed as an automotive fueling station with convenience store and are no longer underutilized.

4.2 — Changes at the County Level

Since the adoption of the last reexamination report in 2009, the Passaic County Planning Board has adopted four new plans. Each of these plans and its relevance to Prospect Park is discussed in the following subsections.

4.2.1 — Passaic County Transportation Element

In 2012, the Passaic County Planning Board adopted the Passaic County Transportation Element. The overarching goals of the Passaic County Transportation Element are to:

1. *Bring the County’s transportation system in line with current and anticipated future needs.*
2. *Help the County to become more transit-friendly and reduce reliance on the automobile.*
3. *Integrate transportation with local land use plans to better support each community’s vision for its future.*
4. *Work toward the creation of “Complete Streets” so that [the County’s] roadways better serve all users, including pedestrians, bicyclist, transit users, senior citizens and persons with disabilities.*

Section 8 of the Passaic County Transportation Element designates “Scenic and Historic Byways,” which provide a figurative vehicle for protecting, promoting and enhancing transportation corridors that define the heritage and natural beauty of Passaic County. One of the designated byways, called the Passaic River Scenic and Historic Byway, is partially located within and forms the southeastern boundary of Prospect Park along the Passaic River.

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The Passaic County Transportation Element notes that designating scenic and historic byways provides the foundation needed for their detailed planning and implementation. While there is no record of County-level actions to develop and implement plans for the Passaic River Scenic and Historic Byway within Prospect Park, the Passaic County Transportation Element identifies the following goals to define the potential scope of work for the scenic and historic byway initiative:

- 1. Prepare a history and tourism element of the Passaic County Master Plan.*
- 2. Adopt a process for identifying, preserving and enhancing scenic and historic resources as part of the County development review and capital planning processes.*
- 3. Provide the basis for an application to state and federal scenic byways programs.*
- 4. Promote and market byways that can air in economic development and tourism.*
- 5. Provide and update maps or other data to be shared with local, regional, state and federal agencies.*
- 6. Improve access and use of historic scenic and recreational destinations through improved connections to transportation facilities and activity centers.*

In addition to the above, it is noted that mapping within the Passaic County Transportation Element identifies the Quarry Site as a “Potential Development Area.” In addition, it identifies the following roadways as priority routes for bicycle and pedestrian travel: North 8th Street (Passaic County Route No. 657); North 11th Street; Haledon Avenue (Passaic County Route No. 504); and, Struyk Avenue. It also identifies Hofstra Park as having priority for off-road bicycle and pedestrian travel.

4.2.2 — Passaic County Future

In 2013, the Passaic County Planning Board adopted a Passaic County Future as the sustainability element of the Passaic County Master Plan. The plan is broadly focused and defines a number of goals centered around three broad themes: environment; economy; and, community. To implement the plan, it outlines multiple strategies focused on: natural systems; planning and design; energy and climate;

economic prosperity; employee and workforce training; education, arts and society; health and safety; and, affordability and justice. We note, however, that the plan does not define specific goals for or projects in Prospect Park.

4.2.3 — Passaic County Parks, Recreation and Open Space Master Plan

In 2014, the Passaic County Planning Board adopted the Passaic County Parks, Recreation and Open Space Master Plan. Said plan presents recommendations for the improvement of the Passaic County Park System, and a vision for the future. While residents of Prospect Park Borough may access the Passaic County Park System, none of the existing or planned facilities are located within Prospect Park.

4.2.4 — Passaic County Green Stormwater Infrastructure Element

The Passaic County Green Stormwater Infrastructure Element was adopted in 2018. It is designed to enable the County to implement a comprehensive strategy for stormwater management based on widespread application of Green Stormwater Infrastructure (GSI) and Low Impact Development (LID) strategies. While it does not identify actions to be taken within the Borough of Prospect Park, it makes broad recommendations and outlines detailed strategies and actions to promote GSI and LID throughout the County.

4.3 — Changes at the State Level

There have been several changes at the State level since the adoption of the last reexamination report in 2009. These changes are described in the following subsections.

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

In 2018, the M.L.U.L. was amended to require that any land use element adopted after January 8, 2018 provide a statement of strategy concerning the following:

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1. Smart growth, which shall consider potential locations for the installation of electric vehicle charging stations;
2. Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and,
3. Environmental sustainability.

4.3.2 — Climate Change Related Hazard Vulnerability Assessment

The M.L.U.L. was amended in 2021 to require that any land use element adopted after February 4, 2021 include a Climate Change-Related Hazard Vulnerability Assessment to analyze climate change-related natural hazards (e.g., drought, flooding, hurricanes and sea level rise). The Climate Change-Related Hazard Vulnerability Assessment will be required to include the following additional components:

1. Build-out analysis;
2. Critical evacuation assets analysis;
3. Impact analysis;
4. Risk reduction strategy; and,
5. Policy recommendations.

The amendment requires municipalities to rely on the most recent natural hazard projections and best available science provided of the New Jersey Department of Environmental Protection when preparing the Climate Change-Related Hazard Vulnerability Assessment.

4.3.3 — Local Redevelopment and Housing Law

In 2013, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.; L.R.H.L.) was amended to provide for both a non-condemnation and condemnation redevelopment area designation, as well as to redefine the criteria and procedures

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for designating an area in need of redevelopment and rehabilitation, including an update to notice requirements during the redevelopment area designation process.

In 2019, the L.R.H.L. was amended to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure. In 2021, the L.R.H.L. was further amended to further encourage development of electric vehicle charging infrastructure, as well as inclusion of zero-emission vehicle fueling infrastructure.

Additionally, the L.R.H.L. was amended in 2019 to include additional criterion for designation as an area in need of redevelopment under the terms of N.J.S.A. 40A:12A-5(b). The additional provision enables designation as an area in need of redevelopment when the discontinuation or abandonment of buildings used for retail, shopping malls and office parks, or buildings with significant vacancies has persisted for at least two consecutive years. N.J.S.A. 40A:12A-5(b) now reads as follows:

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

In addition to the amendments to the L.R.H.L. that have been described above, it is noted that, in 2015, the New Jersey Supreme Court ruled in 62-64 Main Street, LLC, et al. v. Mayor and Council of the City of Hackensack, 221 N.J. 129 (2015) that a property does not need to negatively affect the surrounding properties in order to be considered “blighted” and, thus, eligible for redevelopment.

4.3.4 — New Jersey Council on Affordable Housing

The New Jersey Council on Affordable Housing (C.O.A.H.) originally adopted rules for the third-round (i.e., 1999–2025) period in 2004. However, an Appellate

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Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to C.O.A.H. to revise them to be consistent with the Appellate Division decision. Thereafter, C.O.A.H. adopted revised third-round rules in 2008.

In 2010, the Appellate Division invalidated the third-round rules that C.O.A.H.'s adopted in 2008, as well as the "growth share" methodology they were based on. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated C.O.A.H.'s third-round rules. Consequently, C.O.A.H. was charged with the task of adopting new affordable housing rules.

Due to C.O.A.H.'s failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the C.O.A.H. process. The New Jersey Supreme Court's 2015 decision states:

... parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation.

We note that although the Borough of Prospect Park has not petitioned for third-round substantive certification it should, nonetheless, monitor developments related to affordable housing planning in New Jersey.

4.3.5 — Cannabis Legalization

In 2021, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older. Municipalities have until August 21, 2021 to take actions to: either prohibit or limit the number of cannabis

establishments, distributors, or delivery services; and, in the event that the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

In the event that a municipality does not take action by August 21, 2021, any class of cannabis establishment or distributor will be permitted to operate in the municipality and, depending upon the use, be considered a permitted use in certain zones.

Once a municipality takes action to permit cannabis establishments, their action remains valid for a period of five years. In addition, if a municipality does not take action to limit cannabis establishments by August 21, 2021, it shall be prohibited from taking such action for a period of five years. After a period of five years has elapsed, municipalities shall be granted another 180-day window in which to take action as permitted in the period before August 21, 2021.

4.3.6 — State Strategic Plan

The State Planning Commission (SPC) is currently staffed by the Office of Planning Advocacy (OPA), which is an entity of the Department of State. The OPA released a draft “State Strategic Plan” (SSP) that was intended to supersede the current State Development and Redevelopment Plan (SDRP). The draft SSP differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September 2012, the draft SSP was suspended after Hurricane Sandy and has not been adopted by the SPC. As of the preparation of this master plan reexamination report, there is no current activity or efforts to adopt the SSP and the SDRP remains in place.

4.3.7 — Complete Streets

In 2009, after the adoption of the last reexamination report, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all

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users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation—walking, bikes, cars, trucks, and buses.

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

1. Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
2. Improving safety;
3. Enhancing the sense of community and quality of life;
4. Reducing reliance on automobiles;
5. Reducing congestion;
6. Revitalizing downtowns;
7. Increasing private investment;
8. Increasing property values; and,
9. Promoting tourism.

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

1. A vision for how and why the community wants to complete its streets;
2. Identification that “all users” includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit vehicle operators;
3. Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation;

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4. Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way;
5. Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs;
6. Establishment of performance standards with measurable outcomes; and,
7. Steps for implementation.

As of March 1, 2021, a total of eight (8) counties and 169 municipalities in New Jersey have adopted complete streets policies. The Borough of Prospect Park has not adopted a complete streets policy. It is recommended that the Borough consider adopting a complete street policy.

4.3.8 — Reexamination Report Requirements

In 2019, amendments were made to the Municipal Land Use Law (M.L.U.L.) at N.J.S.A. 40:55D-89 to incorporate the requirement that master plan reexamination reports include a discussion of the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure. Specifically, the following new requirement was included at N.J.S.A. 40:55D-89(f):

The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The 2021 Master Plan Reexamination Report has been prepared to meet this requirement.

4.3.9 — Time of Decision

In 2010, the M.L.U.L. was amended to stipulate that the development regulations applicable to a property at the time of application shall govern the review of the application and any decision made pertaining to it. Prior to this amendment, municipalities were able to alter the zoning requirements applicable to a property after an application had been filed, but before a formal decision on the application had been rendered.

4.3.10 — Electric Vehicle Supply and Make-Ready Parking Spaces

In 2021, the M.L.U.L. was also amended to establish numerical requirements and zoning standards for installation of electric vehicle supply equipment and “make-ready” parking spaces (i.e., parking spaces that are prepared to support electric vehicle supply equipment by including electrical equipment up to but not including chargers themselves).

Specifically, the M.L.U.L. was amended to stipulate that applications for development submitted solely for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance. In addition, the amendment provided that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building: shall neither be subject to site plan or other land use board review, nor require variance relief; and, shall be approved through issuance of a zoning permit, provided that certain conditions are met (e.g., bulk requirements are met, the conditions or original approval are met, relevant construction codes are met).

The 2021 amendment to the M.L.U.L. also added the requirement that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall: provide at least 15 percent of the required off-street

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parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces; install electric vehicle supply equipment on an additional one-third of the required 15 percent of parking spaces within three years following the date of the issuance of the certificate of occupancy; install electric vehicle supply equipment on the final one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and, make at least five percent of the electric vehicle supply equipment accessible for people with disabilities.

Similarly, the 2021 amendment to the M.L.U.L. also required that, as a condition of preliminary site plan approval, all other applications (i.e., not applications involving multifamily development of five or more units) involving a parking lot or garage provide “make-ready” parking spaces as follows:

- At least one if there will be 50 or fewer off-street parking spaces;
- At least two if there will be at least 51 and no more than 75 off-street parking spaces;
- At least three if there will be at least 76 and no more than 100 off-street parking spaces;
- At least four, with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and,
- For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.

The 2021 amendment provides that applicants may install electric vehicle supply equipment at parking spaces in lieu of providing “make-ready” parking spaces. It also stipulates that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement,

provided that a reduction of no more than ten percent of the total required number of parking spaces results.

5.0 — Specific Amendments Recommended to the Master Plan and Development Regulations

The following sections outline recommended amendments to the master plan and development regulations.

5.1 — Recommended Master Plan Amendments

5.1.1 — Update Negative Borough Characteristics

It is recommended that the negative characteristic “Quarry Impacts: odor, noise, dust, lack of truck route, lack of long-range reclamation plan, blasting” be removed from the list of negative Borough characteristics that is provided in the master plan.

In the years since the aforementioned negative Borough characteristic was stated, extraction activity on the Quarry Site has been discontinued, reclamation activities are currently in progress, and the Borough has prepared a redevelopment plan that will transform the Quarry Site into a new center for the Borough.

5.2 — Recommended Development Regulation Amendments

This section outlines recommended development regulation amendments. These recommendations may be implemented through the adoption of the draft ordinance that is provided in Appendix A.

5.2.1 — VCR (Village Commercial Residential) Zone District

The VCR (Village Commercial Residential) Zone District is currently located along North 8th Street (Passaic County Route No. 657) between Planten Avenue and Fairview Avenue. Said area is located along the North 8th Street Corridor, which, as has been described in the last reexamination report and reconfirmed herein, is an area that lacks the “critical mass” necessary to function as a vibrant downtown.

While the Borough has made efforts to increase the vitality and viability of the North 8th Street Corridor, including the designation of Block 40, lots 10 and 11 as an area in need of redevelopment and the subsequent preparation of a corresponding

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redevelopment plan, and this master plan reexamination report recommends that additional opportunities for redevelopment along the North 8th Street Corridor be explored (see: Section 6.0), it is recommended that the maximum permitted height and density of the VCR (Village Commercial Residential) Zone District be increased so as to develop the “critical mass” needed for the area to function as a vibrant downtown.

With regard to height, it is recommended that the maximum permitted height be increased as follows when adequate off-street parking is provided:

- Small infill sites less than 10,000 square feet: 2.0 stories/25 feet (No Change Recommended);
- Sites between 10,000 and 20,000 square feet: From 2.5 stories/30 feet to 5 stories/60 feet; and,
- Lots greater than 20,000 square feet: From 3.0 stories/35 feet to 5 stories/60 feet.

The foregoing recommendations for increased building height are conditioned upon the provision of pitched roofs, which is the predominant roof design typology in the VCR (Village Commercial Residential) Zone District.

Increasing the maximum permitted building height as described above will help to attract investment and provide property owners and developers with increased flexibility. To accompany this increase in permitted height, it is important to also increase permitted densities. Accordingly, this reexamination report recommends the adoption of a maximum permitted density of 75 units per acre, which will help to further help to develop a “critical mass” for the area to function as a vibrant downtown. However, because parking is a critical component to creating a vibrant business environment, any increase in building height and density should be tempered with the requirements that there be no deficiencies in the number of required parking spaces or other deviations from applicable parking requirements. Furthermore, it is noted that the recommended maximum density of 75 units per

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acre should only apply to multifamily development; no change to the existing density provisions for the VCR (Village Commercial Residential) Zone District for single- and two-family development is recommended.

In addition to the above, this reexamination report recommends that the area of the VCR (Village Commercial Residential) Zone District be expanded to include areas that are currently located in the B-C (Community Business) Zone District and situated along North 8th Street (Passaic County Route No. 657) between Fairview Avenue and Haledon Avenue (Passaic County Route No. 504), except for those properties fronting on Haledon Avenue (Passaic County Route No. 504). This area includes: Block 37, lots 13 through 21; and, Block 42, lots 9, 10, 17.01, 13 and 17. By expanding the area of the VCR (Village Commercial Residential) Zone District in this matter, the Borough would not only promote continuity of development along the North 8th Street Corridor, but also provide improved conditions for the creation of a vibrant downtown over those provided by the existing B-C (Community Business) zoning that exists in the area. Key reasons why the VCR (Village Commercial Residential) Zone District provides improved conditions for the creation of a vibrant downtown over the B-C (Community Business) Zone District include:

- Parking lots are a principal permitted use in the VCR (Village Commercial Residential) Zone District but not in the B-C (Community Business) Zone District (n.b., the importance of adequate parking in creating a vibrant business environment has been previously discussed); and,
- The VCR (Village Commercial Residential) Zone District restricts single- and two-family residences to those in existence as of 2009, whereas the B-C (Community Business) Zone District permits all uses permitted in any residential zone (incl., single- and two-family residences). Apartments, which typically result in higher-density development than single- and two-family residences and are permitted in both aforementioned zone districts are more conducive to the creation of a vibrant downtown area.

Finally, it is recommended that the permitted uses of the VCR (Village Commercial Residential) Zone District also be expanded to include multi-family dwellings on upper floors in buildings having a non-residential use on the ground floor as a principal permitted use. By doing so, property owners and developers would be provided with increased options and flexibility.

5.2.2 — B-C (Community Business) Zone District

To provide increased flexibility and development opportunities within the B-C (Community Business) Zone District, it is recommended that the permitted building height be increased from two stories and 25 feet to 5 stories and 60 feet when the building has frontage on Haledon Avenue.

5.2.3 — Creation of New Zone District

To promote the conservation of the architectural resources that currently exist along the Haledon Avenue Corridor between North 8th Street and North 10th Street, it is recommended that properties currently located within the B-C (Community Business) Zone District in said area be rezoned to a new zone district that promotes the retention of the existing buildings and permits uses that are compatible with existing or repurposed buildings (e.g., residential uses and professional or medical offices). The intent of such a rezoning would be to limit the potential for development that would significantly alter the visual appearance and architectural character of the Haledon Avenue Corridor between North 8th Street and North 10th Street.

5.2.4 — Revise Definition of Half Story

To promote increased clarity, it is recommended that the current definition of “Half Story” that is provided in the development regulations be revised as follows:

A habitable floor that has a stairway as a means of access and egress, and in which ceiling area at a height of greater than or equal to seven

feet above the floor constitutes not more than 50 percent of area of the next floor below.

5.2.5 — Electric Vehicle Charging Infrastructure

In response to state and national trends and the anticipated transition from gasoline- and diesel-powered vehicles to electric vehicles, it is recommended that the development regulations be amended to: identify electric vehicle charging infrastructure as a permitted principal or accessory use in appropriate zone districts; and, provide specific design standards and requirements related to the number and type of electric vehicle charging facilities to be provided in new development and redevelopment.

Section 7.0 of this master plan reexamination report provides information as to the recommended locations for electric vehicle charging infrastructure.

6.0 — Recommendations Concerning the Incorporation of Redevelopment Plans

As has been previously described, the Borough has adopted redevelopment plans for the Quarry Site and Block 40, lots 10 and 11. While the Quarry Site Redevelopment Plan provides standards for the redevelopment of the entire Quarry Site, the redevelopment plan for Block 40, lots 10 and 11 addresses the need for redevelopment on just two properties within the broader North 8th Street Corridor. Adequately addressing the land use issues in the North 8th Street Corridor that have been described in this reexamination report requires further action. This reexamination report, therefore, recommends that redevelopment be used as a tool to stimulate desired improvements in the North 8th Street Corridor. Additionally, it is recommended that redevelopment be used as a tool to stimulate desired improvements in the Haledon Avenue Corridor, which intersects with and faces similar issues as the North 8th Street Corridor. The development of corridor-specific redevelopment plans may help to stimulate improvements within the aforementioned corridors.

Additional recommendations concerning the incorporation of redevelopment plans are provided in the following subsections.

6.1 — Block 35, Lot 1

Block 35, Lot 1 is located along Fairview Avenue between North 9th Street and North 10th Street in the B-G-1 (General Business Zone) Zone District. The two-story block building that is located on Block 35, Lot 1 appears to be distressed and have a persistent vacancy issue (n.b., signage advertising the availability of space is depicted on publicly available Google “Street View” imagery from August 2013, September 2014, November 2015, June 2018, and November 2020). In addition, the property was identified as underutilized in the Borough’s last reexamination report in 2009. Given these issues, it is recommended that the Borough formally study

Block 35, Lot 1 to determine whether it is in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-5.

Should Block 35, Lot 1 be found to be in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-5, a redevelopment plan with the overall goal of eliminating the conditions that cause the property to be in need of redevelopment should be prepared. This reexamination report recommends that any such plan require that: the ground floor be limited to parking and commercial uses; and, residential development be located above the ground floor. In this context, the Borough should evaluate allowing an additional two to three stories of development to encourage revitalization and improvement.

6.2 — Block 43, Lot 1

Block 43, Lot 1 is located along Haledon Avenue (Passaic County Route No. 504) between North 7th Street and North 6th Street (Passaic County Route No.: 652) in the B-C (Community Business) Zone District. The property, which is the location of a drive-through bank, is large and oddly configured with extensive parking areas that are underutilized, particularly at the corner of Haledon Avenue (Passaic County Route No. 504) and North 7th Street, and excessive and unnecessary for the use of the property and adjacent Block 43, Lot 2, which has frontage on Haledon Avenue (Passaic County Route No. 504) and is surrounded by Block 43, Lot 1 on three sides.

The property was identified in the Borough's last reexamination report as an underutilized property. Since having been identified as an underutilized property in 2009, the use of Block 43, Lot 1 has remained unchanged and the condition of the underutilized surface parking areas to have degraded over time. It is, therefore, recommended that Block 43, Lot 1 be formally studied to determine whether it is in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-5.

6.3 — Rehabilitation Designation

In addition to the above, it is recommended that a Borough-wide rehabilitation designation be pursued in accordance with the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-14. Such a designation would provide an important means of stimulating investment throughout Prospect Park. Indeed, a rehabilitation designation would enable the Borough to use the Five-Year Exemption and Abatement Law at N.J.S.A. 40A:21-1 et seq. to incentivize private development. The Five-Year Exemption and Abatement Law, which generally concerns rehabilitation of buildings and structures, provides municipalities with the authority to establish an abatement period that lasts no more than five years (n.b., this period is typically phased out as follows: 100 percent abated in the first year; 80 percent abated in the second year; 60 percent abated in the third year; 40 percent abated in the fourth year; 20 percent abated in the fifth year; and, no abatement following from the sixth year). These “short-term” tax abatements can be structured as reduced property tax bills that exclude all or part of improvement value, or as Payments-in-Lieu-of-Taxes (PILOTs). To exercise their authority to establish an abatement period, a municipality must adopt an ordinance invoking its authority and setting out application procedures and defining eligibility criteria, which may include types of structures, types of permissible improvements, as well as qualifying geographic zones or similar designations.

7.0 — Recommendations Concerning Locations Appropriate for the Development of Public Electric Vehicle Infrastructure

To reduce greenhouse gas emissions from the transportation sector and help reach the goals of New Jersey’s Energy Master Plan and the Global Warming Response Act, Governor Phil Murphy has set a goal of registering 330,000 EVs in New Jersey by 2025.

Key to reaching these goals is the provision of adequate public electric vehicle charging infrastructure within New Jersey’s municipalities. Accordingly, and as required by the requirements of the M.L.U.L. for reexamination reports, this master plan reexamination report identifies the following locations as appropriate for electric vehicle charging infrastructure:

- B-C (Community Business) Zone District;
- B-G-1 (General Business) Zone District; and,
- B-G-2 (General Business) Zone District.

In addition to the above, it is recommended that requirements for public electric vehicle charging infrastructure be included in all future redevelopment plans that may be adopted, as well as in any existing redevelopment plans that may be amended.

**Appendix A: Draft Ordinance to Implement Recommended
Development Regulation Amendments**

AN ORDINANCE OF THE BOROUGH OF PROSPECT PARK IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING AMENDMENTS TO THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF PROSPECT PARK IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE 2021 MASTER PLAN REEXAMINATION REPORT OF THE BOROUGH OF PROSPECT PARK

WHEREAS the Prospect Park Planning Board prepared the 2021 Master Plan Reexamination Report, which is a period reexamination of the municipal master plan and development regulations, in accordance with the provisions of the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-89; and,

WHEREAS the Prospect Park Planning Board adopted the 2021 Master Plan Reexamination Report via Resolution No. [INSERT NUMBER] on [INSERT MONTH YEAR], 2021; and,

WHEREAS the 2021 Master Plan Reexamination Report contained specific recommendations for amendments to the development regulations of the Borough of Prospect Park; and,

WHEREAS the Prospect Park Borough Council is desirous of implementing the recommendations for amendments to the development regulations of the Borough of Prospect Park that are contained in the 2021 Master Plan Reexamination Report.

NOW, THEREFORE, BE IT ORDAINED, by the Prospect Park Borough Council as follows:

Section 1. The definition of “Half Story” that is provided in §90-10, entitled “Word Usage. Terms Defined,” Part C, untitled, is hereby amended as follows (n.b., text to be deleted is ~~*italicized, bold and stricken through*~~; text to be added is **underlined and bold**):

~~HALF STORY—That portion of a building situated above a full story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half (1/2) the floor-to-ceiling height of the story below.~~

HALF STORY — A habitable floor that has a stairway as a means of access and egress, and in which ceiling area at a height of greater than or equal to seven feet above the floor constitutes not more than 50 percent of area of the next floor below.

Section 2. §90-80.8, entitled “VCR Village Commercial Residential Zone,” Part B, entitled “Principal Permitted Uses,” is hereby amended as follows (n.b., text to be deleted is *italicized, bold and stricken through*; text to be added is **underlined and bold**):

- B. Principal Permitted Uses.
 - 1. Retail sales and personal service.
 - 2. Apartments **and multifamily dwellings** on upper floors in buildings having a non-residential use on the ground floor.
 - 3. Restaurants, non-drive through.
 - 4. Offices (upper floors only).
 - 5. Institutional uses.
 - 6. Parking lots.
 - 7. Financial institutions, non-drive-up window.
 - 8. Child care centers.

9. Single and two-family homes existing as of 2009 in accordance with requirements of the R-1 District.

Section 3. §90-80.8, entitled “VCR Village Commercial Residential Zone,” Part G, entitled “Non-Residential Development Standards,” is hereby amended as follows (n.b., text to be deleted is ~~*italicized, bold and stricken-through*~~; text to be added is **underlined and bold**):

G. Non-Residential Development Standards.

The following standards are divided into three categories (less than 10,000 sq. ft., between 10,000 sq. ft. and 20,000 sq. ft. and greater than 20,000 sq ft) with the associated regulations:

Small Infill Site (< 10,000 sq. ft)

1. Minimum lot size: 5,000 sq. ft.
2. Maximum lot size: 10,000 sq. ft.
3. Minimum frontage: 50 feet
4. Minimum setbacks:
 - Front yards: 0 feet
 - Rear yard: 30 feet
 - Side yard: 0 feet, but at least 4 feet if provided
 - From residential district: 20-30 feet
5. Maximum Building Height: two stories and 25 feet
6. Minimum Building Height: 14 feet to top of front wall
7. Maximum Building Coverage: 50%.

Sites between 10,000 and 20,000 sq. ft:

1. Minimum lot size: 10,000 sq. ft.

2. Maximum lot size: 20,000 sq. ft.
3. Minimum frontage: 50 feet
4. Minimum yards:
 - Front: 0 feet
 - Rear: 30 feet
 - Side: 0 feet, but at least 4 feet if provided
5. Maximum Building Height: 2.5 stories and 30 feet, **except that the maximum building height shall be increased to 5 stories and 60 feet when a pitched roof is provided and there is no deficiency in the number of parking spaces required by §90-83, entitled “Off-Street Parking”**
6. Maximum Building Coverage: 50%
Lots greater than 20,000 sq. ft.
 1. Minimum frontage: 100 feet
 2. Minimum setbacks:
 - ~~3.~~——Front yards: 0 feet
 - ~~4.~~——Rear: 30 feet
 - ~~5.~~——Side: 0 feet, but at least 4 feet if provided
- ~~6.~~ **3.** Maximum Building Height: Three stories and 35 feet, **except that the maximum building height shall be increased to 5 stories and 60 feet when a pitched roof is provided and there is no deficiency in the number of parking spaces required by §90-83, entitled “Off-Street Parking”**

~~7.~~ **4.** Maximum Building Coverage: 40%, provided that canopies and other roof coverings over walkways and streets shall not be included, and also parking structures, suitably screened and landscaped, with roof or upper-deck elevation not exceeding five (5) feet above average street grade shall not be included in the calculation of building coverage.

Section 4. New §90-80.11, entitled “Haledon Avenue Adaptive Reuse Zone” is hereby added as follows:

- A. Purpose. The purpose of this zone is to provide adequate space for land uses that will primarily serve the residents of the Borough and be compatible with the character of existing buildings in order to promote their retention and adaptive reuse so that the visual appearance and architectural significance of the Haledon Avenue Corridor is maintained.
- B. Principal Permitted Uses.
 - 1. Retail sales and personal service (limited to 1,800 square feet of gross floor area).
 - 2. Professional, executive, or administrative offices.
 - 3. Medical and dental offices, provided that no more than one (1) healthcare provider works out of the office at any given time.
 - 4. Restaurants, non-drive through.
 - 5. Cafés.
 - 6. Apartments and multifamily dwellings (upper floors only).
 - 7. Financial institutions, non-drive-up window.

8. Single- and two-family residences in existence as of [INSERT DATE OF ADOPTION OF THIS ORDINANCE]
 9. Funeral homes.
 10. Childcare centers.
- C. Accessory Uses.
1. Uses which are customarily incidental and accessory to the principal use.
- D. Conditional Uses.
1. Institutional uses.
 2. Religious uses.
- E. Street Setback. The setback of any new building from Haledon Avenue shall be no greater than the maximum front yard setback from Haledon Avenue of existing buildings located on the same block. The setback of any new building from Haledon Avenue shall be no less than the minimum front yard setback from Haledon Avenue of existing buildings located on the same block.

Section 5. The zoning of Block 36, lots 1 through 5 and Block 37, lots 1 through 4 is hereby changed from the B-C (Community Business) Zone District to the HAAR (Haledon Avenue Adaptive Reuse) Zone District as shown in Attachment 1.

Section 6. The zoning of Block 37, lots 13 through 21 and Block 42, lots 9, 10, 13, 17 and 17.01 is hereby changed from the B-C (Community Business) Zone District to the VCR (Village Commercial Residential) Zone District as shown in Attachment 1.

Section 6. The “Schedule of Space Regulations; Area, Yard and Bulk Standards” that is appended to the Land Development Ordinance, which is also known Chapter 90, of the Code of the Borough of Prospect Park is hereby amended as shown in Attachment 2 of this Ordinance (n.b., text to be deleted is ~~*italicized, bold and stricken through*~~; text to be added is **underlined and bold**).

Section 7. This Ordinance may be renumbered for codification purposes.

Section 8. All ordinances of the Borough of Prospect Park that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 9. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 10. This Ordinance shall take effect upon final passage and publication as required by law.

**ADOPTED ON FIRST READING
DATED:**

**Erin Delaney, RMC
Prospect Park Borough Clerk**

**ADOPTED ON SECOND READING
DATED:**

**Erin Delaney, RMC
Prospect Park Borough Clerk**

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021

**Mohamed T. Khairullah
Mayor**

**ATTACHMENT 1:
PROPOSED ZONE CHANGES**



Zoning Map for the Borough of Prospect Park



Passaic County, NJ

North Haledon Borough

Future Land Use Designations

- B-C** Community Business
- B-G-1** General Business-1
- B-G-2** General Business-2
- HAAR** Haledon Ave. Adaptive Reuse
- N-8** North Eighth Street Redevelopment Area
- P-LWO** Professional/Live-Work Overlay
- Q-R** Quarry Redevelopment Area
- R** Recreation & Open Space
- R-1** Residence-1
- R-2** Townhouse
- VCR** Village Commercial/Residential

-  Roadways/Driveways
-  Tax Parcels

-  Change from B-C to HAAR
-  Change from B-C to VCR



Map Amendments	
Ordinance:	Date Adopted:

Zone Plan Prepared by:

ricciplanning

Paul N. Ricci, AICP, PP
NJ Professional Planner
License No. 05570

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

This map is part of Ordinance _____ of the Borough of Prospect Park, Passaic County, NJ.

Mohamed T. Khairullah
Mayor

Robert Aiello
Chairman

Erin Delaney
Municipal Clerk

Note: This map was developed using Passaic County Geographic Information Systems Digital Data, but this secondary product has not been verified by Passaic County and is not County authorized.



RicciPlanning, LLC — 2021

**Borough of Prospect Park
Schedule of Space Regulations
Area, Yard and Bulk Standards**

Zone	Use	Gross Density Ratio (Dwelling Units Per Acre)	Minimum Lot Dimensions			Minimum Yards (Principal)					Minimum Yards (Accessory)				Maximum Bulk Standards				Outdoor Parking/Driveway Setback (feet) Spaces Required		
			Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front (feet)	Rear (feet)	Side			Side		Rear		Minimum Distance Between Buildings (feet)	Maximum Lot Coverage (percent)	Maximum Building Height (feet)		Front	Side	Rear
								Interior One (feet)	Interior Total (feet)	Corner (feet)	Interior (feet)	Corner (feet)	Adj. to Side ¹ (feet)	Other (feet)			Principal Building	Accessory Building			
R-1 Residential	Single-Family Two-Family	11.6 14.0	3,750 6,250	37.5 62.5	100 100	15 15	25 25	3 12.5	11 25	8 15	3 5	5 8	3 3	3 3	10 10	40 40	2.5 Stories/35 2.5 Stories/35	1.5 Stories/18 1.5 Stories/18	0 ³ 0 ³	3 3	5 5
R-2 Townhouse	Townhouse	20.0	2,000	20	100	15	25	12.5	25	15	5	8	3	3	10	40	2.5 Stories/35	1.5 Stories/18	0 ³	3	5
B-C	Non-Residential Uses	N/A	2,500	25	100	0	20	0	0 ²	7	5	8	5	5	10	50	2 Story/25 ⁸	2 Story/25	0 ⁴	0 ⁶	0 ⁴
B-G	Non-Residential Uses	N/A	7,500	75	100	25	25	10	20	15	5	8	5	5	10	50	2 Story/25	2 Story/25	0 ⁴	0 ⁶	0 ⁴
P-LWO	Single-Family Two-Family Offices Live/Work Unit	11.6 14.0 N/A N/A	3,750 6,250 6,250 6,250	37.5 62.5 62.5 62.5	100 100 100 100	15 15 15 15	25 25 25 25	3 12.5 12.5 12.5	11 25 25 25	8 15 25 25	3 5 5 5	5 8 8 8	3 3 3 3	3 3 3 3	10 10 10 10	40 40 40 40	2.5 Stories/35 2.5 Stories/35 2.5 Stories/35 2.5 Stories/35	1.5 Stories/18 1.5 Stories/18 1.5 Stories/18 1.5 Stories/18	3 3 3 3	3 3 3 3	5 5 5 5
Q-MR	Condominium Style Flats Community Buildings	16.53 – 18.47 Tract Density	78 Acres (Total Lot Area)	N/A	N/A	A 100-foot perimeter buffer shall be required. Detention basins shall be permitted within 50 feet of property lines, however, shall be a minimum of 100 feet from a residential lot.									See Section 90-80.3		8 Stories/95 feet	2 Story/25	40 40	40 40	40 40
Q-TH	Townhouses			N/A	N/A	See Section 90-80.4		3 Stories/40	1.5 Stories/18	40	40	40									
R	Municipally Owned or Operated Buildings Wireless Telecommunication	N/A N/A	N/A N/A	N/A N/A	N/A N/A	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	65 1.5 times tower height	25 N/A	5 5	2.5 Stories/35 120	2.5 Stories/35 12 (Equipment Buildings)	40 40	40 40	40 40
VCR	Nonresidential ⁵ Single-Family Two-Family Apartments and Multi-Family	N/A 11.6 14.0 75.0 ⁷	3,750 6,250	37.5 62.5	100 100	15 15	25 25	3 12.5	11 25	8 15	3 5	5 8	3 3	3 3	10 10	40 40	See 90-80.7 See §90-80.8	1.5 Stories/18	0 ⁴ 0 ³ 0 ³	3 3	5 5
HAAR	All Uses (See §90-80.11)	N/A	2,500	25	90	See §90-80.11	20	0	0 ⁴	7	5	8	5	5	10	50	2.5 Stories/35	1.5 Stories/18	0 ⁴	0 ⁶	0 ⁴

¹ Required setback when the rear yard of the subject property adjoins a side yard of an adjoining property.

² No side yard setback is required. However, if a side yard setback is provided, it shall be a minimum of five (5) feet.

³ No parking in the front yard except for driveways is permitted.

⁴ No minimum off-street parking setback is required. However, a ten (10) foot off-street parking setback is required adjacent to a residential zone or residential use.

⁵ See Section 90-80.8 for nonresidential requirements.

⁶ No minimum off-street parking setback is required. However, a three (3) foot off-street parking setback is required adjacent to a residential zone or residential use.

⁷ For apartments and multi-family dwellings on upper floors in buildings having a non-residential use on the ground floor, the maximum permitted Gross Density Ratio (Dwelling Units Per Acre) shall be 75.0 when there is no deficiency in the number of parking spaces required by §90-83, entitled "Off-Street Parking."

⁸ The maximum permitted height of principal buildings with frontage on Haledon Avenue may be increased to 5 stories and 60 feet when there is no deficiency in the number of parking spaces required by §90-83, entitled "Off-Street Parking."