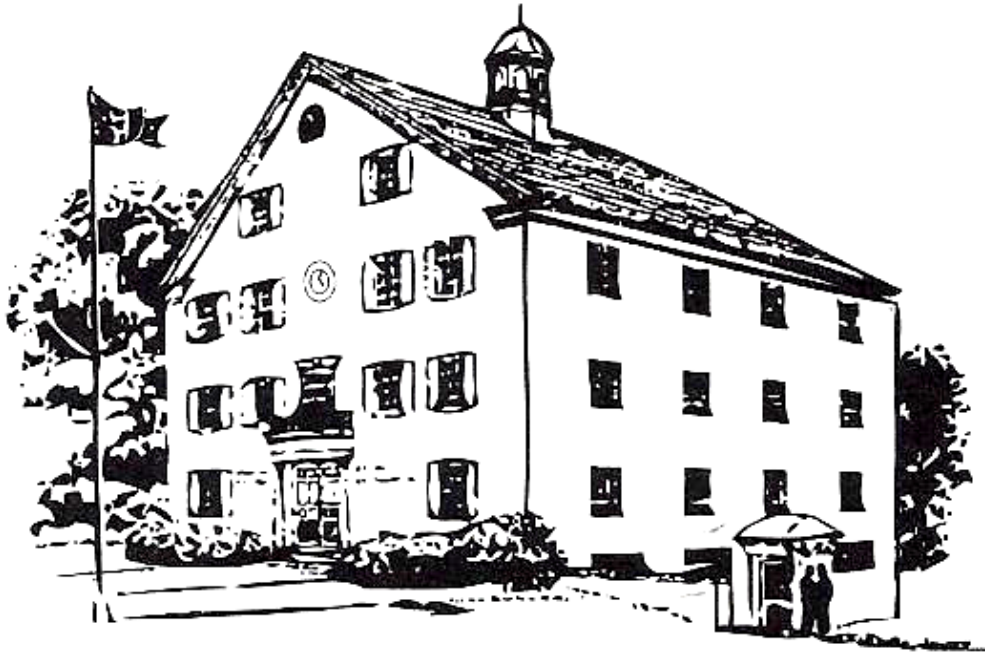


**BOROUGH OF BERNARDSVILLE
2017 MASTER PLAN REEXAMINATION**



Adopted:

December 15, 2016

**Prepared and Adopted by:
BERNARDSVILLE BOROUGH
PLANNING BOARD**

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MASTER PLAN REEXAMINATION

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Residents

This 2017 Master Plan Reexamination for the Borough of Bernardsville presents the findings and recommendations of your Planning Board concerning the future of our community. This reexamination is a continuation of the planning process in Bernardsville and represents a reexamination of the Comprehensive Master Plan that was adopted in 2000 and amended in 2004. This reexamination document is prepared according to N.J.S.A. 40:55D-89 Periodic Master Plan Reexamination which requires every municipality to examine its master plan every ten years.

Robert Graham, Chairman
Bernardsville Borough Planning Board

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The last and latest Comprehensive Master Plan for the Borough of Bernardsville was adopted on September 28, 2000 by the Bernardsville Planning Board. It has been amended four times.

The first amendment was on October 28, 2004. It was amended to add the “Bernardsville Environmental Resources Inventory”. This document was originally prepared by the Upper Raritan Watershed Association for the Bernardsville Borough Environmental Commission. This inventory presents, in map and illustration form, important information concerning the physical features that characterize Bernardsville. It is presented as part of the Master Plan’s Conservation Plan Element. The information is offered to, in part, identify environmental features that can have an impact upon land use.

The second amendment was the adoption on March 5, 2005 of the Stormwater Management Plan. Preparation of this document was prompted by the State requirement for such a plan in N.J.A.C.7:14A-25 Municipal Stormwater Regulations. The Bernardsville Plan contains all of the required elements described in N.J.A.C.7:8 Stormwater Management Rules. The Stormwater Management Plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major developments. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the loss of groundwater recharge that provides base flow in receiving water bodies. The plan describes long-term operation and maintenance measures for existing and future stormwater facilities.

The third amendment is the Housing Plan Element and Fair Share Plan, adopted on November 17, 2005. This amendment addresses the third round affordable housing obligations for municipalities seeking substantive certification from the New Jersey Council on Affordable Housing (“COAH”). The content provides substantial background information on population, economic base and housing, presents Bernardsville’s estimate of 2004 - 2014 affordable housing needs and the means by which Bernardsville provides a reasonable opportunity to satisfy these housing needs. Bernardsville’s petition for substantive certification was forwarded to COAH. The Plan was prepared consistent with COAH’s “growth share” methodology. However, this approach was invalidated in 2007 by the New Jersey Appellate Court. Further, the Court instructed COAH, to revise its methodology.

In 2008, COAH attempted to remedy the deficiencies of the “growth share” methodology and re-calculated affordable housing obligations for every municipality in New Jersey.

In the fourth amendment, on May 20, 2010 Bernardsville adopted a new Housing Plan Element and Fair Share Plan and duly forwarded it to COAH, petitioning for substantive certification. It was never reviewed by COAH in large part because later in 2010 the Appellate Court again invalidated various methodologies and regulations that COAH adopted in 2008.

In 2013 the Supreme Court issued its own decision in which it invalidated all of the Round 3 regulations COAH adopted in 2008. In its decision, the Supreme Court instructed COAH to adopt a “methodology” similar to the methodologies used in the prior round rules. COAH failed to adopt a new methodology and rules.

In March 2015, the New Jersey Supreme Court declared COAH moribund and ordered the Courts to resume oversight of affordable housing. The Court ordered each municipality to prepare a new estimate of its affordable housing obligation and provided guidance on how to do so. The Court ruling, among other things, again affirmed that the methodology for the determination of affordable housing obligations should be similar to that of prior rounds.

Lastly, to address its affordable housing obligation a consortium of New Jersey municipalities retained the services of Econsult Solutions that recalculated the present housing need (rehabilitation) and prospective need (2015-2025) for every municipality in New Jersey. Throughout this process, their work-products have been challenged by Fair Share Housing Center (“FSHC”), an affordable housing advocacy “center”. Bernardsville prepared a draft Housing Plan Element and Fair Share Plan, (November 23, 2015) based on Econsult’s numbers. Presently, Bernardsville is working with the Somerset Superior Court and a Court appointed master to obtain a settlement and/or substantive certification. It is an evolving process. At the conclusion of this process Bernardsville may have to adopt a final Housing Plan Element and Fair Share Plan.

2006 Master Plan Reexamination

Consistent with State statutory requirements, Bernardsville prepared a 2006 Master Plan Reexamination; adopted on January 25, 2007. Throughout this reexamination report references to the 2006 reexamination will be undertaken in addition to the formal reexamination of the 2000 Comprehensive Master Plan and its amendments.

STATUTORY MASTER PLAN REEXAMINATION REQUIREMENTS

The following quote is from N.J.S.A. 40:55D-89 Periodic Reexamination; the statutory requirements for the Bernardsville Reexamination:

Periodic Reexamination of Municipal Plans and Regulations
N.J.S.A. 40:55D-89 Periodic examination.

The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning

board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.

The reexamination report shall state:

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 the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land 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 regulations 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 al.) 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.

2017 REEXAMINATION

- 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.*

2000 Master Plan Policies, Proposals and Plans

Bernardsville has developed a series of general policies over the past few decades that have guided its past development and remain valid for the future. Since 2000, the Master Plan's constituent policies, proposals and plans are based on the following general principles:

- To preserve the residential and open character of the community.
- To allow non-residential forms of land use, especially commercial, to the extent that they serve residents of the Greater Somerset Hills Subregion.
- To protect Bernardsville residents and their property from negative environmental, financial and other impacts of development.
- To provide community facilities, services and utilities to the extent they are practically feasible.
- To promote the conservation of natural systems, environmental resources, rural appearance and the natural amenities that characterize Bernardsville.

In addition to reaffirming these longstanding goals and policies of Bernardsville, identification of the downtown as a Town Center in the State Plan has introduced new goals and policies particular to this area.

- To promote the downtown as the commercial and civic center of Bernardsville,
- To enhance the physical characteristics of the downtown through sign, facade, architecture and streetscape improvements,
- To improve the circulation patterns into and through the downtown,
- To create a pedestrian-friendly atmosphere in the downtown, and

- To provide sufficient parking in the downtown by rationalizing land use with parking needs.

Lastly, more detailed goals, policies, objectives and recommendations are contained in each of the chapters or elements of the 2000 Comprehensive Master Plan document.

2017 Reexamination: These goals are reaffirmed. The first five goals in the 2000 Plan are a reiteration of these same goals as presented in the 1978 Master Plan. The second five goals pertain to the Town Center or Bernardsville's downtown and were added as part of the 2000 Plan.

All ten goals or objectives have functioned, since 2000, to guide the land development objectives of Bernardsville. They are appropriate to continue to express the planning goals and policies of Bernardsville.

Reexamination of the 2000 Planning Goals and Policies:

- *To preserve the residential and open character of the community.*

2017 Reexamination: This goal is reaffirmed. Based upon this goal and more specific policies outlined in the Land Use Plan Element, Bernardsville rezoned in 2002, 3,150 acres in the northern tier of the municipality to one dwelling on a minimum of 10 acres from 5 acres. This rezoning has had the effect of enhancing the open space and rural character within this new zone that is more than any other area of Bernardsville characterized by environmental constraints and challenges.

To allow non-residential forms of land use, especially commercial, to the extent that they serve residents of the Greater Somerset Hills Subregion.

2017 Reexamination. This goal is reaffirmed. Bernardsville is a commercial subregional center comprised of two supermarkets, restaurants, banks and numerous independent retail stores and shops. Indeed, it has been designated as a "Town Center" by the New Jersey Office of State Planning and the State Plan. Consistent with these goals and policies, Bernardsville in 2010, embarked on improvements to the sidewalks, lighting and streetscape of the downtown.

Also during this period, the Planning Board worked with downtown commercial property owners to rehabilitate the Bernardsville Center (King's), the Shop-Rite property, VW dealership, CVS and Rite-Aid properties and numerous other individual retail properties.

While the availability of downtown parking is an on-going concern, the Planning Board promoted reasonable ordinance modifications to downtown parking to help balance the

demand with the supply. Enforcement of these new regulations is progressing.

It is recognized that non-residential zoning regulations establish permitted categories of uses, but correspondingly have to also allow market economics to function. Thus, Bernardsville has witnessed downtown development of numerous banks and restaurants. A greater diversity of shops, stores and, general retail uses is encouraged.

To protect Bernardsville residents and their property from negative environmental, financial and other impacts of development.

2017 Reexamination. This goal is reaffirmed. Both the Planning Board and Zoning Board of Adjustment are keenly aware of this goal and policy and strictly adhere to proper and reasonable enforcement of Bernardsville's applicable ordinances.

To provide community facilities, services and utilities to the extent they are practically feasible.

2017 Reexamination. This goal is reaffirmed. Bernardsville continues to provide a high level of facilities, services and public utilities. In pursuit of this goal, the Somerset Hills Board of Education made a major addition and renovation to the high school and upgraded its playing fields. There was also an expansion of the Polo field, responding to needs for athletic fields. Lastly, there have been substantial streetscape improvements to the downtown.

To promote the conservation of natural systems, environmental resources, rural appearance and the natural amenities that characterize Bernardsville.

2017 Reexamination. This goal is reaffirmed. Bernardsville, in cooperation with the Somerset County Planning Board, recognizes the importance of scenic roadways in Bernardsville. The County Board has identified Mine Brook Road (Route 202), Mendham Road, Claremont Road, Dryden Road and Turnbull Lane as scenic roadways.

In 2004, the Comprehensive Master Plan was amended to include the Bernardsville Borough Environmental Resources Inventory as part of the Conservation Plan Element. This document was prepared under the direction of the Bernardsville Borough Environmental Commission. It is a thorough narrative and mapping of important and critical environment features in Bernardsville.

Recently, the Planning Board has been working with the Open Space Committee to agree on an open space and an active and passive recreation plan that will preserve and enhance open space, parks, recreation opportunities and trails throughout the municipality. This work has culminated in the production of an Open Space and Recreation Element, adopted

by the Planning Board on November 17, 2016.

In addition to reaffirming these longstanding goals and policies of Bernardsville, recent activities and improvements in the Town Center or downtown have introduced new goals and policies particular to this area.

To promote the downtown as the commercial and civic center of Bernardsville,

2017 Reexamination. This goal is reaffirmed. The Planning Board during the last 10 years has worked cooperatively with downtown property owners and merchants to optimize their site plans and submissions.

To enhance the physical characteristics of the downtown through sign, façade, architecture and streetscape improvements.

2017 Reexamination. This goal is reaffirmed. As pointed out above, Bernardsville undertook substantial lighting, sidewalk and streetscape improvements in the downtown in 2010.

To improve the circulation patterns into and through the downtown.

2017 Reexamination. This goal is reaffirmed. Aside from resignalization of Olcott Square, there has been no change to the downtown roadways. As a consequence of 10 year regional growth and development within Bernardsville resulting in increases in traffic, congestion has increased on all major roadways. This is particularly noticeable at the Route 202 – North Finley/Childs Road intersection, at Olcott Square and in front of the train station at peak commutation times.

To create a pedestrian-friendly atmosphere in the downtown, and

2017 Reexamination. This goal is reaffirmed. The streetscape improvements in the downtown directly addressed and implemented this goal and policy.

To provide sufficient parking in the downtown by rationalizing land use with parking needs.

2017 Reexamination. This goal is reaffirmed. Sufficient parking for shoppers, merchants and employees remains a concern.

Major Problems

The 2000 plan presented a list of the major planning problems facing Bernardsville as follows:

- *Traffic congestion during the peak commutation and other periods*
- *Truck traffic through the downtown and on local roads*

2017 Reexamination. This concern remains. Traffic congestion on major roadways remains a major problem. Aside from the changes to the traffic signals at Olcott Square, circulation patterns remain fixed, there have been increases in traffic due to normal regional growth, as well as local growth resulting in increased traffic volumes and congestion.

Truck traffic from construction vehicles and trucks generated from the quarry tract remains a concern. Truck traffic fails too often to follow designated truck routes. Landscape truck-trailer vehicles have difficulty with turning movements in the Olcott Square area.

- *Limited sewer capacity due to serious infiltration during storm periods*

2017 Reexamination. This concern remains. There have been numerous studies of this infiltration problem during storm periods, without being able to identify the specific source or sources of the stormwater infiltration. The consequence is that during storm periods the sewer system treatment capacity is exceeded. With expected patterns of increasing frequency and severity of storm events this concern is heightened

- *Subdivision of heritage estates in the Mine Mountain sector*

2017 Reexamination. This concern remains. Subdivision of heritage estates in the Mine Mountain sector remains a major concern as such subdivisions can change the character of this sector and indeed, Bernardsville itself. Although, not specifically an objective of the 10 acre (R-1-10) rezoning, one effect has been a decline in subdivision applications in this district. Another factor affecting the R-1-10 zone is the lessening of the economic market for prestigious estate homes on large properties.

- *Overbuilding in residential zones*

2017 Reexamination. This concern remains. This is a problem in all districts, but is a most persistent problem in the smaller lot zone districts. Recently, the Planning Board grappled with the issues of overbuilding and parking in the front yard. Regulations limiting front yard parking have been adopted. The Board is further concerned about possible razing of historic and noteworthy dwellings on properties that have subdivision potential in all districts and

consequent change to neighborhood character.

- *Ensuring development is environmentally appropriate*

2017 Reexamination. This concern remains. Implementation of this objective has been a major goal of both the Planning Board and Zoning Board of Adjustment. In furtherance of this goal, the Natural Resources Inventory was added to the Comprehensive Master Plan in 2004.

- *Improving pedestrian access and safety*

2017 Reexamination. This concern remains. Streetscape improvements in the downtown have addressed this concern. Sidewalks have been installed on one side of Anderson Hill Road. Sidewalks and retaining walls have recently been installed by the County along Mt. Airy Road. Sidewalks have also been installed along the length of Mullens Lane and Old Fort Road (West Branch).

- *Providing for open space and recreation areas, and*

2017 Reexamination. This concern remains. The Planning Board continues to work with the Open Space Committee to draft an open space, trails, recreation and park plan. Sufficiency of active recreation areas remains a major issue.

- *Enhancement of the downtown*

2017 Reexamination. This concern remains. The streetscape improvement in the downtown has been a major enhancement to the downtown. The Planning Board in its review of downtown projects and site plans is ever vigilant for opportunities to enhance signage, façades and architecture.

Reexamination of the 2000 Historic Plan Element

The historic plan element is presented in two parts. The first is a brief history of Bernardsville. The second is a presentation and description of historic sites, structures and heritage estates and mansions and a statement of objectives.

2000 Historic Plan Objectives

The sites discussed herein are of particular historic and/or architectural interest to Bernardsville. It is recommended that Bernardsville encourage the continued use of historic properties in keeping with their original purpose or in the alternative a suitable and appropriate

adaptive reuse. Bernardsville should explore means to implement this recommendation. Bernardsville should also encourage ways by which these historic structures and houses are not diminished by activities in the immediate environment within which they are located.

To date, no estate mansions have been converted to conditional uses except one to a private school, and that property has been reconverted to a residence. Upon review, several of these conditional uses, if developed as permitted, may have detrimental impacts upon their neighborhood. A conference center, for example, may generate traffic beyond the capacity of neighborhood and local roads. Other conditional uses are as undefined in scale as to potentially also be detrimental. It is therefore recommended that these conditional uses be eliminated.

2017 Reexamination. Certain conditional uses, such as conference center and private schools have been removed from the ordinance.

However, the goal of preserving heritage estates and mansions remains a high priority for Bernardsville. Thus, to achieve or implement this goal, there may be certain types of very low density housing or even very low density uses, i.e., schools, retreats, recreation, etc. that may be appropriate to this sector of Bernardsville and individual heritage estates and mansions. It is difficult to legislate for these unique uses and ensure reasonable density intensity of use standards. Implementation is best achieved on a property-by-property and use-by-use basis. However, evaluation of implementation strategies should be guided by the density objectives in this sector/district and commensurate levels of population activity and trip generation.

2017 Reexamination. To date, there have been no applications for very low density housing or very low density uses, such schools, retreats or recreation. Retention of heritage estates and mansions remain a reaffirmed goal.

2017 Reexamination. Historic sites and dwellings are not only located in the Mine Mountain sector, but in all sectors of Bernardsville. To date, aside from identifying these sites and dwellings as a land use priority for retention, Bernardsville has not devised a legislative means to implement goals and policies aimed at preserving heritage estates and mansions nor has it addressed smaller dwellings. Consistent with the above goals and policies, Bernardsville should legislatively endeavor to encourage retention of historic sites and/or architecturally significant dwellings not only in the Mine Mountain sector, but throughout Bernardsville.

Reexamination of the 2000 Utility Service Plan Element

The utility service plan focused almost exclusively on the Bernardsville sanitary sewer system. Two major issues are discussed in the 2000 plan: infiltration and extension of service:

Based upon the above information and most importantly the 1987 Wastewater

Management Study, the following recommendations are established:

Presently, the existing sewerage treatment plant is plagued by serious infiltration during storm periods wherein capacity is exceeded. Despite numerous attempts to identify the source or sources of the problem, it remains undetected. Bernardsville should continue to study the problem.

Until this infiltration problem is solved, expansion of sewers is not recommended. As a general principle, single family residences on lots of one acre or greater are recommended to be served by individual septic systems.

The exceptions to Bernardsville policy are several fold, involving:

- a. Sewer service can be provided to infill development within the existing sewer service area. It is assumed this development will be housing on the few remaining vacant lots in the more densely developed neighborhoods of Bernardsville. Similarly, there are a small number of homes in the sewer service area that are not connected but should be connected. Bernardsville should require connection to the sewer system when these properties turn over from one owner to another.*

2017 Reexamination. This goal is reaffirmed.

- b. Extension is recommended to cover the few remaining C-1 properties east of Finley Avenue not presently served. This extension will preferably be undertaken by property owners when overall site improvements are proposed.*

2017 Reexamination. Sewer service has been provided by a private service contractor that connects this area to a force main at North Finley Avenue.

- c. Extension of sewer facilities in conjunction with new subdivision development at the edges of the sewer service area is not recommended. Existing homes at the contiguous to the sewer service area should be given priority as waste water treatment capacity becomes available. No sewer facility extensions are recommended for the R-1 zone district.*

2017 Reexamination. These goals are reaffirmed. No sewer facility extensions are recommended for either the R-1 district, or the R-2 district. Despite continuous study, the source(s) of infiltration during storm periods has not been identified. Expansion of the sewer service area has not occurred, nor are there any plans to do so. Thus, the above sewer service recommendations remain

operative for the Bernardsville.

The Bernardsville engineering firm, Ferriero Engineering, Inc. prepared a Stormwater Management Plan that was adopted on March 3, 2005 by the Planning Board. It complies fully with the New Jersey Department of Environment's municipal stormwater regulation program.

Reexamination of the 2000 Circulation Plan Element

The majority of this element is composed of descriptions of the four types of roadways in Bernardsville: arterial roads, major collectors, minor collectors and local streets. The 2000 Plan also identified general traffic circulation issues as well as traffic circulation issues as identified by Bernardsville traffic officer. The general traffic circulation issues include:

a. Childs/Finley/Route 202 Intersection

Intersection redesign is warranted.

2017 Reexamination: This goal is reaffirmed. Redesign is a State Department of Transportation (DOT) responsibility. To date, Bernardsville has not pursued DOT for intersection redesign. The critical problem at this intersection is lack of left turn lanes from Route 202. It is most acute during peak hour commutation time.

b. Truck Traffic

There is a substantial amount of truck traffic generated by the quarry and plant located off Mine Brook Road (Route 202) west of the Town Center. This truck traffic conflicts with automobile traffic and congests the Town Center roadways and intersections. Trucks have a major problem turning right onto Mount Airy Road. Thus, reduction or elimination of this use should be encouraged as no longer appropriate. Lastly, introduction or expansion of uses in the quarry property which generate trucks should not be permitted.

2017 Reexamination: This goal is reaffirmed. However, truck traffic from the quarry property has declined since 2000. The quarry and plant are valid non-conforming uses that have the right to continue. Expansion is not permitted. Additional uses that have developed in the quarry property such as storage uses do not generate measurable truck traffic. Recently, the Planning Board proposed an ordinance amendment to allow recycling in the quarry industrial district. It is a use that is not anticipated to generate measurable truck traffic.

c. Route 202 East

Multiple commercial ingress-egress points, particularly in front of the two shopping centers, cause traffic congestion. There are numerous rear-end accidents, mostly at low speeds, in front of these commercial driveways.

The area needs further study. However, reducing driveways and creating “exit-only” and “entrance-only” driveways are two short-term remedies.

2017 Reexamination: These concerns remain. Minor modification and improvement to the Shop-Rite site plan approval was made to the eastern ingress-egress access. As additional applications in this corridor come before the Planning and/or Zoning Boards access modifications are made. Recent review and approval of the Bernardsville Centre shopping center (King’s) expansion addressed ingress-egress access. First, the western ingress-egress will be converted to egress only and redesigned to NJDOT standards. A new eastern ingress-egress driveway will provide for truck access separated from shopper vehicle access.

In December 2004, the zoning ordinance requirements for automobile sale uses was modified to require greater setbacks, more extensive landscaping and other changes all aimed at producing a more aesthetic and appropriately scaled development. These new requirements were relied upon in the Planning Board’s site plan review and upgrade of the VW dealership renovation.

Access from the rear of the Shop-Rite property to No. Finley Avenue will remove south bound traffic from Route 202 and the Route 202/N. Finley Avenue intersection.

2017 Reexamination: This goal is reaffirmed. Provision for part of this new rear access way was reserved on the Shop-Rite property when the Planning Board approved their site plan for expansion and modification. There are two intervening parcels that lie between Shop-Rite and North Finley Avenue. Provision for this access road remains a circulation objective and will be required when these two properties come before the Planning Board.

d. Claremont/Seney/Mine Mount/Intersection.

This is a unique five-street intersection. It is the scene of accidents due to poor visibility and confusion due to the multiple intersections (5 intersection points). It is particularly hazardous for students crossing to go to school. The intersection needs traffic control and instructional signage.

2017 Reexamination: This objective is reaffirmed. Traffic control has not been introduced and is still needed; however, there is a crossing guard during school access and

departure hours.

e. Olcott Square

During peak AM and PM commutation periods the center of Bernardsville at Olcott Square is congested. Part of this congestion is due to heavy truck traffic. As a consequence, vehicles are avoiding the square and using local streets and the new library driveway as a bypass.

2017 Reexamination: These concerns remain. Use of local streets to avoid congestion at Olcott Square continues. The Planning Board has introduced a draft new circulation plan (the Robert Graham plan) for the Olcott Square, Mill Street, and Mine Brook Road (Route 202) roadways proposing a one-way-circulation system that will enhance traffic movements in the downtown center. This new system would involve local, County and State authorities for implementation and will require serious effort by Bernardsville.

f. Accessibility

Bernardsville lacks an alternate, continuous east-west thoroughfare to Route 202. The Campbell/Mountain Top/Post/Ballantine/Washington Corner sequence of roads performs this function in the Mine Mountain Sector. However, these roads are not completely aligned with each other, thus limiting the ease of movement from one part to another.

The steep grades from the Mine Mountain and Park Sectors to the rest of Bernardsville also slow circulation. In winter especially, these differences create hazardous driving conditions.

These residential roads were not designed to carry the significant traffic volumes which they are presently experiencing, especially during AM and PM peak traffic periods.

2017 Reexamination: These concerns remain. Major improvement to local streets may address some of these issues, however it may simultaneously negatively impact the rural-suburban, and heavily foliated streetscape character of these roadways. Bernardsville maintains these roads with periodic new pavement which contributes to improved circulation.

g. Parking

Parking in the downtown is inadequate at peak periods. There are conflicts between parking of commuters, businesses, customers and residents.

2017 Reexamination: This concern remains. Lack of adequate downtown parking is an ever present concern which inhibits development and/or redevelopment of properties in the downtown. The recent imposition of a four-hour limit on parking at the library parking lot seems to have alleviated congestion there, perhaps by displacing commuters and employees of nearby businesses whose access to adequate alternate parking is not yet certain. To address this issue, the Planning Board initiated an ordinance that will channel employee parking to the public Ammerman lot and thereby vacate spaces for downtown patrons.

Lastly, the Plan addresses sidewalks as follows:

Installing sidewalks in the following locations is recommended to promote school access safety.

- *Mendham Road from Stone Fence Road and Chestnut Road*
- *Mendham Road from Claremont Road to Sycamore Hill*
- *Entire length of Anderson Hill Road*
- *Childsworth Avenue from Olcott to Mullens Lane*
- *Entire length of Mullens Lane*
- *Entire length of Old Fort Road (West branch)*

Provision of sidewalks at least along one side of the above roads will not only promote safe student access to schools and recreation areas but also reduce drop-off traffic and congestion.

2017 Reexamination: This goal is reaffirmed. Sidewalks have been installed on one side of Anderson Hill Road, entire length of Mullens Lane and Old Fort Road (West Branch). New sidewalks and retaining wall have been installed along Mt. Airy Road by the County. Construction of additional sidewalks remains an appropriate objective for school access safety. The Somerset Hills Board of Education together with the Bernardsville Police Department have prepared a new safe-routes-to-school sidewalk plan which has been reviewed and endorsed by the Planning Board.

Reexamination of the 2000 Conservation Plan Element

The overwhelming bulk of information, maps and narrative contained in the Conservation Plan Element is descriptive of the environmental features that characterize Bernardsville. The Conservation Plan element also contained several guidelines and recommendations.

As a general guide, where slope exceeds 15 percent, only very low densities are

tolerable, and each lot should be carefully evaluated in terms of drainage, erosion, and sewage capability. There should be no building on slopes over 25 percent.

2017 Reexamination: This goal is reaffirmed. The ordinance requirements for development in steep slopes were tightened by introducing new maximum surface disturbance limits on July, 2002.

The major scenic corridor in Bernardsville is Route 202, Mine Brook Road, from the municipal pond to its border with Far Hills to the west. Highlighting this corridor is the municipal pond, municipal building and adjacent park, extensive farm property and estates which collectively contribute to the corridor's scenic vistas. Indeed, this area is the last rural farm landscape in Bernardsville. It is a valuable visual resource which conveys to the public a strong sense of Bernardsville's land use attributes, heritage and character.

Consistent with these findings, it is recommended that this scenic corridor be further studied to identify alternative means for its preservation. These "means" may range from establishing greater front yard setbacks to obtaining agricultural preservation funding for the purchase of development rights.

2017 Reexamination: This goal is reaffirmed. In addition to the "means" discussed above, the Planning Board also considered requiring the clustering of development. The Planning Board studied mandatory clustering and prepared an ordinance providing for mandatory clustering; however, it was not adopted by the governing body.

Agricultural land preservation is a State Department of Agriculture program entered into by a willing farmer and the State. To date, it has not been pursued by either party in Bernardsville.

The Great Swamp Watershed Association published "The Great Swamp Greenway and Open Space Plan" (1998) where the above information is presented and plans for protection are recommended. For Bernardsville, as well as throughout the watershed, the Plan recommends establishing 150 ft. buffering on all stream corridors feeding into the Passaic River and Swamp. The first 75 ft. of buffer from the stream should be planted with native trees and shrubs. The area outside the 75 ft. can be planted with grass or non-grass vegetation. It can be mowed or grazed with livestock.

It is recommended that this buffer recommendation be reviewed as to its applicability to the Bernardsville Great Swamp portion of the watershed and even the rest of Bernardsville as an appropriate means to protect the water quality of these streams and the environmental quality of the watershed.

2017 Reexamination: This goal is reaffirmed. State regulations override local regulations regarding stream buffers and no-build areas abutting streams.

Bernardsville Borough Environment Resources Inventory.

2017 Reexamination: This document was inserted into the Conservation Plan Element as an amendment to the Comprehensive Master Plan on October 28, 2004. The document significantly expands the data base of Bernardsville environmental characteristics.

Reexamination of the 2000 Recreation Plan Element

Given the 1990 population of 6,597, the above figures generate a recreation need for 56.1 acres.

2017 Reexamination: This goal is reaffirmed. The population of Bernardsville has increased to 7,707 in 2010 and 7,756 in 2014. Using the same multipliers used in the 2000 Plan, the active recreation need based on population, thus increases to 65.9 acres. Existing active recreation amounts to 50.6 acres that includes 15.0 acres of High School fields, courts and track. This need has in part, been addressed by expansion of the Polo Grounds (Evankow Fields), but there still remains a need for active recreation space.

1. *Encourage cluster subdivision to obtain neighborhood open space. Clustering is presently allowed in the ordinance.*

2017 Reexamination: This goal is reaffirmed. The Planning Board encourages cluster subdivision as a normal subdivision review policy. Presently, clustering or open space residential development is a conditional use. Open Space residential developments are evaluated on a case-by-case basis.

2. *Encourage open space easements and dedications of conservation areas from private property holdings.*

2017 Reexamination: This goal is reaffirmed. The Planning Board encourages open space easements and dedications.

3. *Encourage private environmentally-oriented non-profit organizations to acquire open space acreage. Particularly important is the acquisition of stream corridors and lands immediately abutting these corridors.*

2017 Reexamination: This goal is reaffirmed. Since 2000, non-profit organizations have not acquired open space acreage. However, this remains a desirable objective.

4. *Utilize the newly adopted Open Space Tax resources to acquire open space to preserve environmentally critical lands, stream corridors and needed parkland and playfields.*

2017 Reexamination: This goal is reaffirmed. To date, Open Space Tax funds in the amount of \$_____ has not been spent. Such spending decisions are the function of the Bernardsville Council. However, the Planning Board can make recommendations. Any such recommendations should be based upon an adopted and current Open Space and Recreation Plan.

5. *Utilize funding from a variety of sources: farmland preservation, green acres, county and open space tax resources to acquire lands and/or development rights to farmland, and roadway vista corridors.*

2017 Reexamination: This goal is reaffirmed. Outside source funding utilization, to date, has not been undertaken by Bernardsville.

6. *Utilize Open Space Tax resources to acquire, through fee simple or easements, a pedestrian pathway which links open space and parkland throughout Bernardsville. Specifically, this pedestrian linkage will connect: Jockey Hollow, Audubon, Evankow/Willer, Polo Grounds, Claremont Field/Kuser Park, Borough Pond/Building and Rose Bowl.*

2017 Reexamination: This goal is reaffirmed. To date, pedestrian pathways as recommended above have not been implemented. It is anticipated that the new Open Space and Recreation Plan will provide an impetus to implementing these goals and objectives.

7. *Encourage N.J. Conservation Association and Upper Raritan Watershed Association to extend their stream corridor lands.*

2017 Reexamination: This goal is reaffirmed. Extension has not occurred.

8. *Explore opportunities for “greening” the Town Center “downtown.” This can include creating, for example, vest-pocket parks, streetscape landscaping and sidewalk planters.*

2017 Reexamination: This goal is reaffirmed. This remains an important and operative objective for the downtown.

9. *Determine the appropriate passive use for the Peters Tract and Moraine Crest, currently in natural wooded states with limited public access.*

2017 Reexamination: This goal is reaffirmed. These two natural areas continue to exclude public use due to lack of public access. They are suitable for hiking trails.

In October 2002 Bernardsville Open Space Advisory Committee prepared the “2002 Open Space and Recreation Plan” (OSRP). This document was prepared to provide goals and objectives for Bernardsville in allocating newly adopted Open Space Tax resources. Although not intended to be part of the Recreation Plan Element it was determined by the Planning Board to be consistent with the 2000 Comprehensive Master Plan.

Opportunities For Linear Open Space, Trails, And System Linkages

One of the main objectives of this Open Space Plan is to provide a linear system of trails and open space that would reduce barriers and provide pedestrian access to facilities throughout Bernardsville. Map I entitled “Open Space System Map with Potential Acquisitions and Trails” demonstrates current and potential trails and acquisition sites that would make this a reality for the southern, more populated region of Bernardsville. While this map is a working map of the system, the objectives can be clearly seen. A linear trail system will provide safe and effective access to the wide variety of resources already established in Bernardsville’s active and passive recreational areas. The proposed trail system would link Jockey Hollow, the Audubon sites and the Polo Grounds and continue through the center of town where sidewalks can be accessed. The trail could then access a southern destination of the Kiwanis fields and/or proceed west past Borough Hall to the Charlotte Hill parcel and then to the Far Hills boundary, within the rights-of-way of the public roads or the New Jersey Railway. This southern linear trail, leading to Far Hills, is closely related to two greenways proposed by the County. The first County-proposed greenway extends just south of US 202 in Bernardsville through Far Hills and west to Bedminster. The linear trail examined by Bernardsville would link this greenway to the County-proposed greenway to the north, which would run from the border of Morris County, down the eastern Borough border, through Jockey Hollow and into Lord Stirling Park. Thus the trail system would help to connect the two County-proposed Greenways.

2017 Reexamination: These goals are reaffirmed. To date, these OSRP objectives have not been implemented. A new Open Space and Recreation Plan has been adopted by the Planning Board (November 17, 2016) as an amendment to the Master Plan.

Reexamination of 2000 Land Use Plan Element

R-1 Zone

1. *In consideration of the above findings, it is recommended that the*

building envelope exclude flood plain and steep slopes. Essentially, the building envelope or lot shape should be relatively free of all critical environmental factors. In some cases, a new lot may require more than the minimum lot size to satisfy this requirement.

2017 Reexamination: This goal is reaffirmed. Presently, the ordinance excludes flood plains, wetlands and wetland buffers from the building envelope.

2. *Given these unique characteristics and in particular the rugged terrain and drainage patterns, it is recommended that the minimum lot size for a single-family home in these areas become 10 acres.*

2017 Reexamination: This goal is accomplished. The critical portion, 3,150 acres, of this area has been rezoned to minimum lot size 10 acres. The rezoning was subsequently challenged. On November 19, 2004, the Superior Court upheld the Bernardsville rezoning and no appeal was taken.

3. *Hence, elsewhere in the R-1 district the existing low density zoning, i.e., one residence on 218,750 square feet, or five acres should be maintained. This density is long established and is based upon the road limitations, lack of utilities, environmental constraints and preservation of open space and heritage properties.*

2017 Reexamination: This goal is reaffirmed. The R-1 zone, except for the rezoned R-1-10 area, remains one residence on 218,750 square feet or five acres lot size.

R-1A Zone

It is recommended that the entirety of the Somerset Hills Country Club property be placed in the R-1 zone. This rezoning places both golf courses in the Bernardsville in the same zone district.

2017 Reexamination: This goal was accomplished. Rezoning the Somerset Hills Country Club to R-1 zone property is complete.

The recommendation is that all major subdivisions in the R-1A (3 acre) zone district be cluster subdivisions. This objective maintains reasonable development for the property yet, affords the community the opportunity to preserve open space, vistas and environmentally sensitive land.

2017 Reexamination: This goal is reaffirmed. This recommendation was not accepted

by the governing body. Clustering will continue to be evaluated on a case-by-case basis consistent with Bernardsville's goals and objectives for conservation, recreation, open space and appropriate subdivision design.

R-2 Residential Zone

The western R-2 zone along Route 202 is an important part of that Route 202 scenic corridor. The overwhelming number of land uses fronting Route 202 are single family homes as permitted in this zone. Several nursery uses, while also in this portion of the R-2 zone are presently not permitted uses in the R-2 zone. Nor should any other properties along this corridor should be used for other than residential use

The Plan recommends no expansion of non-residential uses in this district and assumes that in time non-residential uses will be converted to permitted residential use.

2017 Reexamination: This goal is reaffirmed. No new non-residential uses have been permitted in this district. The Plan's recommendations remain reasonable and operative. Open space and recreation uses are also appropriate to this corridor.

C-1 Commercial Zone

It is recommended that in the eastern portion of the C-1, the zone district boundary between C-1 and R-3 be adjusted to conform to existing land uses.

2017 Reexamination: Upon review by the Planning Board the zoning readjustment is no longer appropriate as it would affect only one property: Rite-Aid.

B-1 Business Zone

Several of the major planning and zoning issues characteristic to the downtown which can be addressed in such a Plan are as follows:

- *Traffic circulation: truck traffic in the downtown conflicts with shopper traffic and through traffic.*
- *Parking: demand for parking is high as commuters, shoppers and residents compete for a limited number of parking spaces.*
- *Mixed land uses: it is generally assumed that the downtown can accommodate certain limited types of residential use: apartments above stores for example. However, issues of appropriate density and adequate parking are outstanding.*

- *Physical enhancement: there is much that can be accomplished by both private and private/public partnership to improve the attractiveness of the downtown. This may include, new store facades, new canopies, street furniture, landscaping, pattern sidewalks and period street lamps.*

2017 Reexamination: These concerns remain. These goals remain as priority items to the downtown and Bernardsville land use policies.

I. Industrial Zone

It is recommended that the permitted uses in this zone be reexamined and certain permitted uses no longer appropriate to the district be eliminated to insure the concepts expressed above and Bernardsville goals and objectives are implemented.

2017 Reexamination: Examination was undertaken and the Planning Board concluded existing permitted uses satisfied Bernardsville goals. In 2015, the industrial zone for the quarry tract was modified to allow recycling.

Reexamination of the 2000 Housing Plan Element

COAH granted substantive certification to Bernardsville for its 1st and 2nd round affordable housing plans. The new certification process, established by the Supreme Court in 2015, wherein the Courts oversee Fair Share Plans and Housing Plan Elements and grant substantial certification is presently a work in progress.

Reexamination of the 2000 Downtown Plan

In summary, the Downtown Plan chapter to the Land Use Plan Element proposes the following.

1. *Encourage private building facade enhancement which can include for example, new facades, new color-coordinated signage and new canopies.*
2. *Coordination of public and private parking areas to increase shopper parking by connecting parking areas and provide pedestrian access ways to both the front and rear of stores and to sidewalks.*
3. *Promotion of the greening of the downtown by introducing mini-parks at strategically located visible sites. Providing a pedestrian greenway from the*

Borough Hall through the downtown and ultimately to Jockey Hollow Park.

4. *Studying the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas and introducing new land uses.*
5. *Encouraging the NJDOT to enhance the railroad station building and parking area. Streetscape improvements in front of the station property are also needed.*
6. *Requiring screening of all front yard parking areas.*
7. *Coordination of the recommendations herein with the land use plan element.*
8. *Seeking of State funding for downtown improvement grants including enhancement of the railroad station neighborhood and reduction of traffic congestion.*

2017 Reexamination: These goals are reaffirmed. These goals and objectives remain operative for the downtown. Front yard parking areas should contain landscape screening and buffering.

The following Statutory Reexamination paragraph is addressed herein:

- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land 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.*

Changes In State, County and Municipal Policies And Objectives

The New Jersey State Development and Redevelopment Plan and the Borough of Bernardsville

On June 12, 1992, the New Jersey State Planning Commission adopted Communities of Place: The New Jersey State Development and Redevelopment Plan ("SDRP") which serves as a guide for state, municipal and county master planning. It serves as a guide to State departments and agencies by establishing land use priorities for the allocation of State resources.

Bernardsville has a long standing participatory relationship with the New Jersey State Planning Commission. Bernardsville's initial participation was to petition the commission for center designation (November, 1998). Centers become designated after the municipalities or counties that encompass them submit development plans to the State Planning Commission, which are subsequently endorsed by the Office of Smart Growth. Bernardsville received its Town Center designation on April 28, 1999 and it is set to expire on December 31, 2018. The Center is the downtown commercial and adjacent residential area. This area roughly corresponds to the public sewer service area of Bernardsville. In addition to participating in the State planning process, center designation gives Bernardsville priority in seeking assistance and resources from State agencies and departments.

The present New Jersey State Development and Redevelopment Plan, March 1, 2001 places all land in the State into distinct planning areas. Three planning areas describe Bernardsville:

- a. Town Center (TN)

Towns are the traditional centers of commerce or government throughout the State. They are relatively freestanding in terms of their economic, social and cultural functions.

Towns reflect a higher level of investment in public facilities and services than their surrounding environs. They provide a core of commercial services to adjacent residents and provide employment in their regions.

The Bernardsville Town Center additionally provides regional commercial/retail sales and service facilities to communities abutting Bernardsville. The Town Center provides a variety of housing choices including multifamily and affordable housing. It is encompassed within the PA2 planning area described below.

b. Suburban Planning Area (PA2)

The Suburban Planning Area is generally located adjacent to the more densely developed Metropolitan Planning Area, but can be distinguished from it by a lack of high intensity Centers, by the availability of developable land, and by a more dispersed and fragmented pattern of predominantly low-density development. Suburban Planning Areas are or will be served by regional infrastructure, except that, outside of Centers and major transportation corridors, there is limited, if any, availability of alternative modes of transportation to the automobile. These Areas have generally been designated for growth in municipal master plans. As development expands, these services will become increasingly available if planned properly.

This designation by the State Plan is not compatible with the Bernardsville Master Plan nor zoning for this area. First, the area in Bernardsville shown as PA2 is fully developed with very little, if any growth potential. Second, the vast majority of this area is not and will not be served by public sewers. As a consequence, contrary to the State Plan, future growth is not planned to be accommodated in this area of Bernardsville. Rather, this area has already reached its growth limit. Planning for this area should address needs for open space, recreation space, and reduction in traffic and improvements in pedestrian circulation. The extensive single family housing character of this area will remain. There are 1,445 acres in PA2 or 17.5% of Bernardsville.

Unfortunately, there is no State planning area designation that more accurately and appropriately describes this section of Bernardsville.

c. Environmentally Sensitive Planning Area (PA5)

The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats particularly in the Delaware Bay and other estuary areas, the Highlands region, and coastal area. The future environmental and economic integrity of the state rests in the protection of these irreplaceable resources. Some of these lands have remained somewhat undeveloped or

rural in character. Other areas, particularly New Jersey's coastal barrier islands, have experienced advanced levels of development, but remain highly vulnerable to natural forces. Environmentally Sensitive Planning Areas are characterized by watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered and threatened plant and animal species; coastal and freshwater wetlands; prime forested areas; scenic vistas; and other significant topographical, geological or ecological features, particularly coastal barrier spits and islands. These resources are critically important not only for the residents of these areas, but for all New Jersey citizens.

The PA5 in Bernardsville is identified by the R-1-10 zone and approximately half of the R-5 zone. PA5 is characterized by open space, environmentally sensitive land, larger lot single family, and estate properties. There are 6,586 acres or 79.7% of Bernardsville in PA5.

PA8 consists of land dedicated for public benefit. There are 230 acres or 2.8% of Bernardsville in PA8 belonging to the Federally owned Cross Estate and Cross Estate Gardens, (NJ Brigade) and part of the Morristown National Historic Park in Bernardsville.

The State Office of Smart Growth and Somerset County Planning Board have conducted a "Cross Acceptance III" process regarding a further update and modification to the State's Plan. Bernardsville participated in this process with the objective that no major changes will be made to the State Plan that will affect Bernardsville.

The Highlands Water Protection and Planning Act and the Effect on Bernardsville

The New Jersey State Legislature enacted the Highlands Water Protection and Planning Act (HWPPA) on August 10 2004. The Highlands Council approved the final Highlands Regional Master Plan (RMP) in July 2008, which was then ratified via a September 5, 2008 Executive Order by N.J. Governor Jon S. Corzine. In an effort to ensure the integrity of northern New Jersey's drinking water resource, the HWPPA imposes strict land use controls over large parts of the 88-municipality region, known as the Highlands Preservation Area. Lands within the Preservation Area are subject to heightened restrictions on development, water use and activities that affect water quality, or environmentally sensitive lands. Lands in the Highland Planning Area are not subject to the strict land use controls of the Preservation Area. However, municipalities in the Planning Area can choose to conform to the stricter standards. Conformance is voluntary and involves the completion of several planning modules and the preparation of a Conformance Petition submitted to the Highlands Council. Bernardsville is located entirely within the Highlands Planning Area but has chosen not to conform to land use restrictions governing Preservation Areas.

Somerset County

Recognizing that agriculture is a major component of the County economy and that farmland is an irreplaceable natural resource, the Somerset County 2008 *Comprehensive Farmland Preservation Plan* lays out the long-term goals and provides a framework for the County's efforts in preserving its remaining agricultural lands. The County Agriculture Development Board designated the County's Agricultural Development Area, to identify lands suitable for long-term agricultural sustainability. The northwestern region of Bernardsville is located within the Upper Raritan East Project Area. Nine farms are identified as potentially eligible for preservation are based on the State Agricultural Development Committee's (SADC) Minimum Eligibility Criteria for soils and tillable lands.

The Somerset County Planning Board prepared a series of GIS-based infrastructure, community and environmental asset maps to form a "criteria-based approach" for identifying the County's most suitable areas for preservation and growth. These maps provide a geographic framework for guiding regional and local planning, ensuring that state, county and local policies are leveraged to implement mutually-supported outcomes. More specifically, these maps serve in part to indicate areas where environmental protection, restoration and agriculture are supported through state, regional and local planning and land use policies. The *County Investment Framework* was adopted as an element of the 1987 *County Master Plan* in October 2014, replacing the 1987 *Land Use Management Map*. The *County Investment Framework* provides the foundation for planning initiatives undertaken by the County Planning Board.

The County identifies five investment framework categories. Just over half of Bernardsville (55%) is identified as a Limited Growth Investment Area. These are areas outside sewer service areas where large-scale investments with the potential for additional development or changes to neighborhood characteristics are not desired. 31% of Bernardsville is designated as Priority Preservation Investment Areas. These are areas where agriculture, open space, and the preservation and restoration of environmentally sensitive natural resources are preferred. Ten percent are Local Priority areas. These are areas with distinct town and village centers, some of which have been designated by the State Planning Commission. And a small percentage of Bernardsville (4%) is identified as Alternate Growth Investment Areas. These areas generally consist of residential areas and community-oriented business and service establishments.

Stormwater Management and Permitting Rules of the New Jersey Department of Environmental Protection

The New Jersey State Department of Environmental Protection (NJDEP) has concluded that changes in land use resulting in an increase in impervious surfaces, runoff, suspended sediment and pollutant loading directly affect the hydrology, geomorphology and water quality

of streams.

Accordingly, on January 5, 2004, the New Jersey Department of Environmental Protection adopted two (2) sets of stormwater rules to help reduce pollution levels caused by stormwater runoff and help replenish groundwater supplies.

To address these new rules, on March 5, 2005, the Bernardsville Planning Board adopted “Stormwater Management Plan” that implements State requirements. The Bernardsville Plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major development. These standards are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and the potential loss of groundwater recharge that provides baseflow in receiving water bodies. The Plan describes long-term operation and maintenance measures for existing and future stormwater facilities.

Subsequently, Bernardsville implemented the Plan by the also adopting new stormwater management rules in February, 2006 and later supplementing them in November, 2007.

Density and Distribution of Population and Land Uses, Housing Conditions

**Bernardsville And Somerset County
Population 1960 – 2010**

Bernardsville			Somerset County	
<u>Year</u>	<u>Number</u>	<u>Percent Change</u>	<u>Number</u>	<u>Percent Change</u>
1960	5,515	-	145,913	-
1970	6,652	+20.6	198,372	+37.8
1980	6,715	+ 2.4	203,129	+2.4
1990	6,597	- 1.8	240,279	+18.3
2000	7,345	+11.3	297,500	+23.8
2010	7,707	+ 4.9	326,207	+9.6

Source: US Census of Population and Housing

Most of the growth in Bernardsville came in two periods. Between 1950-1970 it grew by 2,696, a 60% increase, coincident with the completion of interstate highways. This growth mirrored similar suburban trends in Somerset County and other outer ring communities. Between 1980-1990 Bernardsville lost population (-118 persons). Between 1990-2000 Bernardsville grew modestly by 748 persons or 11.3% to 7,345. Between 2000-2010 the growth rate significantly decreased; Bernardsville gained only 362 persons or 4.9% to 7,707.

As a built-out community, Bernardsville’s population will experience only very modest increases. A recent census estimate places its 2013 population at 7,758; an increase of 51

persons in three years. At this rate, Bernardsville may reach a population of 7,877 (7,707 + 170) by 2020. Given the average household size (2010) of 2.71 persons, this population increase represents only 63 new dwelling units in 10 years. These statistics are reasonable since Bernardsville is a substantially built-out municipality.

A recent population projection published by the Somerset County Planning Board shows a 2014 population of 7,756: a very modest gain of 49 persons in four years. This number is consistent with the above 2013 census number and supports the conclusion Bernardsville will only experience low growth in the future.

**Table 2: Residential Structures By Year Built
In Bernardsville and Somerset County, Pre-1949-2009**

Bernardsville			Somerset County	
<u>Year</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Pre-1949	1072	37.6	19,598	-
1950-1959	434	15.2	14,728	12.0
1960-1969	461	16.2	16,565	13.5
1970-1979	183	6.4	13,982	11.4
1980-1989	271	9.5	23,268	18.9
1990-1999	276	9.7	22,468	18.3
2000-2009	151	5.3	12,258	9.9
Total	2,848		122,867	

Source: US Census Bureau

There are distinct differences between Bernardsville and the County. First, most residential structures in Bernardsville were built prior to 1959: 1,506 units or 52.9 percent of total number of units. Contrasted with Somerset County with 28.0 percent built prior to 1959. Second, the rate of residential building in Bernardsville has noticeably declined, whereas growth in Somerset County is still robust. The obvious reason for this decline is that Bernardsville is built-out whereas, the County still has vacant land to accommodate present and future residential development.

Conclusion

Analysis of State, County and Highlands assumptions, policies and objectives show that they are generally compatible with and supportive of the goals and objectives contained in the 2000 comprehensive Master Plan.

Bernardsville, in general is a developed municipality. The Town Center, in particular, is built-out. Growth in the sewer service area is not anticipated nor desired given the scarcity of developable land. Outlying areas are characterized by large lot residential development and

zoning, corresponding to critical environmental features in these areas.

Reexamination of Development Regulations Changes, as itemized in 2006 Master Plan Reexamination.

1. Zone districts: R-1-10 (10 acres) through R-5 (5,000 sq. ft.) all have the following building envelope requirements:

The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate permits having been issued by the NJDEP.

The 2006 Reexamination recommended examination of requiring a building envelope to be relatively free of “environmental constraints” as that term is defined in the land development ordinance. If the building envelope cannot be relatively free from environmental constraints then adjustments to lot size may be warranted.

2017 Reexamination: Conclusion in the 2006 Reexamination reaffirmed.

2. The 2006 Reexamination recommended modification of the setback and parking requirements in the R-5 zone district. The present setback requirements allow parking in the front yard and discourage the more desirable location of parking in the side or rear yard areas.

2017 Reexamination: Accomplished with ordinance regulating impervious coverage in front yard.

3. Reconcile the C-1 zone line in the Finley Avenue/Route 202 area. The 2000 Master Plan: Land Use Plan recommends “that the eastern portion of the C-1, the zone district boundary between C-1 and R-2 be adjusted to conform to existing land uses” (p. 61).

2017 Reexamination: This adjustment has not been undertaken as it only pertains to one lot and use: Rite Aid.

4. Examination of properties and/or areas where two zone districts divide property. Typically zone district live follow natural boundaries, streets or property lines rather than bisecting property.

2017 Reexamination: Zone line adjusted between R-4 (High School) and C-1 (bank property).

5. Landscaping in parking areas. The ordinance (9-10.3) presently requires: “at least five (5%) percent of the area of any parking area for ten (10) or more vehicles shall be reserved as landscaped area”. This requirement has been misinterpreted by applicants and thus should be modified to read: “five (5%) percent of the paved or curbed parking area for ten (10) or....”

2017 Reexamination: Adjustments in ordinance wording adopted in 2014.

6. Adjust bulk stands to R-1-10 zone. The R-1-10 zone was adopted on March 4, 2002. It incorporated the same bulk standards: setbacks, building envelope, etc. as in R-5 zone. However, these standards should be modified to reflect the larger lot dimensions of R-1-10 zone.

2017 Reexamination: Ordinance modifications as recommended above were adopted in 2009.

7. Examination of appropriateness of floor area allowed in small lot zone districts. It may allow additions too large or out of scale with their respective neighborhoods.

2017 Reexamination: Study of floor area allowed in small lot zone districts will normally not allow for out-of-scale development.

8. Bernardsville zoning ordinance needs a fence and wall section to govern these accessory structures.

2017 Reexamination: The Planning Board drafted a fence and wall ordinance, but it was not adopted by the Council.

Changes in Municipal Policies and Objectives

The Open Space Advisory Committee has commissioned the Land Conservancy of New Jersey to prepare an Open Space and Recreation Plan Update. A draft was produced in September 2016. This document has been approved by the Planning Board as an amendment to the Master Plan.

The Planning Board has prepared a draft Housing Plan Element and Fair Share Plan (November 19, 2015). This base document may be revised as soon as Bernardsville’s affordable housing obligations are finalized and Court proceedings similarly conclude; perhaps in the Spring 2017.

Recent review of development site plan applications shows that there is a need for regulations pertaining to on-site and parking area lighting standards.

Bernardsville has a historic district, but few goals and policies applicable to the important district. The Planning Board will review alternative ordinance regulations with the view towards maintaining the integrity of this important and noteworthy district.

Bernardsville does not have a noise ordinance. This is particularly important as more and more dwellings are installing generators that will activate during storm events.

Development Regulations

In 2002, Bernardsville, implementing land use recommendations in the 2000 Comprehensive Master Plan rezoned 3,150 acres or 37.6 percent of the municipality to R-1-10 (10 acre lot size minimum from R-5 (5 acre). This rezoning was challenged and in 2004 the Superior Court found in Bernardsville's favor that the rezoning was reasonable and constitutional.

In 2003, Bernardsville adopted use, height and setback regulations for Wireless Telecommunication sites.

In 2004, Bernardsville adopted new height and setback standards applicable to Automobile Sales Uses in the C-1 Zone District.

In 2005, consistent with State objectives, Bernardsville adopted its Stormwater Management Plan that continues to provide guidance and regulations for stormwater control systems.

In 2014, Bernardsville adopted new parking regulations for the Downtown Parking Area. In summary, it created an administrative procedure through the Zoning Officer.

In 2014 drive-in, drive-through and car hop restaurants were made prohibited in all zone districts.

In 2014, institutional use conditional use regulations were modified to provide less restrictive, but reasonable standards.

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.

Master Plan

The last Comprehensive Master Plan was adopted in 2000. It is 16 years old and in 2017 it will be 17 years old. There have been amendments including: Natural Resources Inventory, several Housing Plan Elements and Fair Share Plans, a Stormwater Management Plan and a new Open Space and Recreation Plan. In addition, the 2000 Master Plan relied on 1990 population and housing data. Since, there has been both US Census data for 2000 and 2010. This information is an important ingredient to land use policy formation.

Similarly, in the 2000-2017 period there have been a myriad of land use regulations and Court decisions that have to be integrated into a new Master Plan and Bernardsville's Land Development Regulations.

The Highlands Council (2008) produced a significant amount of base environmental data that should be analyzed and, if relevant, incorporated into the Master Plan Elements and, in particular, the Conservation Plan Element.

The 2000 Master Plan did not include by design: a Community Facilities, Recycling Plan, Farmland Preservation Plan, nor Green Building and Sustainable Plan Elements. A new Master Plan should revisit the relevance of including these plan elements or not.

Development Regulations

Preparation of this Reexamination Report generated development regulation issues that are appropriate to investigate in 2017:

1. Downtown design standards. While at present there is no single architectural design that characterizes the downtown, absent design guidance, singular and individual designs will proliferate without consideration of compatibility and harmony.
2. The northwest site of Claremont Avenue from the 5 corner intersection to the brook is zoned B-1, yet there are no B-1 retail uses in this short corridor. Nor is there a realistic probability there ever will be conversion or redevelopment to B-1 uses. Rather the lots are characterized by modest single family dwellings on R-5 size lots. The properties may be more appropriately rezoned to R-5 from B-1.
3. Mine Brook Road (Route 202) is identified as a scenic corridor by both Bernardsville and Somerset County,. Other streets and roadways are also scenic. The Planning Board should examine means by which the streetscape, landscaping and front yards continue to contribute to the scenic quality of Bernardsville.

4. Applications within the Historic District are reviewed and critiqued on an ad-hoc basis. It would be helpful to develop historic design guidelines to both assist property owners, as well as, Bernardsville's boards and agencies.
 5. Presently, there are no performance standards regulation on-site lighting and noise. To ensure safety, control glare and preclude nuisance noise, such standards are needed.
 6. Assuming there is an approved Housing Plan Element and Fair Share Plan in 2017, there will inevitably need new zone districts and affordable housing regulations to implement the Plan.
 7. A study and analysis is needed for the R-5 and R-4 zone districts to identify sub-dividable parcels and importantly those parcels characterized with historic or notable dwellings. These parcels may be vulnerable to razing, subdivision and new constriction.
- 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 al.) 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.*

2017 Reexamination: On March, 2016, the Planning Board at a public meeting found the following properties satisfy the State statutory criteria to be designated as "an area in need of redevelopment":

- Railroad station parking lots, and
- Post office property and parking lot

Soon thereafter, a Redevelopment Plan was drafted and forwarded to the Planning Board for review. The Planning Board reviewed the proposed Redevelopment Plan and resolved that it was inconsistent with the Comprehensive Master Plan. The project has been abandoned by resolution by the Borough Council. There may well be other areas that satisfy State statutory criteria for "an area in need of redevelopment", but such a study or studies have not been undertaken.

P. David Zimmerman, P.P.
Bernardsville Borough Planner
December 15, 2016