



HARTLEY DODGE MEMORIAL
BOROUGH OF MADISON
MADISON, NEW JERSEY 07940

REEXAMINATION OF THE MASTER PLAN
AND DEVELOPMENT REGULATIONS
BOROUGH OF MADISON
Morris County, New Jersey

*Adopted by the
Madison Borough Planning Board
On December 7, 2004*

MADISON BOROUGH PLANNING BOARD MEMBERSHIP – 2004

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MADISON BOROUGH PLANNING BOARD
ADOPTING RESOLUTION
REEXAMINATION OF THE MASTER PLAN AND
DEVELOPMENT REGULATIONS

WHEREAS, the Municipal Land Use Law requires planning boards to reexamine their master plans and development regulations at least once every six years; and,

WHEREAS, the last Master Plan Reexamination Report was adopted by the Madison Borough Planning Board on May 4, 1999; and,

WHEREAS, with the assistance of its planning consultant, the Madison Borough Planning Board has prepared a new reexamination report which has been the subject of discussion at several Planning Board meetings;

NOW THEREFORE BE IT RESOLVED, that the Madison Borough Planning Board hereby adopts the December 7, 2004 Reexamination of the Master Plan and Development Regulations.

BE IT FURTHER RESOLVED, that the Planning Board Secretary be directed to send a copy of the adopted report accompanied by this resolution to the Morris County Planning Board and to the municipal clerks of each adjoining municipality, which includes the Borough of Florham Park, the Borough of Chatham, the Township of Chatham, the Township of Harding and Morris Township.

ADOPTED AND APPROVED
DECEMBER 7, 2004
MADISON BOROUGH PLANNING BOARD

PATRICIA PUORRO
BOARD SECRETARY

INTRODUCTION

Municipal planning and zoning in New Jersey is controlled by the Municipal Land Use Law [N.J.S.A.40:55D-1 et seq.], which describes the powers and responsibilities of planning boards, boards of adjustment and governing bodies in regulating land use. One of the responsibilities of a planning board is the preparation of a reexamination report. A reexamination report is a review of municipal land development policies as expressed in the master plan and as implemented in its development ordinances. The intent of the reexamination report is to encourage timely revisions to the master plan and to the development ordinances or to reaffirm the validity of existing policies and legislation. This Reexamination of the Master Plan and Development Regulations constitutes the Madison Borough Planning Board's reexamination report prepared and adopted in accordance with the Municipal Land Use Law, N.J.S.A.40:55D-89.

MANDATORY CONTENTS OF THE REEXAMINATION REPORT

The mandatory contents of a reexamination report are found in Article 11 of the Municipal Land Use Law, which is reproduced in Appendix A. Paraphrased from the state law, the reexamination report is required to document:

- a. The major problems and objectives relating to land development in Madison Borough 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 May 4, 1999, the adoption date of the last reexamination report.
- 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," 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.

DESCRIPTION OF THE 1999 MASTER PLAN REEXAMINATION

The 1999 Master Plan Reexamination Report was described as both a reexamination report and an amendment to the October, 1992 Master Plan. It consisted of several sections, which reviewed land use policies contained in the 1992 Master Plan. The review was segmented into progress reports with the following headings:

- Land Use Plan Element Progress Report
- Housing Progress Report
- Circulation Progress Report
- Community Facilities Progress Report
- Parks, Recreation and Open Space Progress Report
- Conservation Progress Report
- Utility Progress Report
- Economic Progress Report
- Historic Preservation Progress Report
- Recycling Progress Report

In assessing significant changes, which had occurred in the assumptions, policies and objectives of the 1992 Master Plan, the following topics were covered in the 1999 Reexamination Report:

- Cross Acceptance II of the State Plan
- Council on Affordable Housing (COAH)
- Telecommunications Facilities
- Group Homes
- Sexually Oriented Businesses
- Residential Site Improvement Standards (RSIS)

Under the heading of recommended changes for the master plan and development regulations, the 1999 Reexamination Report concluded that:

It is recommended that the Planning Board and Mayor and Council continue to prepare a comprehensive revision to the Borough Land Development Ordinance. Article I (Definitions), II (Establishment) and III (Procedures) have already been revised and adopted. Further, the sign ordinance has been amended. The revisions to the ordinance should be consistent with the attached Land Use Map, which is incorporated as part of the current Master Plan. [Page 23]

Also recommended in the 1999 Reexamination Report was that the Land Development Ordinance be amended to be consistent with New Jersey's Residential Site Improvement Standards. [Page 22]

A copy of the 1999 Land Use Plan map included in the 1999 Reexamination Report is shown on Plate I. Changes in the 1999 Land Use Plan Map from the prior 1992 Land Use Plan are noted on Plate I.

LAND USE AND DEVELOPMENT PROBLEMS IN 1999

A review of the May 4, 1999 Reexamination Report revealed the following land use and development problems identified in 1999.

1. Land use challenges considered important in 1999 included the preservation of open space and historically valuable properties, the control of vehicular traffic in residential neighborhoods, the maintenance of a diverse housing stock, and the maintenance of attractive, thriving commercial and professional districts. [Page 6]
2. The pressure to further subdivide residential properties in established neighborhoods was noted as well as the emerging trend to replace demolished homes with substantially larger houses. Concern was raised about the location and size of newer homes as being discordant with the character of the existing neighborhood. [Page 6]*
3. An increased demand for senior housing and more particularly for assisted living facilities was observed. Referenced in the 1999 Reexamination Report were several Board of Adjustment applications for assisted living denied by the Board of Adjustment. Also referenced was a zoning amendment accommodating assisted living facilities as a conditional use. [Page 7]
4. With approval granted to additional office development, the portion of Giralda Farms within Madison Borough was considered completed at 1.65 million square feet of floor area, somewhat less than the original projected build-out of 2.25 million square feet of floor area. [Page 7]
5. In an effort to address parking demand in the Central Business District, a 1997 parking study indicated that existing public and private spaces were fully utilized on weekdays, but that commuter parking lots were underutilized in the evening and on the weekends. Furthermore, certain Borough-owned properties were identified as having development potential as merchant or customer parking lots. Subsequent to the study, 16 parking spaces for merchants were created on Central Avenue adjacent to the Health Center and 15 parking spaces were anticipated through reconstruction of the merchant parking lot on Green Avenue. [Pages 7 & 8]

*References page number of the May 4, 1999 Reexamination Report

LAND USE AND DEVELOPMENT OBJECTIVES IN 1999

The 1999 Reexamination Report observed that the goals and planning objectives detailed in the 1992 Master Plan remained valid. As recited in those documents, the operative planning goals and objectives, in addition to the stated purposes of the Municipal Land Use Law, were as follows:

GOALS

1. To promote a balanced variety of residential, commercial, recreational, public and conservation land uses.
2. To preserve the existing single-family residential character of the Borough while providing a mix of housing types and uses.
3. To promote the preservation of natural systems and environmentally sensitive areas, particularly wetlands, flood hazard and aquifer recharge areas.
4. To maintain and improve the downtown business district.
5. To guide the proper development of the remaining large parcels and scattered vacant sites within neighborhoods.
6. To provide adequate community facilities and services in order to maintain the quality of life for existing and future Borough residents.
7. To encourage preservation of historic buildings and the downtown historic district.
8. To provide for additional parkland and preserve existing open spaces.
9. To ensure that the Borough's Land Use Plan is compatible with those of adjacent municipalities, the County and State.

OBJECTIVES

Land Use Plan Element – Residential

1. To preserve the integrity of existing residential areas: by preventing intrusion of nonresidential uses into residential neighborhoods; and by maintaining existing development intensity and population density consistent with residential neighborhood patterns.
2. To permit multi-family residential use at appropriate densities in locations accessible to major roadways, commercial services, and public facilities.
3. To encourage the preservation of open space within future multi-family and single-family residential developments.
4. To provide for single-family cluster housing on large developable parcels where appropriate.

Land Use Plan Element - Commercial

1. To enhance existing commercial areas through rehabilitation programs for curbing, landscaping, front façade, rear façade, parking, signage, and buffering.
2. To improve the existing commercial areas on East Main Street and limited commercial areas of Park Avenue. The automotive uses along East Main Street are considered to be highway oriented uses and inappropriate for the approach corridor to the historic Central Business District.

LAND USE AND DEVELOPMENT OBJECTIVES IN 1999 - Continued

3. To strengthen the downtown shopping area.
4. To insure that signage enhances commercial and adjacent residential areas.
5. To explore creative strategies to maximize the use of existing parking facilities and to create additional parking resources to serve both the commercial and residential sectors of the Central Business District.

Housing Plan Element

1. To provide a variety of housing opportunities for all income levels in appropriate locations consistent with environmental constraints.
2. To meet the Borough's affordable housing obligation.
3. To maintain the quality of existing housing by updating maintenance codes and enforcement regulations.
4. To continue the rehabilitation program of existing housing within the Borough.
5. To develop senior citizen housing at appropriate locations to meet future needs of an aging Borough population.

Circulation Plan Element

1. Develop strategies for reducing traffic demand through carpooling, "flextime" and staggered work hours.
2. Develop techniques for reducing through traffic on residential streets.
3. Encourage the use of mass transportation.
4. Encourage pedestrian circulation facilities (sidewalks and bikeways) serving as connections between community facilities, commercial areas and employment sites.

Utility Service Plan Element

1. To monitor potable water supply and encourage programs to provide adequate supply of potable water for future needs in accordance with the principles of federal and state law.
2. To provide adequate sanitary sewer service to all residents and in accordance with principles of federal and state law.
3. To regulate storm drainage effectively and alleviate flooding damage in the Borough and in downstream areas.
4. To control the proliferation of cellular communications facilities through the adoption of zoning standards controlling aesthetics and placement of antennas and supporting structures.
5. To recognize the importance of various information transmission technologies in providing support to both the residential and nonresidential sectors of the community.

LAND USE AND DEVELOPMENT OBJECTIVES IN 1999 - Continued

Community Facilities Plan Element

1. To encourage the establishment of convenient well-located community facilities for all residents of the Borough.
2. To coordinate construction and installation of improvements with the Borough's Capital Improvement Program to insure that community facilities are available when needed.

Historic Preservation

1. To preserve and enhance historic places, buildings and districts.
2. To build on the documentation gathered from past studies prepared by the Morris County Heritage Commission and the Madison Borough Historic Preservation Commission.
3. To consider implementing preservation goals through the adoption of preservation ordinances. (Historic Preservation Ordinance No. 39-99 was adopted on December 13, 1999. This Ordinance superceded former Chapter 112, which was adopted on October 13, 1993 and amended on December 27, 1993.)

Park, Recreation and Open Space Plan Element

1. To provide a network of publicly owned park areas and permanently preserved open space.
2. To provide, maintain and upgrade the recreation facilities, both active and passive, to meet the needs of all Borough age groups.
3. To acquire and retain passive open space as development occurs by encouraging cluster development, conservation easements and other preservation methods.

Conservation Plan Element

1. To identify and preserve environmentally sensitive areas within the Borough.
2. To encourage cluster development to protect environmentally sensitive areas and to maintain open space.
3. To promote conservation easements on environmentally sensitive lands in private ownership to prevent future disturbance.
4. To encourage the preservation of existing vegetation.
5. To protect streams, waterways, wetlands and aquifer recharge areas through careful stormwater and wastewater management practices.
- 6.* To take advantage of improved techniques for managing stormwater runoff by adopting a Best Management Practices policy.
- 7.* To recognize the additive results of small property improvements which increase the amount of impervious coverage.

*Issue in 1999 but not documented in 1999 Reexamination Report

CHANGES IN PROBLEMS AND OBJECTIVES SINCE 1999

The land use and development problems observed in 1999 continue to draw attention and, at best, are likely to be incrementally mitigated as new efforts are instituted. Efforts are expected to continue in addressing the following planning issues:

- Preservation of open space
- Control of vehicular traffic in residential neighborhoods
- Maintaining a diverse housing stock
- Maintaining attractive and thriving business and professional districts
- Construction of oversized replacement dwellings
- Need for private housing catering to senior citizens and young adults
- Continuance of a sound real estate ratable base
- Satisfaction of parking demand in the Central Business District

Additionally, the 1999 Reexamination Report documented several recommendations initially made in the 1992 Master Plan that had not been implemented at that time, but were considered to remain valid. Most of those 1999 recommendations have been implemented as noted below:

Madison Golf Course

In recognition as part of the Buried Valley Aquifer, a private outdoor recreation zone with a golf course as the only permitted principal use was recommended for the portion of the Madison Golf Course within the Borough. [Page 8] A POR Private Outdoor Recreation Zone has been established on the golf course property, which accomplishes this purpose.

Bayley Ellard

In the event that the Bayley Ellard School did not continue, a cluster residential zone based on 25,000 square feet per lot and a 50% open space requirement was recommended along with a continuing care retirement center as a conditional use. [Page 8] Subsequent to this recommendation, an RC Residential Cluster Zone was established with assisted living residences as a conditional use.

Loantaka Way

Nine residential lots on Loantaka Way and Shunpike Road were proposed to be rezoned from the R-1 Zone to the R-2 Zone in recognition of their existing dimensional characteristics. [Page 9] This zoning has been implemented.

Elm Street

Lots fronting on Elm Street from Park Avenue to the railroad tracks and contiguous lots along the south side of Park Avenue from Elm Street to near Loveland Street were recommended for rezoning to permit multi-family uses. [Page 9] The R-5 Multi-Family Zone has been extended to cover this area.

CHANGES IN PROBLEMS AND OBJECTIVES SINCE 1999 - Continued

Transition "T" Zone South of East Main Street

To eliminate the split-zoned condition, the transition zone south of East Main Street was recommended for elimination and replacement with a single-family designation. [Page 9] This recommendation has been implemented via the establishment of an R-3 Single-Family Detached Zone.

Park Avenue Business Area

The zoning pattern along Park Avenue west of the Central Business District, despite some past modifications, has not accomplished its intended purposes and deserves to be reevaluated.

Central Business District

The Central Business District continues to offer challenges in promoting a balance of historic preservation, commercial vitality, and a resource for housing opportunities and warrants continued examination.

The CBD Zone was recommended to be modified deleting repair garages as a conditional use and allowing for off-site parking. [Page 10] Subsequent to this recommendation, repair garages have been deleted and have become a prohibited use in the CBD.

East Main Street Business Area

The commercial corridor that flanks East Main Street continues to be burdened by automotive sales and repair businesses, which are considered inappropriate for a major entryway to the Central Business District. Additional planning efforts continue to be warranted in attracting alternate uses.

Drew University

A small lot at the northwestern corner of Drew University near Vinal Place was recommended to be rezoned from the R-3 Zone to the University Zone. [Page 10] This rezoning has been implemented.

Open Space / Government Use

A government use and open space zoning designation was recommended for municipal parking lots, the municipal building, the train station, the rescue squad and the senior citizen building as well as for major public open space parcels in the Borough. [Page 10] As recommended, the larger public parcels have been placed in an OSGU Open Space / Government Use Zone.

CHANGES IN PROBLEMS AND OBJECTIVES SINCE 1999 - Continued

University Zone

The University Zone was recommended to include bulk standards similar to the adjacent PCD-O Zone and that a facilities master plan be required. [Page 10] The University Zone has not been modified to parallel the bulk standards in the PCD-O Zone but contains only a 50-foot setback and buffer requirement from surrounding residences. A requirement was instituted for the submission of a University Master Development Plan for review by the Madison Planning Board at the third planning board meeting of the year.

Institutional Uses

The 1992 Master Plan recommended that conditions regulating institutional uses be revised to differentiate among the various types of institutions and to recognize existing characteristics. This recommendation has been only partially implemented by, for example, accommodating assisted living facilities. [Page 11] This recommendation has not been fully implemented in that the zoning definition of institutional and public uses continues to lump together uses such as houses of worship, public and private schools and libraries.

Zoning Board of Adjustment Recommendations

As part of its 1997 Annual Report, the Madison Borough Board of Adjustment recommended consideration of a rezoning for the southerly side of Kings Road between Cross Street and the railroad underpass. It was recommended that the southerly side of Kings Road be zoned R-3 and the northerly side be zoned R-4. [Page 11] This rezoning has occurred. However, the zoning pattern in this area should be reexamined to determine if additional changes are warranted.

Bicycle Routes

As part of an application for federal funds, Madison is seeking to establish over 14 miles of designated bicycle routes. The project involves the installation of striping, signage and bicycle friendly street stormwater inlets.

Environmental Resources Inventory

In December of 2001, Madison's inventory of critical environmental land characteristics was updated to include new and more accurate information. The Borough's use of GIS technology offers a mechanism to relate critical environmental conditions to individual parcels.

CHANGES IN PROBLEMS AND OBJECTIVES SINCE 1999 - Continued

National Security Concerns

Following the terrorist attack of September 11, 2001 on New York City's World Trade Center, there have been heightened security concerns evidenced by new recordkeeping requirements and the evaluation of sites considered as vulnerable targets of terrorism. These concerns have the potential to shape future land use decisions and architectural considerations for both public and private projects.

Development Applications

The level of development activity within Madison has markedly increased over the past few years. There has also been a shift in development applications. The number of applications filed with the Board of Adjustment has doubled while the number of Planning Board applications has diminished.

Zoning Enforcement

A higher incidence of zoning violations has been noticed which places an increased strain on administrative resources. There is a need to increase enforcement activity to better assure that zoning standards and conditions placed on approvals are satisfied.

Impacts of New Development

The increased development activity has fostered citizen complaints concerning the adverse effects of additional stormwater runoff, traffic, on street parking, and related issues. Of particular concern is the cumulative increase in stormwater runoff from many small increases in impervious coverage signaling the possible need to amend development regulations controlling development even on small undersized lots. Concern has also been expressed about the lack of affordable housing within the Borough, the habitability of half-stories, and the heights of buildings.

Giralda Farms

Giralda Farms was originally planned to accommodate corporate offices with single-user buildings and relatively low parking needs. More recently, with the introduction of multiple business tenants and higher intensity occupants, the presumptions regarding low parking demand and relatively low traffic generation are no longer the case for this development.

Luke-Miller Historic Property

The Borough of Madison is currently negotiating to purchase the historic Luke-Miller property on Ridgedale Avenue, which is located in a proposed state and federal historic district. A subdivision of the property is contemplated wherein the open area surrounding the dwelling will be used in conjunction with abutting parkland and the dwelling will be resold with a deed restriction assuring preservation as a historic dwelling.

CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE 1992 MASTER PLAN AND THE DEVELOPMENT REGULATIONS

Since October of 1992, the date of the last comprehensive master plan, there have been several changes in the assumptions, policies and objectives which affect planning considerations in the Borough of Madison. The following items are listed as potentially affecting future land use considerations:

New Jersey Development and Redevelopment Plan

On March 1, 2002, the New Jersey State Planning Commission adopted the New Jersey State Development and Redevelopment Plan. Madison Borough was identified as a center in the PA1 Metropolitan Planning Area. Morris County is currently orchestrating municipal participation in the "cross acceptance" process as part of the state mandate to revise the state plan. Madison Borough has indicated its willingness to participate in the process and a committee has been formed to participate in discussions with representatives of the Morris County Planning Department.

Morris and Essex Rail Line

The 1996 completion of the Kearny Connection by New Jersey Transit and the start of "Midtown Direct" service, direct service to Pennsylvania Station in New York City, continues to bolster the commuter connection between Madison Borough and the region. The Madison Train Station is currently undergoing substantial renovation by New Jersey Transit in recognition of its status as a property on the National Register of Historic Sites. There are also efforts to increase the capacity of the tunnel under the Hudson River by introducing double-decker train cars. It is anticipated that use of the Madison train station will increase both by residents and commuters from the surrounding area, including communities further to the west.

Development Pressures

A combination of factors has resulted in increased demand for new development in the Borough of Madison as well as surrounding municipalities. Factors supporting this development pressure include lower interest rates, improved train service, and the imposition of new development restrictions in rural portions of New Jersey imposed both by state regulation and by municipal zoning. The increased demand for new development is reflected in higher real estate values documented in a tax assessment reevaluation, which became effective in January of 2000 and evidenced by the current real estate tax equalization ratio of 77.99 (ratio of assessed value to market value). These higher values and the advantageous regional location of the Borough are likely to foster new planning concerns such as the subdivision of larger residential lots, dwelling tear-downs and replacements with larger oversized buildings. The potent local economy also offers opportunities for redevelopment in and adjacent to the Borough's business areas. Pressure for new development offers the Borough an opportunity to harness this energy to accomplish some of its own planning goals.

CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES - Continued

Open Space and Recreation Plan

On January 27, 2004, the Madison Planning Board adopted as a supplement to its Master Plan the January 2004 Open Space and Recreation Plan element. Portions of the prior open space element not altered by the new plan remain in effect. The document was compiled by the Morris Land Conservancy with assistance from the Borough's recently established Open Space, Recreation, and Historic Preservation Advisory Committee and followed the passage of a November 2003 referendum in the Borough. The referendum endorsed the creation of an Open Space, Recreation, and Historic Preservation Trust Fund. The 2004 plan inventoried the existing 198 acres or 7.4% of the Borough's land area as permanently preserved open space and counted an additional 633 acres as historic sites and as areas potentially available for open space preservation.

Perimeter Development

To the north of Madison Borough in Florham Park between Park Avenue and Route 24 is a 473-acre tract partially developed and occupied as a corporate campus by the Exxon Corporation. Slightly less than 9 acres of this tract are in the Borough of Madison. The Rockefeller Group Development Corporation and The Gale Company wish to further develop the entire tract for corporate office use, which is likely to generate significant traffic and other impacts adversely affecting the Borough of Madison. In reaction to a rezoning by Florham Park to accommodate this new development, the Borough of Madison joined in a suit seeking to mitigate the adverse impacts to the Borough. A settlement has been reached which will assure the applicability of newly adopted statewide stormwater management standards and regional traffic considerations linking the scale of the project to the capacity of the highway system and in particular Route 24.

Chatham Township, Chatham Borough and the Board of Education of the Chathams are proposing to develop athletic facilities on lands adjacent to and partially within the Borough of Madison. The Borough of Madison has contacted the Chathams with the intent of encouraging modifications to the project, which will better recognize the presence of wooded areas and steep slopes.

Amendments to the Madison Land Development Ordinance

Since the 1999 Reexamination Report, the Council of the Borough of Madison has recodified its development regulations and has adopted several amendments to its zoning, subdivision and site plan and related regulations. Table I on the next page summarizes these amendments.

New Jersey Stormwater Management Regulations

In February of 2004, the statewide stormwater regulations became effective. These regulations impose stricter standards on stormwater detention volumes and stormwater quality. The regulations will result in larger detention facilities for certain design storms (two-year or greater frequency), construction of stormwater filtration systems, and establishment of maintenance programs for the filtration systems.

**TABLE I
RECENT AMENDMENTS TO THE DEVELOPMENT REGULATIONS**

Ord. No.	Adoption Date	Description of Regulation
22-1999	7/12/99	Modification of zoning permit and sign permit fees previously in construction code ordinance
3-2000	3/27/00	Modification to zoning standards/schedule of uses for wireless communication antennas
14-2001	4/23/01	Modification to zoning standards establishing the Private Outdoor Recreation Zone
1-2002	2/11/02	Modification to various provisions of the zoning ordinance including the zoning map, regulations affecting maximum building "footprints," sign standards and other provisions in Articles IV and V.
9-2002	3/11/02	Establishes standards for wireless communication antennas
18-2002	6/24/02	Repeal of footnote "m" in Zoning Schedule concerning garages in single family residences
26-2002	7/22/02	Modification of soil erosion, sediment control and soil moving standards
33-2002	11/13/02	Modifies side yard requirements to accommodate existing nonconforming side setbacks
2-2003	3/10/03	Modifies location priorities for wireless communication antennas
7-2003	3/10/03	Modification to list of development activities which require site plan review
12-2003	4/28/03	Rezoning from the R-3 Zone to the R-5 Zone Lots 9, 10 and 11 in Block 1301 on Elm Street
38-2003	8/11/03	Modification of technical review fees
3-2004	1/26/04	Correction of percentages for solid, semi-open or open fences.
4-2004	2/9/04	Establishment of Open Space Trust Fund.
8-2004	5/12/04	Modifies definitions of floor area, calculation of sign areas including neon signs
36-2004	8/9/04	Standard for side yards in residential zones corrected for lots, which exceed minimum lot widths.

CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES - Continued

The Borough already has controls, which mandate underground seepage facilities for any addition having a roof area over 400 square feet. There remains a concern, however, that unregulated incremental increases in impervious surface coverage may produce additional storm water runoff that adversely affects downstream properties as well as the quality of groundwater resources. Considerations should be given to controlling the additional stormwater generated from additions of less than 400 square feet on smaller lots.

Zoning Flexibility Under Case Law

Decided August 5, 2003 by the Appellate Division were two cases in Fair Haven and Atlantic Highlands, which reversed an earlier decision known as Manalapan Builders Alliance, Inc. v. Township Comm. of Manalapan. This new ruling frees municipalities to craft their own zoning definitions and does not mandate that such definitions align with terms as specifically defined in the Municipal Land Use Law. Hence, Madison has recently gained greater latitude in considering land development regulations such as those involving density, floor area ratios and maximum limits on residential floor areas.*

Mount Laurel Housing Responsibilities

In the first and second rounds of Mt. Laurel Housing responsibilities defined by the New Jersey Council on Affordable Housing, the Borough of Madison has assisted in accommodating 142 dwelling units eligible as housing for low and moderate income households. Of this total, 104 units were dedicated to senior citizens or handicapped persons. Additional units have become Mt. Laurel units through rehabilitation.

The Madison Borough Housing Authority has orchestrated through the Madison Affordable Housing Corporation a new project at 27 Elm Street. The project involves demolition and the construction of 5 modular townhouse units for owner-occupancy and is anticipated to be completed in the fall of 2004.

On November 22, 2004, the New Jersey Council on Affordable Housing adopted new regulations for determining Mt. Laurel housing responsibilities for its third round. Termed by COAH as a "growth share" system, future Mt. Laurel housing responsibilities are to be calculated at a rate of one Mt. Laurel Unit for every eight new market rate-housing units and one Mt. Laurel Unit for each twenty-five jobs created through new development. As an example of job creation rates, the draft regulations stipulate a ratio of 3 jobs per 1,000 square feet of office use or one affordable housing unit for each 8,333 square feet of newly occupied office space.

Also, a minimum of 25% of future Mt. Laurel housing needs must be satisfied within the Borough. The third round is expected to cover the time period ending in 2014 and to be retroactive to January 1, 2004. The Planning Board should be poised to update its September 30, 1994 Housing Element and Fair Share Plan in light of these newly adopted regulations.

*Rumson Estates, Inc. v. Mayor & Council of the Borough of Fair Haven et al. (A-159-01), Ferraro Builders, LLC v. Borough of Atlantic Highlands Planning Board, et al. (A-45-02), 177 N.J. 338, 828 A.2d 317.

CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES - Continued

U. S. Census of 2000

The results of the 2000 U. S. Census were not available for incorporation into the currently adopted planning documents. The results of the latest U. S. Census should be incorporated into a revised master plan and analyzed to detect trends in the Borough and the Region. Considerable analysis on the 2000 U. S. Census has already been performed by students as part of a study produced by the graduate schools of New York University and Rutgers University.

NYU / Rutgers Study

As part of a graduate student project orchestrated by Architect George Kimmerle, the Borough of Madison has benefited from extensive research conducted by students from the Graduate Real Estate Institute of New York University and from the Rutgers University Edward J. Bloustein School of Planning and Public Policy. The research includes an analysis of population and economic indicators highlighting the out-migration of Madison Borough residents in the age 55 to 64 and 64 to 74 categories and an assessment of the potential for new development taking advantage of proximity to the Madison train station. Site-specific studies were conducted evaluating new mixed-use development for three areas termed Lincoln Place, Cook Avenue and Kings Road. With the completion of the study, its findings should be evaluated as constituting potential components of a revised Master Plan for the Borough.

Among the U. S. Census based observations offered by the NYU/Rutgers Study were the following:

- Madison's total population has been stable for the last 30 years ranging between 15,500 and 16,500 persons.
- Compared with other municipalities in southeastern Morris County, Madison and Florham Park have experienced the lowest population growth rates over the past decade with increases of only 4.3 and 3.9 percent respectively.
- Over the past decade, Madison experienced a 13 percent drop in the 25 to 34 years old age category, which is comparable to the change for the entire state.
- Over the past decade, the 45 years and older age category increased by only 3.4% in Madison whereas the increases experienced by Morris County and statewide were 23.6% and 16.6% respectively.
- Examined in more detail, from 1990 to 2000 Madison experienced an 8.4% decline in the 55 to 64-age category compared with a 17.7% increase for all of Morris County. Similarly, during the same decade Madison saw a 9.0% decline in the 65 to 74-age category compared to a 12.8% increase for all of Morris County. The 75 and over age category in Madison increased by 18.4% over the last decade whereas the same category in all of Morris County increased by 37.0%.

CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES - Continued

- The median housing value in Madison increased three times faster from 1990 to 2000 compared to the parallel statistic for all of Morris County. In 2003, the median house value was 67% higher than that for Morris County.

RECOMMENDED MASTER PLAN CHANGES

In most instances the Madison Borough Master Plan accurately represents the planning policies of the Borough and can continue to serve as the basis for land use decisions and legislation. However, there are several areas where additional research or new policies are needed. The areas of potential change include the following:

1. As the cross acceptance process continues with respect to a revised State Development and Redevelopment Plan, the Planning Board may need to amend its Master Plan to conform to state policies or explain its rationale for choosing an alternate policy.
2. Changes in vehicular traffic patterns, increased mass transit usage and consideration of alternate modes of transportation such as bicycle paths and shuttle busses are expected to warrant revising the Circulation Element of the Master Plan. There is special concern about the difficulty of automobiles recirculating within the Central Business District owing to the presence of the elevated railroad tracks.
3. With the New Jersey Council on Affordable Housing officially adopting revised Mt. Laurel housing regulations, the Planning Board should revisit its housing element to continue the policy of satisfying its fair share of housing responsibilities. New land use policies should take into account the likely impact on the Borough's future responsibilities for accommodating low and moderate-income households.
4. Concerns have surfaced regarding stormwater runoff from expansions in building and paved surfaces associated with new development from subdivisions and from the demolition of existing homes as well as from the incremental expansion of existing dwellings, driveways and parking areas. In anticipation of this trend continuing, the Planning Board should establish planning policies, which urge protection of surrounding and downstream properties as well as groundwater resources. Local land use policies should be cognizant of the cumulative affect of incremental development expansions. Although some stormwater management review is conducted through the Borough Engineer's office, additional mechanisms for controlling stormwater runoff from development which are not now subject to Planning Board or Board of Adjustment approval should be explored. Consideration should be given to reviewing the stormwater impact of smaller than 400 square foot increases in impervious coverage on residential lots which are substandard in size. Additionally, the amount of impervious coverage allowed for conditional uses such as assisted living should be reevaluated.

RECOMMENDED MASTER PLAN CHANGES - Continued

5. As pressures for new or replacement development continue, there is a clear need for more definitive controls regulating modifications and development on properties considered historically significant. To assure an adequate foundation for such efforts, the Historic Preservation Element of the Master Plan should be revised. The Bottle Hill Historic District should be incorporated into both the Land Use Plan and the Zoning Map.
6. Mature households in the Borough should have the choice of housing that is not confined to the existing supply of detached single-family dwellings. As a responsibility to these citizens and as a potential redevelopment tool, multi-family housing opportunities should be explored in the form of separate residential projects or as part of mixed development projects in or adjacent to business areas.
7. The issue of convenient parking in business areas continues to represent a concern with respect to the retention of existing businesses and the attraction of new businesses. Any revisions to the Circulation Element of the Master Plan should address parking management policies and opportunities for expansion of the parking supply. Attention should be focused on the individual components of parking demand which include shoppers, employees, residents, commuters and institutional users Drew University and the YMCA as well as promotion through better signage and related improvements.
8. The presence of private educational institutions within the Borough offers an opportunity for projects and land use policies that jointly benefit the educational institutions and the Borough. Projects of mutual benefit may lend themselves to endorsement in various elements of the Borough's Master Plan.
9. As a municipality which relies on wells to supply potable water, there is a continued need to protect groundwater supplies. It is critical that the quality of this natural resource be maintained. Protection of such supplies should continue to be expressed as an element of concern in the Master Plan along with the encouragement of water use conservation.
10. Although the Borough has no direct control of land development on the perimeter of Madison, there is a need to examine decisions in adjacent jurisdictions to better assure that such decisions adequately acknowledge the regional impact of new development. There is a particular concern over impacts related to traffic, stormwater runoff and groundwater protection. Similarly, as a "good neighbor policy" planning efforts in Madison should recognize that stormwater generated within its borders has the potential to affect adversely the surrounding municipalities and regional resources such as the Great Swamp.
11. The Borough should extend the use of its computerized geographic information system (GIS) to collect and analyze environmental, regulatory and other data in a consistent form. Such a system would benefit both the planning and regulatory activities of the municipality. It would also assist in maintaining an ultimate "build-out" analysis as is expected to be required in future planning efforts.

RECOMMENDED MASTER PLAN CHANGES - Continued

12. With enhanced security considerations after the September 11, 2001 attacks on the World Trade Center buildings in New York City, revisions to the master plan should be cognizant of opportunities to support the allocation of resources and designs which acknowledge the potential for threats to domestic activities. The importance of educating the general public should be an essential part of these efforts.
13. The policy statement in the 1992 Land Use Plan concerning the need to preserve the integrity of existing residential areas should be refined to more precisely describe those design elements which are considered to threaten the established land use character. Provisions should be studied which discourage the creation of new residential lots from the rear portions of existing oversized lots.
14. The 1992 Housing Plan Element which seeks to continue a housing rehabilitation program should be more definitive in describing past and planned efforts. Several housing units within the Borough have been rehabilitated over the past few years through a program administered by the County of Morris and funded through the federal Community Development Block Grant Program. The Madison Borough Housing Authority has assisted in promoting this program. The rehabilitated units have been in accordance with COAH standard which include income limitations and consequently count as satisfying a portion of the Borough's housing need.
15. The policy statement in the Circulation Plan Element which promotes the traffic mitigation techniques of carpooling, "flextime" and staggered work hours should no longer be relied upon as a reliable mechanism for mitigating land use impacts. Experience has shown such business management solutions to be transient and unenforceable.
16. The Circulation Plan Element which emphasizes pedestrian circulation should encourage greater pedestrian activity particularly near Waverly Place and Lincoln Place and seek to better coordinate pedestrian and vehicular circulation paths.
17. To improve readability, the policy statement concerning community facilities should give examples of such facilities.
18. The policy statement on historic preservation should be more precise regarding what is considered historic as there are specific powers defined in the New Jersey Municipal Land Use Law.
19. The policy statement concerning parks, recreation and open space should place more emphasis on efficient management and maintenance of existing municipal and Board of Education facilities to supplement efforts seeking to expand the supply of recreational land.

20. The maintenance of Borough-owned recreation facilities should be evaluated to identify any potentially hazardous conditions and to avoid a pattern of overuse that is harmful to the facilities. The assistance of the Recreation Advisory Committee, the Parks Advisory Committee and other related committees should be solicited where appropriate.
21. The urban forest which envelopes many of the public and private properties in Madison is a diminishing valuable asset and its preservation and expansion should be fostered.
22. The established policy regarding the presence of automotive uses along Main Street in the eastern portion of the business district should be strengthened. These uses tend to be more highway-oriented and are inappropriate for a downtown setting. New automotive uses should not be allowed and the expansion of existing uses should be discouraged. Additionally, incentives should be explored to encourage replacement of automotive uses with uses more supportive of a downtown environment.
23. The characteristics of the corporate tenants at Giralda Farms should be analyzed and compared with the characteristics of the initial occupants particularly with respect to parking demand and traffic generation. It is suspected that the more recent occupants exhibit a higher intensity of use than originally contemplated in the design for the corporate campus.
24. With Main Street under the jurisdiction of the State of New Jersey as Route 124, a request to remove this thoroughfare as a state highway should be evaluated.
25. An examination of the use and condition of Borough-owned facilities is warranted to evaluate if the buildings and grounds are used efficiently and to determine if surplus properties should be kept in public use.
26. Mechanisms to promote Madison through tourism should be explored. Valuable resources supportive of this effort should include the Borough's historic, artistic and cultural assets, the higher educational institutions of Drew University, Fairleigh Dickenson University and the College of St. Elizabeth, the Borough's open space and recreational facilities and train and bus services.
27. Concepts such as mixed residential and commercial uses should be considered in examining the land use policies for the Central Business District and the Community Commercial District. Such policies should take into account the needs of smaller households such as those comprised of young adults or senior citizens.
28. The mixed residential and commercial area along Park Avenue has unique characteristics and land use issues which deserve specific study. There are examples of distinctive architecture in this area which add to its character.
29. The policies of the newly proposed State Development and Redevelopment Plan which encourage growth in areas such as Madison (Planning Area One) should be cautiously approached to assure that the attractive attributes of Madison are not sacrificed.

RECOMMENDED DEVELOPMENT REGULATION CHANGES

1. Where appropriate, housing projects sponsored by the Madison Borough Housing Authority should be confirmed by specific rezoning which recognizes the public purposes met by such projects.
2. The Borough should explore the practicality of imposing fees on new development to support housing efforts designed for low and moderate-income individuals as authorized by state law.
3. The Borough should evaluate requiring the issuance of new certificates of occupancy or certificates of continuing occupancy for housing units as they change occupants to better assure that safety codes and occupancy limits are enforced.
4. The parking standards should be revised to recognize that certain subcategories of land uses such as retail, personal service, office, institutional and food establishments generate a parking demand that exceeds the demand characteristic of the general land use category.
5. Sites and districts designated as historic and under the review jurisdiction of the Historic Preservation Commission should be placed on the official Zoning Map.
6. Special “well-head protection” regulations should be considered to assure a continued supply of potable water and to minimize the potentially adverse effects of additional development or modifications to existing development. Early action which anticipates potential threats to groundwater quality is considered the best policy.
7. Regulations should be considered which authorize the review of small increases in impervious coverage especially when associated with residential lots which are substandard in size.
8. The portion of the Exxon property which extends into the Borough of Madison from the Borough of Florham Park should be studied to evaluate whether rezoning is appropriate.
9. Regulations which prohibit new automotive uses and which discourage the expansion or intensification of existing automotive facilities in the Main Street corridor should be strictly enforced.

REDEVELOPMENT PLAN RECOMMENDATIONS

No redevelopment plans have yet been adopted by the Borough Council. However, powers available through the Local Housing and Redevelopment Law may be appropriate for use within the Borough in its future efforts to encourage revitalization of business areas.

**PORITION OF THE MUNICIPAL LAND USE LAW
CHAPTER 291, LAWS OF N. J. 1975**

Article 11 Periodic Reexamination of Municipal Plans and Regulations

40:55D-89 Periodic examination.

The governing body shall, at least every six 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. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every six years from the previous reexamination.

The reexamination 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.
L.1975,c.291,s.76; amended 1980, c.146, s.6; 1985, c.516, s.18; 1987, c.102, s.29; 1992, c.79, s.50; 2001, c.342, s.9.

40:55d-89.1 Rebuttable presumption.

The absence of the adoption by the planning board of a reexamination report pursuant to section 76 of P.L. 1975, c. 291 (C. 40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable. L. 1985, c. 516, s. 19.

Article 8 Zoning

40:55d-62.1 Amendment to zoning ordinance.

Notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the master plan by the planning board pursuant to section 76 of P.L. 1975, c.291 (C.40:55D-89), shall be given at least 10 days prior to the hearing.....

