

# 2014 Master Plan Reexamination

Borough of Totowa

December 2014

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# 2014 Master Plan Reexamination

Borough of Totowa

Passaic County, New Jersey

Prepared by:



Darlene A. Green, P.P., AICP

NJ License # 33LI00611400



Maser Project No. TOT-003

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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## Contents

|   |    |
|---|----|
| 1) Introduction   | 3  |
| 2) Problems & Objectives Related to the 1994 Reexamination & 2013 Master Plan           | 5  |
| 3) Extent That Problems & Objectives Have Changed Since 1994 & 2013                     | 6  |
| 4) Extent of Changes in Policies & Objectives Forming the Basis of the 2013 Master Plan | 9  |
| 5) Changes Recommended for the Master Plan or Development Regulations                   | 15 |
| 6) Recommendations Concerning the Incorporation of Redevelopment Plans                  | 21 |

## 1) Introduction

The Borough of Totowa is located in Passaic County and encompasses roughly four square miles. Totowa is suburban in character and has a small town feel. The Borough has excellent access with two interchanges (Exit 54 and 55) along I-80 and two interchanges along Route 46. New Jersey Transit bus service connects the Borough to surrounding municipalities as well as the Port Authority Bus Terminal in New York City. Totowa is surrounded by Wayne Township, Haledon Borough, Paterson City, West Paterson Borough and Little Falls Township as shown by the map on page 4.

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq. stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-8g states:

*"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."*

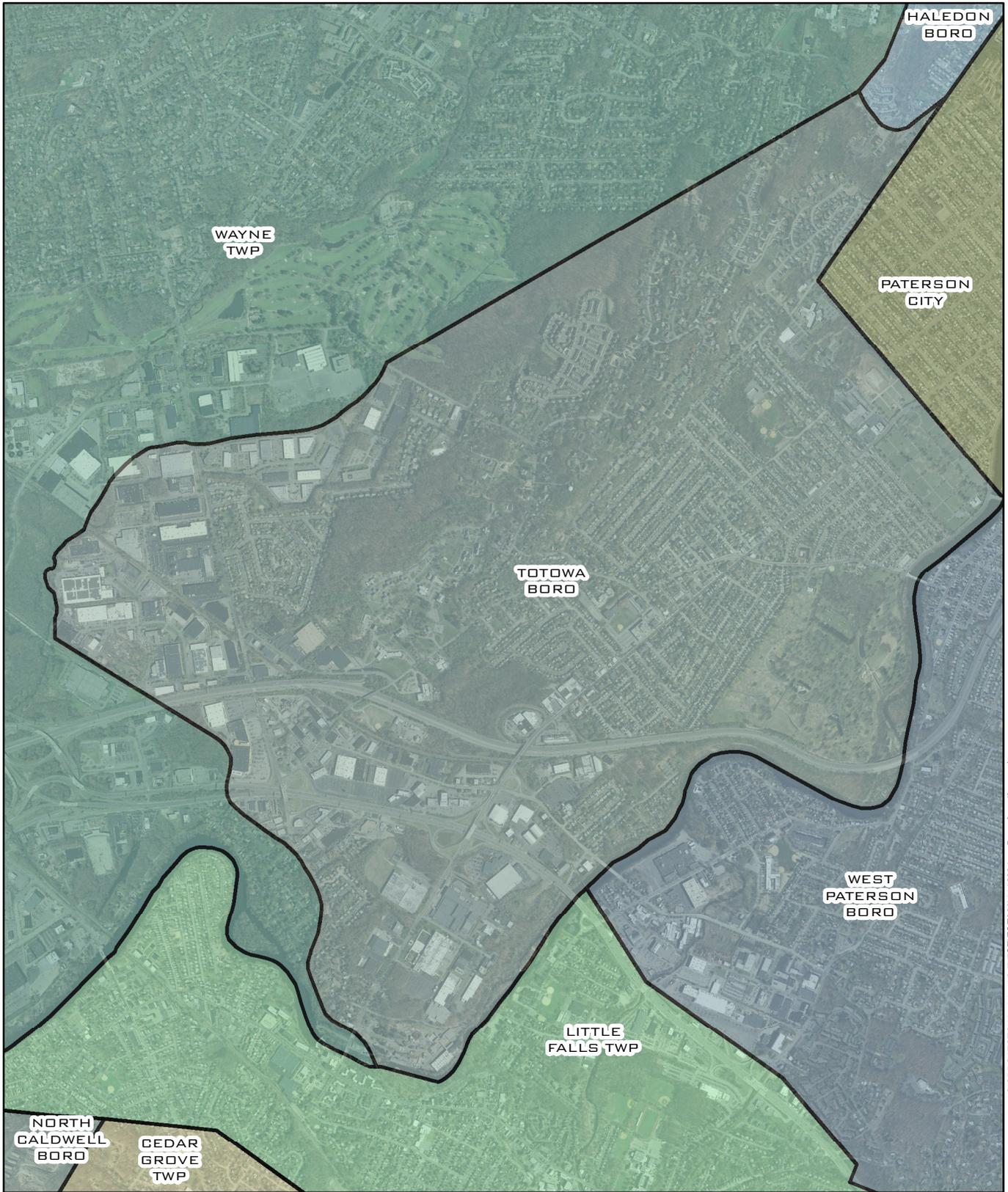
This reexamination of the Borough of Totowa Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-8g by including the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land 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 seq.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

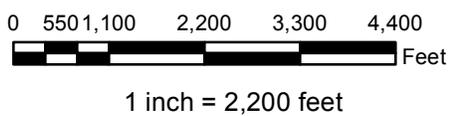
While the Municipal Land Use Law requires a general reexamination of the Master Plan and development regulations every ten years, reexaminations can be more frequent than once every ten years. It can be as frequent as an individual municipality believes it to be warranted.

It is important that a Master Plan be kept up to date and flexible so that it can respond to changing conditions and reflect the best current thinking on land use issues. The Master Plan should be a document that is easily amended so that it can respond to both concerns and opportunities. A review once every ten years is adequate in some communities, while for other municipalities more frequent review is called for.

A review of Totowa's master planning documents reveals that the Borough's last reexamination report was adopted on August 23, 1994. Despite this, the Borough has prepared and adopted a Master Plan, dated June 1,



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**BOROUGH LOCATION  
AERIAL MAP  
BOROUGH OF TOTOWA  
PASSAIC COUNTY, NEW JERSEY**



2005. Since that time, the Master Plan has been amended twice. The document was revised in November of 2006 and adopted on January 11, 2007 and then revised in April of 2013 and adopted on May 9, 2013. Instead of conducting a reexamination, the Borough has amended their Master Plan when changes in policies, assumptions and/or objectives have occurred. Therefore, this reexamination report considers not only the 1994 Reexamination report, but also the May 2013 Master Plan, which essentially serve as a reexamination of the 2005 Master Plan. The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow.

## 2) Problems & Objectives Related to the 1994 Reexamination & 2013 Master Plan

This chapter of the 2014 Master Plan Reexamination report examines the major problems and objectives relating to land development in Totowa Borough that were included in the 1994 Reexamination report and the 2013 Master Plan. Problems and objectives noted in 1994 and 2013 are as follows:

1. **1994 Reexamination: Rezone.** The B-1 Business Zones should be changed to B-2, since neighborhood business uses don't exist in said zones.
2. **1994 Reexamination: Rezone.** The B-2 Zone should be expanded to include lots along the north side of Crews Street, up to 100 feet from Totowa Road from Browne Avenue to Mitchell Avenue and to both sides of Totowa Road from Mitchell Avenue to Elizabeth Place.
3. **1994 Reexamination: Review permitted uses.** All zones should be revised with regard to permitted uses in different districts.
4. **2013 Master Plan: Rezone from R-7 to B-2.** This recommendation actually includes four areas of the Borough. The purpose of this recommendation is to encourage commercial redevelopment of these properties, while also keeping with good planning to zone properties according to their corresponding uses.
  - a. Rezone properties with frontage on the northerly side of Totowa Road between Lincoln Avenue to the west and the Holy Sepulchre Cemetery to the east.
  - b. Rezone properties with frontage on the southerly side of Totowa Road between Grant Avenue to the west and Laurel Grove Cemetery to the east.
  - c. Rezone properties with frontage along the easterly side of Crews Street from the existing B-2 District along Union Boulevard to Totowa Road.
  - d. Rezone the property designated as Block 95, Lot 4, address 22 Masklee Court, from R-7 to B-2.
5. **2013 Master Plan: Rezone from R-B to B-2.** Rezone four properties located on either side of Lincoln Avenue having frontage on Totowa Road. Additionally, rezone eight parcels having frontage along Totowa Road; five of which are to the north and south of Lewis Place on the easterly side of Totowa Road and the remaining three to the immediate south of Charles Street. It is recommended that the zoning

designation of these properties currently located in the Two-Family Residential (R-B) District be amended to the B-2 Local Business District.

6. **2013 Master Plan: Rezone from R-B to R-7.** Rezone the Two-Family Residential (R-B) District to Single-Family Residential (R-7) District. This would eliminate the Two-Family Residential (R-B) District from the Borough's Zoning Ordinance and Map.
7. **2013 Master Plan: Rezone.** The Master Plan recommended that two new business districts be created in order to reaffirm and preserve the established land use pattern in a portion of the Local Business (B-2) District. A Corporate Business (B-4) District should be created that includes the following parcels:
  - a. Block 148, Lot 1
  - b. Block 100, Lots 1, 2, 3, 4

A Professional Business (B-5) District should be created that includes the following parcels:

- a. Block 101, Lots 12, 13, 14, 14.01
- b. Block 102, Lots 11, 11.01, 11.02
- c. Block 103, Lots 10, 10.01, 10.02, 10.03, 10.04, 10.05, 10.06, 11, 12, 13, 14

There were no problems related to development regulations noted in the 2013 Master Plan. Problems and objectives included in the 1994 Reexamination related to development regulations are as follows:

8. **1994 Reexamination.** Current development regulations should be changed to reflect increased concerns regarding traffic, parking, permitted uses, safety, topographical constraints and current land use in the Borough.

### 3) Extent That Problems & Objectives Have Changed Since 1994 & 2013

This chapter of this Reexamination looks at the extent to which problems and objectives have been reduced or increased since 1994 and 2013. The eight issues listed in Section 2 are summarized below, along with a 2014 status evaluation.

1. **Rezone.** The B-1 Business Zones should be changed to B-2, since neighborhood business uses don't exist in said zones.

Current Status: The B-1 District was removed in 1995 from both the ordinance and zoning map.

2. **Rezone.** The B-2 Zone should be expanded to include lots along the north side of Crews Street, up to 100 feet from Totowa Road from Browne Avenue to Mitchell Avenue and to both sides of Totowa Road from Mitchell Avenue to Elizabeth Place.

Current Status: The north side of Crews Street was not rezoned. The six lots included in the recommendation are primarily residential, with only one commercial property according to the tax records. Totowa Road from Browne Avenue to Mitchell Avenue was not rezoned. According to the tax records, all the lots are residential. Finally, Totowa Road from Mitchell Avenue to Union Boulevard is zoned B-2. Between Union Boulevard and Elizabeth Place five lots on the west side are zoned B-2 and one lot on the east side is zoned B-2.

3. **Review permitted uses.** All zones should be revised with regard to permitted uses in different districts.

Current Status: This review was conducted over the past few years.

4. **Rezone from R-7 to B-2.** This recommendation actually includes four areas of the Borough. The purpose of this recommendation is to encourage commercial redevelopment of these properties, while also keeping with good planning to zone properties according to their corresponding uses.

- a. Rezone properties with frontage on the northerly side of Totowa Road between Lincoln Avenue to the west and the Holy Sepulchre Cemetery to the east.

Current Status: The Borough studied this rezoning; however, adjacent residents were opposed to the B-2 District as it permits dry cleaners and gas stations. Residents were concerned about the potential impacts of these types of uses in such close proximity. As a result, the Borough tabled the rezoning of the eight parcels. However, the Borough still believes that the area should be rezoned to permit non-residential uses.

- b. Rezone properties with frontage on the southerly side of Totowa Road between Grant Avenue to the west and Laurel Grove Cemetery to the east.

Current Status: In August of 2013 the Borough rezoned the five aforementioned properties from the R-7 Zone to the newly created Restricted Commercial (B-6) District. The B-6 District was created to permit uses that would be compatible with the adjacent residential homes.

- c. Rezone properties with frontage along the easterly side of Crews Street from the existing B-2 District along Union Boulevard to Totowa Road.

Photo 1: 22 Masklee Court

Current Status: As mentioned above, the six lots included in the recommendation were not rezoned. The parcels are primarily residential, with only one commercial property according to the tax records.

- d. Rezone the property designated as Block 95, Lot 4, address 22 Masklee Court, from R-7 to B-2. See Photo 1 to the right.<sup>1</sup>



Photo 2: Block 95, Lot 3

Current Status: Block 95, Lot 4 is a single-family residence. It was not rezoned. This office believes that the author of the 2014 Master Plan meant to rezone Block 95, Lot 3, which is next door to Lot 4. Lot 3 is commercial according to the tax cards and abuts the existing B-2 District. The property contains at least two commercial establishments (see image to the right).



5. **Rezone from R-B to B-2.** Rezone four properties located on either side of Lincoln Avenue having frontage on Totowa Road. Additionally, eight parcels having frontage along Totowa Road; five of which are to the north and south of Lewis Place on the easterly side of Totowa Road and the remaining three to the immediate south of Charles Street. It is recommended that the zoning designation of these properties currently located in the Two-Family Residential (R-B) District be amended to the B-2 Local Business District.

Current Status: The lots on either side of Lincoln Avenue have not been rezoned. The Borough studied this rezoning; however, adjacent residents were opposed to the B-2 District as it permits dry cleaners and gas stations. Residents were concerned about the potential impacts of these types of uses in such close proximity. As a result, the Borough tabled the rezoning of the parcels. However, the Borough still believes that the area should be rezoned from residential to non-residential uses.

The Borough did not rezone the lots north and south of Lewis Place or the lots south of Charles Street.

6. **Rezone from R-B to R-7.** Rezone the Two-Family Residential (R-B) District to Single-Family Residential (R-7) District. This would eliminate the Two-Family Residential (R-B) District from the Borough's Zoning Ordinance and Map.

Current Status: The Borough rezoned all areas designated R-B District to R-7 District in 2013.

7. **Rezone.** The Master Plan recommended that two new business districts be created in order to reaffirm and preserve the established land use pattern in a portion of the Local Business (B-2) District. A Corporate Business (B-4) District should be created that includes Block 148, Lot 1; and Block 100, Lots 1, 2, 3 and 4.

A Professional Business (B-5) District should be created that includes Block 101, Lots 12, 13, 14 and 14.01; Block 102, Lots 11, 11.01 and 11.02; and Block 103, Lots 10, 10.01, 10.02, 10.03, 10.04, 10.05, 10.06, 11, 12, 13 and 14.

Current Status: The Borough Council created the B-4 and B-5 Districts in 2013 via Ordinance #07-2013.

8. **1994 Reexamination.** Current development regulations should be changed to reflect increased concerns regarding traffic, parking, permitted uses, safety, topographical constraints and current land use in the Borough.

Current Status: This recommendation has not been completed to date.

## 4) Extent of Changes in Policies & Objectives Forming the Basis of the 2013 Master Plan

The third step in the reexamination process, known as Section "C", reviews the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or changes in State, County and municipal policies and objectives. Since the 2013 Master Plan report, two key State planning policies, which will significantly affect the assumptions forming the basis of the Master Plan, have either been updated or significantly changed. These include policy changes by the Department of Human Services regarding housing for developmentally-challenged individuals and rule changes by the Council on Affordable Housing. There have been a number of changes at the local level, which are detailed below.

### Demographic Changes

The 2013 Master Plan report included demographic information, but did not include data from the 2010 Census. The sections below show historic trends and the most recent Census information.

The population of Totowa increased between 1900 and 1970, growing from 562 residents to 11,580 residents. But between 1970 and 2000, the population decreased. The most significant population loss occurred between 1980 and 1990, when more than 1,200 residents left the municipality. However, the 2010 Census reveals that Totowa grew during the last decade, adding 912 residents to the Borough. The table below shows the population of the Borough between 1900 and 2010.

The North Jersey Transportation Planning Authority ("NJTPA"), which is the regional planning agency for northern New Jersey, projects that the Borough will grow to 13,310 residents by the year 2040.<sup>2</sup> In order for that to occur, Totowa would need to gain 2,506 residents over the next 26 years, which translates to 96 new residents annually. A population of 13,310 residents is unlikely; as the Borough's peak population was 11,580 in 1970. Furthermore, to add over 2,500 residents would require hundreds of housing units to be constructed. Presently, the Borough has limited vacant and developable land, so the construction of hundreds of new housing units is doubtful.

| HISTORICAL POPULATION TRENDS |            |        |
|------------------------------|------------|--------|
| Year                         | Population | Change |
| 1900                         | 562        | -      |
| 1910                         | 1,130      | 101.1% |
| 1920                         | 1,864      | 65.0%  |
| 1930                         | 4,600      | 146.8% |
| 1940                         | 5,130      | 11.5%  |
| 1950                         | 6,045      | 17.8%  |
| 1960                         | 10,897     | 80.3%  |
| 1970                         | 11,580     | 6.3%   |
| 1980                         | 11,448     | -1.1%  |
| 1990                         | 10,177     | -11.1% |
| 2000                         | 9,892      | -2.8%  |
| 2010                         | 10,804     | 9.2%   |

2010 Census &

<http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

### Age Distribution of Population

In 2010, 22.2 % of Totowa's population was

under 20 years of age, while 24.4% of the population was 60 years or older. This represents a decrease in the senior population from 2000 when persons 60 years or older composed 26.3% of the total population. Moreover, the percentage of the population aged 19 or younger has slightly increased since 2000, when the age group comprised 20.1% of the Borough's total population.

Totowa's median age was 43.3 in 2010, an increase from 42.7 in 2000. The table to the right shows the 2010 age distribution of Totowa's population.

### Households

In 2010 there were a total of 3,783 occupied households within Totowa. Of that total, 21.8% were one-person households. Two-person households comprised 30.8% of all households. Therefore, more than half of Totowa's households were occupied by one- and two-person households. The four-person "nuclear family" encompassed only 16.7% of the Borough's households.

Surprisingly, the average household size within Totowa increased between the 2000 and 2010 Census. In 2000 the average household size was 2.63 persons, which increased to 2.73 persons in 2010. The average family size also grew. In 2000 the average family size was 3.09 persons. It increased to 3.19 persons in 2010. This is contrary to many other New Jersey municipalities which experienced decreased household and family sizes over the past decade.

### Household Income

The Census has yet to release 2010 data on household income, family income or per capita income. Therefore, the 2008-2012 American Community Survey ("ACS") Five-Year Estimates were relied upon. In order to understand how Totowa ranks, the table on page 11 compares the Borough to the County as well as the State. The ACS

estimates that Totowa had a median household income of \$74,556 in 2012. This is greater than both the County and the State. The Borough had a median family income of \$92,000 in 2012. Totowa residents are estimated to have a slightly lower per capita income than the State in 2012. As shown in the table, Totowa's per capita income is estimated at \$35,519, while the State is estimated at \$35,928.

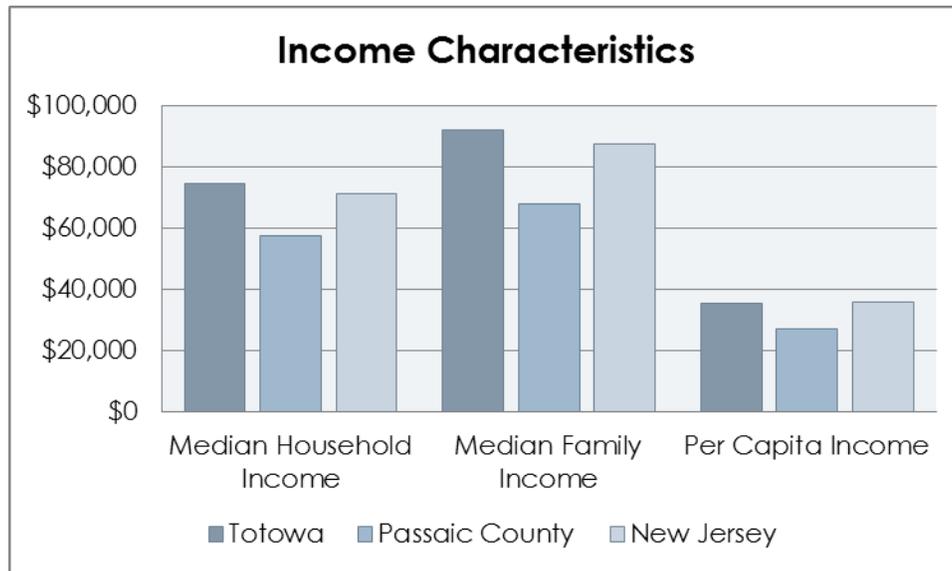
Compared to the County and State, Totowa has a much lower percentage of persons in poverty. The Borough has an estimated 6.9% of persons in poverty, whereas, Passaic County's percentage is more than double, at 15.8%. Only 3.5% of Totowa's families are estimated to be in poverty. The State's percentage of poverty-stricken families is more than double the Borough's – 7.4%. The County's rate of families in poverty is more than three times Totowa's rate – 13.1%.

| AGE DISTRIBUTION (2010) |                     |                         |
|-------------------------|---------------------|-------------------------|
| Age (Years)             | Number of Residents | Percentage of Residents |
| Under 5 Years           | 544                 | 5.0%                    |
| 5 to 9 years            | 594                 | 5.5%                    |
| 10 to 14 years          | 635                 | 5.9%                    |
| 15 to 19 years          | 630                 | 5.8%                    |
| 20 to 24 years          | 555                 | 5.1%                    |
| 25 to 29 years          | 585                 | 5.4%                    |
| 30 to 34 years          | 592                 | 5.5%                    |
| 35 to 39 years          | 754                 | 7.0%                    |
| 40 to 44 years          | 788                 | 7.3%                    |
| 45 to 49 years          | 844                 | 7.8%                    |
| 50 to 54 years          | 875                 | 8.1%                    |
| 55 to 59 years          | 771                 | 7.1%                    |
| 60 to 69 years          | 1,149               | 10.6%                   |
| 70 to 79 years          | 780                 | 7.2%                    |
| 80 years and over       | 708                 | 6.6%                    |
| <b>Total</b>            | <b>10,804</b>       | <b>100.0%</b>           |

| HOUSEHOLD SIZE (2010) |                      |                          |
|-----------------------|----------------------|--------------------------|
| Size                  | Number of Households | Percentage of Households |
| 1-person              | 823                  | 21.8%                    |
| 2-person              | 1,167                | 30.8%                    |
| 3-person              | 710                  | 18.8%                    |
| 4-person              | 630                  | 16.7%                    |
| 5-person              | 300                  | 7.9%                     |
| 6-person              | 98                   | 2.6%                     |
| 7 or more persons     | 55                   | 1.5%                     |
| <b>Total</b>          | <b>3,783</b>         | <b>100.0%</b>            |

| INCOME CHARACTERISTICS (2012 Estimate) |          |                |            |
|--|----------|----------------|------------|
|  | Totowa   | Passaic County | New Jersey |
| Median Household Income                | \$74,556 | \$57,540       | \$71,367   |
| Median Family Income                   | \$92,000 | \$67,770       | \$87,389   |
| Per Capita Income                      | \$35,519 | \$27,122       | \$35,928   |
| Poverty Status (% of People)           | 6.9%     | 15.8%          | 9.9%       |
| Poverty Status (% of Families)         | 3.5%     | 13.1%          | 7.4%       |

Source: 2008-2012 ACS 5-Year Estimates.



### Housing Occupancy & Tenure

In 2010 Totowa contained 3,918 housing units. Since 2000 the Borough has added 288 housing units. The majority of these units (214) were part of the Village at Totowa development, which contains single-family detached homes and townhouses. As the chart below shows, a total of 3,783 units or 96.6% were occupied in 2010. Of the 135 vacant units, only 40 were for sale and 31 were for rent.

The Borough has a fairly stable owner-occupied housing stock. As shown by the table on page 12, 81.1% of the Borough's housing stock was owner-occupied in 2000. This decreased marginally to 80.8% in 2010.

| HOUSING OCCUPANCY (2010) |                 |                     |
|--------------------------|-----------------|---------------------|
| Housing Units            | Number of Units | Percentage of Units |
| Occupied units           | 3,783           | 96.6%               |
| Vacant units             | 135             | 3.4%                |
| <i>For rent</i>          | 31              | -                   |
| <i>For sale</i>          | 40              | -                   |
| <i>Seasonal use</i>      | 9               | -                   |
| <b>Total</b>             | <b>3,918</b>    | <b>100.0%</b>       |

| HOUSING TENURE (2000 vs. 2010) |              |                 |              |                 |
|--------------------------------|--------------|-----------------|--------------|-----------------|
| Occupied Units                 | 2000 Number  | 2000 Percentage | 2010 Number  | 2010 Percentage |
| Owner-occupied                 | 2,871        | 81.1%           | 3,058        | 80.8%           |
| Renter-occupied                | 668          | 18.9%           | 725          | 19.2%           |
| <b>Total</b>                   | <b>3,539</b> | <b>100.0%</b>   | <b>3,783</b> | <b>100.0%</b>   |

### Land Use

The Borough of Totowa has a variety of land uses and buildings that give the community its distinct character. Over 3,800 parcels make up Totowa. The chart below summarizes the broad land use categories and displays the number of parcels and land value for each category. In 2013, a total of 89.8% of the parcels in Totowa were residential and had a total value of \$1,375,565,900. Residential property values were 58.8% of the total property value within the Borough. Commercial properties comprised 25.9% of the Borough's total value, but only 6.2% of all parcels. There were 65 industrial properties (1.7%) in 2013, which had a value of more than \$330 million (14.1%). Finally, vacant properties comprised 2.3% of all lots and 1.2% of all parcel value. The Land Use table below illustrates all the land uses within the Borough and their related total value in 2013.

| LAND USE (2013) |              |               |                        |               |
|-----------------|--------------|---------------|------------------------|---------------|
| Land Use Class  | # of Parcels | Percentage    | Total Value            | Percentage    |
| Vacant          | 86           | 2.3%          | \$27,680,700           | 1.2%          |
| Residential     | 3,426        | 89.8%         | \$1,375,565,900        | 58.8%         |
| Farm Homestead  | 1            | 0.0%          | \$900,400              | 0.0%          |
| Farmland        | 1            | 0.0%          | \$2,800                | 0.0%          |
| Commercial      | 238          | 6.2%          | \$604,639,000          | 25.9%         |
| Industrial      | 65           | 1.7%          | \$330,052,800          | 14.1%         |
| Apartment       | 0            | 0.0%          | \$0                    | 0.0%          |
| <b>Total</b>    | <b>3,817</b> | <b>100.0%</b> | <b>\$2,338,841,600</b> | <b>100.0%</b> |

[http://www.nj.gov/dca/divisions/dlgs/resources/property\\_tax.html](http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html)

## State Changes

### Department of Human Services

The North Jersey Developmental Center ("NJDC") is located on Minnisink Road, across from the State Police's Troop "B" headquarters. Previously known as the North Jersey Training School, the facility opened in 1928. For over 80 years the campus has served developmentally-challenged individuals. The largest population housed at NJDC occurred in 1984, when 661 individuals were served at the campus.<sup>3</sup>

On August 1, 2012, the Task Force on the Closure of Developmental Centers issued binding recommendations to close NJDC and Woodbridge Developmental Center. The State ordered the closure of NJDC to occur on July 1, 2014.<sup>4</sup> According to a fact sheet released by the State, 174 individuals resided at NJDC as of February 2014. As of January 2014, the facility employed 908 full-time staff, 92 part-time staff and 83 temporary staff.<sup>5</sup>

According to the State, the campus consists of 188 acres and 35 buildings.<sup>6</sup> A review of the tax records indicates that the Department of Human Services owns six lots within the Borough that total 182 acres:

Borough of Totowa

- Block 154, Lot 19 – 109.5 acres (main campus)
- Block 154.01, Lot 1 – 32.76 acres (main campus)
- Block 154.02, Lot 1 – 1.958 (vacant)
- Block 156, Lot 1 – 29.21 acres (nursery school)
- Block 156.02, Lot 1 – 3.925 acres (storage building)
- Block 156.02, Lot 3 – 4.546 acres (vacant)

Since the closure of the facility, the State boarded up the windows and installed a fence around the perimeter to secure the main campus. The State has informed the Borough that they intend to sell the main campus to a private developer. The properties to the south of Minnisink Road, which include the nursery school, will remain under State ownership.

This change in State policy (to reduce the number of developmental centers state-wide) has a significant impact on Totowa as roughly 140 acres will be available for development that were previously occupied and utilized by the State.

#### Council on Affordable Housing (COAH)

In 2009 appeals were filed regarding COAH's rule methodology. The case worked its way through the Appellate Division and finally went before the New Jersey Supreme Court. Oral argument occurred in November of 2012 and an order was finally issued by the Supreme Court on September 26, 2013. The Supreme Court ruled that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the Fair Housing Act and the Mount Laurel doctrine. The inconsistency was that the methodology did not establish firm obligation numbers, since municipalities could generate their own numbers in spite of specific numbers COAH published. In order to eliminate the "limbo" municipalities were in, the Court affirmed the Appellate Division remedy requiring adoption of new COAH rules within five months, which would be similar to the methodology used during the First and Second Rounds.

The five month deadline occurred on February 26, 2014, on which, Richard Constable, the Commissioner of the Department of Community Affairs filed a motion asking the Supreme Court to extend the deadline to May 1, 2014. The deadline was extended to May 1, 2014 to create new rules, which were then published in the June 2, 2014 New Jersey Register.<sup>7</sup> Written comments on the proposed rules were accepted through August 1, 2014.

COAH is now in the process of reviewing and responding to the comments received. The Council met on October 21, 2014 to review and potentially adopt the rules. A motion to table the adoption of the regulations for 60 days failed to pass. Then a motion to adopt the regulations was made, which also failed to pass. The New Jersey Supreme Court required COAH to adopt new regulations, to be effective by November 17 upon publication in the New Jersey Register.

On October 31, 2014, Fair Share Housing Center filed a motion to enforce litigant's right, asking the Supreme Court to strip COAH of all its power, appoint a handful of judges in the State to produce rules and obligations and remove all municipalities from COAH's "umbrella" of protection. Said handful of judges would preside over the cases and municipalities would be called into court to defend themselves. The Supreme Court has scheduled oral argument for January 6, 2015. Based upon the above, it is unclear as to what the ramifications of COAH's inability to adopt regulations in October will be.

## County Changes

Since the 2013 Master Plan was adopted, the County has prepared a *Parks, Recreation and Open Space Master Plan*, which is dated July 2014. The document has yet to be adopted, but is posted on the County's website.<sup>8</sup> The plan reviews the 11 County parks and presents recommendations for improvement of the park system.

Preakness Valley Park straddles the Wayne Township and Totowa Borough border. Of the total 377 acres in the park, 79 are within Totowa.<sup>9</sup> The majority of the park within Totowa is forested. The recommendations for park improvements will not impact the Borough of Totowa.

## Municipal Changes

Since 2013, there have been four changes in municipal assumptions, policies and/or objectives. The following sections detail each of the four municipal changes.

### North Jersey Development Center

As noted on page 12, the State closed NJDC in July of 2014. All prior municipal planning documents presumed the 188 acres would remain under the control of the State. However, this assumption has changed with the closure of the facility. Now the State intends sell roughly 140 acres of the campus to a developer. As a result, Totowa believes it is necessary to review the zoning and ensure the facility is properly zoned. Presently, the main campus is zoned R-40, but also has a Corporate Office Overlay Zone. The Corporate Office Overlay Zone permits the following principal uses:

- Corporate headquarters
- Professional or business offices, including medical or dental facilities
- Executive and administrative offices
- Research and development, experimenting and testing for scientific laboratories
- Hotels

### Former First National Bank Property

In March of 2014, the former First National Bank property was sold. The site contains approximately 6.5 acres in the heart of Totowa's downtown. According to the tax records, the two-story building was built in 1980. The three lots comprising the bank property are presently located in the B-4 Zone, which permits the following principal uses:

- Corporate, professional and governmental offices
- Banks and other financial institutions
- Post office

As the primary user of the site has sold the property, the zoning needs to be re-evaluated to ensure the sizeable site is redeveloped in a manner that is compatible with the surrounding uses.

Figure 1: Aerial View of Former First National Bank Property



### Design Standards

Recent commercial applications before the Planning and Zoning Board have brought to the Borough's attention that additional design standards are needed for the business zones.

### Future Land Use Map

The 2013 Master Plan contained a Future Land Use map. During the fall of 2013 errors were found on said map. It is the Borough's objective to correct the errors within the Future Land Use map and also include the aforementioned State policy changes that have occurred since May of 2013.

## **5) Changes Recommended for the Master Plan or Development Regulations**

This chapter of the 2014 Master Plan Reexamination looks at specific changes that are recommended for the Master Plan or existing development standards, which can include the underlying objectives, policies and standards. The following recommendations are made.

### **North Jersey Developmental Center**

The Borough no longer believes that the R-40 District is appropriate for the NJDC site. Under the R-40 District, homes on 40,000 square foot lots could be constructed. If there are no environmental limitations on the property, the R-40 District could yield between 100 and 140 single-family homes. A residential development could eliminate the forested area of the campus and build adjacent to the existing residences in the Echo Glen neighborhood.

Due to the site's proximity to the Exit 54 interchange of I-80 and the fact that a Corporate Office Overlay Zone exists on the main campus, the Borough believes a non-residential designation is more appropriate for the facility.

It is recommended that the Borough rezone Block 154, Lot 19 and Block 154.01, Lot 1 from the R-40 District to a new zone called Research/Office District. The new Research/Office District should utilize the Corporate Office Overlay Zone as a springboard, but expand the list of permitted uses to include facilities such as child-care, data centers, business incubators, medical facilities including same-day surgery centers and conference centers. Once the new Research/Office District is adopted, the Corporate Office Overlay Zone should be removed from the property.

It is recommended that the Research/Office District include a requirement for the submission of a traffic study for any new development to protect the adjacent residences. The bulk standards of the Corporate Office Overlay Zone should be carefully examined to ensure they provide flexibility and reflect the post-2008 development trends.

Finally, it is imperative to the Borough that a majority of the campus's forested area remains. The woods along the northern and western property line have subsisted for over 80 years. Therefore, the Research/Office District should include setback provisions or mandate a minimum percentage of the tree canopy to remain.

### Former First National Bank Property

The former First National Bank property, which contains roughly 6.5 acres along Union Boulevard, has been sold. The two-story building is outdated and will be demolished. The B-4 Zoning that was adopted only envisioned reuse of the building as office space. Now, there is a clean slate to work with. Since the property is in the heart of the downtown, new development should reflect the scale of the surrounding neighborhood-oriented uses and buildings. It is recommended that the B-4 District be renamed "Borough Business District" and amended as follows:

#### A. Permitted Principal Uses

- (1) Corporate, professional and governmental offices
- (2) Medical and dental facilities
- (3) Banks and other financial institutions, drive-through facilities are permitted to the side or the rear of the building only
- (4) Post office
- (5) Restaurants
- (6) Child-care centers
- (7) Retail on the ground floor only, limited to the following uses:
  - (a) Florists
  - (b) Medical device and supplies
  - (c) Book and stationery stores
  - (d) Jewelry stores
  - (e) Office supply stores
  - (f) Antiques and gift shops
  - (g) Bakery

#### B. Permitted Accessory Uses

- (1) Business signs complying with Section 415-107B
- (2) Parking complying with Section 415-103
  - (a) Off-street parking is not permitted within the front yard setback
  - (b) Off-street parking shall not be visible from Union Boulevard

- C. Conditional Uses
  - (1) Outdoor dining areas complying with Chapter 275, Outdoor Dining
  
- D. Prohibited Uses
  - (1) 24 hour-a-day operations
  - (2) Individual retail tenants over 4,000 square feet
  - (3) Drive-through facilities associated with restaurants or retail stores
  
- E. Hours of operation
  - (1) Permitted hours of operation shall be between the hours of 5:00 am and 12:00 midnight.
  - (2) Exempt from this regulation are restaurants.
  
- F. Bulk Standards
  - (1) Minimum front yard setback – 5 feet
  - (2) Maximum front yard setback – 30 feet
  - (3) Minimum side yard abutting a street – 20 feet
  - (4) Minimum rear yard setback – 50 feet
  - (5) Maximum (building) coverage – 40%
  - (6) Maximum impervious coverage – 95%
  - (7) Maximum height – 35 feet

## Design Standards

The following changes are recommended to Chapter 415 of the Borough code:

Amend Section 415-90 as follows. Underlined text is new text.

- C. Exterior design and appearance.
  - (5) Scale.
    - (a) The building façade shall create a defining wall along the streetscape.
    - (b) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. A vertical offset shall be provided for every 50 feet of linear street frontage. Said offset shall recess or project at least one foot.
    - (c) Blank or windowless walls are not permitted along facades that face public streets.
  - (6) Roofs.
    - (a) The shape, pitch and color of a roof shall be architecturally compatible with the style, materials and colors of such building.
    - (b) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with molding, brackets or other details.
    - (c) Roof top heating, ventilating and air-conditioning systems, exhaust pipes, satellite dishes and other telecommunications equipment shall be screened or otherwise specially treated to be inconspicuous as viewed from the public right-of-way.

## Future Land Use Map

As mentioned above, the 2013 Master Plan contained a Future Land Use map. During the fall of 2013 errors were found on said map. It is the Borough's objective to correct the errors within the Future Land Use map, include the changes that have occurred since May of 2013 and rezoning recommendations that are noted in the following section. The Future Land Use map includes the following changes:

- Due to the number of cemeteries in the Borough, the Future Land Use map illustrates cemeteries as a separate land use category.
- The Village at Totowa development has been amended to reflect its correct land use category – Affordable Housing Contribution District.

See page 20 for the 2014 Future Land Use Map.

## Rezoning

The following areas are recommended to be rezoned to match the existing on-the-ground conditions:

1. Rezone properties with frontage on the northerly side of Totowa Road between Lincoln Avenue to the west and the Holy Sepulchre Cemetery to the east. Rezone Block 13, Lot 1; Block 14, Lots 1 and 12; Block 15, Lots 12 through 16; and Block 16, Lots 16 and 17 from R-7 to B-6 District.
2. Rezone the lots along Murphy Court (Block 11, Lots 10, 11, and 11.01 through 11.07), which were granted a variance to construct residential homes in an industrial zone. The lots should be rezoned from the I-1 District to R-7 District.
3. Rezone the lots on Block 7 and 8, which front on Preakness Avenue, from the I-3 District to the R-20 District as the lots contain single-family detached homes.
4. Block 146, Lots 5 through 8 and 9.01 contain a car wash, auto body, building supply and other retail-oriented establishments. It is recommended that the lots be rezoned from the I-2 District to the B-2 District.

Photo 3: Homes along Murphy Court



Photo 4: The building supply company on Block 146.



5. Block 95, Lot 3 and Block 96, Lots 11 and 12 both contain non-residential buildings. All three properties are currently in the R-7 District, which permits single-family homes. Therefore, the three lots should be rezoned to the B-2 District, which is adjacent to the lots.

6. Block 143.01, Lots 1 through 4 contains a gas station, a mixed-use building and a repair garage. These lots are presently zoned R-7, which is not compatible with their location along Union Boulevard. The parcels should be zoned B-2.

7. Block 143, Lot 1 comprises the retail development called "Totowa Village". The development received a use variance to construct the retail complex. Presently the site is located in the I-2 District; this should be amended to the B-2 District to reflect the existing site conditions.

8. The Bethwood is located on Block 131, Lot 1. Presently, the facility has three zoning designations – I-3 along Bomont Place, B-2 over the building and R-7 that encompasses a portion of the parking lot. The lot should have one zoning designation – B-2.

9. Block 176 and 177 are surrounded by Route 46, Lackawanna Avenue, Riverside Drive and Union Boulevard. The properties contain Forman Mills, Petco, Holiday Inn and a number of other highway-oriented establishments. The two blocks are zoned I-2 and I-3. It is recommended that the portion of the blocks zoned I-3 be rezoned to B-3 to match the on-the-ground highway conditions.

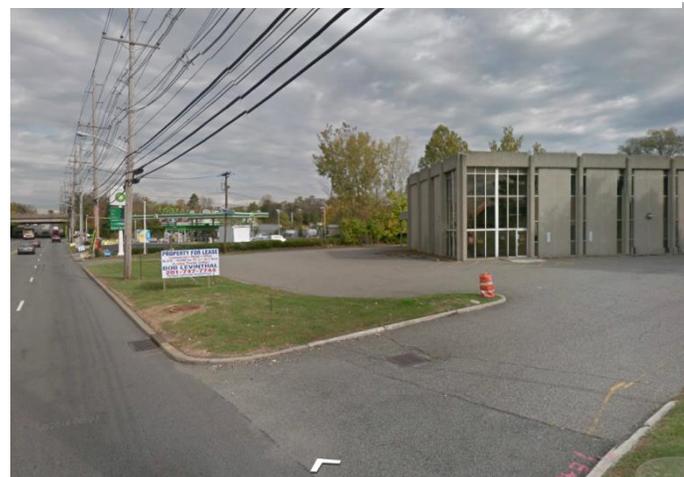
10. Block 171, Lot 7 fronts Riverview Drive. The site is across from the Staples complex and contains a liquor store, bank and gas station. Currently, the property is zoned I-2; the property should be zoned B-2.

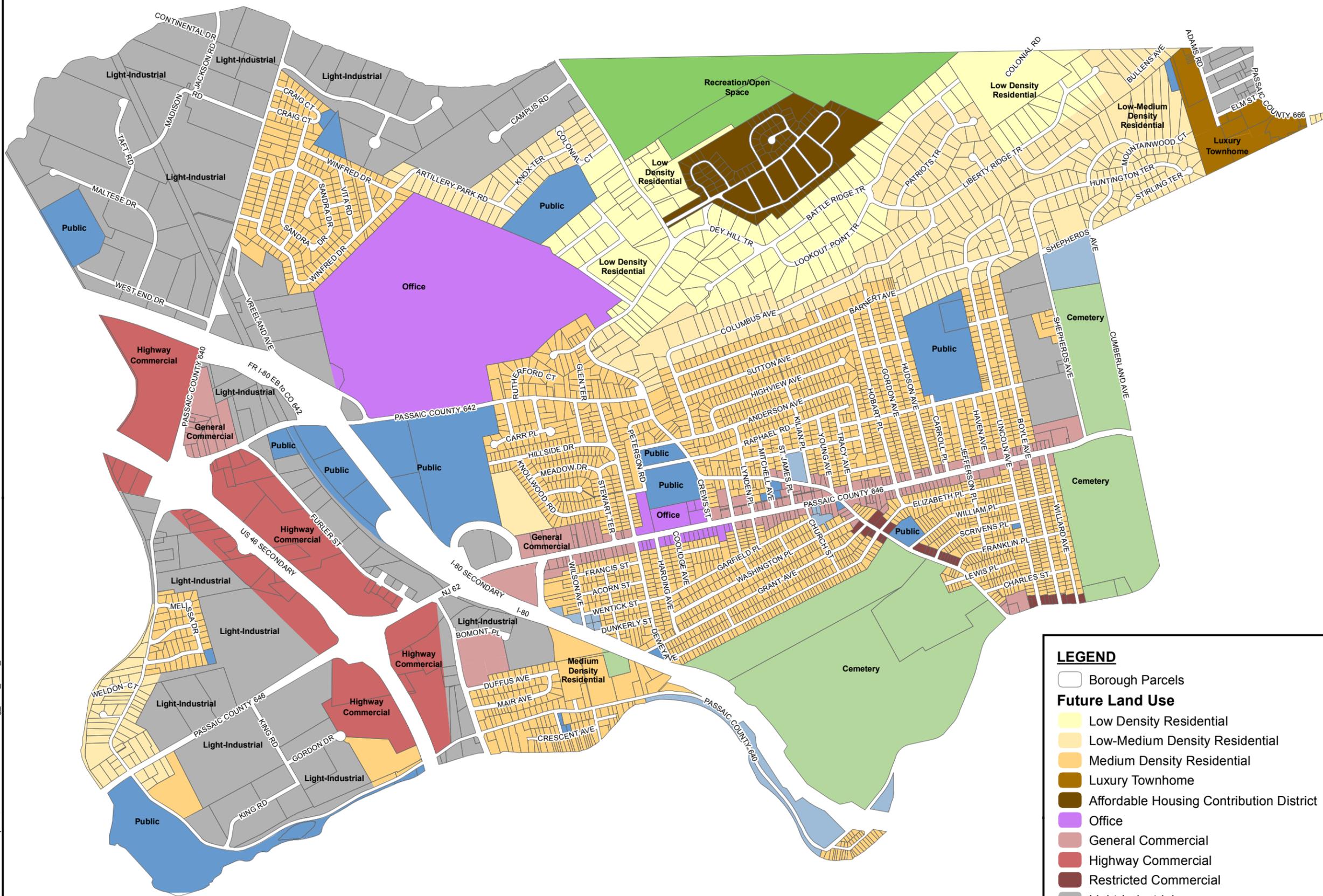
Block 5 and 6 are located along Preakness Avenue. Block 9, Lots 1, 1.01, 3, 4, 5, 6 and 7 are located along Forest Avenue. These lots are currently zoned R-20A, R-20 and I-3. Some of the properties are split-lot zoned, which is not a recommended practice. The Borough is desirous of rezoning these properties to allow for the development of luxury townhomes. Future zoning should include a buffer between the

Photo 5: Village at Totowa commercial development.



Photo 6: View of the bank and gas station along Riverview Drive, across from the Staples complex.

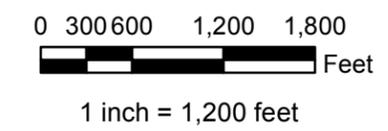




# FUTURE LAND USE

## BOROUGH OF TOTOWA

PASSAIC COUNTY  
NEW JERSEY



- LEGEND**
- Borough Parcels
  - Future Land Use**
  - Low Density Residential
  - Low-Medium Density Residential
  - Medium Density Residential
  - Luxury Townhome
  - Affordable Housing Contribution District
  - Office
  - General Commercial
  - Highway Commercial
  - Restricted Commercial
  - Light-Industrial
  - Quasi-Public
  - Public
  - Cemetery
  - Recreation/Open Space

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is



December 2014

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subject properties and the existing single-family homes located on Mountainwood Court and Stirling Terrace. The buffer should preserve the existing tree line and supplement it with evergreens as necessary.

## Lower Borough

The Lower Borough is one of the oldest areas in Totowa (see the map on page 24, which outlines the Lower Borough in blue). The streets are notoriously narrow and undersized for today's SUVs and fire-fighting apparatus. The homes are built on narrow lots, which provide little to no off-street parking. Furthermore, portions of the Lower Borough are subject to flooding via backflow from the Passaic River. Finally, a large segment of the Lower Borough is in the AE Flood Zone, which means the homes have a 1% annual chance of flooding and a 26% chance of flooding during the course of a 30-year mortgage. Flood insurance is mandatory in the AE Zone.

In 2007 the Borough commissioned their planning consultant to prepare a study of part of the Lower Borough. Zoning, land uses, building violations and assessed value were analyzed. While the report provided a wealth of data, it made no recommendations for the study area. The Borough is still concerned about access within Lower Borough, flooding and other quality of life issues. Therefore, it is recommended that the Borough commission a study to review the entire Lower Borough and provide guidance on how to resolve the issues that exist in the neighborhood. Furthermore, an Area in Need of Rehabilitation and/or Area in Need of Redevelopment would allow the Borough to grant short or long-term tax abatements to improvements within the Lower Borough. This is discussed further in Chapter 6.

## 6) Recommendations Concerning the Incorporation of Redevelopment Plans

As mentioned above, the municipality is concerned about the Lower Borough. An Area in Need of Rehabilitation or Area in Need of Redevelopment designation would allow the Borough to craft a Redevelopment Plan specifically for the Lower Borough based on its unique issues. Furthermore, the aforementioned designations would give the Borough the option to grant short- and/or long-term tax abatements. These tax abatements would encourage homeowners to improve their properties and potentially attract outside investment in the area. It is recommended that the Lower Borough be studied for an Area in Need of Rehabilitation and/or an Area in Need of Redevelopment designation.

## Endnotes:

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<sup>1</sup> Photos are from <https://maps.google.com>

<sup>2</sup> <http://www.njtpa.org/Data-Maps/Demographics/Forecasts.aspx>

<sup>3</sup>

<http://nj.gov/humanservices/ddd/documents/Documents%20for%20Web/North%20Jersey%20Developmental%20FINAL%20Center%20Fact%20Sheet.pdf>

<sup>4</sup> <http://nj.gov/humanservices/ddd/home/centers/dcclosure.html>

<sup>5</sup>

<http://nj.gov/humanservices/ddd/documents/Documents%20for%20Web/North%20Jersey%20Developmental%20FINAL%20Center%20Fact%20Sheet.pdf>

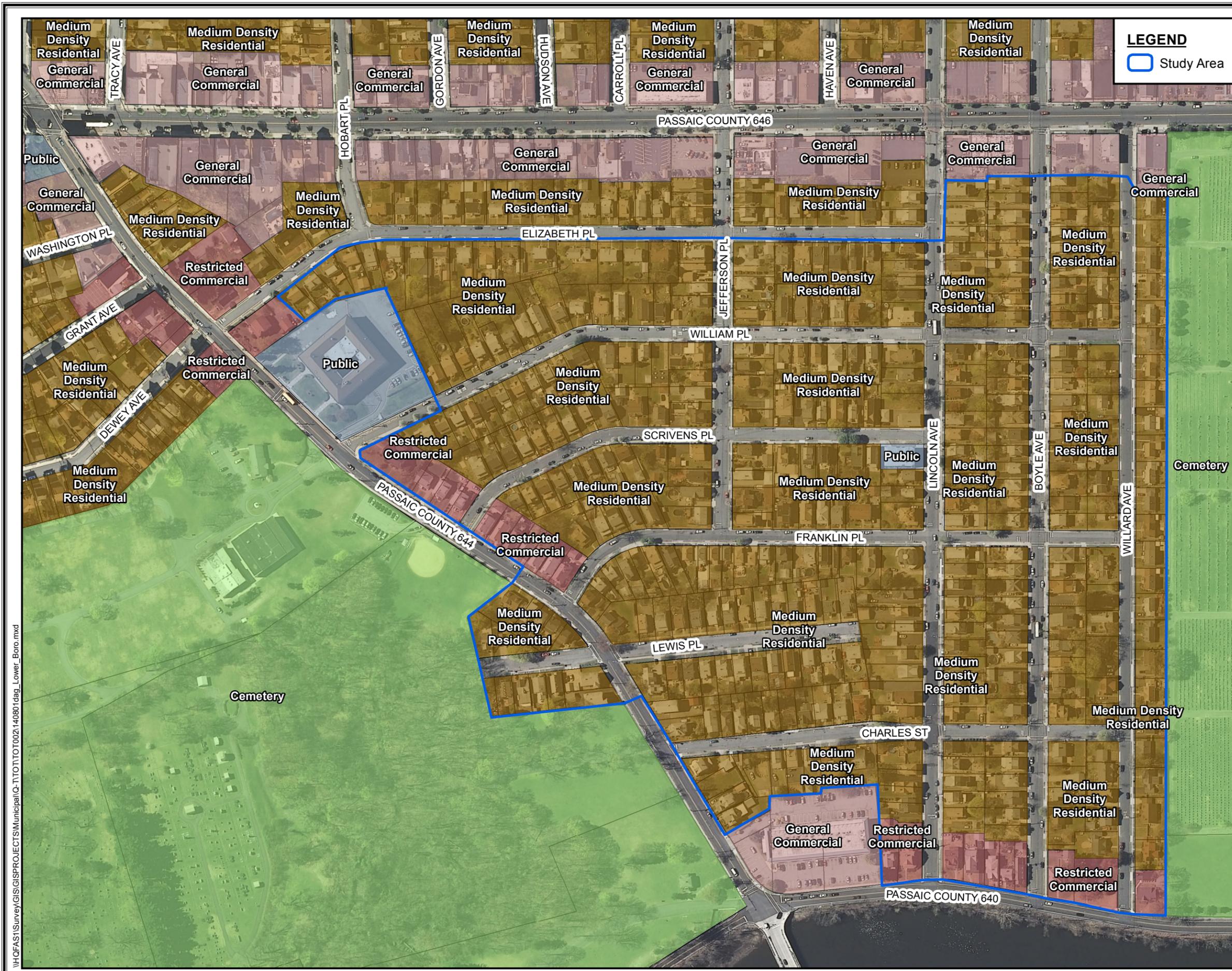
<sup>6</sup>

<http://nj.gov/humanservices/ddd/documents/Documents%20for%20Web/North%20Jersey%20Developmental%20FINAL%20Center%20Fact%20Sheet.pdf>

<sup>7</sup> <http://njslom.org/letters/2014-0314-COAH.html>

<sup>8</sup> Go to: <http://www.passaiccountynj.org/DocumentCenter/View/4334>

<sup>9</sup> Ibid, page 14.



**LEGEND**  
 Study Area

# LOWER BOROUGH FUTURE LAND USE

## BOROUGH OF TOTOWA

PASSAIC COUNTY  
NEW JERSEY



1 inch = 225 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is



August 2014

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