


**2023 MASTER PLAN AMENDMENT
WYCKOFF, NEW JERSEY**

The original document was appropriately signed and sealed on June 1, 2023 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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INTRODUCTION

The New Jersey Municipal Land Use Law (M.L.U.L.) grants substantial power to local planning boards to regulate land use and development. The foundation of this power is the ability to adopt a master plan, as is stated at N.J.S.A. 40:55D-28:

The planning board may prepare and, after public hearing, adopt or amend a master plan, or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

The Master Plan serves as a blueprint for land use development in a community. In addition, it also documents the current conditions of the municipality and addresses those issues that may have an impact on the community. According to the M.L.U.L., the Plan must include “a statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.”

This document serves as an amendment to the Township’s Master Plan documents incorporates all the goals and objectives set forth in the 2020 Master Plan Reexamination Report with additional modifications based on current planning topics. There are a number of planning topics that have been raised within the last year through regulations amendments at the State level and planning issues that the Township Planning and Building Department have been confronted with. There appears to be conflicts between these some of items and the Township’s Master Plan and zoning regulations. This document identifies any conflicts and recommends upgrades to the existing Township zoning regulations.

GOALS AND OBJECTIVES

1. To upgrade the Township’s Master Plan Goals and Policies to address the way we live after COVID with the changes in how we drive, where we work and overall modifications to daily life.
2. To upgrade the Township’s current regulations regarding signage to account for changing technology and new methods of advertising.
3. To encourage the use of green building techniques and materials in new development and redevelopment. This includes upgrading the Township’s policies on Electric Vehicle Charging stations to be more consistent with New Jersey State Municipal Land Use Law, by encouraging the use of solar panels by streamlining the process and making the local regulations easier to comply with.
4. To analysis some of the underutilized sites in the Township to be in front of any future development which may occur.
5. To create regulations addressing new cellular technology (5G) to ensure the greatest benefit of this technology while having the least amount of visual impact on the Township.
6. To provide regulations that are consistent with the Municipal Land Use Law regarding Adult bookstores and Smoke shops.

MASTER PLAN AMENDMENTS

The following sections detail the amendments to the Master Plan that the Township Planning Board have determined necessary and are warranted to ensure the Township planning policies and zoning codes are current.

1. **Outdoor Dining Goals and modifications to regulations:** Through COVID we saw an extreme change in the way outdoor dining was handled, with minimal effect or none (in certain area) on parking and circulation.

Local business owners are desiring to relocate their previous temporary COVID parking lot outdoor dining area to a more permanent location, many immediately adjacent to the building. Pre-COVID, all outdoor dining locations were required to comply with Section 186-70 of the Township Code in order to obtain a seasonal permit. In some cases, applicants were required to obtain Zoning Board of Adjustment approval for variance relief.

Governor Murphy signed bill S-2364 on August 3, 2022, extending the permission for restaurants, bars distilleries and breweries to use fixtures and equipment enabling them. To serve patrons outdoors in private areas, on sidewalks and in other municipally designated outdoor areas. This permission was set to expire on November 30, 2022, but this bill has extended permission for another two years. This includes the authorized continued use of fixtures such as tents, canopies, umbrellas, tables, and chairs for outdoor dining until November 30, 2024.

As a result of COVID, it appears that our code restrictions should be relaxed to allow outdoor dining in a less restrictive manner. COVID is apparently behind us, it would reasonable that the application and enforcement of the outdoor dining ordinance should be modified. The Township wants to be prepared to address any issues stemming from the new outdoor dining experiences and their impact on adjacent businesses, residents and ensure safety concerns are attended to.

The Planning Board desires to continue to allow a “relaxed” outdoor dining process, then the recommend to the Governing Body that the ordinance should be revised accordingly. The revisions to the existing ordinance should address/consider the following:

- Impacts to residents, especially for restaurants not in the business zones and those adjacent to residents.
- Location of the dining areas and how they could impact pedestrian and vehicle circulation.
- The current ordinance requires that the dining area be within 10 feet of the building, that is not what was designed or constructed for many restaurants during COVID. This should be modified to address areas where immediately adjacent to the building is impossible.
- The current ordinance requires dining areas to be located 30 feet from a County Road. In certain areas this is also impossible to comply with. Consideration should be given to reducing this standard if certain safety measures are taken.
- Currently outdoor dining is permitted April 15 to November 1. Consideration should be given to extending this time frame.
- The application process requires a significant amount of information to be submitted and reviewed. A streamline of this process should be contemplated.

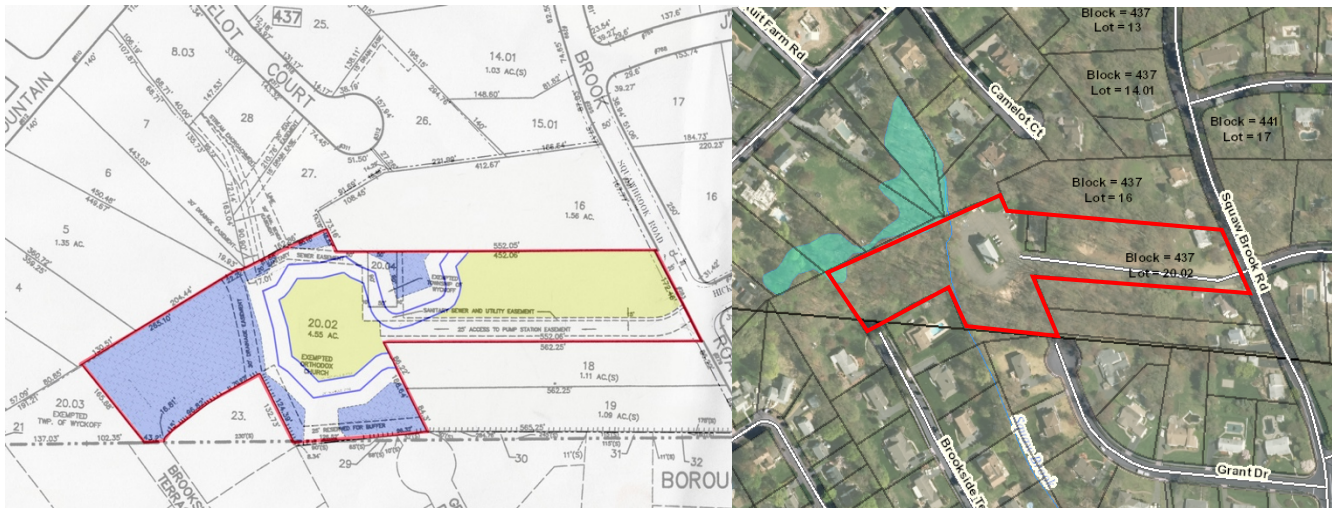
2. **Revisions/Update to Parking regulations:** The parking regulations in the Code were last updated in 1994, 29 years ago. Consideration should be given to bringing these standards up to date, understanding the vehicle ownership in today's world with Uber/Lift etc. From a planning perspective they should be reduced, and this can be seen in the empty parking lots in a lot of our shopping centers. Further, the current ordinance is overly specific making it a tedious process when new occupants want to tenant a building. It is recommended that a blanket parking regulations be considered for all business uses. This concept also ties into the current world of many people working remotely and with Ubers and Lifts reducing the need for the amount of parking that was historically required. It is recommended that a consideration be given to require 1 space for every 200 square feet of floor area for all business uses. After this is in place a 6-month review should be undertaken to determine its impact on businesses and the Township.

3. **Revisions/Update to Signage Regulations:** Similar to the parking regulations the sign regulations have not been updated (except minor updates) since the 80's and 90's. The ordinance should be updated to address the modern sign designs including the following:
 - Electronic Message boards and their associated regulations regarding lighting flashing and change in message.
 - Consider permitting A frame and other sidewalk signage for special events/sales.
 - Banner and blade signs should be contemplated.
 - Address lighting and new halo lighting for building mounted signs.
 - Ground mounted signs for multi-family residential development.

4. REZONING ANALYSIS AND RECOMMENDATIONS

There are a number of sites that are current underutilized and should be considered for a rezoning. This is particularly important to address the economic and affordable housing goals of the Township. These sites should be considered for a down zoning to address these issues. There are two sites in particular that should be reviewed in detail. These sites are analyzed below.

- a. **Squawbrook Road Site- Analysis and Recommendations.** This is a vacant property that was utilized as a house of worship. However, in addition to that it has an easement across it for the Township sewerage authority to access their facility as well as a number of environmental constraints including wetlands. The following details a brief planning analysis of the site.
 - **Surrounding Development Pattern.** The site is located in a single-family neighborhood, which from a planning perspective limits the types of uses that would be compatible with the surrounding area.
 - **Wetlands and Associated Buffer.** The western portion of the site is constrained by wetlands as delineated in blue shading on the map to the left. The first blue line is the required 50-foot wetlands buffer the second blue line is the additional 50-foot buffer which can be encroached upon depending on the design.
 - **Easements and Township Sewer Pumping Station.** There are several easements to access the sewer station and for drainage. They bisect the site, which contributes to the inability to fully develop the site. The easements can be seen on the map to the left below.
 - **Developable area.** There are two areas on site that are developable. Both are shaded in yellow on the map below. The first is the front portion from Squawbrook Road along the existing driveway easement. This area is approximately an acre in area. It is approximately 115 feet wide by 380 feet deep. The second area is towards the middle of the site and is approximately 23,000 square feet (about half an acre) with a 170-foot diameter. This area generally corresponds to the church and a portion of the parking area.

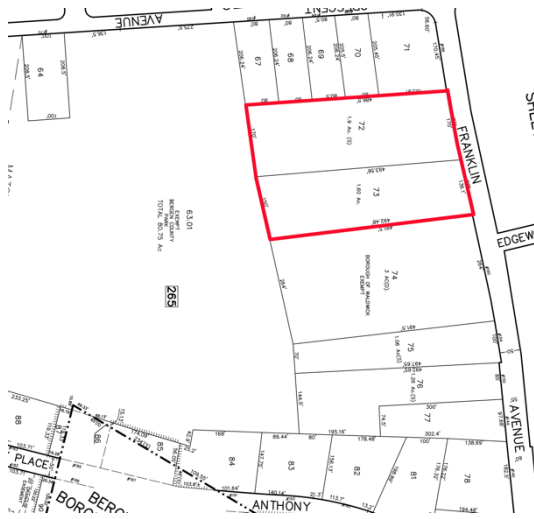


Opportunities for the Future of the Squawbrook Site

- Recreation. The rear portion of the site is almost entirely constrained by wetlands and their associated buffer. There are general permits to construct trails, boardwalks and/or bike path within freshwater wetlands, transition areas, and/or State open waters requires a Freshwater Wetlands (FWW) permit. Two FWW General Permits (GP) are available for this activity, a GP17 and a GP17A. To be eligible for a GP17 or a GP17A, the total area of freshwater wetlands, transition areas, and/or State open waters disturbed cannot exceed one quarter acre unless the project is on a publicly owned site in which case there is no limit to the length of the activity. Permitting passive recreation trails would allow for the rear portion of the site to be utilized for a recreation purpose.
- Active Recreation or Community Services. There is a small area in the middle of the site, which is generally occupied by the church and some of the associated parking today. This area has an approximate diameter of 170 feet as noted above. This is sufficient space for a basketball court or multi-use court, picnic area or playground or combination thereof, but the house of worship would have to be removed.
- Housing. On the uplands portion of the site there is an opportunity to provide housing, in the form of single-family dwellings to be consistent with the surrounding development pattern. However, the lots should be smaller than the surrounding area given the constraints of the site. If a cluster form of development is provided (as has been permitted in other areas of the Township) there would be an opportunity to provide a couple of units of affordable housing to assist the Township in addressing the affordable housing obligation.

A combination of passive/ active recreation or community service facility with housing in the front would allow for the site to be utilized to its maximum potential while still maintaining the wetlands, buffer areas and providing much needed housing at a scale similar to the surrounding area. Therefore, a rezoning of this area is appropriate from a Planning Perspective.

b. **Franklin Avenue.** Similar to the Squawbrook Road site these two lot are underutilized. The site is located at 168 and 174 Franklin Avenue, known as Block 265 Lot 72 and 73 according to municipal tax records. Lot 73 is 1.6 acres in area with a single-family dwelling that was built in 1930 located on it. Lot 72 is 1.9 acres also with a single-family home on it. To the east of these lots is a lot owned by the Borough of Waldwick and occupied by water towers. To the south is the J.A. McFaul Environmental Center. To the west are single family dwellings located on lots that are approximately 16,000 square feet in area. The natural buffer of the surrounding development pattern and the fact that this site is underutilized creates the perfect scenario for a rezoning to provide some affordable housing.



5. **Climate Change Plan.** The Township needs to address the Municipal Land Use Law (M.L.U.L.) which was amended by P.L. 2021, c.6 to provide that any Land Use Plan Element adopted after the effective date of the amendment, must provide a climate change-related hazard vulnerability assessment. While this document is not a full Land Use Element, the Township should be ready to address this assessment, which is extensive and is required to include the following:

- Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise.

There are number of areas in the Township that are prone to flooding as detailed on the map on the page 7. A plan to address these areas needs to be put in place.

- Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified above.

While the Township is essentially built out the concept of redevelopment of existing sites with more dense development as well as the need to address affordable housing requirements will modify the total built out for the municipality. These new developments and redevelopment need to be planned for and their impact to the Township and its services need to be evaluated.

- Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state.

This analysis needs to be coordinated with the Police Department, Fire Department, and Emergency Services in order to determine the key areas and critical facilities to be addressed.

- Analyze the potential impact of natural hazards on relevant components and elements of the master plan.

Generally speaking, the Township's main issues pertaining to natural disasters includes flooding and windstorms which down trees and destroy powering lines leaving many without power, sometimes for days. Coordination with the power company and mapping of critical areas needs to be a priority during these events.

- Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards.

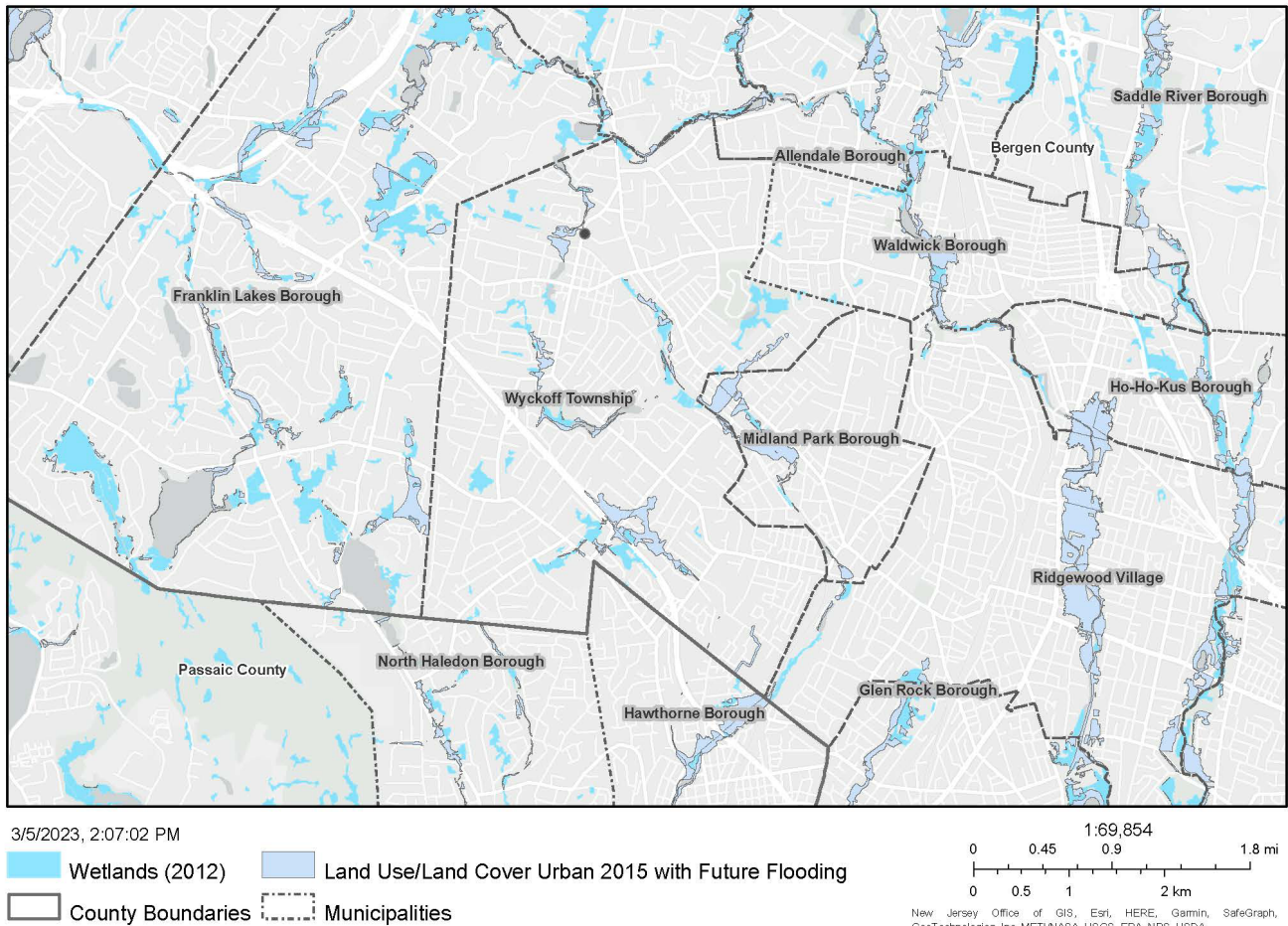
Coordination within key department heads to establish a plan to reduce the risk associated with natural hazards needs to be put in place.

- Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and

Coordination within key department heads to establish a plan to reduce the risk associated with natural hazards needs to be put in place.

- Rely on the most recent natural hazard projections and best available science

NJ-GeoWeb



New Jersey Office of GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | NJDEP | NJDEP, Bureau of Energy and Sustainability Edition 20190327 | NJDEP, Division of Fish and Wildlife (DFW), New Jersey Department of Environmental Protection

6. **Electronic Vehicle Charging Station:** Amendments to the Municipal Land Use Law (M.L.U.L.) require that municipal Land Use Elements adopted after January 8, 2018, include a “statement of strategy,” where one of the requirements is to identify potential locations for the installation of electric vehicle charging stations. Standards and requirements for electric vehicle charging stations are not included in the Borough’s ordinance, therefore, it is not clear how they would be regulated under the existing framework, including locations, relationship to parking standards (i.e., does a charging station qualify as an off-street parking space), lighting requirements, and buffering standards.

In July 2021, the M.L.U.L. was further amended to include specific numerical and zoning standards for the installation of electric vehicle supply equipment and “make-ready” parking spaces (n.b., “make-ready” parking spaces are parking spaces that include pre-wiring and other electrical equipment to support electric vehicle charging, excluding chargers). The Township is currently working on a draft ordinance to address these requirements.

Key aspects of the July 2021 M.L.U.L. amendment include:

- Stipulation that applications for development submitted only for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance.
- Stipulation that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building:
 - Shall either be subject to site plan or other land use board review, but not require variance relief.
 - Shall be approved through issuance of a zoning permit, provided that bulk requirements, the conditions or original approval, and relevant construction codes are met.
- Require that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall:
 - Provide at least 15 percent of the required off-street parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces.
 - Install electric vehicle supply equipment on an additional one-third of the required 15 percent of parking spaces within three years following the date of the issuance of the certificate of occupancy.
 - Install electric vehicle supply equipment on the final one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and,
 - Make at least five percent of the electric vehicle supply equipment accessible for people with disabilities.
- Require that all other applications involving a parking lot or garage shall provide “make-ready” parking spaces as a condition of approval follows:
 - At least one would be “make ready” if there will be 50 or fewer off-street parking spaces.
 - At least two would be “make ready” if there will be at least 51 and no more than 75 off-street parking spaces.
 - At least three would be “make ready” if there will be at least 76 and no more than 100 off-street parking spaces.
 - At least four, would be “make ready” with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and,
 - For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.
- Stipulation that applicants may install electric vehicle supply equipment at parking spaces instead of providing “make-ready” parking spaces.
- Stipulation that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with minimum number of parking space requirements, provided that the reduction in the required number of parking spaces is not more than ten percent.

These new requirements for electric vehicle supply and “make-ready” parking spaces, which are mandated by the July 2021 amendment to the M.L.U.L. should be reviewed and evaluated by the Township Council and Planning

Board. Amendments to the Township's Land Use Ordinances and Zoning regulations are necessary to be consistent with the M.L.U.L. requirements to respond to these newly enacted statutory provisions.

7. Solar Panels. The current ordinance only permits solar panels on the rear facade unless proven ineffective. The current language in the Township Ordinance states that solar panels shall be located on a rear-or-side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible.

Further the applicant must present valid reasons to the building official as to why a front roof is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Building Department and reviewed by the Township Engineer and any other professional that the Township deems necessary. The certification/submission and subsequent review to determine if rear facing solar panels is ineffective and time consuming and costly.

It is recommended that the ordinance be revised to permit front facing solar panels with certain specific criteria. The following criteria or similar should be considered by the Governing Body:

- Roof-mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted.
 - For roof-mounted solar energy systems installed on a sloped roof, the system must be flush mounted. In no instance shall it extend above the ridge of a peaked roof.
 - For roof-mounted solar energy systems installed on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.
 - The solar panels must be flush mounted to the roof.
 - The solar energy system does not interfere with character defining roof features.
 - No wiring, cables, conduit, etc., may travel from the front facing roof to any front facade of the structure.
 - No street-facing solar energy system may be located on street-facing roof planes or street-facing facades on any principal or accessory structure that has been designated, pursuant to the Historic Designation and Preservation Ordinance of the Township.
8. **5G Rollout:** 5G networks are cellular networks, in which the service area is divided into small geographical areas called cells. All 5G wireless devices in a cell communicate by radio waves with a cellular base station via fixed antennas, over frequency channels assigned by the base station. In order to ensure a safe and orderly 5G rollout in the Township needs to modify the current regulations and to coordinate with existing cellular tower ordinance and determine the best location for these facilities. The planning items that would need to be addressed are a Small Cell Right-of-Way Ordinance, Rights-of-Way Use Agreements and Pole Attachment Agreements. The first step of this analysis is to map out all existing facilities to determine the appropriate locations and plan for the new facilities. Once the locations are laid out an ordinance addressing all necessary regulations can be created.

A 2012 amendment to the Municipal Land Use Law exempted applications for collocation of wireless communications equipment on a tower or other structure from site plan approval as long as certain requirements are met. These are that structure was previously properly approved, the structure is not being increased in width or in height by more than ten percent of the original structure height, and the existing equipment compound is not being increased by greater than 2,500 square feet. This regulation does not exempt such installations from variances or other approvals if they are otherwise required.

9. **Adult Book Store/Smoke Shop Zoning**. Currently the Township zoning ordinance does not include any regulations to address the potential development of adult bookstores and smoke shops. The Municipal Land Use Law and Case Law have shown that the regulation of sexually oriented businesses such as adult bookstores, restaurants featuring topless waitresses, adult movie theaters and the like, is often proposed and is usually resisted, and fought on the grounds that the regulation infringes freedom of speech and expressional activity and sometimes on the ground of violation of equal protection guarantees.

Although not expressly decided by the Appellate Division in *Saddle Brook v. A.B. Family Center, Inc.*, 307 N.J. Super. 16 (App. Div. 1998), *aff'd* 156 N.J. 587 (1999), all the parties to the case agreed that this statutory scheme prohibits an outright ban on all such expressional activity by municipal ordinance, zoning or otherwise. Therefore, it is necessary for the Township should prepare an ordinance identify an area in the municipality where these uses are most appropriate in order to avoid a prohibition of free speech challenge.

Statewide standards for the regulation of sexually oriented businesses are contained in N.J.S. 2C:34-7, which prohibits sexually oriented businesses from operating within 1,000 feet of certain locations such as schools and churches. Although it is a state statute, the statute permits local authorities to carve exceptions to its mandatory buffer zones. The Township should consider adopting an ordinance, so the municipality has control over the location and design of these uses if they are proposed by others.

CONCLUSIONS

The nine planning issues detailed in this report are important and pressing topics that should be considered further by the Planning Board and the Township Committee. It is recommended that the Planning Board adopt this document as an amendment to the current Master Plan document and then as next steps address these issues with proposed ordinance amendments.