Master Plan Re-examination Report Borough of Harrington Park, New Jersey

Prepared for the Harrington Park Planning Board

Phillips Preiss Shapiro Associates, Inc.
Planning & Real Estate Consultants

November 11, 2003

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TABLE OF CONTENTS

		Page
I.	**INTRODUCTION**	1
II.	**MAJOR PROBLEMS AND OBJECTIVES OF THE 1991 MASTER PLAN AND 1997 PERIODIC REEXAMINATION REPORT**	2
III.	**EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED**	5
IV.	**CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES**	9
	A. CHANGES AT LOCAL LEVEL	9
	B. CHANGES AT THE STATE OR FEDERAL LEVEL	17
V.	**RECOMMENDED CHANGES TO THE MASTER PLAN AND ZONING ORDINANCE**	20

LIST OF TABLES

Table		Page
1	Age of Housing Stock, Borough of Harrington Park, 2000	10
2	Building Permits Issued, Borough of Harrington Park, 1990-2002	10
3	Distribution of Housing Units by Type, Borough of Harrington Park, 2000	11
4	Housing Characteristics, Borough of Harrington Park, 1990-2000	11
5	Median Unit Value and Median Contract Rent, Borough of Harrington Park and Bergen County, 2000	11
6	Population, Households and Household Size, Township of Harrington Park, 1990-2000	12
7	Age Distribution of Population, Borough of Harrington Park, 1990-2000	12
8	Distribution of Household Income and Per Capita Income, Borough of Harrington Park, 1999	14
9	Characteristics of the Labor Force, Borough of Harrington Park, 2000	15
10	Occupation of Employed Persons (16 Years and Older), Borough of Harrington Park, 2000	15

I. INTRODUCTION

Under the Municipal Land Use Law (NJSA 40:55 89), every six years a general reexamination of a municipality's master plan and development regulations by the Planning Board is required. The re-examination report is required to state 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 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.

The Borough of Harrington Park last adopted a full Master Plan in September 1991 entitled **Harrington Park Master Plan: Land Use Plan and Housing Plan**, prepared by Kasler Barovik & Associates, September 1991. In November 1997 the Borough adopted the **Periodic Reexamination Report of the Master Plan of the Borough of Harrington Park**, prepared by Burgis Associates, Inc., November 11, 1997. This is a reexamination of the last full Master Plan (1991) and the most recently adopted Reexamination Report (1997). Note that since the Borough of Harrington Park has no newly designated "areas in need of redevelopment," the latter element (i.e., "e" above) is excluded in this reexamination. The reexamination which is provided in the following 4 chapters follows the state-mandated format above.

II. MAJOR PROBLEMS AND OBJECTIVES OF THE 1991 MASTER PLAN AND 1997 PERIODIC EXAMINATION REPORT

The following outlines the major problems and objectives relating to land development set forth in the 1997 Periodic Reexamination Report. The 1997 document indicates that a number of problems and objectives highlighted in the 1991 Master Plan had been addressed and/or fulfilled in the intervening years. At the same time, the 1997 Periodic Reexamination Report revealed that some of these problems and objectives had either remained relatively static or had actually increased over time.

The Borough's major problems and objectives as set forth in the 1997 Periodic Reexamination Report may be synthesized as follows:

1. **Concern over the development potential and impacts from the development of watershed lands in general, and land owned by United Water Resources in particular**

   The 1997 Report expressed concern over the potential for a 20-acre developable portion of a larger watershed parcel owned by United Water Resources, to generate forty new dwelling units under current zoning. Concerns stemming from the impact on community facilities and the environment from this potential development, and from the development of other watershed lands, gave rise to a recommendation that the Mayor and Council investigate the use of a more environmentally sensitive zoning classification for this parcel and other similarly environmentally-constrained parcels. The 1997 Report also recommended that Water Company property encumbered by the BPU Order/Agreement be designated and zoned solely for conservation/open space use.

2. **Concern over the intensity of use of residential lots in the Borough as measured by bedroom count and floor area ratio**

   The 1997 Report expressed concern over a trend in the mid-1990s in which the number of bedrooms per single-family home appeared to be on the increase. The report indicated that such a trend might lead to an increase in population, the need for increased community facilities and an increase in the size and scale of homes which could be inconsistent with the established development pattern of neighborhoods. Based upon a random survey of 400 residential properties, the 1997 Report recommended the imposition of a "bedroom density" regulation of not more than one bedroom per 2,500 square feet of lot area. The Report also recommended the use of floor area ratio controls and other area and bulk regulations to counter overdevelopment.

3. **Consider the establishment of a tree bank and minimum landscaping requirements in the Borough**

The 1997 Report noted that in order to protect the wooded character of Harrington Park, a Tree Preservation Ordinance had been adopted. The 1997 report recommended consideration of the establishment of a tree bank to allow developers to make contributions to the bank in situations where trees over a certain size were to be removed as part of a development application. It also recommended the formulation of minimum landscape (plant material) requirements for new developments.

4. **Consider eliminating the Borough's Industrial Zone District**

The 1997 Report referenced the 1991 Master Plan's recommendation that the Borough's industrial zone district be eliminated in recognition of its impact on the character of the community. The 1991 Master Plan and the 1997 Periodic Reexamination Report recommended a change to a Neighborhood Business/Service Commercial District designation. The 1997 Report noted that while this 1991 Master Plan recommendation had not been implemented, it had merit and should be considered.

5. **Reconsider residential zoning of the area along Old Hook Road west of the newly-constructed bridge over the reservoir**

The 1997 Report noted that this area, containing the Harrington Park Press and adjoining property, was zoned for residential use. Given the roadway widening to four lanes and increased traffic volumes, the 1997 Report suggested a more complimentary executive office zoning designation be considered for an area on the south side of the street.

6. **Continue to acquire environmentally-sensitive open space**

The 1997 Report noted that while preservation of open space was a large concern, the Borough actually has a significant amount of open space, especially relative to its population. The Report indicated that the Borough should continue its policy of open space acquisition, and cited the Borough's Greenway Conservation Plan as a progressive attempt to address this continuing concern.

7. **Need to discourage flag lot development**

The 1997 Report noted the potential for significant additional infill development. The Report indicated that if flag lots continued to be permitted, it would result in a pattern of land development which would be inconsistent with the established character of the Borough, and an overutilization of property. It recommended that flag lots be discouraged.

8. **Need to recognize and control home occupations**

The 1997 Report acknowledged the need for and appropriateness of home occupations, but recommended that they be distinguished from home office uses. The Report recommended the imposition of residency limits, employment limits, as well as restrictions on parking and the amount of floor space which may be devoted to such uses.

9. **Need to impose impervious coverage limitations**

The 1997 Report recommended the imposition of maximum impervious coverage limitations in the Borough: 45 percent in the R-1 and R-2 zones; 40 percent in the R-3 zone; and 80 percent in the B-1 and B-2 zones.

10. **Need to adopt regulations for controlling cellular towers**

The 1997 Report recognized the need to establish regulations to control the location and impacts of cellular towers, including the possibility of identifying and designating municipally-owned properties for such a use.

11. **Maintain sufficient right-of-way width for a second rail line for potential future passenger service**

The 1997 Report indicates that the County was investigating the possibility of establishing passenger rail in the area as part of a regional service. It recommended maintaining a sufficient right-of-way width to allow a second rail line to be accommodated in the event that this occurred.

12. **Concern over the impact of population growth in the Borough**

The 1997 Report indicated a significant growth in population in the early 1990s, and expressed concern over the impact of this trend upon the Borough's school system, recreation facilities and municipal services in general. The Report indicated the Planning Board was continuing to review these trends in an effort to ensure the adequacy of the provision of public services.

13. **Concern over historic buildings and sites**

The 1997 Report indicated that the Borough's development pattern included an extensive number of historic buildings and sites. It recognized that preservation was a long-term undertaking and necessitated an active commitment to protect such resources.

III. EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED

This chapter examines the extent to which the problems and objectives identified in the prior Periodic Reexamination Report have been increased or reduced in the past six years.

1. Development potential of watershed lands

The zoning designation of the United Water Resources property, and other watershed lands within the Borough, has not been changed since 1997. While the Court Order/Agreement does provide some level of assurance and protection that most of the watershed lands in the Borough which are privately owned will not be developed, there still is property which potentially could be developed. Some of the property has become available for development because of alterations in setback requirements for watershed lands. Some land within this area could be subdivided into residential lots. It is therefore incumbent on the Borough to determine the type and intensity of development appropriate for such land given the current watershed regulations, the court order/agreement affecting such lands, and their overall environmental characteristics. An appropriate zoning designation (such as a designation of a Conservation Zone) with suitable use regulations, area and bulk standards, and design and environmental safeguards should be provided, in accordance with the SWAN Agreement and State regulations protecting watershed lands.

2. Intensity of use of residential lots

While the Borough enacted density regulations in the R-2 and R-3 Residence Districts allowing a maximum of one bedroom per 2,500 square feet of lot area, concerns relating to the overbuilding of residential lots remain. The size and scale of additions and renovations to single-family homes are of increasing concern as well as the potential for teardowns, where smaller dwellings are demolished to make way for significantly larger homes. In both cases the result is often a large single-family home which is out of scale with the residential neighborhood and the community. Given this increasing trend, the need to enact further restrictions, primarily floor area ratio controls, is perhaps greater than when the last Periodic Reexamination Report was adopted.

3. Tree Bank Ordinance

A detailed and extensive Tree Preservation Ordinance was adopted with the assistance of the Environmental Commission. A tree bank has been established and some fees have been collected. No decisions have been made as to how and for what these funds will be used, nor has it been decided which municipal agency should oversee the spending of such funds. The Planning Board recommends that the Environmental Commission be designated the agency responsible for such decisions. One remaining concern of the Borough is that presently, the

tree preservation requirements do not apply to subdivisions of less than three lots. Consideration should be given to applying the ordinance provisions to subdivisions of fewer lots, and developments in other circumstances.

4. Elimination of Industrial Zone

Upon further review and analysis, the Borough decided not to eliminate the industrial zone but instead appointed a Subcommittee on Industrial Zoning, whose charge has been to make recommendations aimed at revitalizing this area and exercising a greater degree of control over industrial operations. In addition, existing uses in the area are being documented with a view towards requiring such uses to either obtain a zoning permit (as permitted uses), or certificates of nonconforming use. The overall strategy is to effectuate a general upgrade of the area.

5. Rezoning area of Old Hook Road west of new bridge

Upon further review, the Borough decided not to rezone this area and encourage its transformation into a more expansive non-residential area. As such, the residential zoning has been retained.

6. Acquisition of environmentally-sensitive open space

The Borough's policy of acquiring environmentally-sensitive open space as a mechanism to ensure its preservation continues. Any such space which becomes available or is offered to the Borough will be considered for acquisition. No major acquisitions have occurred since 1997.

7. Discouraging flag lots

The Borough remains committed to the policy of discouraging flag lots. However, the present zoning regulations have no restrictions against flag lots, and no design or supplementary standards which implement such a policy. Flag lots are not defined in the zoning ordinance. The Borough should therefore consider both defining and prohibiting flag lots in their land use regulations.

8. Recognition and control of home occupations

The Borough has included a definition of home occupation in their zoning ordinance, and permits such uses subject to conditional use standards and requirements in certain residential zones. What has become more problematic, however, and outside the scope of the home occupation definition and regulations, are "home-based businesses" such as contractors' yards or landscapers' businesses which are being established in conjunction with a single-family

homes in strictly residential areas. Additional definitions and regulations should be considered to regulate their establishment in the Borough.

9. Impervious coverage limitations

A definition of lot coverage which is inclusive of all paved surfaces and buildings was added to lot coverage restrictions already in the zoning ordinance. Although some clarification by changing the wording of the latter regulations would be helpful, impervious coverage limitations, as recommended, have been implemented. The standards adopted, however, are somewhat more stringent than what was recommended in the 1997 Periodic Reexamination Report: the R-1, R-2, R-3 and S-1 districts have a maximum lot coverage limitation of 25%; the B-1 is 40%; the B-2 and I-1 are 50%; and the O&R District is 25%.

In addition, the Borough has adopted an "improved" lot coverage requirement—essentially all structures on a lot with the exception of landscaped areas. This includes such surfaces as stone driveways, surfaces which are not considered "impervious." The standards are as follows: R-1 and S-1, 45%; R-2, 42%; R-3, 35%; and B-1, B-2 and I-1, 80%.

10. Celltower regulations

The Borough has adopted celltower regulations. However, these need to be reviewed for consistency with current legislation and case law.

11. Rail line right-of-way reservation

There has been no change in policy regarding the reservation of sufficient right-of-way width to accommodate a second rail if rail passenger service is reactivated in the Borough. However, no progress has been made by the County or NJ Transit regarding the reinstitution of passenger rail service along the rail line which passes through the Borough.

12. Impact of population trends in the Borough

The concern raised in the 1997 Periodic Reexamination Report, which related to the extent of population growth taking place in the Borough in the 1990s, was based on inaccurate mid-census population estimates. The 1997 Periodic Reexamination Report indicated an increase in the Borough's population of 277 persons (from 4,623 in 1990 to 4,900 in 1994), in just 4 years.[1] This gave rise to concerns that a continuation of this trend could have significant impacts on the Borough's schools, recreation facilities and municipal services. The 2000 Census reported a total population of 4,740 in the Borough in the year 2000, an increase of only 117 persons in 10 years. Moreover, recent expansions that have occurred at the school have alleviated current problems related to overcrowding. The Borough should continue to monitor

[1] This was based on a NJ Dept. of Labor estimate.

changes in the numbers of schoolchildren expected to attend schools in Harrington Park so as to foresee and anticipate needed programmatic or facility improvements.

Significantly, the largest increase in population was in the senior citizens' age cohort (65+), which increased by 136 persons. (This is not surprising in light of the fact that a senior housing project was built in the Borough during the 1990s.) On the other hand, the number of school-age population (5 years to 18 years of age) actually fell during this period of time—from 1,304 to 1,247. Two points are worth noting. First, while seniors certainly do create demands for community services—emergency and social services in particular—they are not utilized as much, and are less expensive to provide than those which school-age children require (education and recreation services in particular). Second, the overall population growth in the 1990s was not substantial, nor can one expect it to be substantial in the next 10 years. This is because little vacant developable land remains in the community to accommodate new dwelling units, and because household size which decreased slightly from 3.13 persons per household in 1990 to 3.03 persons per household in 2000, is likely to decrease slightly or remain stable in the next 10 years.

13. Historic buildings and sites

The Borough did not enact any further regulations to protect historic districts or buildings. This was due to the concern that the enactment of historic preservation requirements would inhibit modernization and rehabilitation of the aging housing stock in the Borough. The Borough, however, continues to seek a balance between preserving its historic resources while encouraging improvement and renovation of its older homes.

14. Fair housing compliance

The Borough's current Master Plan and zoning are in compliance with the mandates of tNew Jersey's Fair Housing Act.

IV. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

For the most part the assumptions, policies and objectives forming the basis for the 1997 Periodic Reexamination Report have not changed in the past six years, and remain valid at the present time. Changes which have occurred at the municipal level have not been significant; most relate to the slight shift in demographics; and the potential for changes to the housing stock via resubdivisions, expansions and rehabilitation. Those changes are described below in Part A of this chapter. In addition, there have been changes at the State level and in federal policy, including new or proposed legislation and regulations. These are described in Part B of this chapter.

A. CHANGES AT LOCAL LEVEL

1. Housing, Demographics and Economic Data

Of primary significance since the prior Periodic Reexamination Report was adopted in 1997, is the fact that the year 2000 Census was completed and published. This has given Harrington Park a more accurate picture of population, housing and employment than was possible in 1997, when inaccurate estimates gave rise to unfounded concerns relative to population growth. For this reason, a series of statistics and data from the 2000 Census is provided here.

a. Housing

The picture emerging from the 2000 Census is that Harrington Park has a fairly stable housing stock, with three-quarters of all housing units constructed prior to 1970 (see Table 1). Even so, some additional housing units were added since 1990, 124 or just under 10% of the total (see Table 2). Harrington Park remains a predominantly single-family residential community, which accounts for over 90% of its housing stock (see Table 3). The same percentage can be applied to owner-occupied housing; only a small proportion of the housing stock is in rental units (see Table 4). Median unit values and contract rents are significantly higher than Bergen County as a whole (see Table 5).

b. Demographic and socioeconomic characteristics

The population of Harrington Park increased by 2.5% between 1990 and 2000, from 4,623 to 4,740 (see Table 6). Interestingly, there was a greater increase in the number of households—5.9%, from 1,476 to 1,563—although this did not lead to a concomitant increase in population because the average household size decreased from 3.13 persons per household to 3.03.

Table 1

Age of Housing Stock
Borough of Harrington Park, New Jersey, 2000

Year Unit Constructed	Number of Units	Percent
1990-2000	133	8.4%
1980-1989	127	8.0%
1970-1979	121	7.6%
1960-1969	348	22.0%
1940-1959	528	33.4%
1939 or earlier	326	20.6%
Total	1,583	100.0%

SOURCE: 2000 U.S. Census

Table 2

Building Permits Issued
Borough of Harrington Park, New Jersey, 1990-2002

Year	Single-Family**	Multi-Family	Total
1990	5	0	5
1991	8	2	10
1992	8	8	16
1993	19	8	27
1994	1	2	3
1995	6	2	8
1996	0	0	0
1997	13	0	13
1998	2	0	2
1999	0	0	0
2000	5	0	5
2001	3	0	3
2002	29	0	29
2003*	3	0	3
Total	102	22	124

* Preliminary data through April 2003

** Note that per the Department of Labor classification, townhouse or apartment units in fee-simple or condominium ownership are classified as "single-family" units.

SOURCE: New Jersey Department of Labor, Office of Labor Planning and Analysis

Table 3

Distribution of Housing Units by Type
Borough of Harrington Park, New Jersey, 2000

Units in Structure	Number	Percent
1 unit – detached	1,448	91.5%
1 unit – attached	20	1.3%
2 units	26	1.6%
3 to 4 units	19	1.2%
5 to 9 units	6	0.4%
10 to 19 units	0	0.0%
20 or more units	64	4.0%
Other	0	0.0%
Total	1,583	100.0%

SOURCE: 2000 U.S. Census

Table 4

Housing Characteristics
Borough of Harrington Park, New Jersey, 1990-2000

	1990		2000	
	Number	Percent	Number	Percent
Occupied Housing				
Owner-Occupied	1,371	90.7%	1,474	93.1%
Renter-Occupied	105	6.9%	89	5.6%
Vacant Housing Units	35	2.3%	20	1.3%
Total Housing Units	1,511	100.0%	1,583	100.0%

SOURCE: 1990 and 2000 U.S. Census

Table 5

Median Unit Value and Median Contract Rent
Borough of Harrington Park and Bergen County, New Jersey, 2000

Harrington Park	
Median Unit Value	$349,700
Median Contract Rent	$1,281
Bergen County	
Median Unit Value	$250,300
Median Contract Rent	$872

SOURCE: 2000 U.S. Census

Table 6

Population, Households and Household Size
Township of Harrington Park, New Jersey, 1990-2000

	Population		Change, 1990-2000	
	1990	2000	Number	Percent
Total Population	4,623	4,740	117	2.5%
Number of Households	1,476	1,563	87	5.9%
Average Household Size	3.13	3.03	-0.10	-3.2%

SOURCE: 1990 and 2000 U.S. Census

Table 7

Age Distribution of the Population
Borough of Harrington Park, New Jersey, 1990-2000

	1990		2000		1990 to 2000 Change	
Age Cohort	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Under 5	296	6.4%	344	7.3%	48	16.2%
5 to 14	706	15.3%	773	16.3%	67	9.5%
15 to 24	598	12.9%	474	10.0%	-124	-20.7%
25 to 44	1,358	29.4%	1,201	25.3%	-157	-11.6%
45 to 64	1,195	25.8%	1,342	28.3%	147	12.3%
65 to 74	304	6.6%	342	7.2%	38	12.5%
75 to 84	136	2.9%	223	4.7%	87	64.0%
85 years and older	30	0.6%	41	0.9%	11	36.7%
Total	4,623	100.0%	4,740	100.0%	117	118.8%

SOURCE: 1990 and 2000 U.S. Census

Perhaps more important than the overall increase in population was the demographic shift in age within the population (see Table 7). Change occurred at the lower end of the age cohort—in the 0-5 and 5-14 age groups, and at the upper end, most significantly in the 75+ age group. At the lower end, this "bubble" may have a temporary impact on the provision of educational services, although the numbers are not so significant that major capital facility expansions are likely to be required. The increase in seniors and in the next cohort below this (45 to 75) may call for a reexamination of recreation and support facilities provided to seniors.

The most significant decreases occurred in the 15 to 44 year age cohort, most likely a function of the increasing unaffordability of the housing stock. All of these trends mirror those occurring in northern Bergen County. Moreover, the median household income of over $100,000 in 1999 reflects an increasingly affluent population in the Borough (see Table 8). Nevertheless, the Borough continues to be home to families who are in low- and moderate-income categories. Almost 20% of the population have incomes of less than $50,000, while 13% have incomes of less than $35,000. Affordable housing and other municipal services will have to continue to take this population into account.

c. Employment

Employment statistics for Harrington Park from the 2000 Census show that 35.5% of persons over 16 are not in the labor force, yet only 1.9% are unemployed (see Table 9). While some of this population may still be students in their teens or early 20s, it does indicate a significant number of retired persons, and non-working spouses. Of those who do work, more than half are in managerial, professional or related employment and the remainder are predominantly in white collar positions (see Table 10).

2. Resubdivision and Illegal Use of Residences

While the population of Harrington Park has not increased significantly in the past 6 years, nor is expected to increase much in the future, two unwelcome sources of growth need to be curtailed. The first is the subdivision of larger residential properties into two or more lots, sometimes creating poorly configured lots and potential sources of neighborhood disruption, and the second is the accommodation of a second household within a single-family home that is not really part of the family which occupies it.

With respect to the resubdivision, the enforcement of minimum lot area, width and yard requirements and the prohibition of flag lots would go a long way to ameliorate inappro-

Table 8

Distribution of Household Income and Per Capita Income
Borough of Harrington Park, New Jersey, 1999

Household Income	Number	Percent
Less than $10,000	19	1.2%
$10,000 to $24,999	92	5.9%
$25,000 to $34,999	59	3.8%
$35,000 to $49,999	108	7.0%
$50,000 to $74,999	265	17.1%
$75,000 to $99,999	229	14.7%
$100,000 to $149,999	432	27.8%
$150,000 to $199,999	186	12.0%
$200,000 or more	163	10.5%
Median Household Income	$100,302	
Per Capita Income	$39,017	

SOURCE: 2000 U.S. Census

Table 9

Characteristics of the Labor Force
Borough of Harrington Park, New Jersey, 2000

	Number	Percent
Number of Persons 16 and over	3,563	100.0%
Labor Force Participation Rate	2,299	64.5%
Not in Labor Force	1,264	35.5%
In Civilian Labor Force:		
Employed	2,232	62.6%
Unemployed	67	1.9%

SOURCE: 2000 U.S. Census

Table 10

Occupation of Employed Persons (16 Years and Older)
Borough of Harrington Park, New Jersey, 2000

	Number	Percent
Managerial, Professional and related	1,217	54.5%
Service	112	5.0%
Sales and Office	676	30.3%
Farming, Forestry and Fishing		
Production, Transportation and Material Moving	127	5.7%
Construction, Extraction and Maintenance	100	4.5%
Total	2,232	100%

SOURCE: 2000 U.S. Census

priate subdivisions. Where lots can be subdivided in conformance with current standards, problems—such as being at odds with neighborhood patterns of development or overcrowding—are unlikely. Confining the use of single-family homes to one household is a somewhat more difficult proposition based upon case law regarding what constitutes a "family" and protections for those who wish to accommodate both blood-related and non-related individuals in a single housekeeping unit. This would involve reexamining many definitions in the current code, such as those pertaining to "family" and "household," and providing better or new definitions for "accessory apartment," "two-family homes," and the like.

3. Expansion of Borough Community Facilities

While the Borough has no immediate need to expand its current facilities, the expansion of the library and Borough Hall are in the exploratory or early stages of review. Amongst the list of items being reviewed is the adequacy of the space to accommodate all staff and functions as well as ADA compliance—compliance with the Americans with Disabilities Act.

4. Bridge Replacement/Reconstruction

The Bergen County Department of Transportation has been evaluating replacing or reconstructing the Harriot Avenue Bridge. A meeting was held between Borough officials and the County approximately 5 years ago to discuss this issue. Since the bridge has unique aesthetic and engineering qualities (it was built as a public works project prior to World War II), concerns have been expressed that a widening would denigrate its visual qualities—such as the addition of metal guardrails. The Borough reaffirms its policy that the aesthetic qualities should be retained if the replacement/reconstruction occurs. This issue will be stressed in the Borough's future dealings with the County DOT.

5. Commuter Parking

Commuter parking spaces have been made available in the Borough's commercial district to both residents of the Borough as well as nonresidents who wish to park their cars in the Borough before boarding the bus which takes them to New York City. Many parking spaces assigned to nonresidents have become available since fees were increased. The Borough needs to determine whether an adjustment in fees is necessary to allow greater usage of such spaces by nonresidents.

6. Recycling

While the Borough's regulations and programs for recycling are in compliance with State- and County-mandated regulations and guidelines, the Borough needs to reevaluate its current arrangements to determine whether it can be improved. One of the issues that might be considered is the institution of curbside pickup.

7. Maintenance of UWR Land

The Borough has found the stewardship of United Water Resources land to be generally poor as of late. Proper and regular maintenance—including cleanup of dumping and garbage (especially in drainage channels), and better woodland management (e.g., clearing of debris, drainage swales, etc.)—needs to be undertaken for health, aesthetic and environmental reasons.

B. CHANGES AT THE STATE AND FEDERAL LEVELS

1. Telecommunications Act of 1996

The federal Telecommunications Act of 1996 requires all municipalities to provide wireless telecommunications carriers with reasonable access to the airwaves, and to preclude the exclusion of such facilities based on public health and safety concerns. Harrington Park has amended its development regulations to comply with the Act, but these need to be revisited based on recent case law.

2. State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was initially adopted in 1992, but a revised version was adopted by the State Planning Commission in 2001. Under the SDRP, the area of the Borough comprised of the Reservoir is classified as "water," while the watershed lands are classified as Planning Area 5, Environmentally Sensitive. The remainder of the Borough is located in the Metropolitan Planning Area (Planning Area 1). The Borough's goals and objectives remain generally consistent with the statewide goals and objectives of the SDRP and the policy objectives for the Planning Areas in which the Borough's lands are located.

3. Proposed State Legislation

The following is proposed legislation, in the form of bills before the State government, on various aspects of land use development with a potential bearing on municipalities in New Jersey.

a. Timed Growth Ordinance

Authorizes a municipality to adopt a timed growth ordinance if it has adopted a master plan and a capital improvement plan. This would allow municipalities to divide their land into special districts in which development would be staggered as capital improvements are structured. The Department of Community Affairs would develop standards and guidelines for such ordinances. Single- and two-dwelling-unit development would be exempt.

b. Transfer of Development Rights Ordinance

This legislation would authorize all municipalities in the State of New Jersey (not just those in Burlington County, where it has been a pilot program since 1976), to adopt transfer of development rights ordinances. This would allow municipalities to designate areas of the community which they proposed to preserve as "sending zones" and areas of the community in which additional development was appropriate as "receiving zones," with the ability to transfer development rights from the sending zones to the receiving zones.

c. Impact Fee Ordinance

Municipalities would be authorized to assess an impact fee on development projects to reflect the cost of development on various sectors, including but not limited to schools, wastewater treatment, water supply, storm water management, transportation and parks and recreation. This would enable municipalities to fund the costs of capital improvements or facilities expansions necessitated by development. The fee would have to correlate to the needs created by the new development.

d. One-Year Moratorium Ordinance

The legislation would authorize municipalities to adopt a moratorium on development for a period of up to one year to enable it to adopt an impact fee ordinance, a timed growth ordinance or to update a master plan.

e. Mediation Board

The legislation would create a mediation board for the purpose of resolving inter-municipal disputes, otherwise known as "border wars." The legislation is aimed to find regional solutions to regional problems, and for municipalities to consider impacts their development decisions have outside their borders. It is also aimed at avoiding litigation between municipalities, by helping to resolve such problems before they reach the courts.

f. Municipal Land Use Law Changes for Smart Growth

This legislation would amend various portions of the MLUL to strengthen the authority of municipalities and counties decisions that are more in keeping with Smart Growth principles and provide additional tasks in reviewing applications for development. Proposed amendments include: changes to definitions (such as to exclude environmentally-sensitive areas from density calculations); changes in notification requirements on development applications (notifying adjacent municipalities within 1,000 feet of a development application); increasing the educational requirements of Planning and Zoning Boards; making certain elements of a master plan mandatory instead of optional, which is presently the case (e.g., historic preservation, circulation, farmland preservation, and conservation); making both a "vision statement" and a buildout analysis a mandatory element of a master plan; and the ability to review off-tract impacts (e.g., traffic, parking, recreation) not just on-site impacts, as part of development reviews.

g. County Planning Act Amendments

This legislation would not impose an additional layer of county decision-making authority over municipalities, but would define how counties should be involved in planning, and would encourage cooperation between municipalities, counties and the state in planning-related matters. Such items as mandatory contents of a county master plan, educational requirements for a county planning board, and assessing off-tract improvements, are proposed in this bill.

The Borough should monitor the progress of these proposed bills and be in a position to comply with any new mandates that are forthcoming if and when such legislation is adopted.

4. The Big Map

The New Jersey State Department of Environmental Protection has proposed the adoption of a "Blueprint for Intelligent Growth" or BIG map. The map depicts the entire state in three colors, each of which indicates State policy towards encouraging or discouraging growth through the provision (or denial) of State permits or funding for infrastructure improvements or extensions. "Green" is for "go," or a policy of favoring growth; "red" means "stop," or a policy of discouraging growth; and "yellow" means "caution," or a policy of further analyzing growth to determine its impacts. The Borough of Harrington Park, as is the case for virtually all of Bergen County, is designated green.

V. RECOMMENDED CHANGES TO THE MASTER PLAN AND ZONING ORDINANCE

Based upon the assumptions, policies and objectives discussed in Chapter IV, as well as problems and concerns which have not been ameliorated in the past six years, a few changes are being recommended to the master plan and zoning ordinance. These changes, as well as recommended follow-up studies or reviews, are set forth below.

The zoning designation of watershed lands in the Borough, both privately- and publicly- or quasi-publicly-owned, need to be reevaluated in light of the potential for their development and the environmental concerns that stem from such a potential. The appropriate zoning designation and design and environmental standards should be examined to determine how such land should be utilized and maintained in an environmentally-appropriate manner in accordance with the SWAN Agreement and State regulations for protection of watershed property. Consideration should also be given to determining which lands should be preserved in their entirety.

The possibility of adopting additional bulk and design controls, including floor area ratio, to control the size and design of single-family home expansions or redevelopment, should be examined. The intent would be to allow for reasonable expansions, but at a scale and of a design that are in keeping with the existing character of neighborhood development.

The Tree Preservation Ordinance should be considered for amendment so as to include subdivisions of land (or resubdivisions) involving less than three lots.

The subject of Historic Preservation needs to be reexamined. An array of alternative methods of instituting such regulations needs to be evaluated to determine which one would be suitable and appropriate in Harrington Park. To the extent that the Borough decides to go forward with these regulations, an Historic Preservation Element would have to be added to the Master Plan, and ordinance regulations would have to be drafted.

The Borough should examine whether improvements can and should be made to its recycling program, and may want to consider whether curbside pickup of certain recyclables would be practical and economically feasible.

The Borough should continue to evaluate the adequacy of its facilities, most notably the library and Borough Hall. In addition, possible improvements to Highland Park should also be reexamined to determine whether greater utilization of its facilities and more attractive amenities can be introduced. The possibility of amending nonresident commuter parking fees in the Borough's commercial area should be examined to increase its utilization. The adequacy of recreation and support facilities for the Borough's growing senior population should be evaluated.

The Board of Education should be encouraged to review and address parking problems at the school.

Ways in which the Borough's industrial area can be improved to bring its operational, environmental and visual characteristics up to modern standards should be examined.

Opportunities for the acquisition of additional open space for preservation purposes or for recreational purposes should continue to be monitored.

The need for sidewalk improvements/additions on busy streets should be ascertained, and the possible creation of a sidewalk "bank" should be evaluated.

The Borough should examine whether there are any actions it can take to deal with street vacation and paper streets that do not meet RSIS standards.

Various portions of the Borough's zoning ordinance need to be reviewed and amended to provide clarification or to deal with issues which it currently does not address. These include the following:

(1) The definition of height, specifically how the height of a building is measured, needs to be reexamined.

(2) The definitions pertaining to "family," "household," "dwelling," "multiple dwelling," and "apartment," and regulations pertaining to two-family homes and accessory apartments need to be reexamined. (In addition, the issue relating to the establishment of a second kitchen in a dwelling unit needs to be examined.)

(3) Provisions should be added to the zoning ordinance which clearly prohibit flag lots.

(4) Regulations pertaining to "home-based businesses" need to be added and distinguished from home occupations or home professional offices.

(5) The Borough's cellular communications regulations should be reviewed for consistency with current case law and legislation.

(6) The zoning ordinance should provide greater clarification with respect to temporary structures, and how these can be differentiated and regulated apart from permanent structures. The issue of temporary storage should also be clarified.

(7) Regulations pertaining to accessory structures, including driveways, patios, terraces, walls, sheds and fences need to be clarified. The addition of such structures should require zoning ordinance compliance reviews not just building code review.

(8) Regulations which enforce completion of construction should be reevaluated so that incomplete structures are not left in their unfinished state.

(9) The extent to which variances are sometimes required for minor violations (e.g., front or side yard encroachment) should be examined with a view towards streamlining such applications.

(10) The conditional use regulations of the ordinance need to be clarified and strengthened.

(11) Regulations pertaining to mixed uses need to be clarified.

(12) Regulations pertaining to, and the agencies who are responsible for the maintenance of property, need to be clarified and strengthened. The ordinance regulations should stipulate that major additions (or re-grading as part of site plan review and enforcement), should be subject to the approval of the Borough Engineer.

(13) Limitations related to the parking of commercial vehicles on residential properties need to be reexamined.

(14) Submission requirements for subdivisions and site plan applications should be updated to reflect changes in the zoning ordinances. The application checklist should also be updated.

(15) The use and bulk regulations for the B-1 and B-2 districts should be amended to more clearly reflect existing development in these two respective zones.

(16) Enforcement responsibilities should be clarified.

(17) Design requirements which would improve the aesthetics of the central business district should be examined.

In addition, the Borough should solicit any additional changes or amendments to the zoning ordinance from the Borough's construction official.