



BOROUGH OF EDGEWATER

**Municipal Building
55 River Road
Edgewater, NJ 07020
201-943-1700
Fax 201-943-9242**

**BARBARA RAE, RMC, CMC
BOROUGH CLERK**

September 19, 2014

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VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED
7010 0780 0001 1134 8416
Department of Planning & Economic Development
One Bergen County Plaza – 4th Floor
Hackensack, NJ 07601-7076
Attn: Director Garrison

Re: Adoption of Ordinance No. 1512-2014

Dear Director Garrison:

With reference to the above captioned matter, enclosed herewith please find a copy of Ordinance No. 1512-2014 entitled: "An Ordinance of the Borough of Edgewater, County of Bergen, State of New Jersey, Amending and Supplementing Chapter 240 of the Borough Code to implement and Reaffirm the Recommendations Contained in the April 2014 Master Plan Reexamination as Approved by the Planning Board" which was adopted on September 15, 2014 by the governing body.

Sincerely,

Barbara Rae, RMC, CMC
Borough Clerk

Enc.



GREGORY ASSOCIATES
Specializing in Planning & Development Consulting ^{LLC}

2014 Master Plan Reexamination
Edgewater, New Jersey

April 2014

Prepared for:
Borough of Edgewater Planning Board

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2014 Master Plan Reexamination
Edgewater, New Jersey

ADOPTED

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Borough of Edgewater

Planning Board Secretary: Annamarie O'Connor
Planning Board Attorney: Craig Bossong, Esq.
Planning Board Engineer: Dan Kaufman, P.E.
Borough Administrator: Greg Franz

Gregory Associates, LLC

Principal: Kathryn M. Gregory, AICP, PP

This copy conforms to the original copy of this report which is signed by Kathryn M. Gregory, Professional Planner's License No. 5571; in accordance with N.J.S.A. 45:14A regulating the practice of Professional Planning in the State of New Jersey.



Kathryn M. Gregory

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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 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."

A master plan also must include land use and housing plan elements and may include a number of other plan elements addressing topics such as circulation and community facilities. These elements may be divided into subplan elements and may be prepared and adopted in sequences. Other required components of a master plan are policy statements indicating the master plan's relationship to the master plans of contiguous municipalities, to the county master plan, to the *State Development and Redevelopment Plan* and to the county's district solid waste management plan.

The *M.L.U.L.* requires a master plan be revised periodically. *N.J.S.A. § 40:55D-89* states that at least once every ten years a general reexamination of a municipality's master plan and development regulations shall be prepared by the planning board. Edgewater's most recent Comprehensive Master Plan was adopted in 1981, with its most recent Master Plan Revision in 2012, and Housing Element Amendment in 2008. The 2014 Edgewater Master Plan Reexamination Report updates these documents and includes the following five sections in accordance with *N.J.S.A. § 40:55D-89* a through e:

- 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 the state, county, and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives 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 remainder of this report is comprised of these five elements. Additionally, there is a section describing certain changes that have occurred in the Borough during the past few years.

A. MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN EDGEWATER AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.

The last Comprehensive Master Plan was adopted in 1991, with the last Reexamination adopted on November 22, 2010. At the time the most recent Edgewater Master Plan Reexamination was completed, the Borough was almost fully developed, with the exception of environmentally sensitive land.

The 1998, 2004, and 2010 Master Plan Reexamination identified objectives relating to land use development as identified below.

1. To maintain and enhance the existing areas of stability in the community, to encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character of the community by restricting incompatible land uses from established residential areas, and limiting intensities of use to the levels, and locations, prescribed herein. Additionally, the goal of this plan is to direct commercial development solely to those specific areas identified in this plan.
2. To ensure that any prospective development is responsive to the Borough's environmental features, and can be accommodated while preserving these physical characteristics.
3. To discourage development of the Palisades and other steeply sloped areas. Roof lines should be kept below the ridgeline of the Palisades in order to preserve the character and views of this area; trees should be preserved in these steeply sloped areas.
4. To preserve and enhance the amenities of the waterfront area by maintaining and encouraging additional active and passive recreation features which promote access to the waterfront, and by establishing a design policy which will ensure visual linkages to the Hudson River and New York skyline. A continuous waterfront open space and walkways system should be encouraged along the entire water's edge. Perpendicular pedestrian access from River Road to the walkway system should also be encouraged. The system should be designed in association with significant open space/park features that will serve as a unifying element that also provides visual and physical access to the waterfront.
5. To maintain easterly views by limiting the height of buildings on waterfront properties.
6. To establish regulatory control which permit the appropriate level of development and/or redevelopment of piers along the Hudson River waterfront.
7. To acknowledge water/riparian areas as part of an overall parcel of land, while at the same time recognizing the need to limit the intensity of development that results on the upland area.
8. To encourage and provide buffer zones to separate incompatible land uses.
9. To provide a variety of housing types, and a balanced housing supply, in appropriate locations, to serve the Borough and region.
10. To preserve and enhance the Borough's commercial areas by defining their functional role in the community and enhancing the quality of life within the commercial centers. This is to be accomplished through an appropriate mixture of retail and service commercial activities, with a design emphasizing pedestrian elements, 'public' space that serves as a gathering for people, and physical and visual linkages to the waterfront.
11. To promote the revitalization and redevelopment of the Shadyside area; to provide a

comprehensive and coordinated long-range plan to guide the growth, development, and physical improvements which are necessary to ensure the continued vitality of this portion of the Borough; and, to encourage the cooperation of merchants, property owners, residents, and government in the overall upgrading and enhancement of the physical appearance of the business district through comprehensive and integrated streetscape improvements, building renovations, and related physical improvements.

12. To promote a safe and efficient traffic circulation system that serves the community, which also incorporate aesthetic enhancements.
13. To require new development applications, which exceed fifty (50) dwelling units and/or 25,000 square feet of non-residential square footage, to submit a traffic study.
14. Encourage pedestrian circulation facilities (sidewalks, pedestrian crosswalks and bikeways) along the River Road Corridor.
15. To require all residential developments in excess of 20 dwelling units to submit a socio-economic impact study wherein data is presented on the impact the development will have on the local population, school system, recreation needs, and other municipal services. The study should address the current capacity of the schools, a five-year projection of school capacity, and an impact analysis indicating the manner in which the development will affect the student population. This study should also be submitted to the Edgewater School Board.
16. To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.
17. To ensure that the Borough's zoning regulations are upgraded in a comprehensive manner to implement the proposals set forth herein.
18. To prepare a basis for amending the residential parking standards set forth in the State of New Jersey Residential Site Improvement Standards as they apply to the Borough of Edgewater.
19. To prepare a comprehensive community facilities plan element of the master plan pursuant to the provisions of the Municipal Land Use Law.

The 2010 Reexamination identified the following Land Use Issues facing the municipality at that time.

1. **Demographic Analysis.** The Borough was recommended to conduct a demographic analysis when Census 2010 data was released, and incorporate it into the Master Plan, as this tracks the impacts of the development that has occurred in Edgewater over the last decade in terms of population. This may have an impact on the Land Use Element, and Community Facilities Element, of the Master Plan.
2. **Community Facilities Element.** The Community Facilities Element was recommended to be updated with the release of Census 2010 data. The Community Facilities Element tracks the level of service of community facilities, such as police, recreation, schools, etc. With the amount of development that has occurred in Edgewater over the last decade, it is important to assess the levels of service to determine if future improvements are warranted.
3. **Docks.** Neither commercial nor private docks were defined or specifically permitted in the zoning ordinance, yet many exist in the Borough as non-conforming uses. The Waterfront

Development Law (N.J.S.A. 12:5-3), regulates not only activities in tidal waters, but also the area adjacent to the water, extending from the mean high water line to the first paved public road, railroad or surveyed property line. At a minimum, the zone extends at least 100 feet but no more than 500 feet inland from the tidal water body. Within this zone, DEP must review construction, reconstruction, alteration, expansion or enlargement of structures, excavation, and filling. However, there are certain exemptions. The Waterfront Development Program exempts the repair, replacement or reconstruction of some legally existing docks, piers, bulkheads and buildings, if the structure existed before 1978 and if other conditions are met. Also, there are exemptions for certain single family homes and for small (5,000 square feet) additions to certain existing structures, if the single family home or structure is located more than 100 feet inland from the mean high water line.

While the NJ DEP regulates the actual construction of docks, it was recommended the Borough define docks, decide which zones are appropriate for docks, and incorporate the DEP's guidelines for governing such docks into the Zoning Ordinance.

4. **Shadyside North.** The 2010 and 2004 Reexamination made recommendations for changes in the Land Use Plan for the area north of Shadyside. The recommendation included rezoning the parcels on the west side of Old River Road to a designation called "Shadyside North." The general character was intended to be similar to Shadyside, recommending a mix of ground-floor commercial uses and residential uses above the first floor. Density was to be lower than that permitted in Shadyside but have larger side yards to encourage access. Any development was to include on-site parking.
5. **Sustainability.** The New Jersey *Municipal Land Use Law (M.L.U.L.)* was amended in late 2008 to include a Sustainability Element as an optional element of the Master Plan. The Borough was recommended prepare a Sustainability Element and subsequently zoning ordinance amendments that incorporate green building and site design standards to help reduce the impact of development on the environment.
6. **Unilever Property.** The Land Use Plan of the Master Plan was recommended to be amended to reflect the current zoning designation for the Unilever Property. The prior land use plan designated this property for office development, wherein the 2006 Redevelopment Plan rezoned this property to the "Southern Waterfront Redevelopment District", a zone which contains mixed-use development.
7. **Steep Slope Protection.** The current steep slope regulations are not applicable to single- and two-family development. The Planning Board felt that this should remain the status quo; however, the NJDEP required the Borough to revise its ordinance to be compliant with NJAC 7:15. Specifically, the NJDEP regulations do not allow development in areas with **RISE** in excess of 20%. At that time, an ordinance was drafted but not adopted to the date of the last Reexamination. **RECEIVED**
8. **Size and scale of Single- and Two- Family Residential Development.** While the Borough passed an ordinance regulating maximum height and front step projections into yards, the Borough was recommended to revisit the regulations regarding residential development to ensure future development will be compatible with existing neighborhoods. **SEP 23 2014**
9. **Intensity of Residential Development.** Issues raised at the Colony called for a change in the density requirement for the R-1 Zone. The Zoning Ordinance was recommended to be amended to reflect a decrease in density to reflect the current density at the Colony.

10. Residential Areas – Parking. The Planning Board recommended to the Council that one or more of the following be incorporated to alleviate the parking issues found in residential areas: parking permits for a fee; switching the permitted parking from the west side of the street to the east side; and changing streets to one-way streets to allow for parking on both sides.

11. Waterfront Walkway. The Borough was recommended to work with the County on maintenance and security issues associated with the Hudson Riverfront Walkway, possibly pursuing grant funding for maintenance and/or security to ease the burden of local property owners for the private responsibility of this public amenity.

B. EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SINCE 2010

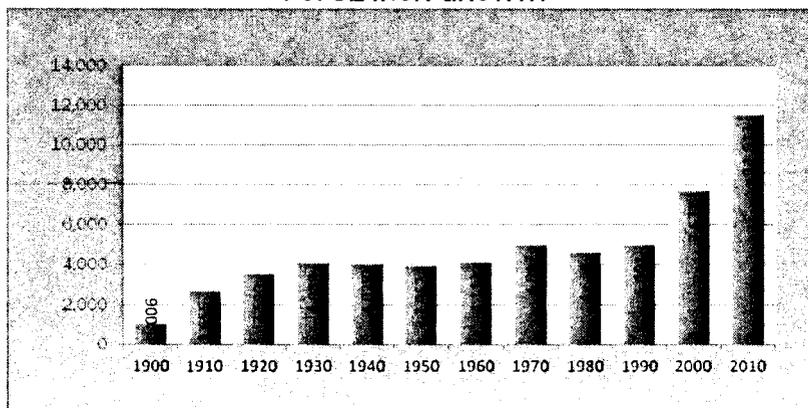
Pursuant to the MLUL, this section of the Reexamination Report examines the extent to which problems and objectives have been addressed. A number of the planning issues as well as goals and objectives outlined in the 2010 Reexamination have been addressed, while others have not.

1. Demographic Analysis. The Borough was recommended to conduct a demographic analysis when Census 2010 data was released, and incorporate it into the Master Plan, as this tracks the impacts of the development that has occurred in Edgewater over the last decade in terms of population. A Demographic analysis has been completed as part of this Master Plan Reexamination. The Census 2010 data was released in late 2011. There have been fairly substantial changes in the Borough resulting from growth and development.

Population

Edgewater is a community that has grown rapidly over the last 20 years. As shown in Table 1/ Chart 1, the population has increased 50% or more over the last 2 decades. This represents a large amount of growth in the population of the Borough. Edgewater's population density is 12,312 persons per square mile throughout its less than 1 square mile of land area. The increase in population can be attributed to the increase in the number of housing units in the last 10 to 20 years.

**CHART 1
POPULATION GROWTH**



Source: US Census, NJ Department of Labor, Bergen County

**TABLE 1
POPULATION GROWTH**

Year	Population	% Change
1900	1,006	—
1910	2,655	163.90%
1920	3,530	33.00%
1930	4,089	15.80%
1940	4,028	-1.5%
1950	3,952	-1.9%
1960	4,113	4.10%
1970	4,987	21.20%
1980	4,628	-7.2%
1990	5,001	8.10%
2000	7,677	53.50%
2010	11,513	50.00%

Source: US Census, NJ Department of Labor, Bergen County

Age Characteristics

The following Table 2 shows the largest segment of the population as of 2010 is between 25 to 34 year age range, followed by the 35 to 44 age range. There has been a significant increase in the number of persons under the age of 5. The largest age cohorts are those of child bearing age, which contributes to the increase in the number of persons under the age of 5. The largest increase in age cohorts from 2000 to 2010 terms of percentage is in the youngest (5 and under) and oldest (75 and older) segments of the population. This is most likely attributable to the large child bearing population and the increase in the number of available age-restricted and senior units built in Edgewater in the last 10 years.

**TABLE 2
POPULATION BY AGE, 2000 AND 2010**

Age Cohort	2000		2010	
	Number	Percent	Number	Percent
Total Population	7,677	100.00%	11,513	100.00%
Under 5	430	5.60%	954	8.29%
5 to 9	310	4.04%	560	4.86%
10 to 14	273	3.56%	337	2.93%
15 to 19	258	3.36%	294	2.55%
20 to 24	322	4.19%	364	3.16%
25 to 34	2008	26.16%	2,515	21.84%
35 to 44	1577	20.54%	2,505	21.76%
45 to 54	1066	13.89%	1,496	12.99%
55 to 59	436	5.68%	575	4.99%
60 to 64	310	4.04%	573	4.98%
65 to 74	420	5.47%	681	5.92%
75 to 84	200	2.61%	403	3.50%
85 and over	67	0.87%	256	2.22%

Source: US Census, NJ Department of Labor, Bergen County
The median age in 2010 in the Borough is 37.2, up slightly from 36.3 in 2000.

Gender

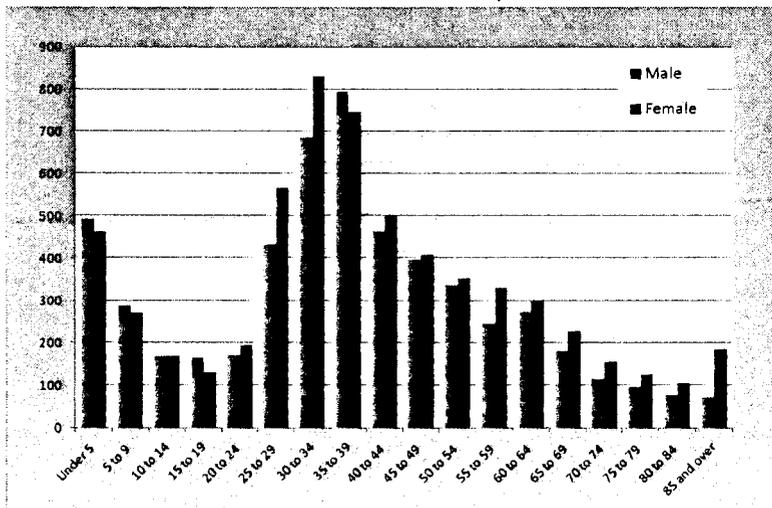
There are generally more women than men in Edgewater, with the exception of 3 age categories: 5 to 9, 15 to 19, and 35-39. Chart 2 and Table 3 show the breakdown of gender by age category.

**TABLE 3
POPULATION BY GENDER, 2010**

Age Cohort	Male		Female	
	Count	Percentage	Count	Percentage
Total Population	5,460	47.40%	6,053	52.60%
Under 5 years	492	4.30%	462	4.00%
5 to 9 years	288	2.50%	272	2.40%
10 to 14 years	169	1.50%	168	1.50%
15 to 19 years	164	1.40%	130	1.10%
20 to 24 years	171	1.50%	193	1.70%
25 to 29 years	434	3.80%	566	4.90%
30 to 34 years	686	6.00%	829	7.20%
35 to 39 years	793	6.90%	745	6.50%
40 to 44 years	464	4.00%	503	4.40%
45 to 49 years	398	3.50%	408	3.50%
50 to 54 years	338	2.90%	352	3.10%
55 to 59 years	246	2.10%	329	2.90%
60 to 64 years	274	2.40%	299	2.60%
65 to 69 years	182	1.60%	228	2.00%
70 to 74 years	116	1.00%	155	1.30%
75 to 79 years	97	0.80%	126	1.10%
80 to 84 years	76	0.70%	104	0.90%
85 years and over	72	0.60%	184	1.60%

Source: US Census, NJ Department of Labor, Bergen County

**CHART 2
POPULATION BY GENDER, 2010**



Source: US Census, NJ Department of Labor, Bergen County

Race

As shown in Table 4, the largest segment of the population is White, followed by Asian. Those of Korean descent make up the largest segment of the Asian race group in the Borough. While the ranking of these groups remained the same since 2000, the percentage of White persons decreased and the percentage of Asian descendants increased.

**TABLE 4
RACE, 2010**

Race	Number	Percent
One Race	11,198	97.30%
White	6,135	53.30%
Black or African American	570	5.00%
American Indian and Alaska Native	16	0.10%
Asian	4,084	35.50%
Asian Indian	450	3.90%
Chinese	527	4.60%
Filipino	137	1.20%
Japanese	560	4.90%
Korean	2,258	19.60%
Vietnamese	11	0.10%
Other Asian	141	1.20%
Native Hawaiian and Other Pacific Islander	7	0.10%
Native Hawaiian	2	0.00%
Guamanian or Chamorro	1	0.00%
Samoan	0	0.00%
Other Pacific Islander	4	0.00%
Some Other Race	386	3.40%
Two or More Races	315	2.70%
White; American Indian and Alaska Native	8	0.10%
White; Asian	121	1.10%
White; Black or African American	53	0.50%
White; Some Other Race	50	0.40%
Hispanic or Latino (of any race)	1,278	11.10%
Mexican	51	0.40%
Puerto Rican	299	2.60%
Cuban	180	1.60%
Other Hispanic or Latino	748	6.50%
Not Hispanic or Latino	10,235	88.90%

Source: US Census, NJ Department of Labor, Bergen County

Household Characteristics

Table 5 shows the household relationship of persons in a household. There was an increase in the number of spouses and children living in a household from 2000 to 2010, with a significant increase in the percentage of children in households compared to the total number of households. The percentage of non-married partners in households decreased from 2000 to 2010.

**TABLE 5
HOUSEHOLD RELATIONSHIP, 2000 AND 2010**

Relationship	2000		2010	
	Number	Percent	Number	Percent
Total population	7,677	100.00%	11,513	100.00%
In households	7,666	99.86%	11,511	100.00%
Householder	3,836	49.97%	5,637	49.00%
Spouse	1,533	19.97%	2,438	21.20%
Child	1,141	14.86%	2,460	21.40%
Own child under 18 years	1,141	14.86%	1,969	17.10%
Other relatives	315	4.10%	412	3.60%
Under 18 years	37	0.48%	63	0.50%
65 years and over	N/A	N/A	102	0.90%
Nonrelatives	479	6.24%	564	4.90%
Under 18 years	N/A	N/A	9	0.10%
65 years and over	N/A	N/A	25	0.20%
Unmarried partner	254	3.31%	333	2.90%
In group quarters	1	0.01%	2	0.00%
Institutionalized population	-	-	1	0.00%
Noninstitutionalized population	1	0.01%	1	0.00%

Source: US Census, NJ Department of Labor, Bergen County

Edgewater saw a significant increase in the number of households from 2000 to 2010. As shown in Table 6, the number of households increased by 47% from 3,836 households to 5,637 households. Family households increased in the percentage of households, while non-family households decreased in the percentage of households.

Households with individuals under 18 and over 65 increased fairly significantly. The average household and family size increased only slightly.

**TABLE 6
HOUSEHOLDS, 2000 AND 2010**

Households by Type	2000		2010	
	Number	Percent	Number	Percent
Total households	3,836	100.00%	5,637	100.00%
Family households (families)	1,973	51.43%	3,020	53.60%
With own children under 18 years	767	19.99%	1,331	23.60%
Husband-wife family	1,533	39.96%	2,438	43.20%
With own children under 18 years	560	14.60%	1,050	18.60%
Male householder, no wife present	116	3.02%	141	2.50%
With own children under 18 years	N/A	N/A	49	0.90%
Female householder, no husband present	324	8.45%	441	7.80%
With own children under 18 years	165	4.30%	232	4.10%
Nonfamily households	1,863	48.57%	2,617	46.40%
Householder living alone	1,499	39.08%	2,215	39.30%
Male	N/A	N/A	952	16.90%
Male, 65 years and over	N/A	N/A	147	2.60%
Female	N/A	N/A	1,263	22.40%
Female, 65 years and over	N/A	N/A	420	7.50%
Households with individuals under 18 years	800	20.86%	1,378	24.40%
Households with individuals 65 years & over	551	14.36%	1,070	19.00%
Average household size	2.00	(X)	2.04	(X)
Average family size	2.70	(X)	2.76	(X)

Source: US Census, NJ Department of Labor, Bergen County

**TABLE 7
HOUSING OCCUPANCY, 2000 AND 2010**

Type	2000		2010	
	Number	Percent	Number	Percent
Total housing units	4,277	100.00%	6,282	100.00%
Occupied housing units	3,836	89.69%	5,637	89.70%
Vacant housing units	441	10.31%	645	10.30%
rent	N/A	N/A	341	5.40%
Rented, not occupied	N/A	N/A	26	0.40%
For sale only	N/A	N/A	111	1.80%
Sold, not occupied	N/A	N/A	19	0.30%
For seasonal, recreational, or occasional use	22	0.51%	78	1.20%
All other vacants	N/A	N/A	70	1.10%
Homeowner vacancy rate (percent)	8.70	(X)	4.8	(X)
Rental vacancy rate (percent)	8.30	(X)	9	(X)

Source: US Census, NJ Department of Labor

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Housing Characteristics

The percentage of vacant housing units remained the same from 2000 to 2010, however, as shown in Table 7, the homeowner vacancy rental rate dropped almost in half from 8.7% to 4.8%.

The percentage of owner-occupied units decreased from 2000 to 2010, and conversely, the percentage of renter-occupied units in the Borough increased from 2000 to 2010. The average household size in both owner- and renter-occupied units increased slightly from 2000 to 2010. This may be a result of an increase in the number of rental units in the Borough, and larger units.

**TABLE 8
HOUSING TENURE, 2000 AND 2010**

Type	2000		2010	
	Number	Percent	Number	Percent
Occupied housing units	3,836	100.00%	5,637	100.00%
Owner-occupied housing units	1,716	44.73%	2,196	39.00%
Population in owner-occupied housing units	N/A	(X)	4,625	(X)
Average household size of owner-occupied units	2.03	(X)	2.11	(X)
Renter-occupied housing units	2,120	55.27%	3,441	61.00%
Population in renter-occupied housing units	N/A	(X)	6,886	(X)
Average household size of renter-occupied units	1.98	(X)	2.00	(X)

Source: US Census, NJ Department of Labor

The majority of dwelling units have been built since 1990. As Table 9 shows, over 22% of the housing units in the Borough were built between 1990 and 1999; and over 35% have been built from 2000 – 2010.

**TABLE 9
YEAR STRUCTURE BUILT, 2006-2010**

Year	Number	Percent
Total housing units	6,375	100.00%
Built 2005 or later	361	5.70%
Built 2000 to 2004	1,887	29.60%
Built 1990 to 1999	1,427	22.40%
Built 1980 to 1989	788	12.40%
Built 1970 to 1979	294	4.60%
Built 1960 to 1969	374	5.90%
Built 1950 to 1959	261	4.10%
Built 1940 to 1949	162	2.50%
Built 1939 or earlier	821	12.90%

Source: American Community Survey Demographic 5 year Estimates

Table 10 shows that the majority, or over 85%, of housing units in the Borough are multi-family type units. Over 58% of residential units are within buildings greater than 20 units.

**TABLE 10
UNITS IN STRUCTURE, 2010**

Type	Number	Percent
Total housing units	6,375	100.00%
1-unit, detached	388	6.10%
1-unit, attached	559	8.80%
2 units	366	5.70%
3 or 4 units	423	6.60%
5 to 9 units	311	4.90%
10 to 19 units	618	9.70%
20 or more units	3,710	58.20%
Mobile home	0	0.00%
Boat, RV, van, etc.	0	0.00%

Source: American Community Survey Demographic 5 year Estimates

Table 11 shows that of owner-occupied units, the majority, or almost 46%, of units are valued between \$500,000 and \$999,999, with the median value of \$552,500. Over 31% are valued between \$300,000 and \$499,999. Over 11% of owner-occupied housing units are worth more than \$1,000,000.

**TABLE 11
VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2010**

VALUE	Number	Percent
Owner-occupied units	2,553	100.00%
Less than \$50,000	42	1.60%
\$50,000 to \$99,999	37	1.40%
\$100,000 to \$149,999	51	2.00%
\$150,000 to \$199,999	0	0.00%
\$200,000 to \$299,999	167	6.50%
\$300,000 to \$499,999	803	31.50%
\$500,000 to \$999,999	1,163	45.60%
\$1,000,000 or more	290	11.40%
Median (dollars)	552,500	(X)

Source: American Community Survey Demographic 5 year Estimates

2. **Community Facilities Element.** The Community Facilities Element was completed and adopted September 24, 2012. Recommendations included the following:
 - a. The Borough should seek out grants for maintenance of the Hudson River Walkway. Maintenance of the walkway is the responsibility of each individual land owner that has an easement for the walkway. The maintenance has become burdensome to residential property owners. A long-term maintenance plan should be created along with identified sources of funding.
 - b. A second library site should be identified and funding sources identified for the acquisition of a site to serve both the increasing population and geographically, the

southern end of the Borough. In the event a second site cannot be found, consideration should be given to the library working with the Washington School and the Community Center to provide more programming space. A mobile library unit is also a consideration for the southern end of the Borough.

- c. A centralized DPW site should be identified, if possible. An alternative is to identify 2 smaller sites for the DPW to occupy to streamline its operations since the DPW is operating out of 9 different sites. The Borough may wish to seek out an exchange in properties with landowners or sell some Borough-owned properties to contribute to the purchase of properties for a new DPW site.
- d. Additional playgrounds and recreation facilities are needed. A site study should be performed to identify potential sites for acquisition, guided by recommendations from the Recreation Department. The Borough may wish to negotiate with developers of new projects for the donation of parcels for the development of playgrounds.

While at that time, the build-out of the George Washington School was anticipated to accommodate the projected future growth of school enrollment in Edgewater based on the Board of Education's projected enrollments, a letter to the Mayor dated September 11, 2013, indicates further expansion may be needed.

The September 11, 2013 letter from the Superintendent of schools indicated that the new George Washington School was already exceeding expected capacity. The opening number of students in the 2013-2014 school year was 890 students, which exceeded the Board of Education's March 25, 2011 Demographic Study which predicted 733 students for the 2013-2014 school year and 789 students for the 2014-2015 school year. The current enrollment also exceeds the projected enrollment of 826 for the school year 2015-2016.

The Borough should consider an inclusion of a third elementary school or a possible addition to one of the existing schools as part of any future redevelopment plans. Discussions are warranted with the School District and future developers/redevelopers to address the growing school age population.

3. **Docks.** The recommendations regarding inclusion of a definition of docks, placement of docks into the proper zones and incorporating the DEP's guidelines for governing such docks into the Zoning Ordinance still remains valid.
4. **Shadyside North.** The Shadyside North area has been approved via a use variance in 2010 for a mixed-use 5 story building. The prior concerns regarding Shadyside north no longer remain valid.
5. **Sustainability.** The recommendation to prepare a Sustainability Element and subsequently zoning ordinance amendments that incorporate green building and site design standards to help reduce the impact of development on the environment still remains valid.
6. **Unilever Property.** The designation of the "Southern Waterfront Redevelopment District", a zone which contains mixed-use development has been addressed through Ordinance No. 1485-2012, so therefore this is no longer a concern of the Borough.
7. **Steep Slope Protection.** Ordinance No. 1452-2011 implemented the NJDEP regulations compliant with NJAC 7:15, which do not allow development in areas with slopes in excess of 20%. This concern no longer remains valid.

8. **Size and scale of Residential Development.** While the Borough passed an ordinance regulating maximum height and front step projections into yards, the Borough was recommended to revisit the regulations regarding residential development to ensure future development will be compatible with existing neighborhoods. This still remains a concern of the Borough.
9. **Intensity of Residential Development.** Issues raised at the Colony called for a change in the density requirement for the R-1 Zone. The Zoning Ordinance was recommended to be amended to reflect a decrease in density to reflect the current density at the Colony. The density has not been changed, and still remains a concern of the Borough.
10. **Residential Areas – Parking.** The Planning Board recommended to the Council that one or more of the following be incorporated to alleviate the parking issues found in residential areas: parking permits for a fee; switching the permitted parking from the west side of the street to the east side; and changing streets to one-way streets to allow for parking on both sides. This still remains a concern of the Borough.
11. **Waterfront Walkway.** The Borough was recommended to work with the County on maintenance and security issues associated with the Hudson Riverfront Walkway, possibly pursuing grant funding for maintenance and/or security to ease the burden of local property owners for the private responsibility of this public amenity. This still remains a concern of the Borough.

C. EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE MASTER PLAN

There have been some changes at the state and local level since the last Master Plan Reexamination, as noted in the following section.

Ordinances passed since the last Re-examination

- **Ordinance 1434-2010.** This ordinance revised the regulations for wireless telecommunications facilities, exempting wireless telecommunications facilities located on public property from the regulations in the ordinance.
- **Ordinance 1439-2010.** This ordinance adopted a codification and revision of the ordinances; providing for the maintenance of said code; repealing and saving from repeal certain ordinances not included therein; establishing a penalty for altering or tampering with the code; and making certain changes in previously adopted ordinances.
- **Ordinance 1452-2011.** This ordinance replaced the existing steep slope ordinance with new steep slope guidelines.
- **Ordinance 1458-2011.** This ordinance authorized the sale of certain municipal property owned by the Borough that was not required for public purposes.
- **Ordinance 1481-2012.** This ordinance established regulations for parking at Marina Park and Ferry landing and at the new municipal building.
- **Ordinance 1485-2012.** This ordinance established the creation of the MXD-1, MXD-2, and MXD-3 zone, and supplemented regulations including those provided for the R-5 Zone.

Variations granted since the last Re-examination

Pursuant to N.J.S.A. 40:55D-70.1 the Board of Adjustment:

"...shall, at least once a year, review its decisions on applications and appeals for the variations and prepare and adopt by resolution a report on its findings or zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any."

The Zoning Board of Adjustment reports were reviewed from the year 2010 to 2012. The results were as follows:

2010

- Use Variations

- 7 applications
- 5 approved
- 2 denied

Approved:

1. 357 River Road; 50 residential units
2. 87 Highway 5; two-family duplex
3. 774 River Road; 27 COAH affordable housing units
4. 340-342 Old River Road; mixed-use 5-story building with commercial, office, and residential
5. 1111 River Road; conditional use variance, d(6) height variance, and variance to located equipment on roof and site plan approval.

Denied:

1. 1122 River Road; 10 dwelling units in a 9-story structure
2. 982 River Road & 12 Hudson Avenue; convert vacant building to parking on second floor and lower level to pet care center with boarding and training of pets

- Bulk Variations

- 3 applications
- 3 approved

Approved:

1. 651 Undercliff Avenue; addition to home with setback variations on irregular lot
2. 546 Undercliff Avenue; convert top ½ story to a full story
3. 5 Arlington Terrace; two-family duplex dwelling

- Withdrew

- 2 applications

2011

- Use Variations

- 10 applications
- 9 approved
- 1 denied

Approved:

1. 115 River Road; 3rd story addition to accommodate 18 multi-family residential units; and approval to operate a restaurant and catering and banquet facility
2. 725 River road; conditional use variance for height and site plan approval
3. 143 Old River Road; 58 Multi-family residential unit building
4. 1122 River Road; appeal of previous Board's decision as mandated by the court; 10 dwelling units in a 9-story structure
5. 1034 River Road; use variance; height variance; front and rear yard setback variance and site plan approval for a wireless telecommunications facility
6. 51 Edgewater Place; convert 2nd floor to residential use when first floor remains commercial
7. 360 Old River Road; cigar/smoke shop and coffee shop with on-site seating
8. 1165 River Road; 2 additional antennas on roof and related equipment within a shelter.
9. 1466 River Road; use variance and amended site plan approval to upgrade the existing telecommunications facility.

Denied:

1. 1538 River Road; 14-unit multi-family residential

• Bulk Variances

- o 1 application
- o 1 approved

Approved:

1. 483-485 River Road; freestanding sign

• Site Plan Variance

- o 1 application
- o 1 approved

Approved:

1. 33 Route 5; building signage

• Withdrew by applicant

- o 1 application

1. 9 Rockwood Place; proposed addition of a sun room and deck

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2012

• Use Variances

- o 4 applications
- o 4 approved

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Approved:

1. 143 Old River Road; 58 unit, 8-story multi-family residential building
2. 1466 River Road; use variance and amended site plan approval to upgrade the existing telecommunications facility.
3. 210 River Road; expansion of non-conforming use for wireless telecommunications facility

4. 660 River Road; D(1) Use Variance; D(6) Height Variance; Parking Variance and Height Variance (Number of stories) for a Health Spa and Hotel

- **Bulk Variances**

- 4 applications
- 3 approved
- 1 denied

Approved:

1. 32 Oakdene Terrace; second floor addition with bulk variances
2. 13 Casta Lane; 1 car driveway on west side of house; parking setback variance
3. 12 Columbia Terrace; 2 family dwelling with variances

Denied:

1. 56 Myrtle Avenue; 18' curb cut for parking of 2 cars

- **Withdrew by Applicant**

- 1 application

1. 40 Myrtle Avenue; 9' curb cut for driveway

2012 Land Use Plan Element

A 2012 Land Use Element was prepared since the time of the last Reexamination, and included the following analysis.

1. Number of Use Variances granted

Following is an analysis of the use and bulk variances granted in the Borough.

Review of Historic Use Variances Granted by the Zoning Board of Adjustment

A review of use and bulk variances granted by the Zoning Board of Adjustment over the past 15 years, a majority of which have occurred in the southern portion of the Borough, reveals that there have been various deviations Borough's Zoning Ordinance. The following table summarizes use variances granted in the southern portion of the Borough.

**TABLE 12
USE VARIANCES GRANTED**

SITE	CURRENT ZONE	PERMITTED USES UNDER CURRENT ZONING	USE & DENSITY APPROVED BY ZONING BOARD OF ADJUSTMENT
One Hudson Block 91.01 Lot 1.01	B-2A	<ul style="list-style-type: none"> • Art galleries & studios • Banks • Business and professional offices • Child-care centers • Financial Institutions • Multi-family residential above first story of retail • Senior residences/assisted living if exist prior to adoption of this chapter 	Multi-family residential 168 units
The Alexander Block 79 Lot 1 Block 80 Lot 1	OR-1	<ul style="list-style-type: none"> • Laboratories and related offices (R & D) • Business, professional, executive, and administrative office purposes • Child Care Centers 	Multi-family residential 279 units
North Star Block 85.02 Lots 4 & 5.01	B-4	<ul style="list-style-type: none"> • Workshops for craftsmen (artists, carpenters, etc.) • Child Care Centers 	Mixed use (hotel, office, retail) 184 hotel rooms 171 residential condo hotel units 78,000 SF office 34,000 SF retail
Hudson View Properties Block 93 Lots 1 & 2	OR-1	<ul style="list-style-type: none"> • Laboratories and related offices (R & D) • Business, professional, executive, and administrative office purposes • Child Care Centers 	Hotel - 132 hotel rooms
Arilex - Infinity Block 86 Lots 22, 23, 24 & 25 Block 88 Lot 10	B-4	<ul style="list-style-type: none"> • Workshops for craftsmen (artists, carpenters, etc.) • Child Care Centers 	5600 SF retail 100 residential units
May Bao Block 93, Lots 1.01, 2, and 3.03	OR-1	<ul style="list-style-type: none"> • Laboratories and related offices (R & D) • Business, professional, executive, and administrative office purposes • Child Care Centers 	Multi-family residential 58 units

**TABLE 12
USE VARIANCES GRANTED, CONTINUED**

<p>Aventine Block 88 Lots 11, 12 & 13</p>	<p>B-2</p>	<ul style="list-style-type: none"> • Art galleries & studios • Banks • Business and professional offices • Child-care centers • Financial Institutions • Multi-family residential above first story of retail • Retail and commercial uses • Restaurants 	<p>Multi-family residential 34 units</p>
<p>St. Moritz Block 88 Lot 1</p>	<p>R-40</p>	<ul style="list-style-type: none"> • Single-family detached dwellings • Community residences • Municipal buildings and facilities • Places of worship • Public Schools 	<p>Multi-family residential 243 units</p>
<p>115 River Road Block 96 Lots 3.01, 3.02, 4.01 & 5 Block 99 Lot 1</p>	<p>OR-1</p>	<ul style="list-style-type: none"> • Laboratories and related offices (R & D) • Business, professional, executive, and administrative office purposes • Child Care Centers 	<p>Multi-family residential 18 units; restaurant</p>

Based on the above table, it is clear that current development patterns are not consistent with the zoning code or the Master Plan. Simply put, the uses permitted in the B-2A, B-4, and OR-1 zones are not producing the type of development originally envisioned by the Borough. The uses permitted in the OR-1 zone are particularly limiting in scope and do not reflect the majority of the Borough's current development patterns. By way of example, there has not been an application for a permitted use in the OR-1 Zone in more than 10 years.

Furthermore, the expansive use of zoning variances will continue to limit the role of the Planning Board in contravention of the M.L.U.L's intent and impose unnecessary burdens on land owners. If the Borough's zoning were amended to reflect existing development patterns, then a number of land use applications would be deemed "as of right" applications subject to the Planning Board's jurisdiction. However, absent a revision to the zoning code, any changes to the properties referenced in Table 14 may be unnecessarily subject to the Zoning Board of Adjustment's jurisdiction regarding the expansion of a non-conforming use requiring a D(2) variance, which in many circumstances results in the applicant facing enhanced burdens of proof.

A Review of Historic Floor Area Ratios Granted by the Zoning Board of Adjustment

Floor Area Ratio ("FAR") controls the amount of square footage of a building, and, in effect, the total mass of the building. Floor Area Ratio, (FAR), as defined by the Borough's Zoning Ordinance, is calculated as:

The sum of the area of all floors of buildings or structures compared to the total area of the site

The existing zoning standards in the southern portion of the Borough do not currently reflect the type of development that has occurred, not only in terms of land use, but also bulk requirements, most notably FAR. Table 15 compares the FAR approved for some developments compared to the permitted FAR in the zone. It is worth noting that some zones have no FAR requirement. Where FAR's are delineated, the average FAR approved by the Zoning Board of Adjustment for the above mentioned projects is 2.81, which exceeds permitted FARs by over 700%.

**TABLE 13
 FLOOR AREA RATIOS GRANTED BY ZONING BOARD OF ADJUSTMENT**

Project	Block	Lot(s)	Existing Zone	Permitted FAR	Approved FAR*
One Hudson	91.01	1.01	B-2A	N/A	2.48
Waterford Towers	92.01	1.01	B-2A	N/A	2.55
Aventine	88	11, 12, & 13	B-2	N/A	2.41
The Alexander	79/80	1/1	OR-1	0.4	3.18
May Bao	93	1.01, 2, & 3.03	OR-1	0.4	2.89
Northstar	85.02	4 & 5.01	B-4	0.3	3.34

*does not include parking structures

It is clear from Table 13 that the Zoning Code does not reflect the type of development that has been built and/or approved in the Borough's southern portion.

Conclusions of Use Variance and FAR Analysis

The 2012 Land Use Element found that there is a need for a reexamination of the zoning code that will promote organized and compatible development in the future, as well as try to bring the non-conforming developments into conformity and eliminate the burden of proof necessary to property owners for any future changes to properties granted a use variance.

CHANGES AT THE COUNTY LEVEL

1. River Road/ Hudson Waterfront Corridor Strategy: A Phase Two Study

Introduction

In June 2013, the County completed the River Road/ Hudson Waterfront Corridor Strategy: A Phase Two Study (herein after referred to as "The Study"). The Study was undertaken to promote regional and multi-jurisdictional strategies to better accommodate pedestrians, bicyclists, and transit riders in the River Road corridor. As stated in the Executive Summary:

"While improvements to River Road have been made incrementally by Bergen County over the years, this study is to provide an opportunity to view the corridor as a whole, addressing issues and recommending improvements necessary for future development. This study has examined access and safety with respect to transit services, as well as continuity and connectivity for pedestrians and bicyclists."

The study area is a 4-mile stretch of River Road (County 505) extending from Sylvan Street in Fort Lee to Edgewater's southern boundary. A prior River Road/ Hudson Waterfront Circulation Study was prepared, providing a broader-brush approach to issues in this corridor. The second phase of this study concentrated on more specific improvements to the corridor to accomplish and integration of pedestrians, bicyclists, and transit riders and to improve safety.

Findings of the Study – Transit Oriented Development

Section 6 of The Study identified Transit Oriented Development (TOD) as a tool to promote a more transit-friendly River Road which would be more accommodating to pedestrians, bicycles and bus riders. As defined by The Study:

"TOD refers to land use and site design practices that encourage investment in walkable, transit accessible, connected, missed-use places along the River Road corridor."

Currently, the land use patterns require people to access their car for every trip, but TOD would result in reduced congestion through lower travel demand and a reduction in conflicting traffic patterns. According to the Study, TOD typically results in:

- Close integration with public transit
- Transit use by residents of the development
- A mix of uses
- High or medium density development to support the transit and mixes of uses
- Active, pedestrian scaled streets
- Bicycle-friendly streets and rail connections
- Increased connectivity (providing alternate routes of travel other than River Road)
- Reduced congestions and reduced traffic conflicts

Recommendations for Edgewater - TOD

The Study recommended to amend the zoning of Edgewater to include zoning districts that promote TOD development. Specifically, the Study recommended the following to promote and incorporate TOD:

- Mixed-use zones, particularly residential, commercial, and office.
- Allow for High Density by allowing for taller buildings and/or a large FAR.
- Allow for Shared parking. Shared parking only works in a mixed-use setting, but effectively required less parking spaces while maintaining parking ratios, because some spaces are shared by different users, for example office workers who park during the day and residents who park at night.
- No front setbacks and small rear and side setbacks which create a more pleasant walking environment and increase the amount of developable land.
- Require connectivity to adjacent parcel. Encourage the connection of parking lots so not all traffic needs to go to River Road.
- Incentivize super stops for new developments. *

*Super Stops are the addition of new or improved transportation around existing development. A Super Stop has covered shelters, bus pull-off zones, and other amenities.

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CHANGES AT THE STATE LEVEL

1. Residential Site Improvement Standards (RSIS)

The Residential Site Improvement Standards (RSIS) were first adopted in 1997. The RSIS is a code which governs the development of streets, parking, water supply, sanitary sewers, and storm water management related to residential development. The RSIS supersedes local ordinances that apply to the above-mentioned areas.

The most recent revision to the RSIS occurred in 2011. This revision included the following:

- N.J.A.C. 5:21-4 Streets and Sidewalks: Figures 4.2 through 4.5 on pavement thickness are replaced with re-labeled figures to be consistent with the April 2010 edition of the *Asphalt Handbook* published by the New Jersey Society of Municipal Engineers. Hot asphalt mix is addressed through footnotes indicating the aggregate mix must be 9.5 mm. The corresponding minimum thickness of the surface course is 1.5 inches. The terminology in the notes is corrected. The notes to the figures also are revised to reference the updated source. Table 4.8 is revised to fix an error and make it consistent with the *Asphalt Handbook*.
- N.J.A.C. 5:21-6.2 Sanitary Sewers: New language was added to allow for another type of plastic pipe for sanitary sewers: corrugated polypropylene. This change expands pipe material options for designers. New language is added on the use of polypropylene pipe use.
- N.J.A.C. 5:21-7.3 and 7.4 Storm water: New language was added to allow for the use of corrugated polypropylene pipe material for storm drains. This change expands pipe material options for designers. Modified language was adopted that adds the term "inlet" to N.J.A.C. 5:21-7.4. The added language makes it clear the standards apply to inlets.
- N.J.A.C. 5:21-8 Referenced Standards: Changes were adopted to update the referenced standards.

2. COAH

In 2008, the Council of Affordable Housing (COAH) promulgated its "3rd round" regulations. The Round 3 rules have been under almost constant litigation, and since the last Master Plan Reexamination, on September 26, 2013, the New Jersey Supreme Court affirmed, in part, the Appellate Division decision which struck down the 2008 regulations. This decision strikes down "growth share" as a means by which COAH can determine municipal affordable housing requirements. The Supreme Court made it clear, however, that "the Legislature may determine to authorize new avenues for addressing regional need and promotion of affordable housing." The court endorsed a lower court's five-month deadline for putting a system in place. On March 14, 2014 the New Jersey Supreme Court vacated in its entirety the March 7 Appellate Court order and granted the request from the Council on Affordable Housing (COAH) for an extension. COAH must release new regulations by May 1, 2014 and adopt new regulations by October 22, 2014. Edgewater will need to submit a revised Round 3 Housing Plan at the time the new regulations are released.

D. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

In order to support the zoning to existing development patterns and achieve the type of development sought by the Borough in the upcoming years to support Transit-Oriented Development (TOD) as recommended by the County, this Reexamination recommends revising the zoning in the southern portion of the Borough to include Mixed Use and Multi-Family Residential.

Creation of Mixed-Use Districts

The Borough has determined that the southern portion of the Borough in the vicinity of Old River Road has shown the greatest potential for development and promoting development in those areas would be consistent with not only existing development patterns but also the County's recommendations in the River Road/ Hudson Waterfront Corridor Strategy: A Phase Two Study.

To achieve these goals, several areas located in the B-4, and OR-1 zones should be rezoned to Mixed-Use Districts. The B-4 zone currently only allows for workshops for craftsmen and child care centers. Allowing only 2 uses is extremely limiting in scope to prompt redevelopment and investment in an area. Furthermore, retail and restaurant uses have been approved in these zones, most recently a cigar bar and coffee shop at 360 Old River Road.

The Mixed-Use 1 District, or MXD-1. The intent of this district would be to promote a vibrant, pedestrian-friendly walk-able environment, complete with retail and restaurant uses at the ground level. The actual vehicular street could be closed on nights and weekends to allow for pedestrian-only traffic. These enhanced uses could continue into the current B-2 Shadyside District and would create a cohesive development plan and community.

Mixed-Use District 2 or MXD-2. The intent of the MXD-2 District is to create high-end mixed use districts and attract larger businesses, while still promoting pedestrian friendly environments.

Mixed-Use District 3 or MXD-3. This zone will permit the same type of uses as the MXD-1 and MXD-2 zones, but with a height limitation greater than the MXD-1 zone and less than the MXD-2 zone.

Changes to Reflect Current Land Use Patterns and Promote TOD

In order for the Borough to encourage development and redevelopment to promote TOD along River Road as recommended by the County, as well as to make existing development patterns conform to the Zoning Code, it is recommended that following changes in land uses and zoning be adopted:

- The area located on the west side of Old River Road adjacent to the R-40 Zone, as well as a portion of the area on the east side of Old River Road currently zoned B-4 should be rezoned to a Mixed-Use 1 District, or MXD-1, allowing for an expansion of the types of uses permitted in this area to encourage redevelopment. The intent of this district would be to promote a vibrant, pedestrian-friendly walk-able environment, complete with retail and restaurant uses at the ground level. The actual vehicular street could be closed on nights and weekends to allow for pedestrian-only traffic. These enhanced uses could continue into the current B-2 Shadyside District and would create a cohesive development plan and community.
- Block 85.02, Lot 4 and 5.01 ("Northstar") has received approval from the Zoning Board of Adjustment for the construction of a mixed-use development consisting of a hotel, retail, office, and residential. This area is currently zoned B-4 Business. These lots should be rezoned to a Mixed-Use District 2 or MXD-2. The intent of the MXD-2 District is to create high-end mixed use districts and attract larger businesses.

- The area located to the west of River Road, south of Gorge Road, and east of Old River Road should be zoned MXD-3. The MXD-3 zone will be a zone permitting the same type of uses as the MXD-1 and MXD-2 zones, but with a height limitation greater than the MXD-1 zone and less than the MXD-2 zone.
- The Aventine (34 residential units) and the St. Moritz (243 residential units) are respectively zoned B-2 and R-40. A multi-family residential building is not permitted in either of those zones. Therefore, Block 88 Lots 1, 11, 12 & 13, should be rezoned R-4 to reflect the multi-family residential uses built on the properties.
- One Hudson Place (168 Residential units) and Waterford Towers, (374 residential units) are located to the east of Old River Road, west of Old River Road, and north of Gorge Road. They are presently zoned B-2A. This Land Use Plan recommends eliminating the B-2A zone, which includes art galleries, banks, child care centers, senior residences, and multi-family residential above retail uses. In order to achieve conformity with existing use and proposed development plans within the Borough, these properties should be rezoned as R-5 to reflect the multi-family residential uses built on the properties. The R-5 Zone is recommended to permit accessory uses on the first floor and mezzanine level of high-rise and senior buildings.
- The Quanta site, Block 95 Lot 1, located on the east side of River Road, south of the MCRD District, as well as a portion of 115 River Road (that is slated for demolition due to the necessity for environmental cleanup) should be rezoned to R-5 to allow for a high-rise residential development. This property is located in an area surrounded by mixed-use development and commercial development. Locating a high-rise residential development in this location will provide more residents in proximity to the current and envisioned retail and service uses in the area, to help ensure the sustainability of the businesses in the area, promote pedestrian activity, and support the ferry stop approved at City Place directly north of the site. Furthermore, high-rise developments produce a lesser number of school children, which will have less of an impact on Edgewater's school system. A high-rise development at this location with large setbacks will also ensure corridor views to the Hudson River and New York City from River Road.
- The Alexander, (Block 80, Lot 1), located south of Archer Street and west of River Road, is presently zoned OR-1. This lot should be rezoned to the R-5 district, as it has been approved for 279 multi-family residential units.

Tables 14 and 15 show the recommended changes to land uses and zoning. Appendix A shows the recommended zoning changes in map form. In addition to the residential developments already approved, the proposed zoning changes will result in adding up to 2000 units to the Borough of Edgewater, along with additional commercial space.

**TABLE 14
SUMMARY OF RECOMMENDED ZONING CHANGES**

ZONE	RECOMMENDED PERMITTED USES*	RECOMMENDATION
B-2A	<ul style="list-style-type: none"> • Art galleries & studios • Banks • Business and professional offices • Child-care centers • Financial Institutions • Multi-family residential above first story of retail • Senior residences/assisted living if exist prior to adoption of this chapter 	Eliminate B-2A
NEW ZONE: MXD -1	<ul style="list-style-type: none"> • Hotels (above 1st floor) • Office (above 1st floor) • Multi-family Residential (above 1st floor) • Retail and service establishments, excluding automobile sales • Restaurants • Financial Institutions (no drive-thrus) • Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> • Child Care Centers 	Allow up to 5 stories
NEW ZONE: MXD -2	<ul style="list-style-type: none"> • Hotels • Office • Multi-family Residential (above 1st floor) • Retail and service establishments, excluding automobile sales • Restaurants • Financial Institutions (no drive-thrus) • Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> • Child Care Centers 	Allow up to 14 stories
NEW ZONE: MXD -3	<ul style="list-style-type: none"> • Hotels (above 1st floor) • Office (above 1st floor) • Multi-family Residential (above 1st floor) • Retail and service establishments, excluding automobile sales • Restaurants • Financial Institutions (no drive-thrus) • Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> • Child Care Centers • Real Estate Offices 	Allow up to 8 stories

R-5	<ul style="list-style-type: none"> • Permit the following accessory uses as part of high-rise or senior development on the first floor or mezzanine only: <ul style="list-style-type: none"> • Professional or medical offices • Restaurants/ cafes • Salons (hair, nail, spa) • Dry cleaners 	Permit accessory uses for high-rise and senior multi-family developments
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**TABLE 15
RECOMMENDED ZONING CHANGES BY BLOCK AND LOT**

Property Address	Block	Lot(s)	Existing Zone	Recommended Zone
556-96 RIVER RD	80	1	OR-1	R-5
410 RIVER RD	85.02	3	B-4	MXD-1
440 RIVER RD	85.02	4	B-4	MXD-2
458 RIVER RD	85.02	5.01	B-4	MXD-2
OLD RIVER ROAD	86	19 (part)	B-4	PD
MOUNTAINSIDE OLD RR TUNNEL	86	20.01 (part)	B-4	MXD-1
OLD RIVER RD	86	20.02	B-4	MXD-1
MOUNTAINSIDE OLD RR TUNNEL	86	20.04	B-4	MXD-1
388 OLD RIVER RD	86	20.06	B-4	MXD-1
330 OLD RIVER RD	86	22	B-4	MXD-1
340-A OLD RIVER RD	86	24	B-4	MXD-1
342 OLD RIVER RD	86	25	B-4	MXD-1
352 OLD RIVER RD	86	27	B-4	MXD-1
360 OLD RIVER RD	86	28	B-4	MXD-1
360 OLD RIVER RD	86	29.01	B-4	MXD-1
360 OLD RIVER RD	86	29.02	B-4	MXD-1
364 OLD RIVER RD	86	30	B-4	MXD-1
366 OLD RIVER RD	86	31	B-4	MXD-1
370 OLD RIVER RD	86	32	B-4	MXD-1
368 OLD RIVER RD	86	33	B-4	MXD-1
100 THOMPSON LANE	88	11.02	B-2	R-5
99 GORGE RD	88	1	R-40	R-5
180 OLD RIVER RD	89	4	OR-1	MXD-1
225 RIVER RD	91	1 (part - Unit B)	MCRD	R-5
235 OLD RIVER RD	91.01	1.01	B-2A	R-5

**TABLE 15
RECOMMENDED ZONING CHANGES BY BLOCK AND LOT, CONTINUED**

Property Address	Block	Lot(s)	Existing Zone	Recommended Zone
190 OLD RIVER RD	92.01	1.01	B-2A	R-5
163 OLD RIVER RD	93	1	OR-1	MXD-3
143 OLD RIVER RD	93	1.01	OR-1	MXD-3
OLD RIVER RD	93	1.02	OR-1	MXD-3
OLD RIVER RD	93	2.02	OR-1	MXD-3
114 RIVER RD	93	3	OR-1	MXD-3
137 OLD RIVER RD	93	3.03	OR-1	MXD-3
108 RIVER RD	93	3.04	OR-1	MXD-3
125 OLD RIVER RD	93	4	OR-1	MXD-3
178 OLD RIVER RD	94	1	OR-1	MXD-1
178 OLD RIVER RD	94	2	OR-1	MXD-1
145 RIVER RD	95	1	OR-1	R-5
115 RIVER RD	96	3.03	OR-1	R-5
115 RIVER RD-PIER	96	3.04	OR-1	MXD-1
RIPARIAN	96	4.01	OR-1	R-5

Recommended Bulk Zoning Regulations

The bulk regulations in some of the districts should be changed to reflect not only current conditions, but also to promote the principles of TOD as outlined by Bergen County in the River Road/Hudson Waterfront Corridor Strategy: A Phase Two Approach and also to ensure the quality type of development that has been occurring and that the Borough envisions for its future.

A sliding scale height regulation with increased setbacks should be considered in the R-5 zones to 1) support the recommended increase in height, density, and FARs as recommended by the County in The Study to support TOD; 2) reflect current Floor Area Ratios to provide consistency within the Borough; and 3) to ensure open vistas of the New York City skyline. Increased setbacks will allow a greater area between buildings to increase views from lower levels of buildings in the area, as well as from the street level. Appendix A includes a bulk table with recommended bulk regulations for the MXD1, MXD2, MXD3, and R-5 Districts, along with the map showing the recommended changes to zoning districts.

Recommended Uses

The recommended uses for each of the zones are found in the table below.

**TABLE 16
RECOMMENDED USES**

Zone	Permitted Uses	Conditional Uses	Accessory Uses
MXD -1	<ol style="list-style-type: none"> 1. Hotels (above 1st floor) 2. Office (above 1st floor) 3. Multi-family Residential (above 1st floor) 4. Retail and service establishments, excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers 9. Real Estate Offices 	<ol style="list-style-type: none"> 1. Essential Services, subject to 240-142 2. Veterans, Civic, and community Clubs, subject to §240-146 	<ol style="list-style-type: none"> 1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences 4. Child-Care Centers, subject to §240-140
MXD -2	<ol style="list-style-type: none"> 1. Hotels 2. Office 3. Multi-family Residential (above 1st floor) 4. Retail and service establishments, excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers 	<ol style="list-style-type: none"> 1. Essential Services, subject to 240-142 2. Veterans, Civic, and community Clubs, subject to §240-146 	<ol style="list-style-type: none"> 1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences 4. Child-Care Centers, subject to §240-140
MXD -3	<ol style="list-style-type: none"> 1. Hotels (above 1st floor) 2. Office (above 1st floor) 3. Multi-family Residential (above 1st floor) 4. Retail and service establishments, excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers 9. Real Estate Offices 	<ol style="list-style-type: none"> 1. Essential Services, subject to 240-142 2. Veterans, Civic, and community Clubs, subject to §240-146 	<ol style="list-style-type: none"> 1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences 4. Child-Care Centers, subject to §240-140

**TABLE 16
RECOMMENDED USES, CONTINUED**

Zone	Permitted Uses	Conditional Uses	Accessory Uses
R-5	<ol style="list-style-type: none"> 1. Any R-3 Zone permitted principal use under the same conditions prescribed within 2. High-rise multi-family developments subject to §240-126 	Any R-1 Conditional Use as prescribed within	<ol style="list-style-type: none"> 1. Any R-4 Accessory use under the same conditions as prescribed therein 2. As part of high-rise or senior development on the first floor or mezzanine only: <ol style="list-style-type: none"> a. Restaurants/cafes b. Salons (hair, nail, spa) c. Professional and medical offices

Recommended Definitions

The following definitions are recommended as applicable to the MXD-1, MXD-2, and MXD-3 zones.

MXD-1:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a "green" roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

MXD-2:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a "green" roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

MXD-3:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a "green" roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

Landscaped and buffer areas

A landscape buffer area shall be provided along all external property lines, except for properties with frontage along the Hudson River where the applicant shall be required to install a riverfront walkway pursuant to this chapter. The following landscaping requirements shall apply:

	Buffer From Adjacent Nonresidential Use (feet)	Buffer From Residential Use (feet)
R-3	10*	10*
R-4	15	20
R-5	15	25
MCRD	15	25
CBD	10	15
B-1	0	10
B-2A	See § 240-131.	—
B-3	15	25
B-4	0	10
OR-1	15	25
MXD-1	<u>10</u>	<u>10</u>
MXD-2	<u>10</u>	<u>10</u>
MXD-3	<u>10</u>	<u>10</u>

Supplemental R-5 Regulations

All parcels zoned R-5 adjacent to the B-2 Shadyside District and River Road, defined as Block 91.01, Lot 1.01 and Block 92.01, Lot 1.01, are and shall be subject to the following requirements:

A. Distribution of uses.

- (1) Public open space. The area extending southward from Thompson Lane, for a distance of minimally 125 feet measured along Old River Road, and minimally 150 feet along River Road, shall be retained as an open space element. Such area shall be designed as a public gathering area or gazebo, incorporating landscaping and water amenities.
- (2) The area south of the public open space shall be devoted to parking. This, in conjunction with the aforementioned open space feature, will serve to ensure the retention of a viewshed to the Hudson River and New York City skyline. The parking area may consist of deck parking, provided that the maximum height of a parking deck shall be four feet above the finished grade along Old River Road.
- (3) A minimum setback of 350 feet from the southerly right-of-way line of Thompson Lane to the proposed mixed-use building.
- (4) Mixed commercial and residential use buildings shall be permitted, provided that multifamily

residential units be located above the first story of any structure in which the first floor is devoted to retail and/or service commercial use.

- (5) Building setbacks to property lines and internal driveways.
 - (a) All buildings shall be set back a minimum of 20 feet from Old River Road.
 - (b) All buildings shall be set back a minimum of 35 feet from River Road.
 - (c) The minimum setback distance between the senior citizen residence and all other buildings shall be 200 feet.
 - (d) Buildings shall be set back a minimum distance of 10 feet from all internal driveways.

B. Maximum building length and orientation.

- (1) Buildings shall have an east/west orientation, with the longest dimension perpendicular to Old and New River Roads. The maximum length shall be 210 feet. All buildings exceeding a linear dimension of 100 feet shall be required to have building offsets every 50 feet with each offset consisting in a break in the linear plan of the building of a minimum of 2 1/2 feet.
- (2) Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls. All building foundations shall be appropriately landscaped.

Changes to the Objectives of the Master Plan

1. To maintain and enhance the existing areas of stability in the community, to encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect the single- and two-family residential character of the community by restricting incompatible land uses from established single- and two-family residential areas, and limiting intensities of use to the levels, and locations, prescribed herein.
2. To ensure that any prospective development is responsive to the Borough's environmental features, and can be accommodated while preserving these physical characteristics.
3. To discourage development of the Palisades and other steeply sloped areas. Roof lines should be kept below the ridgeline of the Palisades in order to preserve the character and views of this area; trees should be preserved in these steeply sloped areas.
4. To preserve and enhance the amenities of the waterfront area by maintaining and encouraging additional active and passive recreation features which promote access to the waterfront, and by establishing a design policy which will ensure visual linkages to the Hudson River and New York skyline. A continuous waterfront open space and walkways system should be encouraged along the entire water's edge. Perpendicular pedestrian access from River Road to the walkway system should also be encouraged. The system should be designed in association with significant open space/park features that will serve as a unifying element that also provides visual and physical access to the waterfront.

5. To maintain easterly views by encouraging larger side yards for view sheds on waterfront properties.
6. To establish regulatory controls which permit the appropriate level of development and/or redevelopment of piers along the Hudson River waterfront.
7. To acknowledge water/riparian areas as part of an overall parcel of land, while at the same time recognizing the need to limit the intensity of development that results on the upland area.
8. To encourage and provide buffer zones to separate incompatible land uses.
9. To provide a variety of housing types, and a balanced housing supply, in appropriate locations, to serve the Borough and region.
10. To preserve and enhance the Borough's commercial areas by defining their functional role in the community and enhancing the quality of life within the commercial centers. This is to be accomplished through an appropriate mixture of retail and service commercial activities, with a design emphasizing pedestrian elements, 'public' space that serves as a gathering for people, and physical and visual linkages to the waterfront.
11. To promote the establishment of a "walkable community" by encouraging mixed uses in appropriate locations and streetscape design to accommodate pedestrians.
12. To promote shared access, both vehicular and pedestrian, as well as shared parking between differing property owners to eliminate unnecessary trips on the Borough's main thoroughfares.
13. To promote a safe and efficient traffic circulation system that serves the community, which also incorporates aesthetic enhancements.
14. To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.
15. To ensure that the Borough's zoning regulations are upgraded in a comprehensive manner to implement the proposals set forth herein.
16. To prepare a basis for amending the residential parking standards set forth in the State of New Jersey Residential Site Improvement Standards as they apply to the Borough of Edgewater.

E. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE MASTER PLAN AND DEVELOPMENT REGULATIONS

The *Local Redevelopment and Housing Law* was enacted in 1992 to provide municipalities with a mechanism to designate redevelopment areas, prepare and adopt redevelopment plans, and implement redevelopment projects.

Update: Unilever Property. The redeveloper of the iPark (Unilever) site has requested a modification to the current Redevelopment Plan to allow for the inclusion of hotels, elimination of approximately 15,000 SF of retail/commercial development, and an additional 100 residential units. The Plan is currently under review by the Council and Planning Board.

RECEIVED

Future Redevelopment. One of the last properties in Edgewater eligible for redevelopment is the Hess Oil & Chemical site, consisting of Lot 1 in Block 77, and Lot 5 in Block 76. This site is recommended for a Redevelopment Plan, as this area very large in scale (a total of 19.08 acres), and located at the heart of the Borough, surrounded by new large-scale developments. Careful analysis of this site should be performed through a Redevelopment Plan to ensure the highest and best use of this site, also considering the current and future needs of the school system.