

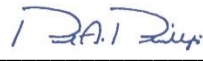
Master Plan Reexamination Report  
Borough of Netcong  
Morris County, New Jersey

Prepared for the Planning Board of the  
Borough of Netcong

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## ACKNOWLEDGEMENTS

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## I. INTRODUCTION

Under the Municipal Land Use Law (N.J.S.A. 40:55D-89), a general reexamination of a municipality's master plan and development regulations is required every ten years. The Planning Board is responsible for completing the reexamination, and preparing and adopting by resolution a report on the findings of the reexamination. Specifically, the MLUL mandates that a periodic reexamination report address 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 Netcong adopted its last Comprehensive Master Plan in 1978, which included a land use plan, circulation plan, and community facilities plan. The 1978 Master Plan was subsequently updated in 1988 to include a new recycling plan and housing plan. The Borough adopted a reexamination report in 1998, and most recently in 2008. Between the 2008 Reexamination and this 2022 Reexamination, the Borough has also updated its Housing Element and Fair Share Plan, the most recent of which was adopted in January 2016.

The 2022 Master Plan Reexamination Report constitutes a reexamination of the 2008 Reexamination Report. The report represents an on-going effort on the part of the Borough of Netcong to ensure that its planning policies, goals and objectives and development regulations remain current and effective in addressing the issues facing the Borough. The ensuing chapters address each of the state-mandated items described above.

## II. MAJOR PROBLEMS AND OBJECTIVES OF THE 2008 REEXAMINATION AND THE EXTENT TO WHICH THEY HAVE BEEN REDUCED OR INCREASED

This section outlines the major problems and objectives relating to land development as set forth in the 2008 Master Plan Reexamination Report. Notably, as stated in the document, the Borough had undertaken a number of actions and specific projects intended to address the goals and recommendations of the 1998 Reexamination. The goals and recommendations carried forward from the 1998 Reexamination as well as new recommendations set forth in the 2008 Reexamination Report are synthesized below. In addition, the extent to which such problems and objectives have been reduced or have increased is also discussed below.

### A. Goals and Recommendations Carried Forward from the 1998 Reexamination

The 2008 Master Plan Reexamination noted that for the most part, the goals and objectives that formed the basis for the Borough's 1998 Master Plan remained valid in 2008. The 2008 Reexamination additionally provided an analysis of the actions and projects undertaken pursuant to the recommendations set forth in the 1998 Reexamination. The following summarizes the goals and objectives that are carried forward, as well as the recommendations that were identified as still valid or not yet fully addressed at the time of the 2008 Reexamination. Those recommendations identified as already achieved or no longer valid at the time of the 2008 Reexamination are not addressed as part of this report.

#### Statement of Goals and Objectives

- To maintain adequate local community facilities and services, recreational opportunities and open space for current and future residents

*Current condition:* The Borough continues to maintain and improve its park facilities. Since 2008, the Borough has completed several projects at Arborlino Park, including upgrades to tennis and basketball courts; installation of ADA-compatible outdoor exercise equipment; installation of an ADA-compatible kayak dock; replacement of the pedestrian bridge; and parking lot upgrades. The Borough also purchased a new quint fire truck post-2008 that serves the dual purpose of an engine and ladder truck. The Dial-A-Ride/Meals on Wheels bus, which was originally purchased in 2004 and has already been replaced, is in need of replacement again. Netcong did also construct a new salt dome; however, the Borough is no longer considering the relocation of its public works garage. For a complete list of improvements undertaken by the Borough see Appendix A. Open space opportunities are no longer a priority; rather, maintenance and upgrade of current parks remains a top priority.

- To provide for the safe and efficient movement of vehicles and people through the Borough and within the Borough

*Current condition:* The NJDOT improvement projects (Route 46 and Main Street intersection and the Netcong Circle) have been completed. The Borough obtained a grant from NJDOT to upgrade and/or add sidewalks and crosswalks in select locations proximate to existing parks and schools. The project is currently in the design phase. The Borough is actively pursuing more opportunities to encourage walking and has been awarded a Morris County Trail grant to

enhance Arbolino Park. Additionally, the Borough adopted an ordinance to require installation of sidewalks for any subdivision or site plan application.

- To retain the small-town character and charm of the Borough by developing proper planning, zoning and design criteria for Netcong as a Center and to coordinate the Borough's planning objectives with those of its neighboring communities

*Current condition:* The Borough is in the process of renewing its center designation from the Office of State Planning and is also applying to the Highlands Council for a grant to assess the requirements and benefits of conformance with the Highlands Regional Master Plan.

- To protect and conserve the Borough's natural resources of soils, vegetation, air and water through the wise use of modern planning techniques and careful control of land development

*Current condition:* Notwithstanding major stormwater improvements that were completed since 2008, including at the intersection of Railroad Avenue and Main Street and Netcong Circle, flooding continues to be a concern in the Borough as it has been hard hit by several recent storm events. New NJDEP stormwater management rules (discussed in the next chapter) are intended to reduce flooding from stormwater runoff.

- To maintain and enhance the variety and balance of residential housing options and to maintain the quality and appearance of the Borough's housing supply

*Current condition:* The Borough adopted redevelopment plans in connection with two large sites within walking distance of the train station: Crown Point and Crown Walk.

- To recognize and preserve the historic heritage of the Borough as a transportation hub and to facilitate the location of facilities such as the Railroad Museum and the Palace Theater as historic focal points in the community.

*Current condition:* Since 2008, the historic Growing Stage Theater (former Palace Theater) was designated as the Children's Theater of New Jersey, which operates as a non-profit performing arts center dedicated to theater for young audiences whose mission is to nurture development of performing arts through education and performance. The Railroad Museum is no longer being considered.

### Recommendations

- Modify existing Borough ordinances to be consistent with the mandatory NJ Residential Site Improvement Standards (RSIS).

*Current condition:* This recommendation has been addressed. The Borough via Ordinance No. 2016-14 added provision §194-55E(7) to mirror provisions of the New Jersey Residential Site Improvements Standards (RSIS).

- Adopt provisions for requiring recycling facilities on commercial and industrial sites of more than 1,000 square feet and for multifamily developments of 25 or more units.

*Current condition:* This recommendation has been addressed. The Borough amended its Mandatory Recycling provisions via Ordinance No 2008-5 in April 2008. §243-19 “New developments of multifamily residential units or commercial, institutional, or industrial properties” requires the provision of recycling facilities for the construction of multifamily dwellings of 3 or more units, single-family developments of 50 or more units, or any commercial, institutional, or industrial development for the utilization of 1,000 square feet of more of land.

- Review any County Planning Board recommendations regarding bikeways and pedestrian trails which are applicable to Netcong. Advise the Mayor and Council of any recommendations or proposals which should be implemented.

*Current condition:* While Morris County has not set forth specific recommendations for bikeways or pedestrian trails in Netcong, its 2018 Update to the Circulation Element of the County Master Plan contained a recommendation to “update the Bicycle and Pedestrian Element of the Morris County Master Plan.” The Borough should maintain communication with the County Planning Department regarding any future update to the County Bicycle and Pedestrian Element and work with the County to implement any recommendations for bikeway and pedestrian improvements in the Borough.

## B. New Recommendations Identified in the 2008 Reexamination

The 2008 Master Plan Reexamination Report identified the following recommendations for the master plan and development regulations.

### General Zoning Recommendations

1. Except for the two existing redevelopment areas, current zoning designations within Netcong are largely sound and existing development is largely compatible with both the current zone boundaries and the Borough’s land use vision. Only within the Borough’s downtown Business Center (B-C) zone and adjacent I-1 zone is where some fine-tuning is recommended in order to retain and improve the character of the Netcong Center and discourage commercial expansion into established residential blocks.

*Current condition:* As noted in detail in Chapter IV of this Reexamination Report, modifications to the B-C zone and existing redevelopment plans are recommended to ensure that development regulations in these areas are consistent with current market trends and also protect the essential character of the Borough and its downtown district.

### Business Center (B-C) Zone Recommendations

2. The current limit of the B-C zone is so geographically broad that it includes portions of Ledgewood and Maple Avenues that are solidly residential in character with the homes in generally good condition. It is therefore recommended that the residentially-developed portion of the B-C Zone on either side of Ledgewood Avenue at Allen Street and continuing on to Maple Avenue be severed, and that it be placed instead within the limits of the R-2 Residential zone. The new B-C zone boundary line should exclude the Hugh Allen Mansion and (former) copy store on Ledgewood Avenue and continue along the existing eastern boundary of Borough Hall. The zone line is recommended to continue across Maple Avenue along the eastern property line of the Post Office to the railroad right-of-way. The remaining lands would be rezoned under

the existing R-2 classification. The purpose of this recommendation is twofold. First, it would reinforce the current land use context on Ledgewood Avenue and portion of Maple Avenue that is residential in character. Second, it would preclude the unwarranted expansion of commercial uses outside of the Downtown commercial core, which is centered along the Main Street corridor and the westerly end of Maple Avenue.

*Current condition:* The Borough has not yet conducted any rezoning of the residential properties identified in this recommendation. The residential land use character on the portions of Ledgewood and Maple Avenues within the B-C Zone has persisted.

3. It is further recommended that detached single-family residential uses be prohibited within the B-C Zone. Considering the recommended zone boundary change discussed above, it is appropriate to preclude this type of development within the Borough's downtown core area centered along Main Street and reinforce commercial use in this area.

*Current condition:* The Borough has not yet amended the use regulations in the B-C Zone to exclude single-family residential uses. If the Borough proceeds with the elimination of residential use within in the B-C zone, the recommendation to eliminate single-family uses from the district-wide permitted uses should remain intact.

4. In order to create additional opportunities to concentrate development within Netcong's downtown, it is recommended that allowable building heights for mixed-commercial/residential development be increased from 2 stories/30 feet to 3 stories/40 feet within the B-C zoned portion of Maple Avenue and along Main Street south to the railroad. Apartments should be expressly permitted on the 3<sup>rd</sup> floor of any such development.

*Current condition:* The Borough currently allows a building height of 3 stories/50 feet for senior and executive housing units in the B-C zone, but only 2 stories/30 feet for other uses. As set forth in Chapter IV of this Reexamination Report, buildings up to 3 stories and 50 feet are recommended for most or all of the B-C zone.

5. It is further recommended that within the downtown core area (i.e., Main Street between Route 46 and Ledgewood Avenue and along Maple Avenue between Main Street and Borough Hall), the front yard and side yard requirements be eliminated. Currently the zoning requires a 25-foot front yard, a 5-foot side yard, and 15 feet for both side yards. This change would serve to reinforce the traditional Main Street character of Netcong, where building facades exist along the front property line and parking (where provided) is concentrated in the rear yard area.

*Current condition:* The Borough did not adopt these recommended setback requirements for the downtown portion of the B-C zone and it is now recommended that existing front and side yard setbacks be retained.

#### General Industry (I-1) Zone Recommendations

6. It is recommended that the Quirk/Masco Corporation Site (Block 16.01, Lots 24, 25 and 25.01) be rezoned from the General Industry I-1 Zone to the Business Center B-C Zone. The ±5.96-acre property is located south of the Musconetcong River and Furnace Pond, and fronts the northern side of Bank Street. The property is further bounded to the northeast by the Jenny Lind Street right-of-way and the Kings View residential development. This parcel



was included within the 2004 redevelopment area designation, however it was not incorporated within the final project area boundary of the Station Area Redevelopment Plan, and thus retains its underlying I-1 zoning. Considering the location of the parcel adjacent to Netcong Center, the anticipated redevelopment set to occur south of the site, and existing development within the B-C Zone east of the property, rezoning of the property under the B-C classification is appropriate and in keeping with the Borough's vision for Netcong Center. Further, such a rezoning recognizes the land use and zoning changes that have occurred in the immediate area of the property since the 1998 Reexamination.

*Current condition:* A Redevelopment Plan was adopted for the Quirk/Masco Corporation tract in 2016 to allow for multi-family residential use subsequent to which a development project known as Crown Walk was built on the site. Crown Walk comprises a total of 126 multi-family dwellings units, with ten percent of the units set aside for low- and moderate-income households.

#### Stoll/Allen Street Redevelopment Area

7. As discussed, in 2005 the Borough of Netcong declared a second area within the municipality as being in need of redevelopment consistent with the State's Local Redevelopment and Housing Law. This area is located at the convergence of Allen and Stoll Streets about three-quarters of a mile from the Netcong train station. The area, which backs up to the N.J. Transit railroad right-of-way, comprises approximately 10 acres and includes the following lots in Block 8 on the official tax maps of the Borough: 15, 16, 17, 23.01, 24, 24.02, 24.03, 27, 28, 29, 30, 31 and 32. Land uses in the area consist of a mix of older residences, low-intensity commercial/industrial businesses and vacant lands. The 1978 Land Use Plan Map designates the bulk of the properties within the I-4 Industrial and Commercial classification with the remainder under the R-2 Single-Family Residential district. All but three of the lots lie within the former category. The zoning boundaries are coincident with the Land Use Plan map, but for the fact that the properties designated I-4 in the Master Plan actually lie within the limits of the existing I-3 zone.

The area in question is currently underutilized and, to a large extent, in transition. Moreover, not only is the current industrial/commercial zoning no longer appropriate for this location, but it is in conflict with adjacent residences and does not take full advantage of the existence of Arborlino Park and views of Lake Musconetcong situated on the opposite side of Allen Street. In order to encourage a more compatible land use mix and to further improve the appearance of the Allen Street streetscape in particular (recognizing that it serves as a gateway to Netcong), it is recommended that the Land Use Element of the Master Plan be amended to create a new multifamily residential classification for the referenced area that would allow for townhouse and multifamily condominium development at a density not to exceed 12 units per acre.

*Current condition:* This recommendation has been partially addressed. The Borough adopted the Stoll/Allen Street Redevelopment Plan in May 2008, and amended the Plan in April 2009. The Redevelopment Plan allows townhouses and stacked condominium units with density of up to 11 units per acre and a maximum yield of 103 units. Notwithstanding the adoption of a redevelopment plan, no redevelopment has occurred within any portion of the redevelopment area. As noted in Chapter IV of this Reexamination Report, further study and amendments are recommended to address the lack of development activity so as to incentivize landowners/developers.

### Other Ordinance Regulations

8. The Limited Office District (LOR) is the only zone district in the Borough that currently imposes Lot Coverage and Floor Area Ratio (FAR) requirements. These requirements should be extended to the remainder of the non-residential districts in the Borough.

*Current condition:* This recommendation has been partially met. The ordinance was amended such that the Schedule of Area and Bulk Requirements now contains impervious coverage requirements for every zone, but the LOR district remains the only district in the Borough with FAR requirements.

9. The terms Floor Area Ratio and Lot Coverage should be defined within Article II, Definitions.

*Current condition:* This recommendation has been partially met. The Borough Land Development Procedures Ordinance does not currently contain a definition for Floor Area Ratio. However, "Impervious Surface" was added to definitions and the Ordinance references "Impervious Coverage" (instead of "Lot Coverage") in its requirements and schedule of bulk regulations.

10. The land use ordinances should be updated for consistency with the New Jersey Residential Site Improvement Standards (RSIS).

*Current condition:* As noted previously, this recommendation has been addressed.

11. Provisions should be adopted requiring recycling facilities on commercial and industrial sites of more than 1,000 square feet and for multifamily developments of 25 or more units.

*Current condition:* As noted previously, this recommendation has been addressed.

### Housing Plan Element and Fair Share Plan

12. The Borough needs to prepare a new Housing Plan Element and Fair Share Plan to address its third and prior round affordable housing obligation.

*Current condition:* This recommendation has been addressed. The Borough's most recent Housing Element and Fair Share Plan was adopted in 2016, which was the foundation for the Borough obtaining a Judgment of Compliance from the Morris County Superior Court for its Round 3 affordable housing obligation. Changes to Affordable Housing regulations and proceedings in the State of New Jersey are discussed in detail in Section III.C of this Master Plan Reexamination Report.

### Center Designation

13. Because Netcong's Center designation had not been effectuated at the time of the 1998 reexamination report, this has never been officially sanctioned as part of the Borough's official Master Plan documentation (notwithstanding the fact that it was endorsed by the Planning

Board by Resolution in 1998). For this reason, the Borough's Center designation is hereby incorporated into the Master Plan as part of this reexamination report.

*Current condition:* As noted, the Borough's Center designation has been incorporated into the Master Plan and its official Center designation has been extended by the State until March 31, 2023.

### III. CHANGES IN ASSUMPTIONS, GOALS AND POLICIES SINCE THE 2008 REEXAMINATION

The following section describes the major changes in assumptions, goals, and policies since the 2008 Master Plan Reexamination Report that will provide the framework to guide the Borough’s land use policies and development in the future.

#### A. Changes at the Local Level

##### Demographic Characteristics

According to the US Census American Community Survey (ACS) 2015-2019 Five-Year Estimates (latest published Census data), Netcong has a total residential population of 3,177 persons forming 1,418 total households. In the past decade, the population of Netcong has remained relatively stable, with a slight reduction in total population of approximately 2%. In contrast, the total number of households has increased by 1.6%. Correspondingly, the average household size has decreased from 2.32 to 2.24 persons per household. Table 1 below shows these figures in detail. It should be emphasized that these figures do not account for new population/households generated by the aforementioned Crown Walk project.

**Table 1: Population & Households, Borough of Netcong, 2009 to 2019**

	2009	2019	Change 2009-2019	
			Count	Percent
Population	3,241	3,177	-64	-2.0%
Households	1,395	1,418	23	1.6%
Average Household Size	2.32	2.24		

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

Racial composition of the Borough has also remained relatively unchanged, with people who identify as “white alone” consisting of the majority (over 80%) of the Borough population. Between 2009 and 2019, this population exhibited a 1.7% decrease. The racial groups that increased in population were “American Indian/Alaska Native alone,” “Asian alone,” and “Two or more races.” Notably, the population identifying as Hispanic or Latino increased by 29.4%. In short, the Borough has become more racially and ethnically diverse over the last ten years (see Table 2).

**Table 2: Race & Ethnicity in Netcong, 2009 & 2019**

Race/Ethnicity	2009		2019		2009-2019 Change	
	Number	Percent	Number	Percent	Number	Percent
White alone	2,877	88.8%	2,828	89.0%	-49	-1.7%
Black/African American alone	251	7.7%	227	7.1%	-24	-9.6%
American Indian/Alaska Native alone	0	0.0%	26	0.8%	26	N/A
Asian alone	9	0.3%	54	1.7%	45	500.0%

Native Hawaiian and Other Pacific Islander alone	0	0.0%	0	0.0%	0	N/A
Some other race alone	104	3.2%	10	0.3%	-94	-90.4%
Two or more races	0	0.0%	32	1.0%	32	N/A
Not Hispanic/Latino	2,901	89.5%	2,737	86.2%	-164	-5.7%
Hispanic/Latino	340	10.5%	440	13.8%	100	29.4%
Total Population	3,241	100.0%	3,177	100.0%	-64	-2.0%

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

The median age in the Borough increased from 43.5 years in 2009 to 44.5 years in 2019 (see Table 3). The aging of the population can be attributed to the significant increase in population 55-74 years old, while school age children 5-17 years old and the workforce population (i.e., 35-54 years old) decreased. Currently, adults over the age of 55 years comprise 32.7% of the total population.

**Table 3: Age Cohorts and Median Age in Netcong, 2009 & 2019**

Age Cohort	2009		2019		2009-2019 Change	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	89	2.7%	131	4.1%	42	47.2%
5-17 years	473	14.6%	385	12.1%	-88	-18.6%
18-24 years	296	9.1%	320	10.1%	24	8.1%
25-34 years	365	11.3%	410	12.9%	45	12.3%
35-44 years	499	15.4%	349	11.0%	-150	-30.1%
45-54 years	640	19.7%	543	17.1%	-97	-15.2%
55-64 years	343	10.6%	560	17.6%	217	63.3%
65-74 years	223	6.9%	313	9.9%	90	40.4%
75-84 years	260	8.0%	97	3.1%	-163	-62.7%
85 years and over	53	1.6%	69	2.2%	16	30.2%
Total Population	3,241	100.0%	3,177	100.0%	-64	-2.0%
Median Age	43.5		44.5			

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

### Employment and Financial Characteristics

According to the US Census Bureau, Longitudinal Employer-Household Dynamics Survey data for 2018 (latest year available), there were 1,313 total jobs in the Borough of Netcong (see Table 4). Of these jobs, 54 were held by local Netcong residents, while the remaining 1,259 jobs were held by employees commuting from outside of Netcong.

**Table 4: Place of Work for Workers 16 Years & Over in Netcong, 2018**

	Jobs	Percent
Total Jobs in Netcong	1,313	100.0%
Employed & Living in Netcong	54	95.9%
Employed in Netcong but Living Outside	1,259	4.1%

Source: US Census Bureau, Longitudinal Employer-Household Dynamics Survey, 2018

As shown in Table 5, the main industries in which Netcong residents are employed are “educational services and health care and social assistance,” “retail trade,” “manufacturing,” and “arts, entertainment, and recreation, and accommodation and food services.” Combined, these four industries employ over half (61.4%) of the civilian employed population 16 years and over in the Borough. In comparison with data from 2009, it is apparent that these four industries have remained the main sources of employment for Borough residents for the past decade, and have also grown in their share out of the Borough’s civilian employed population. However, it should be noted that, more residents were previously employed in the “professional, scientific, and management, and administrative and waste management services” industry than the “arts, entertainment, and recreation, and accommodation and food services” industry. Through the course of the decade, employment in the former dropped by approximately 8%; other industries with drops in employment include “finance and insurance, and real estate and rental and leasing,” “construction,” “transportation and warehousing, and utilities,” and “information.”

**Table 5: Civilian Employed Population 16 Years & Over by Industry in Netcong, 2009 & 2019**

Industry	2009		2019		Change 2009-2019	
	Number	Percent	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0.0%	10	0.5%	10	N/A
Construction	140	8.3%	115	5.9%	-25	-17.9%
Manufacturing	214	12.7%	277	14.2%	63	29.4%
Wholesale trade	66	3.9%	93	4.8%	27	40.9%
Retail trade	207	12.3%	330	17.0%	123	59.4%
Transportation and warehousing, and utilities	132	7.8%	111	5.7%	-21	-15.9%
Information	44	2.6%	11	0.6%	-33	-75.0%
Finance and insurance, and real estate and rental and leasing	136	8.1%	49	2.5%	-87	-64.0%
Professional, scientific, and management, and administrative and waste management services	176	10.4%	162	8.3%	-14	-8.0%

Educational services, and health care and social assistance	232	13.7%	363	18.7%	131	56.5%
Arts, entertainment, and recreation, and accommodation and food services	171	10.1%	224	11.5%	53	31.0%
Other services, except public administration	66	3.9%	82	4.2%	16	24.2%
Public administration	105	6.2%	118	6.1%	13	12.4%
Employed Civilian Population Age 16+	1,689	100.0%	1,945	100.0%	256	15.2%

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

In terms of household income, the median household income in the Borough in 2019 was \$69,375; in comparison, the median household income in Morris County was \$115,527, which is almost twice that of the Borough (see Table 6). Further, over half of Morris County households (56.6%) have incomes of \$100,000 or more, compared to 31.5% of households in Netcong.

**Table 6: Household Income in Netcong and Morris County, 2019**

Household Income	Netcong		Morris County	
	Number	Percent	Number	Percent
Less than \$15,000	128	9.0%	7,925	4.4%
\$15,000 to \$24,999	89	6.3%	7,790	4.3%
\$25,000 to \$34,999	129	9.1%	7,909	4.3%
\$35,000 to \$49,999	139	9.8%	12,868	7.1%
\$50,000 to \$74,999	287	20.2%	21,801	12.0%
\$75,000 to \$99,999	200	14.1%	20,608	11.3%
\$100,000 to \$149,999	175	12.3%	35,093	19.3%
\$150,000 or more	271	19.1%	67,890	37.3%
Total Households	1,418	100.0%	181,884	100.0%
Median Household Income	\$69,375		\$115,527	

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

### Housing Stock

The housing stock in Netcong is characterized by a mix of single-family detached housing (comprising approximately half of the entire housing stock) and multifamily dwellings (see Table 7). There are also small percentages of single-family attached units and mobile homes within the community. This housing stock mix has remained relatively unchanged in the past decade, though the shares of single-family detached dwellings and lower-density 2-4 unit multifamily dwellings increased. Additionally, the total number of housing units decreased by 13 units. These figures do not take into account new multifamily construction attributable to the aforementioned Crown Walk project.

**Table 7: Housing Units by Type of Structure in Netcong, 2009 & 2019**

	2009		2019		2009-2019 Change	
	Number	Percent	Number	Percent	Number	Percent
Single-family detached	763	49.8%	821	54.0%	58	7.6%
Single-family attached	63	4.1%	45	3.0%	-18	-28.6%
2-4 Units	114	7.4%	244	16.1%	130	114.0%
5 or more Units	592	38.6%	399	26.3%	-193	-32.6%
Mobile Home	0	0.0%	10	0.7%	10	N/A
Boat, RV, van, etc.	0	0.0%	0	0.0%	0	N/A
<b>Total Housing Units</b>	<b>1,532</b>	<b>100.0%</b>	<b>1,519</b>	<b>100.0%</b>	<b>-13</b>	<b>-0.8%</b>

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

As shown in Table 8, the housing stock is almost evenly split between owner-occupied units and renter occupied units. Between 2009 and 2019, renter-occupied housing units increased by 27 units while owner-occupied units decreased by 4 units. Additionally, housing vacancy decreased by approximately 36 units.

**Table 8: Housing Tenure and Occupancy in Netcong, 2009 & 2019**

	2009		2019		2009-2019 Change	
	Number	Percent	Number	Percent	Number	Percent
Owner-occupied	670	43.7%	666	43.8%	-4	-0.6%
Renter-occupied	725	47.3%	752	49.5%	27	3.7%
Vacant	137	8.9%	101	6.6%	-36	-26.3%
<b>Total Housing Units</b>	<b>1532</b>	<b>100.0%</b>	<b>1519</b>	<b>100.0%</b>	<b>-13</b>	<b>-0.8%</b>

Source: US Census Bureau, American Community Survey, 2005-2009 & 2015-2019 Five-Year Estimates.

In terms of age of the Borough's housing stock, rental dwelling units are relatively newer compared to owner-occupied units. As shown in Table 9, more than half (58%) of rental units were built in the 1970s or later, whereas the great majority (89.8%) of owner-occupied units were built prior to 1970.

**Table 9: Housing Units by Year Structure Built in Netcong, 2019**

	Owner-occupied		Renter-occupied		All Units (inc. Vacant)	
	Number	Percent	Number	Percent	Number	Percent
Built 2010 or later	8	1.2%	10	1.3%	18	1.2%
Built 2000 to 2009	0	0.0%	0	0.0%	0	0.0%
Built 1990 to 1999	0	0.0%	11	1.5%	11	0.7%
Built 1980 to 1989	22	3.3%	58	7.7%	90	5.9%
Built 1970 to 1979	38	5.7%	357	47.5%	422	27.8%
Built 1960 to 1969	125	18.8%	59	7.8%	195	12.8%



Built 1950 to 1959	149	22.4%	30	4.0%	198	13.0%
Built 1940 to 1949	76	11.4%	75	10.0%	151	9.9%
Built 1939 or earlier	248	37.2%	152	20.2%	434	28.6%
Total Housing Units	666	100.0%	752	100.0%	1,519	100.0%

Source: US Census Bureau, American Community Survey, 2015-2019 Five-Year Estimates.

As Tables 10 and 11 show, housing value in Netcong is lower than in Morris County as a whole. The median value of owner-occupied housing units in the Borough was \$273,000 compared to \$481,000 in the county; and the median gross rent of renter-occupied housing units in the Borough was \$1,166 compared to \$1,578 in the county. The overwhelming majority (83.6%) of owner-occupied housing units in the Borough are valued between \$200,000 and \$499,999 and only 2.4% are valued at \$500,000 or higher. Of renter-occupied units, almost all units have gross rents below \$2,000 in the Borough, whereas over a quarter (28%) of rental units in the county as a whole have gross rents of \$2,000 or higher.

**Table 10: Value of Owner-occupied Housing Units in Netcong and Morris County, 2019**

	Netcong		Morris County	
	Number	Percent	Number	Percent
Less than \$50,000	0	0.0%	1,021	0.8%
\$50,000 to \$99,999	11	1.7%	1,030	0.8%
\$100,000 to \$149,999	17	2.6%	958	0.7%
\$150,000 to \$199,999	65	9.8%	2,463	1.9%
\$200,000 to \$299,999	367	55.1%	15,133	11.4%
\$300,000 to \$499,999	190	28.5%	49,883	37.7%
\$500,000 to \$999,999	16	2.4%	53,735	40.6%
\$1,000,000 or more	0	0.0%	8,196	6.2%
Total Owner-occupied Units	666	100.0%	132,419	100.0%
Median Value	\$273,000		\$481,000	

Source: US Census Bureau, American Community Survey, 2015-2019 Five-Year Estimates

**Table 11: Gross Rent of Renter-occupied Housing Units in Netcong and Morris County, 2019**

	Netcong		Morris County	
	Number	Percent	Number	Percent
Cash Rent				
Less than \$500	11	1.5%	3,485	6.6%
\$500 to \$999	118	15.7%	3,899	7.4%
\$1,000 to \$1,499	430	57.2%	15,901	30.3%
\$1,500 to \$1,999	156	20.7%	14,491	27.6%

\$2,000 to \$2,499	26	3.5%	6,267	11.9%
\$2,500 to \$2,999	0	0.0%	3,875	7.4%
\$3,000 or more	0	0.0%	3,145	6.0%
No cash rent	11	1.5%	1,403	2.7%
Total Renter-occupied Units	752	100.0%	52,466	100.0%
Median Gross Rent	\$1,166		\$1,578	

Source: US Census Bureau, American Community Survey, 2015-2019 Five-Year Estimates

### Development Activity

From 2009 to 2020, a total of 45 housing units were certified for occupancy and a total of 11 units were issued demolition permits, resulting in a net increase of 34 housing units (see Table 12). Once again, figures do not reflect the full build out of new multi-family units associated with Crown Walk.

**Table 12: Housing Units Certified vs. Authorized by Demolition in Netcong, 2009-2020**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
1&2 family	-1	-2	0	0	0	1	0	-2	-3	1	3	5	2
Certified	0	0	0	0	0	1	0	0	0	1	3	5	10
Demolition	1	2	0	0	0	0	0	2	3	0	0	0	8
Multifamily	0	0	0	0	0	0	0	0	0	0	0	35	35
Certified	0	0	0	0	0	0	0	0	0	0	0	35	35
Demolition	0	0	0	0	0	0	0	0	0	0	0	0	0
Mixed use	-1	0	0	-1	-1	0	0	0	0	0	0	0	-3
Certified	0	0	0	0	0	0	0	0	0	0	0	0	0
Demolition	1	0	0	1	1	0	0	0	0	0	0	0	3
All Types	-2	-2	0	-1	-1	1	0	-2	-3	1	3	40	34
Certified	0	0	0	0	0	1	0	0	0	1	3	40	45
Demolition	2	2	0	1	1	0	0	2	3	0	0	0	11

Source: NJ Department of Community Affairs, Building Permits, 2009-2020; Demolition Permits, 2009-2020

On the non-residential side, the Borough experienced modest development activity from 2009 to 2019 (see Table 13). The main non-residential construction activity was for office development, with a combined total of 19,005 square feet certified over the past decade. There was also an industrial development totaling 5,000 square feet that was completed and certified in 2019.

**Table 13: Square Feet of Nonresidential Space\* Certified in Netcong, 2009-2019**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Office	2,680	0	0	1,440	0	14,885	0	0	0	0	0	19,005

Industrial	0	0	0	0	0	0	0	0	0	0	5,000	5,000
Signs, fences, utility & misc	0	0	0	0	0	0	0	228	0	0	0	228
Other	0	0	0	0	0	0	0	0	0	0	0	0
Total	2,680	0	0	1,440	0	14,885	0	228	0	0	5,000	24,233

\*Not including Multifamily/Dormitories

Source: NJ Department of Community Affairs, Certificates of Occupancy Yearly Summary Data, 2009-2019

### Redevelopment

Since 2008, the Borough embarked upon several redevelopment projects in and around the downtown core. As noted, the Stoll/Allen Street Redevelopment Plan was adopted by the governing body in 2009, although no development has proceeded to date. Meanwhile, in 2013 the former Pocketbook factory property located along Flanders Road at the intersection of Route 46 was declared an area in need of redevelopment and the Borough subsequently adopted a redevelopment plan to allow for a new multi-family residential development project. The original plan was later amended and approval was obtained for what became known as Crown Walk, which consists of 80 multi-family dwelling units, 10 percent of which have been set aside for low-and moderate-income units. The project is presently in construction. Also, as described in 2016, the Borough adopted a redevelopment plan for the former Quirk industrial property, which had previously been declared in need of redevelopment as part of the original study for the area around the Netcong train station. The 126-unit multi-family residential development was later built and the apartments are now occupied.

Lastly, in 2018, the Borough declared the existing Shop-Rite property along Route 46 and six contiguous single-family residences as an area in need of redevelopment. In 2020, the governing body adopted a redevelopment plan for the entirety of these lands providing for the expansion/modernization of the existing Shop-Rite supermarket. The Shop-Rite owners recently submitted a site plan application to the Planning Board consistent with the aforementioned redevelopment plan and obtained approval for same on March 28, 2022.

### Capital Improvements

The Borough continues to undertake infrastructure improvements as well as upgrades to park and recreational facilities. Future capital improvements at Arbolino Park include renovation of existing restrooms (which are not currently ADA-compliant). County and private funding are being sought. Ballfield renovation and new fencing are also planned. Installation of a trail around Lake Musconetcong is also being discussed at the municipal and county levels. Netcong is actively participating with adjacent municipalities as part of the Northwest Morris Canal Greenway Trail project. Additionally, playground equipment at DiRenzo Park is nearing the end of its useful life and is in need of replacement.

The Borough also obtained New Jersey Environmental Infrastructure Trust Fund monies to upgrade its water supply system, which included rehabilitating its one-million-gallon reservoir and replacing/repairing deteriorating water mains/pipes. Undersized water mains along Route 46 were replaced and sections of the existing main on the south side of Route 80 were extended. A number of hydrants/valves were replaced as were customer water meters. The Borough's former one-half-million-gallon reservoir that had been out of service was also demolished. Netcong is also now exploring the

idea of establishing a stormwater management utility that would collect fees based on the amount of stormwater a property generates, with such fees dedicated for local stormwater management purposes.

### **Highlands Plan Conformance**

The Borough is considering participating in the Plan Conformance process associated with the New Jersey Highlands Regional Master Plan (RMP) which was adopted by the Highlands Council in July 2008. The Plan Conformance process provides a framework for Highland Region municipalities such as Netcong to bring their master plans and development regulations into conformance with the goals, requirements and provisions of the RMP. Plan Conformance is voluntary for the Borough, as the entirety of its land area as within the so-called Highlands Planning Area. In that regard, Netcong submitted a proposal to the Highland Council to prepare an Initial Assessment Report, which is separate from but complementary to the Plan Conformance process. The proposal to the Highlands Council was approved and the Borough is currently in the process of completing the assessment. The purpose of said assessment is to determine how local planning/policy documents compare to the RMP and to outline a scope of work and budget to achieve municipal conformance with the RMP. The Initial Assessment Report will identify for the Borough the costs and benefits of Plan Conformance, and specifically Netcong's designation as a Highlands Center, which is an area where development and redevelopment is planned and encouraged.

## **B. Changes at the County Level**

### **Morris County Master Plan Circulation Element Update (2018)**

The Circulation Element of the Morris County Master Plan was most recently updated in October 2018. The Circulation Element contained the following goals for the County's transportation network:

1. Improve the safety, accessibility, and efficiency of Morris County's transportation network
2. Conduct a coordinated, comprehensive, and cooperative transportation planning process
3. Support economic development through diverse transportation investment

### **Morris County Master Plan Land Use Element Update (2020)**

Morris County most recently updated the Land Use Element of its Master Plan in December 2020. The Land Use Element established the guiding principle to "promote, enhance and preserve the natural resources, community assets, and the rich culture and history of the County, while actively promoting a thriving, robust economy, diverse housing opportunities and a strong infrastructure to protect and enrich Morris County's overall quality of life." The Land Use Element additionally established 6 overall goals and 17 policy objectives, and provided recommendations for county and local action. The Land Use Element contains the following recommendations for local action:

1. Continue investment in comprehensive planning to ensure timely consideration of changing land use conditions, commercial and housing needs and market trends.
2. Consider opportunities to incorporate greater flexibility into local zoning to improve opportunities for redevelopment and investment in local commerce and housing, e.g. incorporation of Form-Based zoning codes and overlay zones.
3. Consider creation of targeted sub-plans for development, redevelopment and preservation of priority/strategic sites.
4. Consider utilization of the New Jersey Local Redevelopment and Housing Law to develop proactive plans for redevelopment.

5. Encourage municipal participation in federal/state/county programs that assist in planning activities and/or project funding, tax incentives or other support related to land development, open space preservation, environmental protection, economic development, housing rehabilitation and other related undertakings. Examples include the Opportunity Zone3 federal tax incentive program, NJDEP Green Acres Program, NJ Dept. of Community Affairs Main Street NJ Program and Morris County Preservation Trust Fund Program.
6. Utilize County information resources and technical assistance to assist in the creation of local land use policy.
7. Review existing site plan and subdivision standards to determine whether they are consistent with modern land use standards (e.g. parking ratios, stormwater controls).
8. Utilize services/data offered by the Morris County Economic Development Corporation to expand and enhance local economic development opportunities.
9. Consider inter-municipal development impacts and opportunities as part of the local planning process. Engage in greater inter-municipal cooperation on large-scale development projects / preservation activities with inter-municipal impacts, e.g. traffic impacts, stormwater management, water supply, flood mitigation.
10. Consider existing traffic conditions on County roads in planning, zoning and land use decisions affecting development along these corridors. Significant increases to County roadway capacity are not anticipated and the potential negative impacts to current traffic conditions must be considered when making decisions on land use changes or intensification of use affecting these roadways.

With respect to Netcong, the County Land Use Element recognized that the Borough has been experiencing multifamily and mixed-use investment and redevelopment in recent years, and notes that new housing will increasingly occur in existing downtowns and compact suburban locations with adequate infrastructure.

## C. Changes at the State Level

### **Affordable Housing (COAH)**

On May 6, 2008, the Council of Affordable Housing (COAH) adopted the revised Third Round Substantive and Procedural Rules and advised that the new regulations would be published in the June 2, 2008 New Jersey Register and becoming effective, as of that date. Also, on May 6, 2008, COAH simultaneously proposed amendments to the revised Third Round rules it had just adopted. Those amendments were subsequently adopted and made effective on October 20, 2008 (i.e., N.J.A.C. 5:96 and N.J.A.C. 5:97).

N.J.A.C. 5:96 and 5:97 as adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). In its October 8, 2010 decision, the Appellate Division determined, among other things, that the growth share methodology was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second rounds (i.e., 1987-1999). On September 26, 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the Third-Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds. COAH proceeded to propose such regulations in accordance with the schedule and amended schedule established by the New Jersey Supreme Court. However, on October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center (FSHC), a party in the 2010 and 2013 court cases, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion, finding that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In doing so, the Supreme Court established a transitional process for municipalities to file a declaratory judgment action with the trial courts seeking to declare their Housing Element and Fair Share Plans as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before COAH.

The Council on Affordable Housing granted the Borough of Netcong Substantive Certification on October 14, 2009 for its Third Round Housing Element and Fair Share Plan adopted by the Planning Board on December 22, 2008 (the "2008 Plan"). However, in light of the 2015 decision, the Borough prepared and adopted a revised Housing Element and Fair Share Plan in 2016 to fully satisfy its constitutional affordable housing obligation. The Borough also filed a declaratory judgment action in Morris County Superior Court and obtained a Judgement of Compliance shortly thereafter, affording protection against builder's remedy lawsuits until post-2025.

### **State Development and Redevelopment Plan**

In 2010, the State released a new draft State Strategic Plan to supersede the 2001 State Development and Redevelopment Plan. Public hearings on the draft plan were held in February, March, and September of 2012. The draft State Strategic Plan was put on hold following Superstorm Sandy in October 2012 and was never adopted by the State Planning Commission.

The draft document contained four key State-wide goals, as follows:

1. Targeted Economic Growth: Enhance opportunities for attraction and growth of industries of statewide and regional importance.
2. Effective Planning for Vibrant Regions: Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region.
3. Preservation and Enhancement of Critical State Resources: Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing the roles they play in sustaining and improving the quality of life for New Jersey residents and attracting economic growth.
4. Tactical Alignment of Government: Enable effective resource allocation, coordination, cooperation and communication among those who play a role in meeting the mission of this Plan.

It should be noted that the draft document did not include a map, nor did it include planning area designations as in the case of the 2001 SDRP.

### **Adoption of Complete Streets Policy by NJDOT (2009)**

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. Complete Streets is defined by the NJDOT as a means to "provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options." A number of counties and over 100 municipalities have adopted Complete Streets policies. The intent of the policy is to provide streets to meet the needs of all types of users and all modes of transportation – pedestrians, bikes, transit, automobiles and trucks. In 2010, the Borough adopted a resolution supporting NJDOT's "complete streets" initiative and also reinforcing its

its own commitment to creating a comprehensive, integrated, connected street network that accommodates all road users of all abilities and disabilities.

### **Local Redevelopment and Housing Law (2013)**

In 2013, the Local Redevelopment and Housing Law (“LRHL”) was amended to permit the designation of a redevelopment area with or without condemnation. The amendment set forth requirements for a municipality to indicate, in the resolution authorizing preliminary investigation, whether the redevelopment area designation will allow the exercise of eminent domain:

The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”).

The amendment also established additional notice requirements, and modified conditions necessary for an area in need of rehabilitation designation. The LRHL was further amended in August 2019 to expand the criteria for redevelopment area designation to include shopping centers and office parks with significant vacancies as properties that qualify as areas in need of redevelopment.

### **Cannabis Legalization & Municipal Considerations**

In February 2021, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older, A-21 (P.L.2021,c.16). The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and decriminalizing marijuana and hashish possession, A-1897 (P.L.2021,c.19). As it pertains to municipal land use regulations, the following considerations are highlighted:

- Opt-In or Opt-Out Timeline: Municipalities had 180 days (until August 21, 2021) to take action to either prohibit or limit the number of cannabis establishments, distributors, or delivery services; the location, manner, and times of operation, and establishing civil penalties for violation of ordinances. If municipalities do not take action within 180 days, any class of cannabis establishment or distributor will be permitted to operate in the municipality, and depending on the type of establishment, be considered a permitted use in certain zones.
- Existing Ordinances: Any existing municipal ordinances regulating or prohibiting cannabis are null and void. They must be readopted to be effective.
- Local Cannabis Tax: Municipalities can enact by ordinance a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.
- Delivery Rights: A municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within their jurisdiction.

### **Amendments to the Municipal Land Use Law (MLUL)**

1. Green Building and Environmental Sustainability Element (2008)

In August 2008, the MLUL was amended to include the Green Building and Environmental Sustainability Element (GBESE) as one of the permitted (but non-mandatory) Master Plan Elements. It describes the Element as follows:

A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat stormwater on-site; and optimize climatic conditions through site orientation and design.

2. Solar and Wind Facilities as Permitted Uses in Industrial Zones (2008) and Definition of Inherently Beneficial Use (2009)

The MLUL was amended in 2008 to provide that solar and wind facilities on parcels of 20 acres or more shall be deemed as permitted uses in industrial zone districts. In addition, in 2009, the definition of “inherently beneficial use” in the MLUL was amended to include a wind, solar, or photovoltaic energy facility or structure.

3. Time of Decision (2010)

On May 5, 2010, Governor Christie signed P.L. 2010 c.9 into law, effectively nullifying the “time of decision” rule, which had previously allowed municipalities the ability to alter zoning requirements even after an application for development had been filed but before a formal decision on the application had been rendered. P.L. 2010 c.9 provides that the development regulations applicable to a property at the time an application for development is filed will govern the review of the application and any decision made pertaining to it. P.L. 2010 c.9 became effective on May 5, 2011.

4. Extension of Time Between Reexamination Reports (2011)

The MLUL was amended in 2011 to extend the maximum time permitted between municipal master plan reexamination reports from six years to ten years.

5. State of New Jersey Energy Master Plan (2011): New Jersey’s most recent Energy Master Plan (“EMP”) was released by the New Jersey Board of Public Utilities (BPU) in December 2011 (“2011 EMP”). It outlined the State’s strategic vision for the use, management and development of energy in New Jersey over the next decade. It further serves as a guide to the present and future energy needs of the State. The 2011 EMP was updated in December 2015 (“EMP Update”). Included in the EMP Update were measures of the State’s progress toward achieving the 2011 EMP goals. Where circumstances have changed, the update made adjustments to certain goals. The EMP Update also included a new section to address the challenges to New Jersey’s energy infrastructure identified in the aftermath of Superstorm Sandy and how the State is addressing those challenges.

6. Exemption of Applications for Collocation of Wireless Communications Equipment on a Tower (2012)

The MLUL was amended in 2012 under N.J.S.A. 40:55D-46.2 so as to provide that an “application for development to collocate wireless communications equipment on a wireless communications support structure or in an existing equipment compound not be subject to site plan review” provided the application meets the following requirements: the wireless support structure shall have been previously approved by the appropriate approving authority;



the collocation shall not increase the overall height of the support structure by more than 10 percent, nor increase the width of the support structure, nor increase the existing equipment compound to more than 2,500 square feet; and the collocation shall comply with all of the terms and conditions of the original approval and not trigger the need for variance relief.

7. Exemption of Solar Panels from Impervious Coverage Calculation (2014): The MLUL was amended in 2014 through Bill S.921/A.2289 to exempt solar panels and canopies or arrays thereof from impervious coverage calculations as part of subdivision or site plan approval.
8. Master Plan Statement of Strategy (2018): In January 2018, Governor Christie signed into law an amendment to the MLUL at N.J.S.A. 40:55D-28b(2) to require any new Land Use Element of a municipality's Master Plan to incorporate "a statement of strategy concerning: (i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations, (ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure and (iii) environmental sustainability"
9. Master Plan Identification of Public Electric Vehicle Charging Stations (2020): In January 2020, Governor Murphy signed into law an amendment to the MLUL at N.J.S.A. 40:55D-28b to include provisions related to public electric vehicle charging stations in a municipal Master Plan. Specifically, a Land Use Element is required to show "the existing and proposed location of public electric vehicle charging infrastructure." Additionally, the requirements for the Circulation Element were supplemented to require identification of "existing and proposed locations for public electric vehicle charging infrastructure."
10. NJDEP Stormwater Management Rule Amendments (2020): In March 2020, the NJDEP amended its State Stormwater Rules to require the use of green infrastructure design features and decentralized stormwater management practices to meet water quality, quantity and recharge standards. Such "best practices" include use of vegetated swales, bioretention basins, rain gardens, green roofs and wet ponds, among other methods to meet the new stormwater management standards, which are intended to reduce pollution and flooding from stormwater runoff. All municipalities in the State are required to update existing stormwater management ordinances to comply with the new rules. Accordingly, the Borough should amend its existing Stormwater Management Plan/Ordinances to insure compliance with the new NJDEP rules.
11. Master Plan Hazard Vulnerability Assessment (2021): In February 2021, Governor Murphy signed into law an amendment to the MLUL at N.J.S.A. 40:55D-28b(2) to require any new Land Use Element of a municipality's Master Plan to incorporate "a climate-change related hazard vulnerability assessment which shall (i) analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise; (ii) include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development; (iii) identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state; (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan; (v) provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards; (vi) include a

specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.”

12. Electric Vehicle Supply Equipment and Make-Ready Parking Spaces (2021): In July 2021, Governor Murphy signed a bill that establishes state-wide numerical requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces. Notably, electric vehicle charging stations are designated as a permitted accessory use in all zoning districts. The new law establishes a minimum number of Make-Ready spaces for multifamily developments with 5 or more units and other types of developments involving parking lots/garages, and requires the phased installation of electric vehicle supply equipment in those spaces over a span of 6 years.

## D. Other Relevant Factors

### **Changes in Housing Preferences**

In recent years, housing preference among two large demographic groups, the Baby Boomers (born between 1946 and 1964) and the Millennial generation (born between 1981 and 1996), has, on a national level, trended away from traditional large lot single-family housing. While the Borough will likely remain a predominantly single-family residential home community, it must still be cognizant of these changing housing preferences and market trends. Any of the inclusionary multi-family housing projects which will ensue as a result of Borough’s Housing Element and Fair Share Plan will help to address the housing needs of such groups.

### **Changes in Commercial Real Estate Market**

A more dramatic shift with long-term consequences is the changing nature of shopping and its impact on retail stores. Many once-strong retailers, from national chains to local shops, have downsized or closed. A major factor in this change is the continuing growth of online commerce. As such, retail is focusing more on experience, with dining and related activities becoming anchors in place of large footprint retailers. Additionally, property owners are seeking ways to develop more flexible floorplates for uses that need to expand quickly and/or adjust to size requirements. Developers have also experimented with more flexible ground floor uses and designs to broaden market appeal beyond traditional businesses. Meanwhile, the office market has been stagnant throughout the State of New Jersey and the advent of technology facilitating remote work (together with the COVID-19 pandemic) is likely to have long-term impacts on office space demand and layout/design.

### **Changes in Transportation Patterns**

Since the adoption of the Borough’s last reexamination, there have been changes such as the emergence of ride sharing services (e.g., Lyft, Uber) as common, which has affected travel patterns as well as businesses (e.g. taxi and car services). In densely developed areas, bike sharing and scooter services are becoming a common option. There has also been interest in “complete streets,” and greater focus on pedestrian safety and bicycling. Looking ahead, autonomous vehicles may become more prevalent, and there will likely be other advances in circulation that will need to be considered.

### **Small Cell Wireless Sites Atop Utility Poles in the Right-of-Way**

In recent years, wireless telephone service providers have begun to install antennas on top of existing utility poles in the public right-of-way (ROW) in order to provide ultra-fast wireless service by increasing

coverage and boosting broadband capacity. This new technology represents a much less expensive alternative to digging up streets in order to lay down cables or string wires along utility poles. However, new small cell wireless facilities in the public ROW may impact the streetscape and character of residential neighborhoods.

## IV. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Based on the assumptions, policies and objectives discussed in the previous sections, a number of changes to the Netcong Master Plan and land development regulations are recommended, as set forth below.

### A. Zoning Recommendations

#### 1. Rezone portions of B-C Zone along Ledgewood Avenue and Maple Avenue to R-2

As noted, the current B-C zone contains portions of Ledgewood and Maple Avenues that are solidly residential in character with the homes in generally good condition. In order to protect established residential neighborhoods and preclude the unwarranted expansion of commercial uses outside of the downtown core along Main Street and the westerly portion of Maple Avenue, the following properties are recommended to be rezoned to R-2:

- Block 11, Lots 7 through 15
- Block 15, Lot 3.01 and Lots 4 through 24

#### 2. Amend B-C Zone Standards

The Borough should revisit the standards in the B-C zone and specifically expand the list of permitted uses to insure a vibrant and healthy downtown core. The following amendments should be considered:

- Expand the types of non-residential uses permitted to address ongoing challenges associated with the current retail business environment and the continued rise in ecommerce. Additional uses should be considered for the B-C zone such as medical offices, health and fitness, yoga/pilates studios, instructional/educational centers, art galleries, showrooms, insurance offices, incubator space, co-working space, etc. so as to active ground-floor space. Additionally, the limitation on the types of personal service establishments allowed should be eliminated; the current standard would prohibit uses such as pet grooming services that may be appropriate within the central business district context.
- Expressly encourage mixed-use development to include permitted non-residential use in the B-C zone on the ground floor and residential units on the upper floor(s). In addition, buildings up to 3 stories and 50 feet in height should be considered within all or parts of the district.
- Prohibit ground level parking under buildings that is exposed to Maple Avenue and Main Street. All such parking should face the rear of the property.

#### 3. Add a definition for “Floor Area Ratio (FAR)” to Article II, Definitions and incorporate an FAR requirement to the B, I-1, I-2, and I-3 Districts.

The Limited Office District (LOR) is the only zone district in the Borough that currently imposes Floor Area Ratio (FAR) requirements. This requirement should be extended to the B, I-1, I-2, and I-3 districts to regulate the intensity of development within these zones. Floor Area Ratios in the 0.3 to 0.4 range should be considered. Floor Area Ratio should also be clearly defined in the Ordinance to indicate how same is calculated from a compliance standpoint.

4. Establish standards to govern rooftop appurtenances and ornamentation.

The definition of building height should be revised to address how rooftop appurtenances and ornamentation should be accounted for in the calculation of building height. The Borough should also consider establishing standards to regulate the height, setback, and size of rooftop appurtenances.

5. Explicitly allow child-care centers, family day care homes, and community residences in residential zones to be consistent with requirements in the NJ Municipal Land Use Law.

Pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-66, child-care centers, family day care homes, and community residences shall be allowed in all residential zones. The Borough's Ordinance, which currently does not allow such uses, should be amended to be consistent with state requirements.

6. Adopt an ordinance to permit and regulate electric vehicle charging stations in accordance with state requirements.

As noted previously, a new State Bill passed in July 2021 permits electric vehicle charging stations as an accessory use in all zoning districts and further provides requirements for the minimum number of charging spaces and phasing schedule for certain types of developments. The State has released a model ordinance; Netcong should adopt an ordinance to be consistent with State requirements and encourage the installation of such facilities.

7. Establish standards for regulating wireless telecommunications facilities.

The Borough does not currently regulate wireless telecommunication facilities as part of its zoning ordinance. As such, consideration should be given to adopting an ordinance amendment that would establish conditional use standards governing permitted locations/zones, siting priorities, co-location, bulk/development requirements, etc. for these wireless facilities.

8. Determine at some future date whether to consider opting-in re: allowing cannabis businesses in the Borough.

Per New Jersey's Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act, the Borough opted-out of the State program and banned all classes of cannabis business within the community. Because municipalities have the option of changing their minds on this issue, Netcong should monitor the situation so as to determine whether it may be in its interest to allow certain types of legal marijuana businesses at some point in the future.

## B. Recommended Amendments to Existing Redevelopment Plans

### 1. Station Area Redevelopment Plan

The Station Area Redevelopment Plan was adopted in 2005. This Redevelopment Plan Area currently encompasses the Netcong train station site and nearby parcels roughly bounded by Main Street to the east, Bank Street to the north, Flanders Road to the west, and the railroad to the south. The Plan envisioned establishing a new street called "Station Road" between Flanders Road and Main Street with direct access to the existing train station. The Plan calls for mixed-use development consisting of

primarily multi-family residential development with ground-floor retail use required nearest the station and encouraged along Station Road. Permitted residential uses include townhouses, multifamily dwellings, duplexes and semi-attached housing.

Since the Plan's adoption in 2005, no redevelopment activity has occurred, despite the Borough's efforts to facilitate same. There a number of reasons why development has not progressed, including the inability to come to agreement with New Jersey Transit on the number of parking spaces to be replaced at the existing train station lot, the diversity of property ownership within the Plan Area and the Borough's unwillingness to utilize the power of eminent domain. Notwithstanding these obstacles, the Station Area Redevelopment Plan Area continues to hold potential to become a vibrant mixed-use district. As such, the Borough should consider re-visiting the Plan to address the concerns cited above so that it can move forward with a viable redevelopment scheme.

## 2. Stoll/Allen Street Redevelopment Area

As discussed previously, the Stoll/Allen Street Redevelopment Plan currently permits townhouse and multifamily development at a density not to exceed 12 units per acre. Since its last amendment in 2009, no redevelopment activity has occurred, and the prospective redeveloper seeking to assemble properties within the redevelopment area is now gone. Consequently, the Plan Area requires a fresh look to determine whether existing constraints, which include possible environmental contamination and diverse ownership, can be overcome either in whole or in part to facilitate redevelopment.

## V. RECOMMENDATIONS TO INCORPORATE NEW REDEVELOPMENT PLANS

A master plan reexamination report is required to include recommendations of the Planning Board concerning the incorporation of redevelopment plans (adopted pursuant to the Local Redevelopment and Housing Law of 1992) into the land use element, and accompanying changes, if any, to the development regulations. The Local Redevelopment and Housing Law (LRHL) affords municipalities the authority to designate areas “in need of redevelopment,” provided they meet specific statutory criteria. The LRHL also enables municipalities to designate areas “in need of rehabilitation” in accordance with other criteria. Municipalities may prepare and implement redevelopment plans for both redevelopment and rehabilitation areas.

The Borough recently advanced a new non-condemnation area redevelopment investigation for property located adjacent to St. Michael’s Church just west of the intersection of Church Street and Route 46. Site plan approval had previously been obtained for development of an early childhood learning center on said lands. While significant site work was completed, no other construction has occurred and the property is now largely fallow and unproductive. As a result, the Borough may consider an alternative redevelopment scenario for the property at this time.

## APPENDIX: LIST OF BOROUGH-WIDE IMPROVEMENTS SINCE 2008



**Road, Sidewalk & Water Main Improvements**

<b>Street</b>	<b>Year</b>	<b>Improvements</b>
Ledgewood Avenue Phase 1	2008	Streetscape Improvements
Prospect Street Phase 1	2008	Sidewalks
Dell Avenue/Koclas Drive Phase 4	2009	General Improvements
Maple Avenue Phase 1	2009	Streetscape Improvements
Cross Street	2010	General Improvements
Wiltop Road Phase 1	2010	General Improvements
Love Lane	2011	General Improvements
Post Road	2011	General Improvements
College Road	2012	Sidewalk Improvements
Maple Avenue Phase 2	2012	Streetscape Improvements
Stoll Street	2012	Sidewalk Improvements
Prospect Street Phase 2	2013	General Improvements
College Road	2014	General Improvements
Stoll Street Phase 2	2014	General Improvements
Church Street	2015	General Improvements & Water Main Upgrade
Lower Church Street	2015	Water Main Upgrade
Ledgewood Avenue Phase 2	2016	Streetscape Improvements
Stoll Street, Phase 2	2016	General Improvements
Ledgewood Avenue Phase 3	2017	Streetscape Improvements & Pedestrian Crossing Warning Lights
Marc Court	2017	General Improvements & Water Main Upgrade
Railroad Avenue Phase 1	2017	General Improvements & Water Main Upgrade
Various Locations	2017	Water Distribution System Improvements, water main upgrades, new fire hyc
Marc Court	2018	General Improvements
Railroad Avenue Phase 2	2018	General Improvements
Railroad Avenue Phase 3	2018	General Improvements & Water Main Upgrade
Stoll Street Phase 3	2018	General Improvements
Carolyn Way	2019	General Improvements
Oak Street	2019	General Improvements
Wiltop Road Phase 2	2019	General Improvements
Brookside Road	2020	General Improvements
Dogwood Road	2020	General Improvements
Helen Way	2020	General Improvements
Locust Road	2020	General Improvements
Elm Street	2021	Water Main Upgrade

**Equipment & Facilities**

<b>Department</b>	<b>Year</b>	<b>Equipment/Facility</b>
Water Department	2008	Well House Number 2 Modifications
Public Works Department	2009	New Salt Dome
Fire Department, Hilltop	2010	Reroofing
Public Works Department	2010	Skid-Steer Loader
Public Works Department	2011	Reroofing
Administration	2012	Telephone System Upgrade
Administration	2012	Dial-A-Ride Bus
Public Works Department	2012	Emergency Generator
Water Department	2012	Water Meter Replacements
Fire Department	2013	Specialize Radio and Related Equipment
Fire Department	2013	Thermal Imaging Camera
Police Department	2013	Electronic Message Board
Police Department	2013	Mobile Light Tower
Public Works Department	2013	Wood Chipper
Water Department	2013	Water Meter Replacements
Fire Department, Company #1	2014	Firehouse Upgrades
Fire Department, Company #1	2014	Exterior Stairs and Handicapped Accessible Lift
Police Department	2014	Dodge Charger, 2014 (3)
Public Works Department	2014	Mason Dump Truck
Water Department	2014	Water Meter Replacements
Fire Department	2015	Ford 350 Utility Body, Scene Support Vehicle
Fire Department, Company #1	2015	Firehouse Foundation Repairs

Water Department	2015 Ford 350 Utility Body
Administration	2016 Municipal Building Roof
Fire Department	2016 Ford Expedition, Chief's Vehicle
Fire Department	2016 Ford F-350, Hilltop #2 Utility Truck
Police Department	2016 Dodge Charger, 2017
Public Works Department	2016 Pole Barn at DPW Yard
Public Works Department	2016 Electrical Service at Arbolino Park
Public Works Department	2016 Ford F-250 F Wheel Drive Truck
Water Department	2016 Water Meter Replacements
Water Department	2016 Rehabilitation of Well 1a
Water Department	2016 Rehabilitation of Water Storage Reservoir
Fire Department	2017 Sutphin Quint Fire Truck
Police Department	2017 Chevrolet Silverado, 2018
Administration	2018 Dodge Durango, 2018
Police Department	2018 Chevrolet Tahoes (3)
Public Works Department	2018 John Deer Backhoe
Water Department	2018 Rehabilitation of Well 2
Water Department	2018 Demolition of Out of Service Reservoir
Water Department	2018 Reservoir Replacement Roof
Administration	2019 ADA Kayak Launch at Arbolino Park
Public Works Department	2019 Ford Mason Dump Truck
Public Works Department	2019 High Pressure Sewer Jet Cleaner
Administration	2020 Phone System
Administration	2020 Municipal Building ADA Automatic Doors
Administration	2020 Municipal Building Parking Lot Upgrade
Police Department	2020 Message Boards (2)
Public Works Department	2020 Arbolino Park Exercise Equipment
Public Works Department	2020 Arbolino Park Security Cameras
Public Works Department	2020 John Deer Utility Vehicle
Public Works Department	2020 Arbolino Park Asphalt Pad (Pickle Ball Court)
Fire Department	2021 SCBA Air Packs
Public Works Department	2021 Arbolino Park ADA Parking Lot, Asphalt Trail, Pedestrian Bridge, Benches