

- preservation specialist to conduct a survey of the Township; or for the creation of promotional materials and events focusing on historic preservation;
- For an opportunity to be more involved in New Jersey and federal historic preservation programs such as involvement on all New Jersey and National Register nominations in their jurisdictions; and
 - For training sessions for local historic preservation review commission members to be more informed in identifying properties which are eligible for federal tax incentives and development grants, when available.

The participation in the States CLG program allows for formalization of the local historic preservation process, and will create a more favorable status when applying for funding through the SHPO and Non-profit groups linked with the SHPO, such as Preservation New Jersey and New Jersey Historic Trust.

Other initiatives that should be undertaken by the Township include a reassessment of historic resources within the Township. Although the County historic survey undertaken in 2001 is an important resource, the Township should develop a comprehensive inventory that focuses primarily on River Vale, and the various historical events that occurred in the Township. This list could also include items of local significance, such as the Town Hall, cemeteries, statues and markers dedicated to servicemen and other civic leaders, and churches that are visible landmarks important to the visual landscape of the Township.

13. REGIONAL CONTEXT

A meaningful analysis of the various physical, social and economic characteristics of a community cannot be accomplished without the consideration of regional trends and forces acting on that community. Although a municipality is a separate and distinct political entity, it is influenced by factors beyond the immediate local area. For this reason, regional considerations, as they apply to River Vale, are being given attention in this section and where appropriate, elsewhere in this report.

Regional analysis involves determination of the impacts of State, County and municipal planning activities on the development and development policies of the jurisdiction under study. As part of the current Master Plan, attention was given to the zoning policies in areas immediately bordering the Borough. State and County Plans were examined briefly.

13.1 STATE PLANNING

13.1.1 The New Jersey Statewide Master Plan in General

The State Planning Act of 1985 (N.J.S.A. 52:18A-196 et seq.) declared that the "State of New Jersey needs sound and integrated statewide planning...". The Act created the State Planning Commission and the Office of State Planning, and their primary responsibility was to prepare the New Jersey State Development and Redevelopment Plan (hereinafter either "SDRP" or "State Plan"). The Office of Smart Growth, whose objectives are similar to the office it replaced, has since replaced the Office of State Planning. The Act also requires the SDRP to be reviewed and revised on a three-year cycle. On June 12, 1992, the New Jersey State Planning Commission and the New Jersey State Legislature approved the original SDRP. On June 25, 1997, the State Planning Commission approved the 1997 Reexamination Report and Preliminary State Plan, which was adopted by the State Planning Commission in 2001. In general, the revisions that pertain to River

Vale include modifications to Policy Objectives acknowledging the significance of redevelopment, the significance of planning on a regional scale, and the introduction of a new section on the importance of high quality site design within public rights-of-way (see "Community Design Element" of this Master Plan). This latter item emphasizes the revitalization of central business districts. The State Planning Commission commenced the current round of Cross-Acceptance on April 28, 2004 when it released the Preliminary State Development and Redevelopment Plan for 2004. This signaled the beginning of the third round of Cross-Acceptance with a projected completion date of March 2005.

A significant amount of work from a broad-based coalition of public and private interests went into the original SDRP. A new Cross-Acceptance process was conducted for this latest version that allows, provides and encourages input, critique and refinement from bottom up as well as top down. The active participants include representatives from such divergent interests as the State Planning Commission, other related State agencies, County Departments of Planning and Economic Development, local and regional Planning Commissions and Agencies, environmental advocacy groups, builders institutes, the New Jersey Alliance for Action, local planning boards and environmental commissions, and interested citizens. River Vale's mayor, who is also a member of the River Vale Planning Board, serves as the Township's Cross Acceptance Representative and is participating on your behalf, with the assistance of this consultant. These two representatives are working with the Bergen County Department of Planning and Economic Development in this effort, since the County serves as the lead agency for this process. River Vale appointed another individual to serve as its representative to the last Cross-Acceptance process, but the Township did not actively participate in the process.

The objectives of the State Plan are, in general, to delineate where future development within the State should take place; and conversely, where environmental, agricultural and other conditions are present to the extent that extensive future development should be discouraged. The State was divided into five (5) "Planning Areas", each of which exhibits enough common characteristics to receive common treatment by the State Plan. This treatment ranges from strong discouragement of development for the higher Planning Area numbers, to overt encouragement of development to the extent that the State would be willing to commit funds and technical assistance to development proposals for areas falling within the lower Planning Area numbers.

Since the SDRP is a Master Plan, it is a guide plan and is not intended or empowered to usurp local zoning powers. Implementation occurs by prioritizing State funding and assistance in the form of State grants towards those locales falling within the lower numbered Planning Areas. More specifically, the Act which authorized the preparation of the State Plan mandates that local plans be ". . . consistent with State plans and programs" (N.J.S.A.52:18A-196(f)). It has also become apparent that, in order to encourage local participation, State funding in the form of financial grants for local improvements are being targeted towards those communities that participate in the process and seek consistency with SDRP and compliance for their communities.

The SDRP expounds the benefits of linear tracts of open space including regional ones that travel through different Planning Areas. The Hackensack River Watershed forms a significant regional greenway. Upstream from River Vale, the watershed lands are protected through a variety of methods. The source of the Hackensack River is protected by NYSDEC in High Tor State Park from which it flows into the Town of Clarkstown, New York. Near the end of the 1990's, Clarkstown upzoned parcels contiguous to the river to conservation density residential, permitting only single-family homes on 160,000 sq. ft. lots to be developed near the river and within its watershed. In addition, Clarkstown is undergoing an Open Space Initiative. This program has the potential to result in a bond issuance for the purpose of securing funds for the town's acquisition of watershed lands for perpetual conservation and open space uses. Also in the late 1990's, the neighboring Town of Orangetown (into which the Hackensack River flows from Clarkstown) also upzoned many parcels contiguous to the Hackensack River. The conservation

residential zone in Orangetown allows for only single-family homes on 80,000 sq. ft. lots to be located near the river or watershed lands. Other Orangetown lands of the watershed support open space owned by the public and/or United Water Resources, a golf course, the old Rockland Psychiatric Center that will become various open space and recreation uses, and the Manhattan Woods – Kaufman Campgrounds Area. Various methods of protecting the watershed lands and maintaining them as open space are employed downstream of River Vale as well, especially within the Meadowlands Estuary. The Township of River Vale should continue to do its part for the sake of regional consistency, and to fulfill its resource stewardship responsibility, by preserving lands designated as PA 5 as permanent open space. Open space advocates envision the benefits of a 34-mile long continuous greenway protecting the Hackensack River in its entirety as both a potable water source and a recreational amenity.

13.1.2 Planning Area 1

The Township of River Vale, as was most of Bergen County, has been designated as falling primarily within Planning Area 1 (PA 1). This is known as the Metropolitan Planning Area, and is the area most targeted for development by the SDRP. To paraphrase the State's partially revised and expanded Policy Objectives for PA 1:

- (1) **Land Use** - Guide development and redevelopment into centers, cores and nodes, to promote diversification of land uses while ensuring efficient and beneficial utilization of scarce land and resources to strengthen its existing diversified and compact nature;
- (2) **Housing** - Provide diversity of housing choices by means of conventional and innovative techniques, including the introduction of housing into appropriate non-residential settings, and preserve existing housing;
- (3) **Economic Development** - Promote economic development by encouraging conditions, public/private partnerships, and private sector investment to retain and attract businesses, by adopting supportive local government policies that support appropriate redevelopment;
- (4) **Transportation** - Encourage public transit systems, walking and alternative modes of transportation to reduce auto dependency, and encourage mass transit-friendly nodal redevelopment;
- (5) **Natural Resource Conservation** - Reclaim environmentally damaged sites, emphasize air quality concerns, and provide open space and recreation amenities, particularly those which either reinforce neighborhood and community identity or provide linearly oriented opportunities to connect with other open space resources;
- (6) **Agriculture** - Use appropriate and economically feasible opportunities to promote agriculturally oriented land uses (primarily support services), also including farmers markets, greenhouses and community gardens;
- (7) **Recreation** - Maximize recreational opportunities through maintenance and rehabilitation at existing facilities, and expand and link the system as practicable;
- (8) **Redevelopment** - Encourage redevelopment at intensities sufficient to support transit, broad ranging land uses, and efficient use of infrastructure, and encourage safety oriented and pedestrian friendly site design;
- (9) **Historic Preservation** - Integrate historic preservation with redevelopment efforts by innovative and adaptive means which allow for both to take place;
- (10) **Public Facilities and Services** - Upgrade public facilities and services, including infrastructure, to provide for sustainable development and concentrated public facilities; and
- (11) **Intergovernmental Coordination** - Regionalize as many public services as feasible, and establish multi-jurisdictional entities to guide governments towards compatible and coordinated redevelopment.

An examination of the Township's goals and objectives indicates that they remain consistent with the statewide goals and objectives of the SDRP and the policy objectives for Planning Area 1. To the extent that the term "appropriate redevelopment" in Policy Objective #3 Economic Development excludes the development of the Township's few remaining undeveloped sites, there are no inconsistencies between the two documents.

13.1.3 Planning Area 5

The SDRP targets environmental resources as worthy of protection, regardless of which Planning Area they are located within. On a broad basis, this is done by designating them as Planning Area (PA 5): Environmentally Sensitive.

PA 5 areas have been designated by the NJ State Planning Commission through the NJ Office of Smart Growth to correspond with the Lake Tappan Reservoir, and the Hackensack River and Pascack Brook and their tributaries. The exact limits of these designations are subject to the NJSDRP Cross Acceptance process now underway. To date, the Township has not prepared a natural resource inventory (NRI). The preparation of such a document would be advisable in response to the PA 5 designations and the NJDEP C-1 surface water designations within River Vale. The elements of an NRI can then be incorporated into the Master Plan's Conservation Element. A local stream corridor protection ordinance, a tree protection ordinance, and an environmental impact statement ordinance, were all adopted to protect potable water sources from point and non-point pollution. All of these actions are (and can be) consistent with the goals of PA 5.

River Vale has acquired parcels of undeveloped watershed land utilizing Green Acres funding, and these parcels are primarily situated within PA 5. It is the stated goal of the Township of River Vale to continue to acquire and preserve watershed land in order to protect the potable water supply of the region, and provide a passive recreation area in the form of greenways and hiking trails. This is evidenced by:

- Goal and Objective #1 To Preserve the Natural Environment...;
- Goal and Objective #7 To Provide for the Quantity, Quality and Availability of Parks and Open Space, to include adding, improving, and assuring proper distribution and accessibility for active and passive recreational facilities, neighborhood parks, and open space to protect environmentally sensitive areas...; and
- Goal and Objective #14 To Recognize and Protect the Watershed Lands, and the drainage basins of the reservoir lands within the Township...

River Vale has completed the installation of their sanitary sewer system that provides public sewerage to all sections of the Township. The installation of sewer systems and the elimination of private individual septic systems has reduced the risk of contamination of potable groundwater from non-point sources, consistent with the policies of the PA 5 district of the SDRP.

13.1.4 CES and CHS

The State Plan goes on further to target environmental resources as worthy of protection, regardless of which Planning Area they are located within. On a broad or larger scale basis, this is accomplished by designating them as Planning Area 5 (PA 5): Environmentally Sensitive, as described above. On a smaller scale, and within the context of local communities, in earlier versions of the State Plan Critical Environmental/Historic Sites (CEHS's) were established to provide these smaller sites with the same level of protection as is afforded PA 5 properties. Following the last round of Cross-Acceptance, the CEHS designation was divided into two designations – CES for critical environmental sites, and CHS for cultural and historic sites. These designations are used today. Detailed sets of criteria were established for qualification under these provisions, one of which is that the site must be nominated for inclusion by the local

municipality. River Vale has not previously participated in the Cross Acceptance process through which these nominations are made. Consequently, no CES's or CHS's exist within the Township.

Several nominations have been made during this current round of Cross Acceptance, however, and after negotiation with the State by Bergen County on behalf of River Vale, several CES sites should become mapped for the first time by the new version of the SDRP. Most of these are smaller isolated and non-contiguous parcels along the Township's C-1 waterways that drain into the Hackensack River system. Most are encumbered by various natural resources.

13.1.5 Planning Area 9

For ease of computerized mapping, Lake Tappan has been designated as Planning Area 9. PA 9 is reserved for areas of open water. The SDRP properly makes no policies or recommendations for areas included in Planning Area 9 since they are not subject to development or redevelopment pressures, except to the extent that surrounding development may impact them. This Planning Area does not appear in the most recently revised plan, and was created when cartographers initially needed to designate open water as some type of Planning Area.

13.1.6 Cross Acceptance

As mentioned above, the Township of River Vale did not actively participate in either of the previous two Cross Acceptance processes. As a result, unlike some of its neighboring towns, no sites were nominated for CES or CHS designations. Additionally, PA 5 areas were heretofore limited to the lands immediately adjacent to Lake Tappan and the Hackensack River corridor. These included short sections of several tributaries where they join the Hackensack, and lands along the shore of Lake Tappan south from the portion of the Bergen Hills Golf Club that is owned by United Water Resources to the point at which the Hackensack River exits the Lake. A short segment of Pascack Brook along the southern edge of the Pascack Brook Golf Course, near the Brook's confluence with the Hackensack River, was also previously designated as PA 5. North of that, along the border between River Vale and Westwood, the Pascack Brook Corridor was designated as a CES. On a regional basis, therefore, as a result of River Vale's non-participation in the SDRP Cross Acceptance I or II process, an inconsistency was created regarding watershed protection. Since it has become evident that it is the desire of the residents of River Vale to preserve as much of this watershed as is possible in much the same way as have their neighboring towns, the Township has made several nominations during this current round known as Cross Acceptance III.

The third round Cross Acceptance process of the SDRP (2004) is now underway. The initial State-generated recommendations for Planning Areas, Critical Environmental Sites, Cultural and Historic Sites, and changes from Cross Acceptance II, can be viewed on the State Planning Commission's website. The Preliminary State Plan proposes to change the designations of several properties along the Hackensack River in River Vale from PA 1 to PA 5. The Plan also identifies numerous areas along various streams in River Vale for potential designation as CES's. For three important reasons, the Township resolved to fully participate in this process and is now actively involved. The first reason is to offer local input into the State's planning recommendations for River Vale. The second is to be better able to achieve consistency with the State Plan, a status that will place the Township in a more favorable position to be awarded State grants. The final reason is the recognition that N.J. State environmental permits are now, for the first time, directly tied to SDRP consistency.

The proposed designations in the Preliminary State Plan are informed by numerous new layers of data generated by various state departments, the bulk of which have been created by the Department of Environmental Protection. One of the intentions of the State in creating detailed and accurate data for the next version of the State Plan is to use the Plan in the future as much more of a regulatory tool in permit

decisions, both to speed up the permit process in appropriate areas and to slow it down in areas with significant environmental resources. The County Department of Planning and Economic Development is hopeful that municipalities within the County will participate fully in the Cross-Acceptance process, to make sure the designations in the next State Plan are accurate and conform to each municipality's planning objectives. River Vale's participation to date has been to review the preliminary state mapping and petition to expand both PA 5 and CES lands.

13.1.7 New Jersey Residential Site Improvement Standards

On December 5, 1996 these rules (RSIS) were adopted by the State of N.J. Department of Community Affairs, and became operative on June 3, 1997. RSIS was last revised December 16, 2002. The RSIS rules were promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of P.L.1993, c. 32 (N.J.S.A.40:55D-40.1 et seq.). They apply only to residential development, and their intent and purpose as set forth in 1996 and reaffirmed in 2002 are paraphrased as follows:

- (1) To standardize public improvements within residential developments, so that an economy of housing costs can be realized;
- (2) To avoid unnecessary construction costs;
- (3) To ensure predictability in site improvement standards;
- (4) To encourage development reviews based on sound objective site improvement standards, avoiding discretionary design standards;
- (5) To streamline the development approval process and improve the efficiency of the application process;
- (6) To provide design freedom and promote diversity through performance oriented standards; and
- (7) To separate the policy-making aspects of development review from technical determinations.

These rules attempt to standardize public right-of-way site improvements in the areas of streets, parking facilities, water supply, sanitary sewers, and stormwater management. The rules reaffirm local jurisdiction over the application and review procedures, however, as set forth in the Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-1 et seq. and in municipal ordinances adopted pursuant to the MLUL. They also set forth a series of exceptions, waivers, and special area standards. The impacts of these standards should have an effect on some of River Vale's residential zoning standards. In order for River Vale to achieve consistency, they should be addressed in the upcoming zoning code review of residential limiting standards that is planned to follow the preparation of this Master Plan, and amendments made where necessary.

13.1.8 Cellular Communication Towers

The provision of radio/wireless communications has been determined to be "inherently beneficial" as an essential service by the New Jersey Courts. The doctrine of "inherently beneficial" dates back to the mid-1960's where it applied to schools and hospitals. Its favored status is granted only to facilities that benefit society as a whole, promoting the general welfare. In general, this determination serves to satisfy the positive criteria required for a variance, under New Jersey MLUL. This technology today requires the construction of antenna towers to send, receive and/or boost and re-transmit signals. Towers in this area of Bergen County generally need to be in the range of 100 feet tall, but due to their line-of-sight technology may need to be as tall as 300 feet in some locations.

The most recent January 26, 1998 decision by the New Jersey Supreme Court reaffirmed that municipalities cannot prevent companies from building wireless communications towers within their borders. This ruling contains provisions for municipalities to assert some reasonable level of control over their location and

design. One of the provisions is that the sites must be reasonably selected. The burden of proof is on the Applicant to show that a specific site is particularly suitable. One important aspect of this recent ruling is that the N.J. Supreme Court stopped short of endorsing the lower courts' numerous "inherently beneficial" determinations.

The 1996 federal Telecommunications Act requires all municipalities to provide wireless telecommunications carriers with reasonable access to the airwaves, and to preclude the exclusion of such facilities based on public health and safety concerns. Due to the heights required for these facilities, and possibly also the land use itself, there is no specific building zone that exists within River Vale that includes their development as a permitted use. Rather, Article LVIII A Communications Facilities on Municipal Property (August 26, 2001) of River Vale's Zoning Code makes provisions for their construction, subject to the approval of the municipality. Criteria for approval include the site being owned, leased or otherwise controlled by the Township; Township Council approval; and an executed license or lease between the operator of the facility and the Township. As a result of several court decisions, it has become prudent for municipalities to amend their zoning codes so as not to exclude these facilities altogether, but rather to control their development. The Act acknowledges the right of local governments to determine the criteria for siting cellular facilities, provided such regulations are not based upon the environmental or health effects of radio frequency emissions as long as such facilities comply with FCC regulations. Municipalities can do this by several means:

- (1) Limit their possible locations to sites that would cause minimal adverse impacts;
- (2) Permit these towers only as conditional uses, which provides for a greater level of control over their design. Such control can include allowable heights, setbacks, landscaping, and finishing, and if necessary can provide for their removal;
- (3) Require that sharing of tower facilities through rental agreements precede the construction of any new towers;
- (4) Encourage creativity in design, including such ideas as incorporating them into new or existing steeples and towers, and camouflaging their appearance by means of having such towers adopt the physical form of a tree, and painting them a neutral sky color, among others; and
- (5) Offset their adverse visual impact with the beneficial fiscal impact of siting them on public lands, thereby providing the municipality with the lease income.

River Vale currently has one cellular tower that was constructed in 1992 behind the South Fire Hall that serves the southern portion of the Township. However, it is reported that there is a "dead zone" in the northern end of River Vale. In 2000, the Township took on the task of locating a "Township" multi-user cell tower site to fill the void in reception. The reasoning behind the Township's decision to locate a suitable site was to avoid having to manage with multiple proposals from cellular providers that could result in numerous towers and protracted hearings before the Township Zoning Board. Over the next few years, the Township worked with various cellular providers, the owners of the former River Vale Country Club (now Bergen Hills Golf Club) and United Water Resources (UWR) to locate a suitable cell tower site midway along the Golf Course property along the west side of Lake Tappan, on property owned by UWR. Following two years of studies, negotiation and litigation, the parties agreed to a site. In March of 2003, the Township Council authorized an engineering firm to move forward with a permit application to the NJDEP. In December 2003, UWR withheld its permission to file the permit, in light of concerns expressed by NJDEP Commissioner Bradley Campbell about the legality of interests in land that UWR had granted to others on lands held by it that are subject to the jurisdiction of the New Jersey Watershed Property Review Board (Watershed Board). In March 2004, Commissioner Campbell issued an order for UWR to submit a "complete listing of all licenses, agreements and approvals executed by United Water between United Water and other parties through which United Water has granted to others the right to use any property that is under the [Watershed] Board's jurisdiction for the period January 1, 1988 to the present."

The Township proceeded in good faith and expended significant time and capital in attempting to locate a suitable cell tower site. It remains to be seen, however, if the Watershed Board will permit the selected site to be used for the construction of a cell tower. If not, the Township will have to work on locating another site, or perhaps entertain multiple proposals from cellular providers. The latter is the situation the Township was striving to avoid when it began the site selection process over four years ago.

13.1.9 Group Homes Within Established Residential Neighborhoods

Without the need to obtain a zoning variance or conditional use permit, the State of New Jersey permits group homes in residential neighborhoods and zoning districts for people with head injuries, developmental disabilities, battered women, and Alzheimer's Disease. This list was expanded to include Hospices, or homes for the terminally ill. It was determined that such group homes are allowed under federal Fair Housing Act, which prohibits discrimination based on age, sex, race, or disability. As a result of these rulings, N.J. municipalities are required to treat group homes no differently than any other residence. Since the overall size, floor area, height, lot coverage, building footprint, and property line setbacks can be governed on residential lots, these dimensional limitations can also be used to govern group homes.

In New Jersey, proper licensing is required. The group home types described above are licensed as boarding homes under the State Department of Community Affairs' Bureau of Rooming and Boarding. Any involvement by other agencies such as the New Jersey Board of Health have to do only with their operations, and not their appropriate location within a community.

River Vale currently has a 30-bedroom group home for the developmentally disabled along the southern end of River Vale Road, known as the Spectrum for Living Group Homes, Inc. In addition, River Vale also has a small group home for the disabled that consists of five rental units.

13.1.10 Stormwater Management Regulations

The State of New Jersey enacted stormwater management regulations that were promulgated by the New Jersey Department of Environmental Protection (NJDEP) and took effect on February 2, 2004. As of July of 2004, due to the fact that they are tributary to the C-1 category Oradell and/or Lake Tappan Reservoirs, the streams within River Vale have all been designated by NJDEP with the C-1 anti-degradation classification, the highest water quality designation within the State. Prior to July 2004, the regulations only impacted certain portions of River Vale's waterways. The legislation states:

“(h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC 14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows: 1. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following: i. A 300-foot special water resource protection area, measured perpendicular to the waterway from the top of bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. ii. Encroachment within the designated special water resource protection area under (h)1.i above shall only be allowed where previous development or disturbance has occurred. The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the waterway. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.”

These designations will have beneficial impacts on land preservation efforts, and detrimental impacts on those that desire to develop properties. Properties impacted are along stream waterway corridors to the extent the lands fall within 150 feet of the waterbody or waterway (300 feet for natural lands). For previously disturbed properties, those lands that fall within 150 to 300 feet will be subjected to stringent performance standards known as Best Management Practices requirements. These regulations are already having an impact on the land development proposals along Poplar Road. They may also impact the Township's plans for an amphitheater at Grove Field. Most of the lands within River Vale would not be considered "natural" since most have been modified and/or manipulated, including the largest among the undeveloped parcels in the Township that consist of golf courses. Therefore, the regulations could have an impact on the potential future development of the Edgewood Golf Course, and the already expressed desire to develop parts of the Bergen Hills Golf Course.

13.1.11 Transfer of Development Rights Ordinance

Recently enacted, this legislation authorizes all municipalities within New Jersey to adopt transfer of development rights ordinances. Previously, TDR was only permitted in Burlington County where it had been a pilot program since 1976. This ordinance permits municipalities to designate areas of the community which they proposed to preserve as "sending zones", and other areas of the community in which additional development could be appropriate as "receiving zones," with the authority to transfer the development rights from the sending zones to the receiving zones.

13.1.12 Proposed State Planning

The following bills before the State government are proposed legislation on various aspects of land use development that would have a potential bearing on municipalities in New Jersey. In order to protect the integrity and maintain local control of its land use ordinances, the Township should monitor the progress of these proposed bills and be positioned to proactively comply with any new mandates that would be forthcoming if and when any of these pieces of legislation is adopted.

- (1) Timed Growth Ordinance. This would authorize municipalities to adopt a timed growth ordinance, provided it has adopted a master plan and a capital improvement plan. This ordinance would permit municipalities to segregate their land into special districts within which development could be staggered over time as capital improvements become available. The Department of Community Affairs would develop the standards and guidelines for these ordinances that would exempt single and two-family dwellings.
- (2) Impact Fee Ordinance. If enacted, municipalities would be authorized to assess impact fees on development projects to reflect the proportional cost of those developments on various sectors of the community; including but not limited to schools, wastewater treatment, water supply, stormwater management, transportation facilities, and parks and recreation. This would enable municipalities to fund the costs of capital improvements or facilities expansions that are caused and necessitated by specific developments. The fee would have to be directly related to the needs created by the new development, or meet the "Rational Nexus" test.
- (3) One-Year Moratorium Ordinance. This legislation would authorize municipalities to place a temporary moratorium on land development for a period of up to one year, to enable the municipality to adopt an impact fee ordinance, a timed growth ordinance or to update its master plan.
- (4) Mediation Board. This legislation would create a mediation board for the purpose of resolving inter-municipal land use disputes, commonly known as "border wars." Its

objective is to formulate regional solutions for regional problems, as opposed to the piecemeal procedures often followed today. It is also hoping to encourage municipalities to consider the regional impacts of their development decisions, beyond the limits of their borders. An ancillary benefit should be to avert litigation between municipalities by helping to resolve bordering land use disputes outside of the court system.

- (5) Municipal Land Use Law Changes for Smart Growth. This sweeping legislation would amend various portions of the MLUL to increase the authority municipalities and counties have in reaching decisions that are more consistent with the principles of Smart Growth. They would provide additional tasks in reviewing applications for development. Proposed amendments include: changes to certain definitions (such as excluding environmentally-sensitive lands from density calculations); changes in notification requirements for land development applications (i.e. notifying adjacent municipalities within 1,000 feet of the site of a development application); requiring additional elements of a master plan to be mandatory rather than optional as they are today (e.g., historic preservation, circulation, farmland preservation, and conservation); requiring that both a “vision statement” and a “buildout analysis” become mandatory elements of municipal master plans; the authority to consider off-tract impacts (e.g., traffic, parking, recreation) in addition to on-site impacts as a part of development reviews; and increasing the educational requirements of Planning and Zoning Board members.
- (6) Smart Growth Act. This Act was signed into law on July 9, 2004. Former Governor McGreevey, however signed an executive order on November 5, 2004 prohibiting State agencies from accepting any Smart Growth Act applications until State agencies promulgate rules that implement the statute’s provisions. If this act becomes authorized, it will streamline the permit review process and expedite reviews of development applications in designated Smart Growth Areas. River Vale is in one of those designated areas. It also provides for a Smart Growth Ombudsman within the NJ Department of Community Affairs who will be responsible for coordinating the review process between DCA, DEP and DOT. The environmental community sees this Act as subverting complete and thorough reviews, and as a fast track methodology for development that would cause nothing but harm. Municipalities have seen this Act as usurping their local land use review authority. Developers on the other hand, see this act as providing a degree of certainty to a process that currently is unpredictable. In July of 2005, Governor Cody put this act on hold until such time as the contradictions with federal law are removed.
- (7) County Planning Act Amendments. This legislation would define the role counties should play in municipal planning, and would encourage cooperation between municipalities, counties and the state in planning related matters. It would not impose additional layers of county decision-making authority over municipalities. As proposed it would address items such as the mandatory contents of county master plans, educational requirements of county planning board members, and assessing off-tract improvements by municipalities.
- (8) The Big Map. Although subsequently withdrawn for further evaluation, the NJDEP proposed the adoption of the “Blueprint for Intelligent Growth” or BIG map. This map depicted the entire state in three colors, each of which indicates the State’s policy towards encouraging or discouraging future land development. The State would do this through the approval or denial of State permits, or through the provision of State funding for infrastructure improvements or extensions. The “Green” area indicates a policy of supporting growth; “red” indicates a policy of discouraging growth; and “yellow” indicates a policy of cautiously analyzing growth proposals to assess their impacts prior to determining support or opposition. The Township of River Vale is designated green, as is virtually all of Bergen County. The Big Map may reemerge, and if it does the Township should be prepared for impacts it may induce.

13.2 COUNTY PLANNING

For the most part, Bergen County is a fully developed County, with only a few isolated pockets of remaining developable open space. The two exceptions to this characterization are in the County's northwestern most reaches in Mahwah, and in the northeastern most reaches in Alpine. As a result, countywide master planning has traditionally focused on reporting on existing development patterns, the plans of local municipalities, and most recently on transportation planning and open space acquisition.

The Bergen County Master Plan now in effect is dated 1966, and is acknowledged as obsolete by County Planners. As it regarded River Vale, it identified the Hackensack River and Pascack Brook corridors, as well as the Lake Tappan Reservoir, and the surrounding properties of each of these, as "Recommended Conservation Areas" and "Golf Courses Recommended for Open Space Deletions". It made specific reference to "lands bordering the new Hackensack Reservoir (Dam Three) in the Borough of Old Tappan and in the Township of River Vale" as Additional areas for open spaces and stream protection...". It also recommended the preservation of the former River Vale Golf Course (now "Bergen Hills Golf Course") and the former Pascack Brook Golf Course (now "Valley Brook Golf Course") as "Golf Courses Recommended for Open Space". Later, in 1978, Bergen County prepared Existing Land Use Plans for the entire county. Almost the entire Township of River Vale was included in the "Low Density Residential" category, with lesser amounts in either the "Open Space" or "Transportation Utilities Communication" category. According to the County's website:

"Department records showed that there have been 26 reports published from 1969 (Report 1, Physical Characteristics) to 1975 (Report 26, Open Space and Recreation Inventory). However, since 1975 the only documents that are somewhat related to county master planning, have been several Cross Acceptance reports to the State Planning Commission written in 1989 and 1998. These reports were required as part of the New Jersey State Development and Redevelopment Plan."

Bergen County's long-term Director of the Department of Planning and Economic Development, who retired in 2002, directed the most recent Bergen County Master Planning effort. That effort was known as the Bergen County Growth Management Plan. This most recent County planning effort was known as the Bergen County Growth Management Plan. Its intent was to replace the 1966 Plan; however this plan was never completed or adopted. The major components of that plan were to include: (1) Transportation and Land Use Model; (2) Fusing Land and Transportation Planning; (3) Influencing the Planning and Spending of Others: The Transportation Executive Council; (4) Open Space; and (5) Municipal Assistance Program: A Key Growth Management Initiative. Transportation Planning has been a major thrust of the County's efforts, however it has not focused on the River Vale area. Economic efficiency through regionalization of community services has been another thrust. As it regards River Vale in general (without specific reference), County Planning has encouraged regionalization as a viable method of reducing municipal costs.

While not taking issue with this most recent direction, the new Bergen County Planning Director has abandoned that plan for a newly focused effort for the County Master Plan. This project is just beginning, and a consultant is being selected to head the effort. When completed (estimated 2009/2010), the new Bergen County Master Plan is intended to follow the following outline (from the County's website):

"Mission Statement:

The purpose of the Division of Master Planning is to plan comprehensively all aspects of land, environment, economy, and transportation affecting the future character, composition, and viability of Bergen County. The objective of Master Planning is to effectively and comprehensively think and plan in a matter that is consistent with sound regional planning principals.

“Duties and Responsibilities:**“1) Development and Creation of the County Master Plan**

“The primary intent of the Division of Master Planning is to develop and create a new Master Plan for the County of Bergen. The division will pursue intergovernmental coordination with all 70 municipalities to ensure that the County Master Plan as well as each municipality’s master plan is generally consistent with each other. Moreover, the County Master Plan will provide municipalities with a regional framework for their local planning process. The development of the County Master Plan will also include an extensive public outreach component (for example, public meetings and hearings) to ensure that there is sufficient public discussion and feedback. Lastly, the County Master Plan will be fully in accordance with the New Jersey Municipal Land Use Law as well as consistent with the goals and objectives of the New Jersey State Development and Redevelopment Plan. The Master Plan will be comprised of nine (9) elements or sub-plans as shown below:

- A) Land Use Plan
- B) Transportation Plan
- C) Environmental Plan
- D) Open Space, Recreation, Farmland and Historic Preservation Plan
- E) Housing Plan
- F) Utilities Plan
- G) Economic Redevelopment Plan
- H) Community Facilities Plan
- I) Demographic and Data Profile

*Along with preparing and developing a new Master Plan, the County will develop of a new **Official County Map**, which will show and delineate all Municipal and County Boundaries, County Streets and Roads, Right-of-Way, Viaducts, Culverts, Bridges, Waterways and Waterbodies, Forest Areas, Parks and Open Space Areas and other public ways or facilities within the County.”*

Other County planning activities include the preparation of an Open Space Plan. A June 2000 draft is posted on the County website, and is currently undergoing review. When completed, this document will become an element of the Bergen County Master Plan. The plan identifies six broad areas in the County as “Open Space Acquisition and Preservation Opportunities.” One area that relates specifically to River Vale is the Hackensack River Corridor, including its tributaries. Open Space preservation is a major thrust of the County, with recent major purchases having taken place in Mahwah, Alpine, Rockleigh, Norwood and Hackensack. Additionally, the Bergen County Open Space Trust Fund has resulted in numerous smaller purchases throughout all reaches of the county. Additional open space in Oradell and New Milford, at the site of the long abandoned water filtration and pump facility, was donated to the County by United Water Resources.

The County Division of Open Space is encouraging county municipalities to become proactive in their quests to preserve open space and recreation lands. The County has an Open Space Trust Fund that assists communities with the acquisition and improvement of lands for these purposes. They would like the county’s communities to seek other assistance as well, including N.J. State Green Acres funding, and they are contemplating an initiative for 2005 that would be intended to stimulate activity on the local level.

Bergen County is still actively involved with transportation planning, and was an active supporter of the Frank Lautenberg Secaucus Transfer Station in Hudson County that provides multiple benefits to Bergen County residents.

Bergen County is also resurrecting its Hackensack River Greenway project, hoping to provide a regional recreation amenity.

13.3 ADJOINING MUNICIPALITIES

Very often, existing conditions in one community can generate considerable impacts upon its bordering communities, particularly in proximity to the common municipal boundary lines. Therefore, it is important that planning and zoning policies in the surrounding municipalities be carefully studied before any planning proposals are formulated or any planning action taken.

Eight municipalities adjoin River Vale: The Boroughs of Old Tappan, Harrington Park, Emerson, Westwood, Hillsdale, Park Ridge and Montvale, and the Town of Orangetown, New York. In addition, since the Borough of Woodcliff Lake is only one block removed from contiguity with River Vale, we have examined the relevant portions of their master plan as well. Current master plan status and zoning in areas adjacent to River Vale are discussed below (see Figure 2).

Old Tappan shares most of River Vale's eastern border from the New York State line south to Harrington Park. The Hackensack River and the Lake Tappan Reservoir form the boundary between the two municipalities. Therefore, the primary land use along the boundary is watershed protection/ conservation. The only exceptions are two improved low-density residential lots and a relatively small area of agricultural use. These uses are compatible with the pattern of single family residential and watershed/conservation uses across the river/reservoir in River Vale. Old Tappan received substantive certification of its Housing Element/Fair Share Plan from COAH in 1999, and any future plans for affordable housing in Old Tappan will be accomplished in areas removed from the Hackensack River corridor.

Harrington Park shares the southern segment of River Vale's eastern boundary. As in Old Tappan, the primary land use along the boundary is watershed protection/conservation. Other uses along the boundary include three low-density residential areas and one municipal park/open space area. The uses are compatible with the adjacent uses in River Vale. They also consist of the Valley Brook Golf Course, the bulk of which is situated within River Vale. Harrington Park's certified Housing Element and Fair Share Plan, adopted in May of 2000, identified areas for potential affordable housing that are on the eastern side of Harrington Park, well away from River Vale.

Emerson shares a border with River Vale along River Vale's southern extremity. The Hackensack River forms the boundary between the two municipalities. The area immediately adjacent to the River in Emerson is preserved as watershed/conservation lands, which use is compatible with the adjacent Valley Brook Golf Course in River Vale. This area is also restricted to watershed/ conservation use. Several parcels of varying land uses, with frontage along Old Hook Road, are adjacent to the watershed/conservation lands. These parcels include single-family residential use, a nursing home, medical office buildings, a supermarket, and a small farm. The farm had been included in Emerson's affordable housing plan, but has since been removed from it, thereby removing affordable housing sites from contiguity with River Vale. Emerson completed their most recent Periodic Reexamination in 2000.

Westwood lies along the southwestern boundary of River Vale. Westwood's Master Plan was adopted in 1993, and the last Periodic Reexamination of it was in 1999. The land uses in Westwood adjacent to River Vale consist primarily of single-family residential use, the Pascack Brook County Park (which extends into River Vale), and a municipal park. These uses are compatible with the adjacent single-family residential uses in River Vale. Westwood's most recent Housing element and Fair Share Plan was prepared in 2000, and it does not envision affordable housing in areas adjacent to River Vale.

Hillsdale is located along River Vale's central western border north of Emerson and south of Park Ridge. The majority of land uses in Hillsdale along this border consist of single-family residential homes on lots ranging from 10,000 to 15,000 square feet. A portion of the Edgewood Country Club Golf Course also lies within this area. Hillsdale's Master Plan, which was prepared in 2003, designates the area of the golf course for low-density residential use. Hartsdale House, a Senior Citizens Complex, lies adjacent to River Vale on the north side of Piermont Avenue. The Stony Brook Swim Club, located on the south side of Piermont Avenue, is zoned for single-family residential use. There is a very small PO (Professional Office) zone in River Vale in this area, which is a slight inconsistency with Hillsdale's adjacent residential zoning. Overall, the land uses and zoning along the River Vale/Hillsdale border are compatible. COAH granted substantive certification to Hillsdale's Housing Element/Fair Share Plan in 2001 that did not require any new construction of affordable housing units in Hillsdale.

Park Ridge is located along River Vale's western border between Hillsdale to the south and Montvale to the north. Park Ridge's most recent Periodic Reexamination Report of its Master Plan was prepared in 2003. As part of this effort, a new Land Use Plan was prepared that indicates low and moderate density single-family residential land uses along the River Vale border. This is compatible with River Vale's designation of low-density residential land use and open space adjacent to Park Ridge. In 1996, Park Ridge received substantive certification from COAH of its Housing Element/Fair Share Plan, which was subsequently amended in 1999. Neither the original plan nor the amendment relies on any areas adjacent to River Vale to fulfill Park Ridge's affordable housing obligation.

Montvale is located along the most northerly segment of River Vale's western border, between Park Ridge to the south and the Town of Orangetown, New York to the north. Montvale's Master Plan, which was adopted in 1997, designates the lands along Montvale's border with River Vale as moderate density residential land use. This designation is compatible with River Vale's adjacent low-density residential land use. In 2003, Montvale adopted an amendment to its Housing Element/Fair Share Plan that includes no Fair Share Sites in the vicinity of River Vale.

Woodcliff Lake is situated between Park Ridge and Montvale to the west of River Vale, and comes within just a few blocks of being contiguous with River Vale. Woodcliff Lake's Master Plan was updated in 2002. The land uses existing and proposed within close proximity to River Vale include medium density single-family residential, and open space and recreation. These land uses are compatible with the nearby single-family residential uses within River Vale. The Borough adopted its Housing Element and Fair Share Plan in 1999, and it has been COAH certified. None of the affordable housing sites are in the vicinity of River Vale.

Orangetown, New York forms River Vale's northern boundary. On the extreme western end of this boundary, medium density residential land uses are adjacent to South Middletown Road. These uses are compatible with the nearby residential land uses in River Vale. To the east of this area and due north of River Vale sits the Blue Hill Plaza, a high rise office complex south of Veterans Memorial Drive (VMD), as well as the Pearl River Hilton along the north side of VMD. Still further to the east, between VMD on the north and the River Vale border on the south, is a large area of vacant land that is zoned Office Park. The Town of Orangetown adopted their Comprehensive (Master) Plan in 2003 that recommends maintaining this area as an Office Park zone, permitting such uses such as manufacturing, offices, warehouses, hotels and conference centers.

Orangetown's land use code also has a floating residential zone for adult/senior citizen housing that, if approved by the governing body, would permit these types of age-restricted residential uses within this area. Two such proposals are now being considered. In the land area now vacant south of VMD, an Applicant has applied for a change of zone for the eastern portion of the site to PAC, or Planned Adult Communities, to permit 143 senior citizens dwellings. The proposal would also include some office uses and a hotel at the

western end of the site. The second site is directly east of the Hilton Hotel, on the north side of VMD and west of Blue Hill Golf Course. There is a conceptual proposal for 120 senior citizens dwellings.

The Town-owned Blue Hills Golf Course is also located on the north side of VMD. This public facility is considered to be a stable land use with little chance for change in the future. This area is zoned Rural Residential, which is consistent with the nearby low density residential zoning in River Vale. East of the area zoned as Office Park there is a narrow area along Blue Hill Road West that is also zoned compatibly with River Vale as rural residential. Further to the east, and generally north of VMD is the Rockland Psychiatric Center, a N.Y. State-run psychiatric facility. On January 23, 2003, the Town of Orangetown acquired 348 acres of this 555-acre area that had been declared surplus by the State of New York. The contract of sale requires Orangetown to devote a minimum of 216 acres to recreation. Plans for a municipal swimming pool and commercial indoor recreation are in the final stages of approval on part on this site. Orangetown also is seeking interest from private firms in developing 130 acres of this site for senior citizen housing and/or research and development facilities.

The combined impacts of all the proposed and potential uses along VMD in Orangetown could have an adverse impact on traffic on the roads connecting with River Vale. Other adverse impacts could also be anticipated, including impacts on water and air quality, storm drainage control, loss of open space and habitat, and visual impacts. The office park uses that are existing and proposed in Orangetown are not compatible with the low-density residential uses that are contiguous in River Vale. The existing office park uses are well buffered from the residential areas in River Vale, however, and any additional uses are likely to have ample buffers as well. It is recommended that the Township continue to monitor the progress of these proposals in Orangetown, attending public meetings, establishing official interested party status under the NYS Environmental Conservation Law, and establishing a rapport with Orangetown officials.

13.4 SOLID WASTE MANAGEMENT INCLUDING RECYCLING

13.4.1 Compliance and Reporting

The Bergen County Utilities Authority (BCUA) reports on several items regarding both the disposal and recycling of solid waste. The Township's solid waste disposal has historically been in compliance with the Statewide Recycling Plan and the Bergen County Long Term Solid Waste Management Plan, as well as the State Solid Waste Management Act. These plans mandate the materials to be recycled, and require that a minimum of 60% of solid waste be recycled. The Township's recently retired long term Superintendent/Director of Public Works reports that there has been no change to this self-policing status. The only direct check on municipalities takes place when the County compares solid waste weights to County allowances. Today, municipalities may send their solid waste disposal wherever they wish, in consultation with their vendors. River Vale contracts with multiple private carters for residential solid waste collection and disposal. The commercial sector arranges their own private contracts with private carters.

Municipalities are required to report annually to the State of New Jersey and the BCUA, however reporting on compliance is voluntary. In addition, each municipality is required to enact its own recycling ordinance, and is responsible for self-enforcement. Municipalities are required to include the following materials for recycling within their ordinance: Residential Sector (newspaper, glass beverage containers, aluminum cans, ferrous scrap, leaves, white goods, tin cans, and grass); Commercial Sector (corrugated cardboard, high grade paper, glass beverage containers, ferrous scrap, white goods, aluminum cans, mixed paper, and construction and demolition debris).

According to Township and NJDEP/Division of Solid and Hazardous Waste records, River Vale's residential and commercial recyclable tonnage has fluctuated each year since 2001. The State and Bergen County goals for their constituent municipalities are for these quantities to increase each year. River Vale should promote a

greater level of compliance with statewide recycling goals and statutes within the Township through a public information program. The Township should also either encourage or require the DPW to expand the recycling program as their capacity permits.

13.4.2 Household Waste

Property owners in River Vale contract directly with private haulers for their household waste removal. There are several private companies that service River Vale. Each property owner is responsible for entering into an individual contract with one of these companies to remove their household waste. Consequently, rates differ and a variety of companies operate their trucks within the Township. The Township should consider entering into a Township-wide agreement with a private carter for solid waste collection and disposal of household waste. This would relieve property owners from the burden of having to enter into individual contracts with haulers.

13.4.3 Recycling

Manmade Materials. River Vale has a recycling ordinance that covers residential as well as non-residential recycling. The Township has no in-town recycling facilities, and consequently residents are unable to drop off any of these materials. Instead, it has a contract with a private recycling firm (Buldo Brothers) to collect newspapers and magazines, as well as commingled plastic, aluminum, steel cans, and tin. These materials are collected once a week at the curbside. The Township also makes private arrangements to recycle textiles, scrap metal, electronic equipment, and masonry waste. Commercial facilities within the Township also recycle these materials, in addition to recycling used motor oil, household batteries, petroleum contaminated soil, and wood scraps. When space permits, the Township should develop a recycling center for manmade materials for use by the resident community. Such a facility would not have to be made available to the business community.

Vegetative Waste. River Vale also has a contract with the same firm to collect lawn clippings and other garden debris once a week from mid-March to mid-November. All of the materials collected by the contractor are taken out of River Vale for processing. The Township DPW collects branches, logs and stumps, also on a weekly basis during the same period. These materials are stockpiled at the DPW yard behind the Police Station, and then ground into wood chips that are then distributed to residents for \$25 per truckload. Any wood chips that accumulate over a number of years are disposed by allowing interested companies to take them away at no cost. In the fall, the Township collects leaves in bulk at curbside. Two thousand cubic yards of the collected leaves are taken to Old Tappan for composting under an agreement between the two municipalities. Nature's Choice, a private firm, takes the remainder of the leaves for a charge of \$3.50 per cubic yard for treatment at facilities outside of River Vale, most notably within the Hackensack Meadowlands District atop closed landfills. When the available land area permits, the Township should develop a composting site for windrowing leaves, for use by the Township DPW. Due to the odors they generate as they decompose, it would not be desirable to compost lawn clippings. Compost can then be redistributed to residents in the same fashion as the DPW currently distributes woodchips.

13.5 REDEVELOPMENT PLAN

Redevelopment has become an effective planning strategy in the State of New Jersey, but it is not applicable to all communities. The State Development and Redevelopment Plan touts the benefits of redevelopment on the environment and on the economic viability of blighted neighborhoods. The redevelopment process replaces or rehabilitates and reuses previously developed substandard properties for new more appropriate uses. Redevelopment benefits the region in many ways;

1. Redevelopment allows affordable development within already established population centers thereby slowing the spread of sprawl development in less populated areas. This has the added benefit of creating jobs in locations where there is an established labor force, thereby reducing dependency on commuting to work. Appropriate locations for redevelopment most often are served by public transportation as well, furthering the public benefits.
2. Redevelopment improves the fiscal health of municipalities by providing viable taxable uses where none existed previously, and where they are most needed.
3. Redevelopment improves neighborhoods aesthetically by eliminating dilapidated structures that often are contagious to their surroundings. This has an added safety benefit, by removing abandoned structures that become attractive nuisances.
4. Redevelopment locates new uses in locations that have adequate existing infrastructure thereby eliminating the need for the public expenditure of funds. An added benefit of this factor is the elimination of the growth inducing pressure of expanded infrastructure.

On August 5, 1992 the General Assembly of the State of New Jersey approved the Local Redevelopment and Housing Law, in order to establish a legal mechanism through which municipalities could take advantage of the benefits of local redevelopment. The law cited, “the existence of deteriorated housing, commercial and industrial installations, and public service facilities, or the lack of proper development, that without action by the responsible public bodies would not be corrected,” as a reason for enactment of the law.

The law allows municipalities to redevelop land, only after an investigation has been performed and a Redevelopment Plan has been enacted. The local governing body must initiate such an investigation after due public process and review by the Planning Board. It is unlikely that River Vale would need to avail itself of this planning implementation tool. Nor does an appropriate opportunity exist where River Vale would benefit from a Redevelopment Plan. The Master Plan incorporates this discussion for information purposes, however, because there may come a time when the Township could benefit from this law.

Once a redevelopment area has been delineated, and a Redevelopment Plan enacted, the municipality is then given certain rights with respect to the redevelopment parcel(s). Rights include issuance of bonds for public improvements, condemnation, demolition, contracting of professional services, contracting of construction services, and relocation of residents, commerce or industry.

According to the State Redevelopment and Housing Law, an investigation of possible blighted areas would seek the presence of one or more of the following conditions in determining if an area qualifies as a redevelopment area:

1. *[Generally,] buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*
2. *The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to [present an inability to find tenants].*
3. *Land that is owned by the municipality... or unimproved vacant land that has remained so for a period of ten years prior to adoption of this resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.*
4. *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

5. *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety, and welfare.*
6. *Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished, or altered by the action of storm, fire, cyclone, tornado, earthquake, or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated.*
7. *In any municipality in which an enterprise zone has been designated....*

Under provisions of the Local Redevelopment and Housing Law (LRHL), (N.J.S.A. 40A:12A-1 et seq.) the Township, as the redevelopment entity...."may undertake a broad range of activities after an area has been designated a redevelopment area and a redevelopment plan has been adopted. These include, but are not limited to, the following:

1. Acquire property by negotiation or condemnation.
2. Contract with public agencies or redevelopers for the undertaking of the project.
3. Negotiate and collect revenue from a redeveloper to defray costs of the redevelopment entity, including costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity.
4. Lease or convey property to any other party without public bidding and at such prices and terms as it deems reasonably consistent with a redevelopment plan."

The next step in the redevelopment process is the preparation of a redevelopment plan that is ultimately adopted by ordinance by Mayor and Council. The plan includes an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to local objectives regarding land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements.
3. Adequate provision for temporary and permanent residential relocation if necessary.
4. An identification of any property within the redevelopment area that is proposed for acquisition in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (52:18A-196 et al.).

Further, a redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act" and the housing element of the municipality. The plan may supersede applicable provisions of the Zoning regulations or constitute an overlay zoning district. Providing for affordable housing within the context of redevelopment gives the Township greater control than traditional zoning and also provides the Township with more implementation powers to assure the construction of the inclusionary development as proposed.

There are at least two large parcels in River Vale (Edgewood Country Club and Bergen Hills Golf Course) that have the potential for large-scale redevelopment. The statutes criteria, however, are not met on these two sites, nor are they met anywhere else in the Township. Therefore, if the Planning Board were to apply these criteria to the Township or any part thereof, it would find that there are currently no parcels or areas that qualify for redevelopment under the State Redevelopment and Housing Law. Nevertheless, redevelopment remains as a viable instrument for implementing plans, and subsequent reexaminations of the Township Master Plan should continue to examine the applicability of redevelopment in River Vale.