PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN &
LAND USE PLAN

TOWNSHIP OF FAIRFIELD
ESSEX COUNTY, NEW JERSEY

ADOPTED BY FAIRFIELD TOWNSHIP
PLANNING BOARD ON MARCH 27, 2012

PREPARED FOR:
TOWNSHIP OF FAIRFIELD PLANNING BOARD

BA# 2473.02

The original document was appropriately signed and sealed on March 16, 2012 in accordance with Chapter 41 of the State Board of Professional Planners.

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I. Introduction

A. Overview

The Township of Fairfield Reexamination of the Master Plan is a continuing comprehensive planning tradition initiated by the Township more than 25 years ago, when the municipality adopted its first master plan. Since then, the community has adopted a number of master plan reports and documents, the most recent being a Master Plan Reexamination in 2005. All of these master plan documents were designed to guide the future development of the community.

In continuation of this effort, on behalf of the township, this reexamination report has been compiled to review the planning policies and land use goals and objectives so that they remain current and up-to-date. This document does not radically depart from the policies set forth in the previous master plan, although it continues to provide a more detailed and definitive set of goals and policy statements regarding the community’s future growth and development than previous studies. Modifications to the township land use plan and zoning ordinance are also offered where conditions warrant it. This document also provides a number of demographic statistics and related background information on the community as an evaluation of the emerging development and environmental issues that are evolving within Fairfield Township.

As noted in previous studies, this report recognizes that the municipality is a fully developed community. The character of this development pattern necessitates a planning response which should focus on reaffirming the community’s established character and identifying those areas warranting refinement to ensure that planning properly identifies and addresses community needs.

B. The Legal Requirements of Planning

The MLUL establishes the legal requirement and criteria for the preparation of a Master Plan and Reexamination Report. The Planning Board is responsible for the preparation of the master plan and its reexamination. These documents may be adopted or amended by the Board only after a public hearing. The Board is required to prepare a review of the plan at least once every ten years.

Per the MLUL, the statute mandates that the report must include, at a minimum, five key elements, which identify:

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FAIRFIELD MASTER PLAN RE-EXAMINATION REPORT 2012

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Reexamination Report;

- The extent to which such problems and objectives have been reduced or have increased subsequent to such date;

- 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 use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;

- 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 regulation should be prepared;

- The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” 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 MLUL identifies the required contents of a Master Plan and Reexamination Report, which have been outlined in this section. Master Plans must include a statement of goals, objectives, and policies upon which the proposals for the physical, economic and social development of the municipality are based. The Plan must include a land use element which takes into account physical features, identifies the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance. Municipalities are also required to prepare a housing plan and recycling plan. Other optional elements that may be incorporated into a comprehensive Master Plan include, but are not limited to, circulation, recreation, community facilities, historic preservation and similar elements.

The MLUL was recently amended to allow for a green/sustainability element as part of the local master plan. The purpose of the green element is to “promote the efficient use of natural resources...allow ecosystems to function naturally, conserve and reuse water, treat storm water on-site and optimize climatic conditions through site orientation and design.”

The Master Plan gives the community the legal basis to control development in the municipality. This is accomplished through the adoption of development ordinances designed to implement the Master Plan recommendations.
C. Previous Master Plan Efforts undertaken by the Township

The Township adopted its most recent comprehensive master plan in 1983. This planning effort was followed up with Periodic Reexamination Reports in 1999 and 2005. The 1999 and 2005 Reexamination Reports set forth a comprehensive list of goals and objectives regarding land use policies for the community.

The 2005 Periodic Reexamination Report proposed changes regarding application checklists for development applications and suggested definitions to be included in the township’s land use regulations. It also recommended revision to building coverage in the detached single family residential zones and suggested consideration be given to establishing a maximum floor area ratio for the R-1 and R-2 Districts.

II. Major problems and objectives relating to development at the time of adoption of the last master plan re-examination report

A. Major problems identified in the last reexamination report

1. Council on Affordable Housing (COAH)

2005 Periodic Reexamination
The last reexamination of the township master plan identified the issue of affordable housing. It stated that COAH had recently adopted its third round methodology and revised rules. The document suggested that the township evaluate growth share and its implications for future land use. It also highlighted the need for an updated Housing Element based on the expiration of the judgment of repose and the new rules.

2. Cross Acceptance

2005 Periodic Reexamination
The cross acceptance process was identified in relation to the State Plan and consistency between local and statewide land use goals. This process was designed to be facilitated through the County and offers communities an opportunity to shape strategies at the State level.

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B. **Major Goals and Objectives identified in the last reexamination report**

The following goals were expressed in the township's 2005 Periodic Reexamination Report:

1. To maintain and enhance the existing areas of stability in the community; to encourage a proper distribution of land uses by designating areas with uniform development characteristics.

2. To ensure that any prospective development and/or redevelopment is responsive to Fairfield's environmental features.

3. To provide a variety of housing types, densities, and a balanced housing supply, in appropriate locations, to serve the township.

4. To discourage the creation of flag lots in the township.

5. To encourage the provision of buffer zones to separate incompatible uses.

6. To preserve and enhance the township's retail commercial areas, while discouraging strip highway commercial development.

7. To encourage new development and redevelopment of properties to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality.

8. To ensure that traffic circulation and safety issues are affirmatively addressed on a local and regional scale.

9. To support the overall philosophy of the State Plan as a means of conserving resources, promoting sustainable growth and promoting redevelopment.

C. **Major land issues currently facing the municipality**

One function of the Periodic Reexamination of the Master Plan is to highlight current land use issues in the Township. In general, the pertinent issues relate to flood risk, redevelopment of sites along the Route 46 highway corridor and promoting sufficient buffering and land use controls where industrial areas adjoin residential land. The current issues are described below:

1. **Flood Risk.** The township has experienced increased flooding over the past few years, along with most communities in the Passaic River Basin. One of the primary tools to minimize flood risk is to reduce future development in the flood hazard area. The following is noted:

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a. R-2 District. The R-2 Residential District encumbers land in the central portion of the township, roughly between Interstate Route 80 and Big Piece Road. Many lots in the zone district are oversized and could generate additional development in the future. This is of concern because additional development in the area will result in increased impervious coverage and contribute to additional flood risk. Implementing an overlay to require future development on larger lots is a mechanism to reduce future development potential and manage flood risk.

b. R-1 District. Many areas in the R-1 District are within the Flood Hazard area. Implementing a Flood Hazard Overlay zone requiring land in the flood hazard area to adhere to more stringent lot area and coverage standards would contribute to minimizing flood risk for future development.

2. Impervious Coverage Reduction. When existing sites change occupancy or renovate, the planning board has been encouraging applicants to reduce unnecessary impervious coverage on-site. This frequently involves providing less than the required amount of parking, if a lesser number is adequate for the use, and replacing paved surface with landscaping.

3. Redevelopment on Route 46. The Route 46 corridor in the Township consists of a mix of uses largely devoid of the retail and commercial uses typically found along a regional commercial highway corridor.

The reason for this is that the current zoning in the HD Route 46 Special Highway Development District allows retail sales and service only in shopping centers and requires a shopping center to be on a parcel of 10 acres with 500 ft. of frontage on Route 46. Furniture stores are a permitted use and are prevalent along the highway corridor. Other uses currently permitted in the HD District include indoor recreational use, warehouse and supermarkets. Given the circulation connections from the township to the Route 46 corridor, and its regional accessibility, it is reasonable to consider modifying or eliminating the shopping center requirement for retail use in this zone.

4. Industrial/Residential Compatibility. The township's land use and zoning arrangement has several areas where industrial zones/uses adjoin residential zones/uses. Although the ordinance stipulates 50 ft. landscaped buffers for many of the zones, outdoor storage is frequently associated with the industrial uses in the township. The current zoning regulations allow outdoor storage in the industrial zones subject to certain limitations on the ratio of warehouse size to outdoor storage area size and fencing. It may be reasonable to consider limiting the location of outdoor storage in industrial districts to a specific distance from residential uses and zones.
III. Extent to which such problems and objectives have been reduced or increased subsequent to the last re-examination report

1. COAH

Courts have invalidated COAH’s third round growth share methodology. The agency’s projections of growth were based on a faulty vacant land analysis of the State. The issue continuing to be resolved is not the Mount Laurel I doctrine but the growth share methodology used to calculate municipal affordable housing unit obligations. There has been debate about the financial burden to communities to comply with affordable housing requirements mandated by the State. Litigation is ongoing regarding these Statewide affordable housing issues.

Governor Christie issued Reorganization Plan No. 001-2011 which eliminated the 12 member Council on Affordable Housing effective August 29, 2011. All statutory powers, functions and duties of COAH are now at the Department of Community Affairs. This was done to consolidate authority and organize programs under one governmental entity.

Since the provision of affordable housing has been upheld as a constitutional obligation in New Jersey, municipalities are still expected to voluntarily plan to accommodate this land use.

2. Cross Acceptance

Planning guidance has been transferred to the New Jersey Department of Environmental Protection (NJDEP) and the submission of Wastewater Management Plans by counties. These documents contain growth area plans and designate where sewers are allowed. Progress in all counties will be complete sometime after 2012. This represents a coordinated statewide effort to accommodate development, rather than on a case by case basis, as had been done prior to 2008 and the update of NJDEP’s water quality rules.

This process will result in mapped regions where growth can occur and where developers can obtain permits. It will also identify wastewater shortage areas where infrastructure investment is needed. It will aid the state in prioritizing land preservation and natural resource protection (see the accompanying preliminary map for Fairfield’s sewer service areas).

Governor Christie recently released a document entitled “State Strategic Plan” which is intended to meet the statutory requirements and serve as the final draft of the State Plan. The Strategic Plan does not specify planning areas but rather “Growth Investment Areas” and “Priority Preservation Areas.” There are plans to
resurrect the cross acceptance process in conjunction with these future Statewide land use designations but maps have not been finalized.

IV. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or developmental regulations as last revised with particular regard to specific planning issues and governmental policy.

Since the 2005 Reexamination Report, there have been substantive changes at the state and local level that were not contemplated. Since that time, the Township has experienced modest changes resulting from growth and development which are also noteworthy. The following is noted:

- The Township’s population has remained relatively stable over the past 20 years. It decreased between 1990 and 2000 then increased by 2010. However, the 2010 population is less than the 1990 population by about 149 persons.

- The community had more renter occupied dwelling units in 2009 compared to 2000. There was a decrease in two family dwellings and an increase in attached single family units.

- The value of owner occupied housing rose substantially from $274,000 to $583,000 over the past decade. Rents also increased significantly over this time period from $988 to $1,477.

- The percentage of unemployed residents has increased from 1.7% of the labor force to 3% over the past 10 years.

- The percentage of those working at home has increased from 2.5% of the work force to 4.1% of the work force during the past decade.

- No building permits for new dwellings were issued in Fairfield for 2010.
A. Changes at the local level

1. Population: The 2010 Census determined the Township has a population of 7,466 residents (see accompanying chart).

Township of Fairfield

Population Growth 1940-2010

From the chart above, it is estimated that the Township experienced a slight increase in population since 2000.
2. **Age Characteristics:**

After significant population increases in the 1960s and 1970s, the township's population fell by nearly 12 percent in the following two decades. While the Essex County population fell by 1 percent between 2000 and 2010, the township experienced a population gain of 6 percent. This increase is slower than historic population growth in the Township, but represents the first gains in almost two decades. The following table details the population levels for the township from 1940 to 2010.

**TABLE 1**

**POPULATION GROWTH 1940-2010**

**FAIRFIELD, NEW JERSEY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Population Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940</td>
<td>1,392</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1950</td>
<td>1,906</td>
<td>514</td>
<td>36.9</td>
</tr>
<tr>
<td>1960</td>
<td>3,310</td>
<td>1,404</td>
<td>73.7</td>
</tr>
<tr>
<td>1970</td>
<td>6,884</td>
<td>3,574</td>
<td>208.0</td>
</tr>
<tr>
<td>1980</td>
<td>7,987</td>
<td>1,103</td>
<td>16.0</td>
</tr>
<tr>
<td>1990</td>
<td>7,615</td>
<td>-372</td>
<td>-4.8</td>
</tr>
<tr>
<td>2000</td>
<td>7,063</td>
<td>-552</td>
<td>-7.8</td>
</tr>
<tr>
<td>2010</td>
<td>7,466</td>
<td>403</td>
<td>5.7</td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of the Census.
3. Age Distribution

The age distribution of the community has shifted towards an older population between 2000 and 2009. Large population decreases were found in several age cohorts including the 15-24 and 45-54 age cohorts. These decreases were offset by large increases in the age cohorts above age 55. The median age of Fairfield residents in 2000 was 40.7, roughly four years older than in 1990, and 6 years older than the county average. The Township’s median age increased to 41.8 by 2009. Table 2 details the township’s age distribution in 2000 and 2009. This has repercussions for the community’s planning for age-related services through the next decade and beyond.

**TABLE 2**

**AGE DISTRIBUTION, 2000 AND 2009**

**FAIRFIELD, NEW JERSEY**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>2000</th>
<th>2009</th>
<th>% Change 2000-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pop.</td>
<td>% Of Total</td>
<td>Pop.</td>
<td>% Of Total</td>
</tr>
<tr>
<td>Under 5</td>
<td>390</td>
<td>5.5%</td>
<td>422</td>
</tr>
<tr>
<td>5-14</td>
<td>904</td>
<td>12.8%</td>
<td>1,020</td>
</tr>
<tr>
<td>15-24</td>
<td>760</td>
<td>10.8%</td>
<td>686</td>
</tr>
<tr>
<td>25-34</td>
<td>820</td>
<td>11.6%</td>
<td>1,013</td>
</tr>
<tr>
<td>35-44</td>
<td>1,142</td>
<td>16.2%</td>
<td>1,190</td>
</tr>
<tr>
<td>45-54</td>
<td>1,021</td>
<td>14.5%</td>
<td>965</td>
</tr>
<tr>
<td>55-64</td>
<td>961</td>
<td>13.6%</td>
<td>1,133</td>
</tr>
<tr>
<td>65 and older</td>
<td>1,065</td>
<td>15.0%</td>
<td>1,355</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,063</td>
<td>100.0%</td>
<td>7,784</td>
</tr>
<tr>
<td><strong>Median Age</strong></td>
<td>40.7</td>
<td>---</td>
<td>41.8</td>
</tr>
</tbody>
</table>

4. Housing Characteristics.

Table 3 summarizes the occupancy status of the housing units in Fairfield. In 2000, there were 2,326 housing units in the township - a one percent increase over the number of units reported in 1990. However, the predominance of owner-occupied housing units fell over the period between 2000 and 2009, declining from 92 percent of all housing units in 2000 to about 90 percent in 2009.
TABLE 3
YEAR-ROUND HOUSING UNITS BY TENURE AND OCCUPANCY STATUS,
2000 AND 2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>2000</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Units</td>
<td>Percent</td>
</tr>
<tr>
<td>Owner Occupied</td>
<td>2,145</td>
<td>92.2</td>
</tr>
<tr>
<td>Renter Occupied</td>
<td>151</td>
<td>6.5</td>
</tr>
<tr>
<td>Vacant Units</td>
<td>30</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>2,326</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of the Census

The township's unit mix remained static over the past decade, as it continues to be characterized by detached single-family residential dwellings. Table 4 details the township's unit mix in 2000 and 2009.

TABLE 4
UNITS IN STRUCTURE, 2000-2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Units in Structure</th>
<th>Number</th>
<th>Change Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
<td>2009</td>
</tr>
<tr>
<td>Single Family, Detached</td>
<td>2,212</td>
<td>2,407</td>
</tr>
<tr>
<td>Single Family, Attached</td>
<td>59</td>
<td>72</td>
</tr>
<tr>
<td>2 Family</td>
<td>24</td>
<td>15</td>
</tr>
<tr>
<td>3 or 4 Family</td>
<td>23</td>
<td>33</td>
</tr>
<tr>
<td>5 or more</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>2,326</td>
<td>2,636</td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of the Census.
5. Value of Housing Units

Table 5 identifies the value of the township's owner-occupied housing units in 2000 and 2009. Housing values more than doubled during the decade, rising from a median value of $274,800 in 2000 to $583,000 in 2009. In 2000, the majority of the township's owner-occupied housing units were valued between $200,000, and $299,999, with 36 percent valued at $300,000 or more. As of 2009, only about 6 percent of the housing stock is valued between $200,000 and $299,999.

<table>
<thead>
<tr>
<th>Value</th>
<th>2000</th>
<th>Value</th>
<th>2009</th>
<th>Numerical Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $99,999</td>
<td>---</td>
<td>Less than $99,999</td>
<td>34</td>
<td>34</td>
</tr>
<tr>
<td>$100,000 to $149,999</td>
<td>82</td>
<td>$100,000 to $149,999</td>
<td>11</td>
<td>-71</td>
</tr>
<tr>
<td>$150,000 to $199,999</td>
<td>177</td>
<td>$150,000 to $199,999</td>
<td>16</td>
<td>-161</td>
</tr>
<tr>
<td>$200,000 to $299,999</td>
<td>1,070</td>
<td>$200,000 to $299,999</td>
<td>142</td>
<td>-928</td>
</tr>
<tr>
<td>$300,000 to $499,999</td>
<td>701</td>
<td>$300,000 to $499,999</td>
<td>599</td>
<td>-102</td>
</tr>
<tr>
<td>$500,000 or More</td>
<td>50</td>
<td>$500,000 or More</td>
<td>1,579</td>
<td>1,529</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,080</td>
<td><strong>Total</strong></td>
<td>2,381</td>
<td>301</td>
</tr>
</tbody>
</table>


Table 6 summarizes renter occupied housing values in Fairfield. Between 2000 and 2009, the median rent increased by approximately fifty percent, from $988 to $1,477.
### TABLE 6
SPECIFIED RENTER-OCCUPIED HOUSING UNITS, 2000 AND 2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Rent</th>
<th>2000</th>
<th>2009</th>
<th>Numerical Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $200</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>$200 to $299</td>
<td>12</td>
<td>---</td>
<td>-12</td>
</tr>
<tr>
<td>$300 to $499</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>$500 to $749</td>
<td>33</td>
<td>20</td>
<td>-13</td>
</tr>
<tr>
<td>$750 to $999</td>
<td>21</td>
<td>---</td>
<td>-21</td>
</tr>
<tr>
<td>$1,000 to $1,499</td>
<td>19</td>
<td>76</td>
<td>57</td>
</tr>
<tr>
<td>$1,500 or more</td>
<td>44</td>
<td>93</td>
<td>49</td>
</tr>
<tr>
<td>No cash Rent</td>
<td>23</td>
<td>---</td>
<td>-23</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>152</strong></td>
<td><strong>189</strong></td>
<td><strong>37</strong></td>
</tr>
<tr>
<td><strong>Median</strong></td>
<td><strong>$988</strong></td>
<td><strong>$1,477</strong></td>
<td><strong>---</strong></td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of Census.

Table 7 details the covered employment trends in Fairfield since 1990. Employment in Fairfield steadily increased from 1990 through 1999, when it reached its high level of 23,791 jobs. However, by 2009, local employment decreased to such a degree that job gains over the past ten years were erased.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Employe</th>
<th>Numerical Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>22,216</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1999</td>
<td>23,791</td>
<td>1,575</td>
<td>7.0</td>
</tr>
<tr>
<td>2009</td>
<td>21,825</td>
<td>-1,966</td>
<td>-9.0</td>
</tr>
</tbody>
</table>

Source: State of New Jersey Department of Labor

The 2000 census indicated that nearly 64 percent of the township’s population 16 years and over was in the labor force, with only 1.7 percent unemployed. By 2009, 66 percent of the population aged 16 and over was in the labor force and the unemployed segment had more than tripled to 4.3 percent. Table 8 details the employment status of the township’s residents.

**TABLE 8**

EMPLOYMENT STATUS, RESIDENTS AGE 16 AND OVER (2000 AND 2009)
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Employment Status</th>
<th>2000</th>
<th>2009</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>In labor force</td>
<td>3,652</td>
<td>3,999</td>
<td>1,347</td>
</tr>
<tr>
<td>Civilian labor force</td>
<td>3,652</td>
<td>3,999</td>
<td>1,347</td>
</tr>
<tr>
<td>Employed</td>
<td>3,554</td>
<td>3,740</td>
<td>186</td>
</tr>
<tr>
<td>Unemployed</td>
<td>98</td>
<td>259</td>
<td>161</td>
</tr>
<tr>
<td>Armed Forces</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Not in labor force</td>
<td>2,083</td>
<td>2,015</td>
<td>-68</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,735</td>
<td>6,014</td>
<td>279</td>
</tr>
</tbody>
</table>

Source: U.S. Census data

Tables 9 and 10 describe the employment characteristics and occupational patterns of employed Fairfield residents as reported by the U.S. Census. Table 9 identifies resident employment by occupation. While sales and office occupations increased, there were substantial losses in transportation and manufacturing categories.
TABLE 9
EMPLOYED RESIDENTS AGE 16 AND OVER, BY OCCUPATION, 2000 AND 2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Occupation</th>
<th>2000</th>
<th>2009</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management, professional, and related occupations</td>
<td>1,500</td>
<td>1,594</td>
<td>94</td>
</tr>
<tr>
<td>Service occupations</td>
<td>341</td>
<td>330</td>
<td>-11</td>
</tr>
<tr>
<td>Sales and office occupations</td>
<td>1,136</td>
<td>1,330</td>
<td>194</td>
</tr>
<tr>
<td>Farming, fishing, and forestry occupations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Construction, extraction, and maintenance occupations</td>
<td>307</td>
<td>292</td>
<td>-15</td>
</tr>
<tr>
<td>Production, transportation, and material moving occupations</td>
<td>270</td>
<td>194</td>
<td>-76</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,554</strong></td>
<td><strong>3,740</strong></td>
<td><strong>186</strong></td>
</tr>
</tbody>
</table>

Source: U.S. Census data.

TABLE 10
EMPLOYED RESIDENTS AGE 16 AND OVER, BY INDUSTRY, 2000 AND 2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Industry</th>
<th>2000</th>
<th>2009</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, forestry, fishing and hunting, and mining</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Construction</td>
<td>208</td>
<td>354</td>
<td>146</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>510</td>
<td>276</td>
<td>-234</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>235</td>
<td>186</td>
<td>-49</td>
</tr>
<tr>
<td>Retail trade</td>
<td>410</td>
<td>501</td>
<td>91</td>
</tr>
<tr>
<td>Transportation and warehousing, and utilities</td>
<td>138</td>
<td>108</td>
<td>-30</td>
</tr>
<tr>
<td>Information</td>
<td>95</td>
<td>131</td>
<td>36</td>
</tr>
<tr>
<td>Finance, insurance, real estate, and rental and leasing</td>
<td>362</td>
<td>381</td>
<td>19</td>
</tr>
<tr>
<td>Professional, scientific, management, administrative, and waste management services</td>
<td>439</td>
<td>483</td>
<td>44</td>
</tr>
<tr>
<td>Educational, health and social services</td>
<td>770</td>
<td>660</td>
<td>-110</td>
</tr>
<tr>
<td>Arts, entertainment, recreation, accommodation and food services</td>
<td>156</td>
<td>134</td>
<td>-22</td>
</tr>
<tr>
<td>Other services (except public administration)</td>
<td>143</td>
<td>364</td>
<td>221</td>
</tr>
<tr>
<td>Public administration</td>
<td>88</td>
<td>162</td>
<td>74</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,554</strong></td>
<td><strong>3,740</strong></td>
<td><strong>186</strong></td>
</tr>
</tbody>
</table>

Source: U.S. Census data.
8. Means of Transportation to Work.

Table 11 details the means of transportation to work for employed residents. As can be seen below, there was a substantial increase in the amount of people working at home. This increased from 2.5 percent of workers in 2000 to 4.1 percent of workers in 2009. Fewer workers drove alone to work and more carpooled and used public transportation.

TABLE 11
MEANS OF TRANSPORTATION TO WORK, 2000 AND 2009
FAIRFIELD, NEW JERSEY

<table>
<thead>
<tr>
<th>Means of Transportation to Work</th>
<th>2000</th>
<th>2009</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drove Alone</td>
<td>2,995</td>
<td>2,941</td>
<td>-54</td>
</tr>
<tr>
<td>Carpoled</td>
<td>261</td>
<td>318</td>
<td>57</td>
</tr>
<tr>
<td>Public transportation</td>
<td>107</td>
<td>202</td>
<td>95</td>
</tr>
<tr>
<td>Walked</td>
<td>35</td>
<td>21</td>
<td>14</td>
</tr>
<tr>
<td>Other means</td>
<td>22</td>
<td>0</td>
<td>-22</td>
</tr>
<tr>
<td>Worked at home</td>
<td>88</td>
<td>149</td>
<td>61</td>
</tr>
<tr>
<td>Total</td>
<td>3,508</td>
<td>3,631</td>
<td>123</td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of the Census
Means of Transportation to Work, 2000 and 2009

Population

- Drove Alone
- Carooled
- Public Transportation
- Walked
- Other means
- Worked at home

Means of Transportation

2000
2009
9. Recent Development Activity.

Table 12 summarizes residential development activity in Fairfield at various mileposts since 1990. The spike in building is evident by the 52 residential permits issued in the Township in 2000. However, by 2010, levels plummeted below that experienced during another severe economic downturn in 1990.

<table>
<thead>
<tr>
<th>Year</th>
<th>Single Family</th>
<th>Multi Family</th>
<th>Number of Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>2000</td>
<td>52</td>
<td>0</td>
<td>52</td>
</tr>
<tr>
<td>2010</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: New Jersey Construction Reporter
Number of Residential Building Permits Issued, 1990, 2000 and 2010
B. Changes at State Level

1. State Plan. A Draft State Plan was released January 13, 2010 and was considered to be "overly complex" leaving "unresolved conflicts between various State rules/regulations. It also was deemed inadequate to "prioritize and support sustainable economic growth" according to the State Planning Commission. The State is working to resolve the outstanding issues and work towards adoption of a State Plan. The process calls for a report, including final assessment and implementation, to be provided to the Governor. The October 2011 release of the State Strategic Plan serves as this report and identifies the following goals:

- Identify high value growth sectors and trends
- Evaluate costs of existing planning framework
- Identify smart growth areas
- Correlate budget realities

Cross-acceptance is defined by the SPC as a bottom-up approach to planning, designed to encourage consistency between municipal, county, regional, and state plans to create a meaningful, up-to-date and viable State Plan (N.J.S.A. 52:18A-202.b.). This process ensures that all New Jersey residents and levels of government have the opportunity to participate and shape the goals, strategies and policies of the State Plan. Eventually there will be another cross acceptance round based on a yet to be developed map dividing the state into "Priority Growth Investment Areas" and "Priority Preservation Areas." These designations will supersede the previously used planning areas.

The January 2010 Draft State Plan map, on the following page, identifies the majority of Fairfield as Metropolitan Planning Area. This designation pertains to areas with access to public water and sewer and is intended to recognize developed areas. The goal of the designation is to protect the character of stable communities and promote infill growth.

Portions of the township are also designated as environmentally sensitive areas because they exhibit one or more of the following features:

a) trout production waters and trout maintenance waters and their watersheds;

b) pristine non-tidal Category I waters and their watersheds upstream of the lowest Category I stream segment;

c) watersheds of existing or planned potable water supply sources;
d) prime aquifer recharge areas of potable water supply sources and carbonate formations associated with recharge areas or aquifers;

e) habitats of populations of endangered or threatened plant or animal species;

f) contiguous freshwater wetlands systems;

g) significant natural features or landscapes such as beaches, coastal spits, barrier islands, critical slope areas, ridge lines, gorges and ravines, and important geological features (including those associated with karst topography) or unique ecosystems;

h) prime forested areas, including mature stands of native species;

The intent of this designation is to protect environmental resources.

The Park and Natural Area designation aims to preserve land with open space and recreational value. The designation includes all State and federally owned or managed tracts. These areas also provide valuable habitat for wildlife. Preservation and biodiversity conservation of the States natural systems for future generations is a goal.

2. Water Quality Management Planning Rule (WQMP). These rules became effective in July 2008 and establish County planning offices as the water management planning coordinating agencies throughout the State. Municipalities are required to submit information for wastewater management and sewer service area planning for 20 year planning efforts. The Appellate Division has upheld the statutory authority of NJDEP and the WQMP process. The Court ruled that NJDEP balanced property owners interest in land development and the State's interest in protecting habitat and water quality. Essex County has completed preliminary mapping.

3. 2011 State Draft Energy Master Plan. The plan is a method of guiding the production, distribution and use of energy. It emphasizes renewable resources of energy and economic growth. It supports the development of alternative energy sources such as wind and solar energy. The Board of Public Utilities is the lead agency charged with implementing the plan. The legislature will work towards modifying regulations to foster the goals contained in the plan. The current 2011 Draft Energy Master Plan is a follow up to the 2008 EMP. It is a tool for the state to coordinate government investment, planning and regulation for Statewide objectives. Among the goals of the State plan are the following:

- Drive down the cost of energy
- Promote new, clean in-state energy generation
• Reward efficiency and conservation
• Promote innovative technology for transportation and power
• Generate renewable energy for 22.5% of all needs from renewable sources by 2021

The State also contemplates generating 70% of all State related energy needs from clean, carbon free sources by 2050. The plan encourages evaluation of biomass methods of power generation utilizing agriculture and forest, municipal and industrial waste and other underutilized resources.

4. Municipal Land Use Law Amendments. The Municipal Land Use Law (MLUL) was amended to define an inherently beneficial use as one that is “universally considered of value to the community” because it “fundamentally serves the public good and promotes the general welfare.” The amendment lists wind, solar or photovoltaic energy facilities as inherently beneficial uses, as well as hospitals, schools, child care centers and group homes. However, the list is not all inclusive.

5. New Jersey Council on Affordable Housing (COAH). The New Jersey Appellate Division on October 8, 2010 issued a decision that invalidated substantive portions of the 3rd Round methodologies based upon “growth share” as applied by COAH as unconstitutional. The Court remanded the regulations to COAH to develop new criteria. Fairfield has affirmatively addressed affordable housing requirements in the preparation of the current Housing Element and Fair Share Plan which is based upon COAH’s most recent regulations. The townships will continue to use this Element as a guideline until the applicable regulations are amended as required by the Courts and/or the State of New Jersey and necessitate such a change to the plan. All powers and duties of COAH have been transferred to the State Department of Community Affairs.

6. Moratorium on Non-Residential Development Fees. The non-residential development fee was enacted as part of the Fair Housing Act to provide a funding source for affordable housing. A moratorium was initially placed on the imposition of fees until July 1, 2010. With the passage of new legislation, the moratorium has been extended to July 1, 2013. This moratorium applies retroactively to projects approved as of July 2010. In addition to a moratorium on approvals prior to July 1, 2013, it applies if a building permit is issued prior to December 31, 2015. Developers previously paying the fee can get a refund.

7. Renewable Energy on Preserved Farmland. On January 16, 2010, the State legislature adopted laws to enable the installation and operation of biomass, solar or wind
generation facilities on preserved farmland. The law amended the Agricultural Retention and Development Act. Preserved farmland is that which the owner has conveyed through a development easement to the State Agricultural Development Committee.

8. **Solar Energy.** On April 22, 2010 legislation was enacted to exempt solar panels from zoning limitations on impervious coverage. However, the base or foundation may still be regulated as impervious coverage.
V. 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.

A. HD Zoning. The HD US Route 46 Special Highway Development Zone (see the following map) encompasses virtually all of the property in the township along Route 46. The zone permits offices and banks. It also permits retail sales and services but only in shopping centers.

In this zone, shopping center development is allowed on a site with a minimum 500 ft of frontage on Route 46 and a minimum of 10 acres. The zone requires 50 ft between buildings. However, for permitted uses, the minimum lot area is only 40,000 sf.

§45-7 defines shopping center as :

A group of 3 or more commercial establishments, planned, designed and constructed as a total entity. Parking, circulation, storm water management, landscaping, lighting and signage shall be designed within the framework of an integrated and unified design in accordance with an approved site plan.

It is recommended the township consider the following:

1. Allow retail sales and service as a permitted use. Maintaining the current minimum of area of 40,000 sf, and allowing retail sales and service development may promote redevelopment of some sites in the corridor. The roadway is a regional highway and could attract desirable retail tenants due to its easy connection to other highways nearby.

2. Consider continuing to allow shopping centers as a conditional use in the HD District and develop appropriate standards to ensure safe and efficient access/egress and circulation with multiple uses on a site.

Another land use issue requiring attention is the potential for multiple tenants to occupy large buildings along the Route 46 corridor, creating a flea market or bazaar type use. The township supports stable tenancies within buildings and is considering regulatory controls to assure the quality of occupancy for existing buildings in the highway commercial corridor. To achieve this, the following guidelines should be considered to regulate the tenancies of buildings along Route 46:

- Commercial/retail buildings with a floor area over 50,000 sf may not have more than 10 tenants
- Multiple commercial/retail uses in one building must have a minimum tenant leasable area of 1,500 sf.
5. Impervious Area Management. Reductions in impervious area reduce the volume and peak rate of runoff. Reduced impervious area provides more surface storage and infiltration. This can be achieved by incorporating the following:

a. Street and Sidewalks. Utilize minimum standards for adequate width and use pervious materials. Disconnect sidewalks from the drainage system. To reduce the size of parking areas, evaluate parking needs of the use and shared parking options. Consider 18 ft length for stalls with a 2 ft overhang of vegetated area.

b. Pervious Paving Materials. This includes pavers (interlocking concrete blocks or bricks), porous paving (concrete or asphalt), gravel and reinforced lawn. Limiting curbing offers the ability to un-connect impervious areas. Such areas may be on grade (parking lot), or above grade (roof).

c. Vegetated or Green Roof. This type of roof consists of a lightweight vegetated planting bed that is installed on a new or existing roof. The planting bed and vegetated surface retains precipitation and stores water, thereby reducing the volume of runoff. The structural integrity of the roof must support the vegetative component. Generally the slope of the roof can vary from 12:1 to 4:1. Flat roofs usually require an underdrain layer.

d. Bioretention Basins. Also called rain gardens. In commercial applications, roof water cisterns can be incorporated into water features such as fountains or ponds. They can also store water for irrigation purposes.

e. Bioswales. These are landscape elements designed to remove silt and pollution from surface water runoff. These features usually have sloped sides and may be grassed. They can be wet or dry channels.

f. Aforestation. This is the artificial establishment of forests by planting or seeding in an area of non-forest land.

g. Soil Amendments. This consists of material added to a soil to improve its physical properties such as water retention, permeability, water infiltration, drainage and aeration to improve the environment.

It is essential that LID BMPs be recognized by property owners as stormwater management facilities that will not function properly if neglected, abandoned or removed.

D. Retrofit for Existing Structures. The township should consider the additional standards endorsed by FEMA’s Community Rating System which promotes enhanced flood control standards. This step could be undertaken by the township if it pursues participation in the CRS Program.
a. **Freeboard up to 3 ft above BFE.** Freeboard is a factor of safety that results in elevating buildings above the minimum flood elevation required by the NFIP. The BFE. FEMA literature states:

"Communities that adopt a freeboard usually do so to provide an inexpensive yet effective means to increase flood protection. There is another reason that property owners will appreciate. When homes are built above the BFE...owners will qualify for a reduction in NFIP flood insurance premiums ranging from 20 to 40%.”

The proposed ordinance language is: A freeboard of ___ ft shall be added where the design flood elevation or other elevation requirements are specified.

b. **Wet Floodproofing.** This method allows floodwaters to enter so that the interior and intermediate hydrostatic pressure is equalized. This prevents loss of foundation and building damage. This is usually implemented by having the ground level available only for storage, parking and access.

c. **Dry Floodproofing.** Entails protecting buildings by sealing exterior walls to prevent entry of floodwaters.

d. **Limiting Size of Enclosures Below Elevated Buildings.** This method allows enclosures that are used solely for building access, storage and parking. FEMA recommends allowable enclosures be less than 300 sf. Buildings incorporating this design have lower flood insurance rates.

The recommended ordinance language is: Fully enclosed areas below the design flood elevation shall be less than 300 sf. Such enclosed areas shall be used solely for access, storage and parking. Owners must sign a non-conversion agreement whereby they acknowledge the use restrictions and agree not to convert enclosures to living area.

e. **Foundation Protection (fill compaction, engineered design).** This may include soil testing to allow for evaluation of the best low impact development methods to assure that post development runoff is not worse than pre development and that critical features are protected while minimizing soil erosion and protecting water quality.

A department must be designated as responsible for oversight for the retrofit of existing structures. It is recommended that the engineering and building departments in the township be designated with this responsibility.

E. **Definitions.** The township should consider incorporating the following definitions into the land use regulations:

Burgis Associates, Inc.
a. Floodplain. Any area susceptible to inundation by water from any source. This usually consists of level areas bordering river channels.

b. Watershed. Area of land drained by river and tributaries. This is bigger than a floodplain.

c. 100 Year Flood. The flood has a 1% (1 in 100) chance of being equaled or exceeded in a given year.

d. Floodproofing. Structural or nonstructural changes or adjustments to design construction or alteration of a building that reduces damage to building and contents from flood.

e. Freeboard. Additional height included in DFE to provide a safety factor.

f. Permeable. Water can penetrate and flow through.

g. Special Flood Hazard Area. Area inundated by base flood, located on DFIRM and subject to inundation by base flood.

h. Regulatory Floodplain. Flood hazard area within which the community regulates development. This must include SFHA.

i. Design Flood Elevation. Equals or exceeds BFE.

F. **Flood Hazard Mitigation Plan.** It is suggested that the township consider preparing, adopting and implementing a comprehensive flood hazard mitigation plan. The mitigation plan is the long term strategy for the community to reduce losses and break the cycle of flood damage, reconstruction and repair.

Mitigation actions consist of the following:

- Preventior. Regulatory actions or activities to reduce flood hazard.

- Property Protection. Modifying existing buildings to protect from flood hazard.

- Public Education. Actions to inform citizens about potential ways to mitigate hazard.

- Natural Resource Protection. Actions to preserve and restore the functions of natural systems.

- Emergency Services. Protect people and property after a hazard event.

- Structural Projects. Construction of improvements to reduce hazard impact.
This requires sustained action to reduce or eliminate long term risk to people and property from flooding. Mitigation plans can include a plan to retrofit buildings, land use regulatory standards to protect from floods, and mitigation programs with an implementation plan and schedule. Long term elements can include the acquisition, relocation or demolition of flood prone structures. The accompanying map conceptually highlights flood risk areas in the township.
BIORETENTION

BIOSWALE

VEGETATED BUFFERS

OPTIONS FOR LOW IMPACT DEVELOPMENT
BEST MANAGEMENT PRACTICES
SOIL AMENDMENT

PERVERIOUS PAVING
B. **Impervious Coverage.** The Township’s Zoning Board of Adjustment frequently hears applications regarding variances involving relief from the township’s standards for impervious coverage. Given the extensive flood hazard delineation throughout the township this is an issue worthy of consideration. The ordinance does not currently have design standards in place that encourage the minimization of impervious coverage. Impervious coverage is any surface that cannot effectively absorb or infiltrate rainfall. Minimizing impervious coverage allows water to percolate into the soil and contributes to a stable supply of groundwater. It allows rainfall to be absorbed gradually and become purified before reaching water bodies. Other than impacts on drinking water, runoff decreases stream bank stability which in turn lowers the quality of habitat available for various species.

The Municipal approving authority can encourage applicants to minimize the percentage of impervious coverage and its impact by implementing design standards to aid in mitigation of the negative impacts associated with development. The following ideas should be considered and evaluated:

1. Redirect runoff to pervious surface. Roof runoff can be redirected to pervious surfaces.
2. Pavement runoff can be redirected to pervious surfaces. Gravel strips can be used.
3. Tree canopies can be maximized over impervious cover. Deciduous trees should be at least 2 inches in caliper and evergreens should be at least 6 ft at planting.
4. Green roofs can be installed to reduce impervious coverage. Design standards for this emerging technology can be formulated to encourage incorporation for benefit to the environment.
5. Permeable pavement systems can be utilized. Pervious concrete, porous asphalt and permeable pavers and other porous surfaces should be considered in appropriate locations.

C. **Low Impact Development.** It is suggested that the township consider implementation of a Low Impact Development Ordinance to encourage sustainable methods to manage flood risk. The LID methods should apply to existing development, changes to existing development and new development that is classified as non-major development. These options can be mandated through an ordinance and administered by the township building department when a building permit is sought for a building or site improvement. There should also be oversight by the engineering department. The following options should be considered as appropriate techniques in the township, and are illustrated on the following pages:

Burgis Associates, Inc.
1. **Preservation of Natural Areas.** This should especially be considered in areas of forest and recharge capable areas. A plan showing the vegetated areas redevelopment with a description of the hydrologic characteristics should be provided with the application. The methods to preserve the natural vegetated state should be described. The future preservation of the vegetated area may be further strengthened via easements or deed restrictions designating the area to remain in a vegetated state.

2. **Native Ground Cover.** Areas covered with turf grass generate more runoff than wooded areas. The amount of lawn and grass should be minimized. Alternative vegetation such as native plants should be used. This is a low maintenance alternative to turf grass, resulting in lower fertilizer and water needs. The native plants provide better habitat and create food sources for wildlife. Screening, shade and visual interest can be achieved through proper design of the native planting area. Previously wooded areas can be restored and reestablished through native planting. Consideration should be given to height, density, growth patterns, visual interest, fertilizer, irrigation and maintenance of the area.

3. **Vegetated Filters and Buffers.** These areas can filter runoff and allow for re-infiltration of runoff. These areas slow sheet flow. Dense vegetated cover, long flow path lengths and low surface slopes afford the best opportunity for this method. Soil conditions also impact the effectiveness. When located downstream of impervious surfaces these filters can remove pollutants, recharge groundwater and reduce runoff volume.

4. **Minimize Land Disturbance.** This method calls for fitting the development to the site rather than changing the site terrain. This will limit clearing, grading and other disturbance. Site specific characteristics such as slope, soil type, drainage area and other characteristics should be evaluated during the planning phase. Development should be concentrated on soils with low permeability rates. The site’s hydrologic character should be evaluated. Wetlands, karst topography and flood plain should be evaluated. Minimizing land disturbance can achieve the following goals:
   
   a. Reduce concentrated flows
   b. Minimize grading
   c. Build within landscape
   d. Do not alter natural drainage areas
   e. Minimize imperviousness
   f. Minimize changes to soil profile.

To reduce soil compaction, Standards for Soil Erosion and Sediment Control for NJ recommend that prior to topsoil and seed application, surface of all compacted areas to be scarified 6 to 12 inches. However, soil conditions must be evaluated.
VI. Relationship to master plans of adjacent municipalities.

Section 40:55d-28(d) of the New Jersey Municipal Land Use Law requires that: "The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) any comprehensive guide plan pursuant to section 15 of P.L.1961, c.46 (c.13:1B-15.52)" State Land Use Plan. As required, this master plan includes a review of the master plans of the surrounding municipalities as well as the applicable County and State Plans.

The Township of Fairfield is located in the northwest portion of Essex County. The Township adjoins the Passaic River to the north, east and west. On the opposite side of the river are the Township of Montville and Borough of Lincoln Park, Morris County and the Township of Weynest Park, Passaic County. The southern boundary of the community adjoins the Borough of North Caldwell and Township of West Caldwell in Essex County. In general, the land use designations of adjoining communities are compatible with the land use designations in the Township of Fairfield. The accompanying map identifies the land use plan for adjoining communities.
VII. Recommendations concerning the incorporation of redevelopment plans into the land use plan element and recommended changes in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

In 1992, the Local Redevelopment and Housing Law (LRHL) was enacted into law. The LRHL replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. At the same time, the MLUL was also amended to require, as part of a master plan reexamination, that the issues raised in the LRHL be addressed.

The LRHL provides the statutory authority for municipalities to designate areas in need or "redevelopment," prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the governing body has the power to initially cause a preliminary investigation to determine if an area is in need of redevelopment, determine that an area is in need of redevelopment, adopt a redevelopment plan, and/or determine that an area is in need of rehabilitation.

A planning board has the power to conduct, when authorized by the governing body, a preliminary investigation and hearing and make a recommendation as to whether an area is in need of redevelopment. The planning board is also authorized to make recommendations concerning a redevelopment plan, and prepare a plan as determined to be appropriate. The board may also make recommendations concerning a determination if an area is in need of rehabilitation.

The statute provides that "a delineated area may be determined to be in need of redevelopment if" after investigation, notice and hearing... the governing body of the municipality by resolution concludes that within the delineated area "any of the following conditions are found":

a. The generality of 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;

b. 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 be untenable;

c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the 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;
d. 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;

e. 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;

f. 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 area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approved by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,c.79 (C.40A:12A-5 and 40A:12A-6).

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The statute defines redevelopment to include “clearance, replanning, development, and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structure and the grant or dedication of spaces as may be appropriate or necessary in the interest of general welfare for streets, parks, playgrounds, or other public purposes, including recreation and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.” It is noteworthy that the statute specifically states that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary for the effective redevelopment of an area.

The review of the master plan and associated planning and zoning documents and land use pattern in the community indicates that it is not necessary at this time to utilize the Local Redevelopment and Housing Law to facilitate redevelopment in the community.
VIII. LAND USE PLAN

A. Land Use Objectives

The Municipal Land Use Law requires that all municipal master plans set forth a statement of objectives, policies, principles and assumptions upon which the master plan recommendations are based. The Land Use Plan for the Township sets forth the following goals and policy statements to guide land use in the future.

1. To maintain and enhance the existing areas of stability in the community; to encourage a proper distribution of land uses by designating areas with uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character and overall density of the community by restricting incompatible land uses from establishing residential areas, and limiting intensities of use to the levels and locations prescribed herein.

2. To ensure that any prospective development and/or redevelopment is responsive to Fairfield’s environmental features.

3. To provide a variety of housing types, densities, and a balanced housing supply, in appropriate locations, to serve the township.

4. To discourage the creation of flag lots in the township.

5. To encourage the provision of buffer zones to separate incompatible uses.

6. To preserve and enhance the township’s retail commercial areas, while discouraging strip highway commercial development.

7. To encourage new development and redevelopment of properties to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality.

8. To ensure that traffic circulation and safety issues are affirmatively addressed on a local and regional scale.

9. To support the overall philosophy of the State Plan as a means of conserving resources, promoting sustainable growth and promoting redevelopment.

10. To integrate the recommendations of FEMA and NJDEP regarding techniques to minimize flood risk.
B. Goals and Policy Statements

1. **Goal:** To maintain and enhance the existing areas of stability in the community; to encourage a proper distribution of land uses by designating areas with uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character and overall density of the community by restricting incompatible land uses from established residential areas, and limiting intensities of use to the levels and locations prescribed herein.

   **Policy Statement:** For the most part, residential neighborhoods in the township are separated from incompatible land uses. The land use arrangement in the township includes an extensive industrial base, a substantial land area devoted to the airport, neighborhood retail areas and extensive commercial development along US Route 46. The current goal is to reinforce the existing patterns, preclude the introduction of incompatible land uses and reaffirm established use intensities.

2. **Goal:** To ensure that any prospective development and/or redevelopment is responsive to Fairfield’s environmental features.

   **Policy Statement:** The township has implemented stormwater management and flood damage control ordinances. However, in conjunction with NJDEP and FEMA recommendations, the Township will implement additional ordinances to control flood risk. The community will seek to reduce impervious coverage where practical and closely evaluate any variance requests to exceed the permitted maximum impervious coverage. Further reduction in flood risk will be pursued through the implementation of low impact development techniques.

3. **Goal:** To recognize the vulnerability of existing neighborhoods to flood damage.

   **Policy Statement:** As long term goals, the township aspires to accomplish the following: a) reduce by 10% the number of houses in the floodplain that are subject to repetitive losses from flooding, and b) reduce by 30% the number of houses that are in the floodplain and vulnerable to flooding.

4. **Goal:** To support an ecological approach to development and stormwater management that mitigates development impacts.

   **Policy Statement:** The township recognizes the need to enact and enforce measures that ensure new development will not increase flood threats to existing properties. Conserving natural elements and promoting efficient hydrology are methods to achieve this.
5. **Goal:** To protect flood storage capacity and promote natural floodplain functions.

**Policy Statement:** Preserve open space and minimize land disturbance to create a site design that integrates the natural contours and site features to improve flood storage capacity. The protection of natural elements sustains habitat and processes by maintaining vegetation to reduce build up of sediments and chemical pollutants to water bodies. This, in turn, contributes to concentrating and managing storm water at its source.

6. **Goal:** To implement municipal actions that comply with NJDEP’s encouragement that community master plans and land development ordinances foster a reduction of flood risk through Low Impact Development – Best Management Practices (LID-BMP’s).

**Policy Statement:** The NJ Stormwater Management rules mandate that municipalities review their master plans and ordinances to incorporate LID methods into local land development ordinances to “the maximum extent practicable.” The township hereby incorporates NJDEP’s nine nonstructural strategies for non-major development:

a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss

b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces.

c. Maximize the protection of natural drainage features and vegetation.

d. Minimize the decrease in the pre construction “time of concentration.”

e. Minimize land disturbance including clearing and grading.

f. Minimize soil compaction.

g. Provide low maintenance landscaping that encourages the retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides.

h. Provide vegetated open channel conveyance system discharge into and through stable vegetated areas.

i. Provide preventative source controls.
7. **Goal**: To provide a variety of housing types, densities, and a balanced housing supply, in appropriate locations, to serve the township.

   **Policy Statement**: The township adopted a housing plan to affirmatively address its housing needs. Although primarily a single family detached residential community, Fairfield contains multifamily and senior housing. Environmental constraints limit the potential for higher density housing. Consequently, any multifamily sites are limited to those specified in the plan.

8. **Goal**: To discourage the creation of flag lots in the township.

   **Policy Statement**: The township’s policy is that flag lots contribute to an overutilization of property, disrupt the street pattern and hinder emergency access to property.

9. **Goal**: To encourage the provision of buffer zones to separate incompatible uses.

   **Policy Statement**: The township continues to encourage appropriate landscaping to enhance the quality of life in neighborhoods where zone boundaries coincide. Aesthetic considerations are a paramount concern in maintaining the integrity of neighborhoods.

10. **Goal**: To preserve and enhance the township’s retail commercial areas, while discouraging strip highway commercial development.

    **Policy Statement**: The township is undertaking an evaluation of appropriate uses in the HD Route 46 Highway Development District. This area can accommodate integrated retail development with appropriate design features to enhance the highway corridor. The land use goal for this corridor is to foster coordination of access, egress, streetscape, façade design and signage to enhance the commercial corridor.

11. **Goal**: To ensure that traffic circulation and safety issues are affirmatively addressed on a local and regional scale.

    **Policy Statement**: The township policy encourages an assessment of traffic impacts from all major development proposals.
C. Land Use Designations

The township’s land use plan indicates the designation for future land use in the community. It represents the policy for the use and intensity of development and is designed to guide land use decisions in the community. These designations are in accordance with the Municipal Land Use Law to protect the public health, safety and welfare while serving as the basis for the community’s zoning designations. The land use plan categories corresponding to the accompanying map are described below.

1. Residential

A. Single Family Detached

- **Residential 15,000 sf.** This land use designation encompasses most of the central portion of the township and is characterized by established single family neighborhoods. The land use category envisions development at a residential density of 2.9 dwelling units per acre. This plan reaffirms the minimum lot area and discourages subdivisions not meeting the minimum requirements. The township is considering a flood plain overlay to reduce the development potential in this area to address flood risk. This designation corresponds to the R-1 District.

- **Residential 18,000 sf.** This land use designation extends along the southern side of Interstate Route 80. Parcels within this category are developed on 18,000 sf lots at a density of 2.4 dwelling units per acre. The township is considering implementing a flood plain overlay to reduce the development potential in this area to reduce flood risk to the community. This designation corresponds R-2 District.

- **Residential 6,000 sf.** This land use designation encompasses land between the Passaic River and Little Falls Road. This designation corresponds to the R-5 District.

B. Multifamily Residential

- **Townhouse/Single Family.** The land use category occupies an existing development on the south side of Passaic Avenue, opposite Fairfield Avenue. The maximum density is 5.3 dwelling units per acre on the tract. The site is developed with townhouses and single family dwellings. This designation corresponds to the R-3 District.

- **Age Restricted.** This designation pertains to land on the north side of Greenbrook Road, between Passaic Avenue and the municipal boundary. The recommended density for the site is 14 dwelling units per acre. This designation corresponds to the R-4 District.

- **Multifamily/Assisted Living.** The land use designation pertains to the assisted living facility on Greenbrook Road and the condominium complex on Little Falls Road, adjoining the border of North Caldwell. This designation corresponds to the R-6 District.
2. Commercial

- **Neighborhood Commercial.** There are a number of neighborhood commercial areas designated in the plan. This land use category is designed for small scale retail, service and office uses that provide for the needs of neighborhood residents. These areas are generally characterized by small lots and close proximity to nearby residential development. This designation corresponds to the C-1 zone.

- **Bloomfield Avenue Commercial.** This designation corresponds to the C-2 District. This land use category encompasses land in the southwest portion of the township, along both sides of Bloomfield Avenue. In addition to retail sales and service, offices and business schools/services, the land use category allows restaurants, new car dealerships and indoor recreation uses.

- **Commercial/Industrial Mixed Use.** This designation occupies land in the southwest portion of the municipality developed as Pio Costa Industrial Park. This area was rezoned in 2004 and 2006 to accommodate other uses while maintaining the light industrial character of the area. Outdoor storage was permitted as a conditional use in this area, subject to specific requirements. This designation envisions a mix of commercial and industrial uses and corresponds to the C-3 zone.

During the township’s preparation of the master plan reexamination, the owner of most of this area submitted a report entitled "The Fairfield C-3 Zone – An Analysis and Preliminary Proposal", which indicated the desire for alternative zoning for the C-3 zone. The report was general in nature and did not present a specific zoning request. At this time, there are no specific recommendations regarding the Pio Costa property or the provisions of the C-3 zone. Any consideration of future rezoning for this area must be mindful of the site's location adjacent to the Passaic River and within the 100 year floodplain.

- **Highway Commercial.** This category corresponds to the HD US Route 46 Special Highway Development Zone. This zone allows a multitude of commercial development but currently only allows shopping centers on large sites of 10 acres. In order to promote redevelopment, the township is evaluating modification of the use and area and bulk regulations for this zone. Other design guidelines are also under consideration to improve the aesthetics of the highway corridor.

3. Industrial

Industrial land use designations occupy a substantial portion of the township. The community's industrial zones permit fabrication, assembly and production as well as warehousing and distribution. Offices and indoor recreation are also permitted. There are distinctions among the three industrial zones regarding permitted accessory uses and the bulk
standards for each of the three zones vary. This land use designation corresponds to the L-1, L-2 and L-3 zones.

4. Office Professional

This designation corresponds to the OP Office Professional zone. This category encourages professional and business office uses. A maximum permitted floor area ratio of .35 is provided to limit the intensity of use. A campus-like setting along Two Bridges Road is encouraged for properties in this zone.

5. Agriculture/Conservation

The area to the north of Route 80, extending to the Passaic River, is located within the conservation designation. The area is within the floodplain and largely undeveloped due to flood risk. The area experiences severe flooding and has significant wetland resources. Although agricultural activities are permitted, the uses in this area are restricted due to the environmental sensitivity of the area. This designation corresponds to the AC Agricultural Conservation District.

6. Public/Quasi-public

This category pertains to land in public ownership. This land is generally devoted to recreation, municipal facilities and board of education lands. Environmentally constrained property north of Route 80 has some parcels under State jurisdiction.
R-1 OVERLAY
INTRO: 9/12/2011
ADOPTED: 9/27/2011

TOWNSHIP OF FAIRFIELD
ORDINANCE NO #2011-21

AN ORDINANCE TO CREATE A FLOOD PLAIN OVERLAY DISTRICT
FOR PORTIONS OF THE R-1 ZONE
SITUATED WITHIN THE FLOOD HAZARD AREA
OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY
STATE OF NEW JERSEY

WHEREAS, the Township of Fairfield recognizes the increased flood risk associated with patterns of development and its location along the Passaic River, and

WHEREAS, the Township supports the findings of the Passaic River Basin Advisory Commission Report, dated January 2011, stating that encroachment into the floodplain of the Passaic River Basin exacerbates flooding and flood damage, and

WHEREAS, local land use policy must curtail flood risk in the Township because additional development raises flood levels. This adversely impacts existing property owners and the Mayor and Council believe the public health, safety and welfare can be advanced by limiting future development in the floodplain to reduce flood risk, and

WHEREAS, NJDEP and FEMA encourage communities to develop land use policies that exceed the minimum standards established by these agencies to address flood risk, and

WHEREAS, the New Jersey Association of Floodplain Management asserts that New Jersey approaches one billion dollars in claims paid after flooding in 2010.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey that the portions of the Township’s R-1 District located in the floodplain are hereby designated with a new overlay zone entitled “Floodplain Overlay District”. The Floodplain Overlay District increases the minimum lot area for future development and encompasses only the portions of the R-1 District located within the floodplain as identified on the accompanying map entitled “Floodplain Overlay District”

The zoning ordinance, Chapter XLV is hereby amended as follows:

Section 1. §45-5.1 Zones Established is amended to include the F-P Floodplain Overlay District

Section 2. §45-5.2 Zoning Map is amended to include a reference to the map entitled “Floodplain Overlay District” dated August 23, 2011 prepared by Burgis Associates.

Section 3. §45-13 Reserved shall be renamed Flood Plain Overlay District to read as follows:

Floodplain Overlay District. The floodplain areas of the Township of Fairfield are subject to periodic flooding which causes risk to life and property. Periodic flooding disrupts business and transportation, requires emergency response funded by the public and impairs the tax base. The cumulative effect of increased development in the floodplain results in added flood risk due to less groundwater recharge, more impervious coverage, increased flood height and velocity. Minimizing development in flood hazard areas promotes the public health, safety and welfare.

The areas shown on the accompanying map entitled “Floodplain Overlay District” are lands located in the R-1 District subject to development restrictions based on their location within a floodplain. Any parcel in the Floodplain Overlay requires a minimum lot area of 30,000 square feet as the minimum lot area for future development. The following table establishes the area, yard and bulk dimensions in the Floodplain Overlay District:
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<th>Requirement</th>
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<tr>
<td>Min. Lot Area (sf)</td>
<td>30,000</td>
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<td>Min. Lot Width (ft.)</td>
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<td>Max. Bldg. Ht (ft)</td>
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The purpose of a larger lot area is to accomplish the following: protect human life and health, minimize the expenditure of government funds for emergency response to flood conditions, reduce the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public and minimize prolonged business interruption due to flooding.

Any property with a valid resolution of subdivision or site plan approval from the planning board or zoning board of adjustment, in effect prior to the date of adoption of this ordinance, is exempt from the overlay zoning provisions set forth herein.

**Existing dwellings are exempt from the overlay zone requirements.**

**New dwellings must meet the overlay regulations.**

Section 4. All ordinances of the Township of Fairfield that are inconsistent with the provisions of this ordinance, as they relate to properties regulated by this ordinance, are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect ordinance.

Section 6. The ordinance shall take effect immediately upon final passage, approval, filing with Essex County Planning Board and publication required by law.

\[Signature\]

Mayor James Gasparini

\[Signature\]

Denise Cafone, Township Clerk

**NOTICE**

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on September 12, 2011 introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on September 27, 2011 at 7:30 p.m., at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk
INTRODUCTION OF ORDINANCE September 12, 2011

ORDINANCE #2011-21, AN ORDINANCE TO CREATE A FLOOD PLAIN OVERLAY DISTRICT FOR PORTIONS OF THE R-1 ZONE SITUATED WITHIN THE FLOOD HAZARD AREA OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY STATE OF NEW JERSEY

INTRODUCED BY: COUNCILMAN LAFORGIA
SECONDED BY: COUNCILMAN MCGLYNN
PUBLISHED: SEPTEMEHR 15, 2011
2ND READING AND PUBLIC HEARING: September 27, 2011

ROLL CALL VOTE

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2ND READING AND PUBLIC HEARING: SEPTEMBER 27, 2011

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SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED:

ROLL CALL VOTE

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INTRODUCED BY: COUNCILMAN LAFORGIA
SECONDED BY: COUNCILMAN MCGYNN
PUBLISHED: SEPTEMBER 15, 2011
2ND READING AND PUBLIC HEARING: September 27, 2011

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2ND READING AND PUBLIC HEARING: SEPTEMBER 27, 2011

INTRODUCED BY: COUNCILMAN MCGYNN
SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED: OCTOBER 6, 2011

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R-2 OVERLAY
INTRO: 9/12/2011
ADOPTED: 9/27/2011

TOWNSHIP OF FAIRFIELD
ORDINANCE NO #2011-22

AN ORDINANCE TO AMEND THE ZONE DISTRICT REGULATIONS APPLICABLE TO
THE R-2 ZONE
OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY
STATE OF NEW JERSEY

WHEREAS, the Township of Fairfield recognizes that the community's R-2 Zone encompassing property
between Route 80 and Big Piece Road is typified by environmentally sensitive features including flood hazard
considerations; and

WHEREAS, the Township of Fairfield also recognizes that there remain a number of large parcels in this area
whose prospective development could negatively impact on Township residents' quality of life due to the
increased potential for flooding; and

WHEREAS, the Township supports the findings of the Passaic River Basin Advisory Commission Report, dated
January 2011, stating that encroachment into the floodplain of the Passaic River Basin exacerbates flooding and
flood damage, and

WHEREAS, local land use policy is designed to curtail flood risk in the Township, which impacts public health,
safety and welfare, and the public health, safety and welfare can be advanced by limiting development in this
area; and

WHEREAS, NJDEP and FEMA encourage communities to develop land use policies that exceed the minimum
standards established by these agencies to address flood risk, and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of
Essex, State of New Jersey that the area and bulk regulations affecting the Township's R-2 Zone District is
hereby amended to address the concerns relating to development in this zone.

The zoning ordinance, Chapter XLV is hereby amended as follows:

Section 1. The Schedule of Area, Yard and Building Requirements Section 45-18 is hereby amended to read as
follows:

<table>
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<tr>
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<tr>
<td>Min. Lot Area (ac)</td>
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<td>Min. Lot Depth (ft.)</td>
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<tr>
<td>Max Bldg Ht (st/ft)</td>
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</table>

Footnote (a): For modifications of lots abutting Route I-80, see 45-23.4.
Section 2. All ordinances of the Township of Fairfield that are inconsistent with the provisions of this ordinance, as they relate to properties regulated by this ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect ordinance.

Section 4. The ordinance shall take effect immediately upon final passage, approval, filing with Essex County Planning Board and publication required by law.

Mayor James Gasparini

Attest:

Denise Cafone, Township Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on September 12, 2011, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on September 27, 2011 at 7:30 p.m., at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest, shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk
INTRODUCTION OF ORDINANCE SEPTEMBER 12, 2011

ORDINANCE #2011-22- AN ORDINANCE TO AMEND THE ZONE DISTRICT REGULATIONS APPLICABLE TO THE R-2 ZONE OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY STATE OF NEW JERSEY

INTRODUCED BY: COUNCILMAN CIFELLI
SECONDED BY: COUNCILMAN MCGLYNN
PUBLISHED: SEPTEMBER 15, 2011

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2ND READING AND PUBLIC HEARING SEPTEMBER 27, 2011

INTRODUCED BY: COUNCILMAN CIFELLI
SECONDED BY: COUNCILMAN MCGLYNN
PUBLISHED: OCTOBER 6, 2011

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LOW IMPACT DEVELOPMENT
MEMORANDUM

To: Fairfield Township Planning Board
From: Donna Holmqvist, AICP, PP
Date: September 8, 2011
Re: Master Plan Reexamination Report Recommendation – Low Impact Development Ordinance
BA#: 2473.02

Pursuant to the Planning Board’s request, the following draft ordinance has been prepared to address concerns about reducing flood risk in the community’s commercial and industrial districts. Land in the commercial and industrial districts is frequently redeveloped or modified which presents an opportunity to incorporate Low Impact Development—Best Management Practices (LID-BMP) for improvements not covered by the township’s existing Stormwater Control and Flood Damage ordinances. Retrofitting existing structures and sites with LID-BMP further captures the opportunity to reduce flood risk. The LID-BMP regulations are designed to provide options to retrofit existing structures to enhance resilience in flood conditions and promote sustainability within the township.
TOWNSHIP OF FAIRFIELD
ORDINANCE NO _____

AN ORDINANCE TO PROVIDE
LOW IMPACT DEVELOPMENT – BEST MANAGEMENT PRACTICES (LID-BMP)
FOR PROPERTY IN THE
C-1, C-2, C-3, HD, OP, L-1, L-2 AND L-3 ZONE DISTRICTS
OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY
STATE OF NEW JERSEY

WHEREAS, the Township of Fairfield recognizes that the majority of the community’s industrial and commercially zoned property is developed and subject to flood risk; and

WHEREAS, the Township of Fairfield also recognizes that there is an opportunity through redevelopment and modifications to existing development in the commercial and industrial districts to reduce flood risk though low impact development methods as promulgated by NJDEP; and

WHEREAS, the Township supports the policy of NJDEP to incorporate LID methods into local development ordinances to the maximum extent practicable, and

WHEREAS, local land use policy is designed to curtail flood risk in the Township, which impacts public health, safety and welfare, and can be advanced by promoting low impact development methods in the commercial and industrial districts of the community; and

WHEREAS, NJDEP and FEMA encourage communities to develop land use policies that exceed the minimum standards established by these agencies to address flood risk, and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey that following options for low impact development be adopted as a separate section of Article VIII Floodplain Areas and Flood Damage Control to address the concerns relating to flood risk posed by existing development, redevelopment and new development not classified as major development in the following zone districts of the Township: C-1, C-2, C-3, HD, OP, L-1, L-2 and L-3 Zone Districts

The zoning ordinance, Chapter XLV is hereby amended as follows:

Section 1. Modifications to site conditions and changes of use in the following zones shall require the implementation of Low Impact Development – Best Management Practices (LID-BMP) techniques to reduce flood risk: C-1, C-2, C-3, HD, OP, L-1, L-2 and L-3.

Section 2. The following methods are available and suitability for implementation should be determined for each application as appropriate:

- Preservation of natural areas
- Incorporating native ground cover
- Vegetated filters and buffers
- Minimize land disturbance
- Reduce street and sidewalk impacts
- Incorporate pervious paving materials
- Provide vegetated or green roof
- Provide bioretention facilities
- Construct bioswales
- Incorporate reforestation
- Add soil amendments

These options are illustrated in the attachments hereto.

Section 3. The township engineering and building department shall provide oversight and guidance for these options and assist applicants in determining the feasibility of these low impact development options during the application process.

Section 4. All ordinances of the Township of Fairfield that are inconsistent with the provisions of this ordinance, as they relate to properties regulated by this ordinance, are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect ordinance.

Section 6. The ordinance shall take effect immediately upon final passage, approval, filing with Essex County Planning Board and publication required by law.

Mayor James Gasparini

Attest:

Denise Cafone, Township Clerk
HD DISTRICT
HD US Route 46 Special Highway Development Zone

1. **Current Zoning.**

The current zoning regulations allow retail and service commercial uses only in shopping centers in the HD District. The code (45-7) defines shopping center as:

Shall mean a group of three (3) or more commercial establishments, planned, designed and constructed as a total entity. Parking, circulation, storm water management, landscaping, lighting and signage shall be designed within the framework of an integrated and unified design in accordance with an approved plan.

A. **Permitted Uses for the zone are designated in 45-35.1 as:**

1. Offices

2. Retail sales and personal services *only in shopping centers*

   Retail sales – groceries, meats, baked goods, and other such food items; drug and pharmaceutical stores; household appliance, hardware and household supplies; packaged liquors; stores selling a variety of the items listed above or of a similar character, department stores wherein at a minimum, household goods, clothing and similar items are all offered for sale.

   Services – Personal service establishments, such as barbers, beauty parlors, tailoring and dressmaking shops, dry cleaning and laundry shops, taverns as defined in the ordinance.

3. Indoor recreational facilities

4. Planned Industrial parks

5. Warehousing and wholesale supply establishments

6. Carpet stores and furniture stores

7. Restaurants: all categories

8. Funeral homes

9. Apparel stores

10. Business schools

11. Business services
12. Packing and distribution of products
13. Supermarkets
14. Churches and houses of worship
15. Public buildings and parks
16. **Shopping center development**

    *On a site with a minimum 500 ft of frontage on Route 46 and a minimum of 10 acres in area may be comprised of multiple buildings. A minimum distance of 50 ft shall be required between principal buildings.*

**II. Proposed Zoning.**

It is suggested the Township consider the following list of permitted uses for an amendment to the HD District regulations:

1. **Proposed Permitted Uses**

   a. Retail Sales
   b. Personal Services
   c. Business Services
   d. Office
   e. Banks and financial services
   f. Restaurants
   g. Bars and Taverns
   h. Business and Vocational School
   i. Studio for Music, Dance, Sports or Art Instruction
   j. Indoor recreation
   k. Health and fitness center
   l. Athletic training center
   m. Animal hospital and veterinary clinic
n. Garden Center/Nursery

2. Area and Bulk Standards

The current HD District area and bulk standards are acceptable. However, it is suggested that the 10 acre minimum and 500 ft frontage requirement for shopping centers be eliminated.

Shared access points shall be considered to service adjoining parcels where appropriate to reduce curb cuts. Cross easements should be utilized to formalize arrangements.

3. Green Design

New construction and redevelopment in the zone should incorporate environmental sustainability. This can be achieved through economic benefits generated by green design and promoting green building technology. At a minimum development in the Route 46 corridor should incorporate the following:

a. Green Roof – A thin layer of planting installed on top of a waterproofing layer on the building roof. The green roof controls stormwater runoff, mitigates the heat island effect, reduces sound reflection and enhances aesthetics.

b. Energy Conserving Tree Planting and Landscaping – Plantings should be designed to reduce heat island effect. It is estimated that tree and vegetation shading can minimize a building's cooling energy consumption by up to 25% annually.

c. Edge Planting - Trees and vegetation should be introduced along the site frontage and within parking areas.

d. Cool Pavement for Pavement Materials. Paving materials that lower surface temperatures should be considered for parking and circulation areas. Pavements with a high solar reflectance and porous or permeable pavements that benefit from the cooling effect of evaporation are solutions to consider.

III. Supplemental Screening/Landscape Requirements.

The following design standards are recommended as supplemental implementation regulations.

A. Function and materials
1) Buffering shall provide a year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of fencing, walls, evergreens, berms, boulders, mounds, or combinations thereof to achieve the stated objectives as approved by the Planning Board.

2) Where required, buffers shall be measured from property lines and street rights-of-way. Compliance shall be determined by the Planning Board, and any approvals required pursuant to this Section shall be obtained at the time of site plan and subdivision review.

3) Irrigation shall be provided for all plantings in a manner appropriate for the specific plant species. A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan. Buffer areas shall be maintained and kept free of weeds, debris and rubbish.

4) Within any frontage buffer areas, sidewalks, underground linear utilities and site access drives shall only be permitted to cross said buffers, provided their placement is designed to minimize land disturbance within the buffer. Above- or below-ground storm water detention systems are not permitted within required buffer areas. Access drives shall cross buffer areas at a right angle or as close to a right angle as is practical to minimize land disturbance.

B. Frontage Buffers

1) Frontage buffer areas shall be provided for all uses. Frontage buffers shall be shown on the landscape plan and planted with a mixture of deciduous and evergreen trees, shrubs, grasses and perennials, and incorporated with berms, boulders, mounds or combinations thereof so as to enhance the appearance of the site. The design of landscaped berms shall be of sufficient height to screen parked cars from motorists on adjacent right-of-ways. In addition to required street trees, frontage buffers shall require a minimum of 10 shrubs for every 30 feet of frontage. If a landscaped berm is provided, the berm shall be at least 2.5 feet higher than the finished elevation of the parking lot, and then the planting requirements may be reduced to 5 shrubs for every 35 feet of frontage. Frontage buffer plantings may be waived where existing natural growth is found to be sufficient for this purpose.

2) No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted in the frontage buffer, except as provided for herein.

3) Frontage buffers may not interfere with traffic sight distances, and shall not preclude a driver's view of retail stores or signs on a commercial site where such view, as determined by the Planning Board, is either necessary to the
legitimate economic functions of the site or where traffic safety factors are involved.

C. Transition Buffers

Transition buffers shall be required when any proposed nonresidential use abuts a residential zone or use.

1) Design of transition buffers. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be 4 feet, and the maximum side slope shall be 2:1.

2) Transition buffer planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least 6 feet in height shall be produced. All plantings shall be installed according to accepted horticultural standards. Such strips shall be planted with evergreens and deciduous trees as follows, subject to the approval or modification of the Planning Board:

   a. The transition buffer shall be planted with masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs. No less than 75 percent of the plants shall be evergreen trees with a minimum installed height of 6 feet. A fence or wall may be required within the transition buffer at the discretion of the Planning Board. Said fence shall not exceed a 6 foot height in the side or rear yard and not exceed a 4 foot height in the front yard.

   b. Unless otherwise approved by the Board, evergreens shall be spaced 5 feet from the outside property line and 8 feet apart in a row. A minimum of 2 parallel rows of staggered plants shall be required between any residential and nonresidential use. More than one type of evergreen species shall be used. Where a fence is required, all plantings shall be placed along the outside perimeter of the fence but not closer than 5 feet from the outside property line.

   c. At a minimum, one deciduous tree should be planted every 40 feet within the center of the transition strip, or as approved by the Planning Board. All deciduous trees shall be of a 2 1/2 to 3 inch caliper, measured six inches from grade.

   d. Existing vegetation within the transition buffer shall be preserved, as determined appropriate. It shall be supplemented with shade
tolerant naturalistic massed plantings where necessary to complete screening of adjoining land uses.

e. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted within the transition buffer. Buffer areas shall be maintained and kept free of all debris and rubbish.

f. Transition buffer plantings may be waived by the Planning Board where existing natural growth is found to be sufficient to provide a year-round screen of adjacent land uses.

3) Buffer dimensional requirements. Along any street right-of-way, there shall be a frontage buffer which is not less than 25 feet.

D. General Landscape Design and Planting Requirements

1) Landscaping shall be provided as part of the site plan and subdivision design. It shall be conceived as a total integrated plan for the entire site, integrating the various elements of the site design, preserving the particular identity of the site and creating a pleasing site character.

2) Landscaping may include plant materials such as trees, shrubs, ground cover, perennials, annuals and other materials such as rocks, water, sculpture, berms, art, walls, fences and paving materials.

3) Landscaping shall be provided in public areas, adjacent to buildings, in parking areas, and around the perimeter of sites.

4) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking and loading areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings.

5) The impact of any proposed landscaping plan at various time intervals shall be considered.

6) Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
7) Slope plantings. Landscaping areas of cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 1 foot vertically to 3 feet horizontally shall be planted with ground covers appropriate for the purpose and soil conditions, water availability and environment.

8) Sight triangles. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to a 8 foot branching height above grade.

9) In cases where natural features existing on-site duplicate the planting requirements of this Section, the landscape requirements may be waived by the Planning Board.

10) The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment.

11) All plant materials, planting practices and specifications shall be in accordance with the "American Standards for Nursery Stock" by the American Association of Nurseriesman Standards.

12) The design standards are minimum requirements. The Township may request additional development features exceeding these standards if conditions warrant.

E. Landscape Plan Content

1) A landscape plan prepared by a certified landscape architect, certified by the New Jersey State Board of Landscape Architects, or other qualified individual, shall be submitted with each major site plan or major subdivision application.

2) In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:

a. Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc.

b. Existing wooded areas, rock outcroppings and existing and proposed water bodies.

c. Location of individual existing trees noted for preservation within the area of development and 30 feet beyond the limit of the disturbance. Trees 4 inches in diameter (measured 4 1/2 feet above the existing ground level) shall be located and identified by name and diameter unless the wooded area is shown with a specific limit.
line. In this case, specimen trees shall be located within thirty feet of the line.

d. Indicate all existing vegetation to be saved or removed.

e. Existing and proposed topography and location of all landscaped berms.

f. Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The, size of the symbol must be representative of the size of the plant shown to scale.

g. A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.

h. Planting and construction details and specifications.

F. Site Protection Requirements

1) Topsoil preservation. No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least 4 inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. Additional topsoil shall be provided as directed by the Township Engineer. Surplus topsoil shall be removed only as directed by the Township Engineer. A soil erosion and sediment control plan shall be approved as part of the preliminary plat, in accordance with the provisions of the Township Ordinance.

2) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, portions of tree trunks or limbs shall be removed from the site if restricted by conservation easement.

3) Protection of existing plantings. Maximum effort should be made to save fine specimens (because of size or relative rarity). No building material, construction equipment or temporary soil deposits shall be placed within 8 feet of shrubs or the drip line of trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be shown on the drawing and installed around each plant and/or group of
plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and slit fences are examples of acceptable barriers. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant. The grade of the land located along the drip line shall not be raised or lowered more than six inches unless compensated by welling retaining walls; and in no event shall the welling or retaining walls be less than 6 feet from the trunk of a tree. Any clearing within the drip line or within 6 feet of the trunk cf a remaining tree must be done by hand.

G. Street Trees

1) Street trees shall be required for any subdivision, site plan or expansion of existing uses.

2) Street trees shall be installed within the right-of-way between the sidewalk and curb on both sides of all streets or as directed by the respective board or municipal agency. Where sidewalks are not required, street trees shall be located within the property line along a line 5 feet from and parallel to the street right-of-way line. The spacing of street trees shall be no farther than 40 feet on center. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size, as follows:

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<thead>
<tr>
<th>Tree Size</th>
<th>Planting Interval (in feet)</th>
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<tr>
<td>Large trees</td>
<td>40</td>
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<tr>
<td>Medium-sized trees</td>
<td>30</td>
</tr>
<tr>
<td>Small trees</td>
<td>20</td>
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3) The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, slight easement or streetlights. Tree location, landscaping design and spacing plan shall be approved by the Planning Board as part of the site plan or subdivision process.

4) Street tree type. Tree type may vary depending on the overall effect desired. Depending upon the length of the street, more than one variety of street tree should be provided to create biodiversity and reduce the problems associated with a monoculture planting. Trees shall be planted in groupings of similar varieties. Trees of similar form, height and character along a roadway shall be used to promote uniformity and allow for a smooth visual transition between species.
H. Planting Specifications

1) All trees shall have a minimum caliper of 2.5 to 3 inches measured 6 inches from grade in accordance with standards established by the American Association of Nurserymen. Trees shall be nursery-grown, free of disease, substantially uniform in size and shape and have straight trunks. The minimum branch height at planting shall be 6 feet, except where planting is on a sight triangle in which case no branches shall be below 8 feet.

2) Trees shall be properly planted and firmly supported with two or three guy wires attached to stakes. Pieces of rubber hose shall be used under the wires where they are attached to the trees. Wires and stakes shall be removed by the applicant after one year.

3) Where a natural growth of shade trees exists on a building lot, the Engineering Department may determine whether such natural growth satisfies the intent of this Chapter and, if so, the owner may not be required to provide any additional street trees.

IV. Building Design Standards

- Building Form and Mass. All buildings should relate harmoniously to the site's natural features and other on-site buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass, and assist in the determination of building orientation in order to preserve visual access to natural or man-made community focal points.

- Large horizontal buildings, ie buildings with a linear dimension of more than 250 feet, should be broken into segments having vertical orientation. A visual and/or physical break should be provided minimally every 100 feet linear feet. Offsets consisting of a break in the linear plan of the building of a minimum 2.5 feet shall be required. Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls in place of an offset if determined by the approving authority to achieve the same purpose. All building foundations shall be appropriately landscaped.

- The relationship between the width and height of the front elevations of adjacent buildings shall be considered in the construction or alteration of a building.
- Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings are integrated with the rest of the development.

- New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc as a means to provide a visually attractive environment.

- Cornices, awnings, canopies, flag poles, signage and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within three feet of a curb.

- Exterior mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

V. Facade Treatment

- A 'human scale' of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.

- Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground floor tenants. Upper floors shall be coordinated with ground floors through common materials and colors.

- Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.

- Side and rear elevations should receive architectural treatments comparable to front facades when public access or public parking is provided next to the buildings.

- Rhythms that carry through a block such as storefront patterns, window spacing, entrances, canopies or awnings, etc., should be incorporated into facades.
VI. Materials and Texture

- A variety of materials may be appropriate. Masonry, which works well at the base of a building, can vary in size, color and texture, and enables the provision of a decorative pattern or band. Above 12 feet, it can be substituted with other suitable materials.

- The use of fabric or metal canopies is to be encouraged, especially over storefronts, at entrances or over display windows.

- Integration of large-scale graphics, where appropriate, into the facade is encouraged.

VII. Lighting

The use of creative lighting schemes to highlight building facades and related areas of a site shall be encouraged. The use of traditional style lanterns and similar fixtures also shall be encouraged. Exterior neon lights and lighting generating glare and unnecessary night-glow impacts shall be prohibited. Whenever possible light poles should be integrated into landscaped islands.