

**TOWNSHIP OF  
RIVER VALE  
2016 MASTER PLAN  
RE-EXAMINATION REPORT**

TOWNSHIP OF RIVER VALE, BERGEN COUNTY, NEW JERSEY

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## **Township of River Vale Planning Board** **2016 Master Plan Re-examination**

### **Introduction**

The preparation and adoption of the Master Plan is a function of the Planning Board as described by the Municipal Land Use Law (MLUL). The MLUL also requires that the governing body provide for a general reexamination of its master plan and development regulations by the Planning Board every ten years. The River Vale Master Plan was adopted in July 2005, and a Reexamination Report was adopted in July 2011 that fulfilled the periodic examination requirements contained in N.J.S.A. 40:55D-89.

Since the 2011 Reexamination Report, the Township has amended its master planning documents with the adoption in December 2008 of a Master Plan "Housing Element and Fair Share Plan."

At the request of the Township Administration, the River Vale Township Planning Board now is considering revising its Master Plan with the 2016 Reexamination Report for the purposes described herein.

### **Components of a Reexamination Report**

The requirements of a Reexamination Report are at N.J.S.A. 40:55D-89, and must address the following:

1. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
2. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
3. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.*
4. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
5. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*

This Reexamination Report considers the following changes:

- Proposed modification to the A-1 Residential Zone District.
- A study of the zone districts and regulations in the area of Rivervale Road and Harriot Avenue (Zoning Study).

Each of the above areas are reviewed below in the format of the components of the Reexamination Report, pursuant to the MLUL:

1. **The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.**

*For the Proposed Modifications to the A-1 Zone District:*

The “A-1” Zone District permits all uses that are allowed in the “A” Residential Zone, including single-family dwellings, houses of worship, public schools, public parks and buildings, reservoir or water supply reservations, certain professional offices, golf courses on at least 164 acres, farming, family day care homes and community residences for the developmentally disabled.

The minimum lot size in the “A-1” Zone District is 40,000 square feet. The largest property in the A-1 Zone is the Edgewood Country Club. Edgewood fronts along county roads Piermont Ave. and Rivervale Road, as well as Green Lane and Patriot Lane, local streets. The Club consists of approximately 160 acres in River Vale (a portion is also located in Hillsdale). The Edgewood property includes a 27-hole golf course, a clubhouse, tennis courts, pool complex, a golf driving range, fitness facility and restaurant.

The 2011 Reexamination Report recognized that the Township no longer chose to promote the development of the northern side of Piermont Avenue (the Edgewood Country Club) with a mixed-use assisted care facility. The Township concurs that its first choice for this location is its continuation as the Edgewood Country Club.

Also, the 2011 Reexamination Report recognized that the Township received Third Round Substantive Certification approval from the New Jersey Council on Affordable Housing (COAH) in March 2010, and therefore the objective of pursuing substantive certification, and the development of creative means of providing other opportunities for affordable housing, has been reduced. However, the Reexamination continues that the status of COAH was uncertain at the time. The report detailed the mechanisms the Township was to use to meet its Round 3 obligation. The report continued by recommending that the Township monitor all draft rules and legislation due to expected changes in the State's affordable housing policies. Finally, the Reexamination report stated that the Township's objective is to comply with future State affordable housing requirements.

Regarding improving and refining regulations pertaining to residential zones, the 2011 Reexamination Report stated that the issues of (1) removing residential zoning designations from golf courses and (2) revisiting the objectives of the "A-1" Zone District for the regulations' appropriateness within environmentally sensitive undeveloped lands, and consider placing those areas within the Conservation District have not been resolved. These are the items germane to residential zone regulations that are applicable to the A-1 Zone District.

However, based on the "Conservation Element" of the 2005 Reexamination Report, it appears that the objective on environmentally sensitive properties refers to the "remaining undeveloped lands adjacent to the Lake Tappan Reservoir and the Hackensack River." According to the "Conservation Element," the water company (Suez) owns most of these properties. This does not pertain to the Edgewood Country Club property.

*For the Zoning Study:*

This 2016 Reexamination Report recommends that the Governing Body initiate a study of the zone districts in the area of Rivervale Road and Harriot Ave. This area contains the "A," "A-1," "HDD," and "B" residential zone districts. Residential dwellings, as well as a Spectrum for Living group home, a golf course with catering facilities, and a catering hall are located in the area.

The study could also consider if it is appropriate to recognize the catering hall as an existing nonconforming use, and to include the existing conforming and nonconforming uses into one zone district.

The 2005 River Vale Master Plan includes as its goals: to promote the compatibility of land development and to provide support and reinforcement of the Four Corners area. The 2011 Reexamination Report does not recommend revisions to these goals. Although the existing catering hall and adjacent golf course with catering facilities are not in the Four Corners area, the concept of providing support and reinforcement of business to encourage continued viability is applicable to the existing business uses.

2. **The extent to which such problems and objectives have been reduced or have increased subsequent to such date.**

For the Proposed Modifications to the A-1 Zone District:

The Township continues to be proactive with fulfilling its affordable housing obligation pursuant to its 2010 'Round 3' Substantive Certification from COAH. River Vale is proactive with its review and consideration of other affordable housing opportunities as they arise and become available, and this proposed zone change continues to promote the Township's desire.

Regarding removal of residential zoning from designations from golf courses, this issue has been reduced. The Township desires to retain a combined country club/golf course use at the Edgewood Country Club property. In addition, the Township continues to desire a variety of housing opportunities, including housing *immediately adjacent to the golf course use*, which does not presently exist in the Township. The combination of the two uses, housing and maintaining an 18-hole Regulation Golf Course, is a unique opportunity for the Township and the region.

For the Zoning Study:

The importance of supporting the existing non-conforming catering business use has not changed; the catering facility has been situated in its current location for over 30 years. Promoting compatibility among land development also remains important.

3. **The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.**

For the Proposed Modifications to the A-1 Zone District:

Much has changed with New Jersey affordable housing requirements since the 2011 Reexamination Report was adopted.

COAH adopted a *second set* of Round 3 rules in 2008; these rules used the "Growth Share" methodology but were *invalidated* by the NJ Appellate Division in 2010. COAH was then directed to prepared new rules using Prior Round methodologies of assigning affordable housing obligations to municipalities.

COAH prepared the new rules in 2014, but failed to adopt them. Due to COAH's lack of action, on **March 10, 2015** the Supreme Court established a procedure for municipalities to transition their COAH applications to the Courts versus the State. The Supreme Court established a new procedure that requires towns that received Round 3 Substantive Certification, such as River Vale, to submit a Declaratory Judgment action declaring that the Township's Housing Element and Fair Share Plan as constitutionally compliant.

The Township Vale had received Substantive Certification from COAH, and moved forward with implementing its Fair Share Plan. Specifically, it developed the Kirk property on Cedar Lane with a 50-unit, 100% affordable development. The facility is constructed and currently occupied.

The Township maintains that it has provided its realistic opportunity for the provision of affordable housing, and is fully compliant with its affordable housing requirements. However, proposed revisions to the A-1 Zone District could provide additional affordable housing opportunities. This Reexamination Report seeks to confirm that development of the Edgewood Country Club would occur in a manner that is consistent with that goal.

In addition, many golf courses in the state have come under pressure for sale and development due to the high value of the underlying property. Such development pressure could eliminate the Edgewood Country Club golf course entirely for the same reason. The Township has proactively considered options for its golf courses to keep these recreational opportunities intact and retain open space existing in River Vale. These considerations include residential development *in combination with* maintaining an existing golf course. The recommendations in this reexamination report include a requirement that any proposed development must retain in perpetuity an 18-hole Championship Golf Course. Additional recommendations include that, should the golf course cease operations, it will be preserved as open space.

For the Zoning Study:

There are no significant changes in the assumptions, policies or objectives of the master planning documents with respect to a zoning study of a particular area. Continued review and analysis of the Township's zoning and planning documents is important.

4. **The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.**

A new Master Plan is not needed at this time.

For the Proposed Modifications to the A-1 Zone District:

The specific changes recommended as part of this 2016 Reexamination Report are to recommend inclusion of a Residential/Golf Course Development Regulations in the A-1 Zone District. These regulations would permit attached housing with an 18-hole 'Regulation Golf Course' per the National Golf Course Owners' Association, as well

accessory uses associated with a golf course. The residential development would include a required 20% on-site affordable housing. Regulations should be developed that would allow for appropriate development with an affordable set-aside, maintaining an 18-hole Regulation Golf Course, and protecting the existing character of the Township.

These type of housing developments tend to be popular with empty-nest households. Although an age-restricted housing development is not recommended, it is anticipated that the Residential/Golf Course Development would appeal to a fifty-five and older demographic, which exists in the Township. The 2010 census data shows that almost 30 percent of the 9,659 residents living in River Vale are age fifty-five and older.

The proposed revisions to the A-1 Zone District would allow for additional housing opportunities within the Township, additional affordable housing units, and continuation of an 18-hole Regulation Golf Course.

Other important planning considerations are visual buffering and residential density controls. A density of **1.5 units/acre** (including the golf course area within River Vale) is recommended. Density requirements within a zone district typically consider the entire property rather than specific sections of the property. Therefore, a **maximum number of 225 residential units** (both market rate and affordable units) is recommended as an additional density control.

A minimum width **landscape buffer/visual barrier** width of 25 ft. is recommended from the proposed residential development to County roads (rights-of-way or public use areas whichever provides the greatest separation distance). A 650-ft. buffer is recommended from any municipal road right-of-way to the residential component of the development. The larger buffer for local roads will help to maintain the Township's character. A landscape buffer will visually protect any existing nearby residential development and provide screening for the new multifamily residential buildings. Appropriate setbacks should be required from the golf course use to minimize the impact of falling or wayward golf balls on roadways, pedestrians, motorists, and adjacent residential uses.

**Vehicular access** to the Residential/Golf Course Development shall also only be taken directly from the county roads. Access from local streets should not be permitted to protect the Township's existing character and traffic patterns. Pedestrian access should be taken to integrate with existing pedestrian walkways.

Adequate **parking**, both for residents and guests shall be provided in the residential area. Any development shall as a minimum, conform to the NJ Residential Site Improvement Standards (RSIS).

Provisions that **traffic studies** be performed are recommended for any development proposal to show that there would be no level-of-service changes on any public roads, and/or that such changes are mitigated through new traffic control devices, road improvements, etc. or as mandated by the County of Bergen Planning Board.

The proposed ordinance should recognize that both the residential use and golf course use are necessary for the development. It is the Township's goal that the golf course operation continue in perpetuity. However, should the golf course cease operations, it should be maintained as passive open space.

Finally, the ordinance should include regulations that recognize, respect, and help to maintain, the Township's existing character. Examples include, but are not limited to, building height, maximum number of units/building, exterior building architecture, adequate separation space and landscape plantings between buildings.

The Residential/Golf Course Development recommendation is also in conformance with Goal #8 of the 2005 Master Plan, which calls for supporting the continuation of the Township's three golf courses. The proposed "A-1" zone amendment would facilitate a development with an affordable housing component, and secure continued operation of an existing golf course. Also, the proposal is in conformance with Goal #11, to promote the compatibility of land development.

The proposed zone changes permit attached housing alongside a recreational use, which adds another housing option to the Township's housing stock, and provides for additional affordable housing options.

For the Zoning Study:

This Reexamination Report includes a recommendation for a zoning study in the area of Rivervale Road and Harriot Ave. The study should consider the existing zone districts and uses in the area. The study should also consider if it is appropriate to recognize an existing longtime nonconforming uses in the area. In particular, this nonconforming use appears to be part of the fabric of the community, providing both goods and services and employment opportunities for area residents.

In addition to the master planning goals previously cited, the New Jersey Municipal Land Use Law (MLUL) goals contain N.J.S.A. 40:55D-2g contains a goal of providing sufficient space in appropriate locations for a variety of uses. A zoning study encourages this goal.

5. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Township does not have any recommendations regarding redevelopment and does not anticipate any formal redevelopment activities at this time.



## **Conclusions**

This 2016 Master Plan Reexamination Report addresses a recommended revision to the A-1 Zone District and a proposed zoning study for a specific area. No other revisions are proposed to the Township's Master Plan at this time.