



MASTER PLAN REEXAMINATION REPORT

Township of West Caldwell
Essex County, New Jersey

DRAFT January 6, 2025

Adopted by the West Caldwell Planning Board:

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Introduction

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-89 states:

“The governing body shall, at least every ten years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the County Planning Board and the municipal clerk of each adjoining municipality.”

The current Township of West Caldwell Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:550-28) on October 23, 1989. The Township of West Caldwell’s last Master Plan Reexamination (“MPR”) was adopted by resolution of the Planning Board on November 27, 2006. The Township adopted its most recent Housing Element and Fair Share Plan on September 13, 2021, which was endorsed by the Mayor and Council on September 14, 2021. This plan was later amended and approved by the Planning Board on January 8, 2024, and again endorsed by the Mayor and Council on January 16, 2024.

The purpose of a Master Plan Reexamination Report, prepared in accordance with the MLUL, is to periodically reexamine the master plan, zoning, and land development regulations of a municipality to determine whether they continue to address the development goals and objectives of the municipality and to provide recommendations that will address proposed changes in development goals, the impact of development within the municipality and the impact of planning and development regulations by the County, the State of New Jersey, and the Federal government.

This reexamination of the Township of West Caldwell Master Plan conforms to the requirements of the MLUL and addresses the requirements of N.J.S.A. 40:55D-89 by including the following:

- A. *The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.*
- B. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- C. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.*
- D. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- E. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", N.J.S.A. 40A:12A-1 et al., into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.*
- F. *The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

It is important that a Master Plan be kept up-to-date and flexible so that it can respond to changing conditions and reflect the current land use policies of the municipality. The Master Plan should be a document that is easily amended so that it can respond to both concerns and opportunities. The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow.

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Municipal Summary

The Township of West Caldwell contains approximately 5.1 square miles (or 3,269 acres) situated in the northwestern part of Essex County, New Jersey. West Caldwell is bordered by Caldwell, North Caldwell, Essex Fells, Roseland, and Fairfield in Essex County. West Caldwell also abuts East Hanover in Morris County along the Passaic River.

West Caldwell has historic roots tracing back to the colonial era. In 1798, the Township of Caldwell was incorporated from portions of Newark Township and Acquackanock Township. At that time, West Caldwell was merely a small village known as “Westville” within the Township of Caldwell. West Caldwell was later set off from Caldwell Township and incorporated as an individual Borough in 1904. West Caldwell’s boundaries were later modified due to exchanges in land area with adjacent North Caldwell Borough in 1905 and Roseland Borough in 1965. West Caldwell was designated as a Township in 1982.

West Caldwell is a suburban community with predominately single-family detached housing units. The 2020 Census found that West Caldwell’s population has grown to 11,012 residents. The most recent employment data available for West Caldwell from 2022 estimates that the Township is home to 6,044 private sector jobs and 805 local government jobs.² West Caldwell is served by public water and sewer.

West Caldwell is traversed by County Routes 506 (Bloomfield Avenue), 527 (Mountain Avenue), 613 (Passaic Avenue), 614 (Clinton Road), 631 (Central Avenue), and 633 (Lane Avenue). Additionally, West Caldwell is served by three NJ Transit bus lines (#29, #71, and #105). Bloomfield Avenue and Passaic Avenue are the Township’s primary commercial corridors with several thriving shopping centers.

² Quarterly Census of Employment and Wages (QCEW) 2022 Municipal Report by Sector, https://www.nj.gov/labor/lpa/employ/qcew/qcew_index.html

Planning History

- 1964 – Comprehensive Master Plan
- June 1978 – Elements of the Master Plan: Land Use Plan, Housing Plan
- July 1982 – Master Plan Reexamination Report and Addendum “A”
- August 1988 – 1978 Master Plan and Addendum readopted
- October 23, 1989 – Reexamination Report, Land Use Plan and Housing Plan
- May 23, 1994 – Master Plan Reexamination Report
- May 15, 2000 – Master Plan Reexamination Report
- May 2003– Addendum “A” of the Land Use Element
- October 2005—Housing Element and Fair Share Plan
- May 2006—Housing Element and Fair Share Plan
- November 27, 2006 – Master Plan Reexamination Resolution
- September 13, 2021 (Endorsed September 14, 2021)—Housing Element and Fair Share Plan
- January 8, 2024 (Endorsed January 16, 2024) – Housing Element and Fair Share Plan Amendment #1

Master Plan Goals and Objectives

A list of goals and objectives relating to land development is presented in the Land Use Plan and Housing Plan Elements of the 1978 Master Plan. The 1989 Land Use and Housing Plan reaffirmed and supplemented the goals and objectives of the 1978 plan. These current Master Plan goals and objectives are as follows:

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1. General Goals and Objectives

It is the goal of West Caldwell to maintain its suburban residential character with a strong regional employment base as well as adequate shopping to serve both the Township and surrounding communities. This requires an orderly location of land uses to preclude incompatible development and potential blighting influences. Living areas, working areas and leisure-time areas are to be coordinated and integrated to provide a balanced community development pattern.

- To capitalize on existing, vacant land resources to achieve the desired pattern of residential development.
- To design new developments to support and enhance the existing character of the Township and the neighborhoods within which the new uses are located.
- To ensure that adjacent land uses are compatible with regard to such factors as noise, traffic, odor, activity and appearance.
- To provide through land development legislation the standards and the design flexibility to encourage mutually compatible and supportive development.
- To preserve and conserve environmentally sensitive areas.

2. Residential Goals and Objectives

The preservation and enhancement of residential neighborhoods while encouraging decent, safe and sanitary housing is a major goal.

- To prevent the incursion of incompatible non-residential uses into residential neighborhoods.
- To establish a residential density pattern which will produce desirable concentrations of residences and will not overburden local community facilities or cause congestion.
- To sustain the high quality of the neighborhoods and to protect individual property values by encouraging proper

standards of design, construction, privacy and a healthful living arrangement.

The provision of a variety of housing types is desirable to serve the changing demographic profile of the Township as well as the lifestyle of the individual resident.

- To permit garden apartments and town houses in well-defined areas related to major roads.
- To protect the older, single-family sections of the Township as a valuable, moderate and middle-income housing resource.
- To improve stressed residential areas, unrelated to large neighborhoods, by creating opportunities for upgrading through higher intensity development.

Housing opportunities for low- and moderate-income families including senior citizens should be provided and enhanced.

- To permit flexibility in housing types including townhouses, garden apartments, duplexes, etc. to meet the special financial constraints of low- and moderate-income housing.
- To permit flexible zoning options to aid in proper residential development of the few large and environmentally sensitive properties remaining in the Township.
- To ensure reasonable development and redevelopment opportunities for the construction and rehabilitation of affordable housing for low- and moderate-income families.

3. Commercial Goals and Objectives

The existing commercial (shopping) base of the Township must be protected and strengthened. This can best be accomplished by concentrating, rather than dispersing shopping areas.

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- To concentrate major shopping activities on Bloomfield Avenue.
- To avoid strip shopping development along both Bloomfield Avenue and Passaic Avenue.
- To avoid overzoning for commercial development thereby creating a situation which encourages retail establishments unrepresentative of the Township's character.

4. Industrial Goals and Objectives

An important element of a well-balanced community is office and industrial uses which not only provide job opportunities for local residents, but also is an important support for the tax base. It is the goal of the Township to encourage new office and industrial development, of a high-performance order, to locate in West Caldwell in order to provide the fiscal base necessary to maintain housing values.

- To protect the economic value of industrially zoned land by assuring good access and proper amenities.
- To provide sites and areas for office and industrial use which have varying lot sizes and locations in the Township.
- To encourage these industries to meet accepted suburban performance standards on noise, odor, and other possibly harmful deterrents.
- To protect existing industrial development and industrially zoned land from non-compatible uses.

5. Open Space Goals and Objectives

Open space in the Township provides both functional and psychic values. It is a goal of the Township that adequate open space is available to provide for the physical and mental well-being of all residents of West Caldwell.

Lands periodically inundated by flood waters must be protected from encroachment by residential development. Currently, no residential structures are located within the 1903 flood plain. It is the goal of the Township to continue this policy.

- To locate open space and recreation areas so they are readily accessible to most residents of the Township.
- To use open space lands as protection to developed areas from flooding.
- To design and utilize water courses as important open spaces.
- To provide a variety of large and small open spaces to serve Township-wide needs, as well as neighborhood need.
- To use open space as a buffer between non-compatible developments.

Wetlands should be incorporated into the open space system of the Township.

- To preserve all wetland areas as open space.
- To retain a reasonable upland buffer area around wetlands to protect the integrity of the wetland.

The goals and objectives of the 1989 plan have been reexamined and reaffirmed in all subsequent reports and resolutions. This 2025 MPR evaluates these underlying goals and objectives in the following section.

Significant Changes in Assumptions, Policies and Objectives

Population Changes

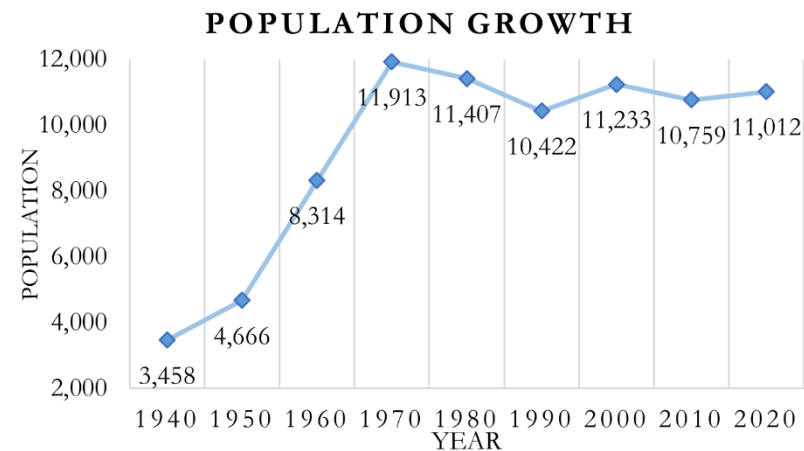
West Caldwell is a substantially built-out community with a current population of 11,012 persons, according to the 2020 Census. West Caldwell went through a period of growth from the 1940s through the 1970s, during

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which time the Township more than tripled in population. Following that period of expansive growth, the Township’s population has remained fairly consistent over the past 50 years, as illustrated in the following table and graph.

POPULATION GROWTH			
Year	Population	Change	Percent
1940	3,458	---	---
1950	4,666	1,208	34.93%
1960	8,314	3,648	78.18%
1970	11,913	3,599	43.29%
1980	11,407	-506	-4.25%
1990	10,422	-985	-8.64%
2000	11,233	811	7.78%
2010	10,759	-474	-4.22%
2020	11,012	253	2.35%

Sources: <http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>, 2010 Census Table DP-1, 2020 Census Table DP1



The North Jersey Transportation Planning Authority (NJTPA) projects that the Township’s population will grow by 1,008 persons by 2050. This represents a 9.15 percent increase over 30 years, or an annualized increase of 0.31 percent. Based on this projection, West Caldwell would grow by approximately 34 residents each year.

PERMANENT POPULATION PROJECTION			
Year	Population	Change	Percent
2000	11,233	---	---
2010	10,759	-474	-4.22%
2020	11,012	253	2.35%
2050	12,020	1,008	9.15%

Source: NJTPA Population Forecast by County and Municipality 2015-2050; 2000, 2010, and 2020 Census table DP-1

Land Use Changes

According to the NJDEP Land Use / Land Cover data from 2007 and 2020 the Township of West Caldwell has seen limited changes in land use. The Forest land use category displayed the most significant change during this period, with an estimated 30.24 acres lost. The Township saw 16.61 acres of residential uses constructed over the 13-year period. The most significant area of change from forest to residential can be seen at the Crane’s Mill senior community. Additionally, the Transportation, Communication and Utility land uses grew by 12.37 acres. See the table below for complete details.

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LAND USE/ LAND COVER (2007-2020)			
Land Use / Land Cover	2007 (ac.)	2020 (ac.)	Change (ac.)
Residential	1,335.25	1,351.86	16.61
Commercial/Services	176.49	181.09	4.60
Industrial	201.05	204.23	3.18
Transportation/Communication/Utilities	87.59	99.96	12.37
Recreational Land	186.12	190.79	4.67
Athletic Fields (Schools)	29.25	32.72	3.47
Other Urban or Built-Up Land	163.57	152.17	-11.40
Agriculture	6.49	2.42	-4.08
Barren Land	16.81	17.31	0.50
Forest	314.41	284.17	-30.24
Wetlands	714.42	714.33	-0.09
Water	7.83	8.23	0.40
Total	3,239.28	3,239.28	0.00

Source: NJDEP 2007 & 2020 (Draft) Land Use/ Land Cover in New Jersey database

Property tax data is also utilized to identify changes in land use since the 2006 MPR. The NJ Department of Community Affairs – Division of Local Government Services publishes a summary of the tax ratables for each year. From 2006 to 2020, there was a loss of 83 vacant parcels, 3 industrial parcels, and 1 farm parcel. Meanwhile, the net increase in residential and apartment properties increased by 68 parcels. Vacant parcels were likely subdivided and used for residential development. These parcels may also have been deed restricted as open space, merged with other parcels, or purchased by a tax-exempt entity. Commercial parcels increased by 3.

The most notable change since 2006 is the increase in total equalized assessed property values from \$568.7 million to \$1.867 billion. Despite the revaluation of properties, West Caldwell saw an increase of over \$877

million in residential assessed value from 2006 to 2023. Commercial and industrial properties increased by \$400 million in equalized assessed values. Apartment properties saw an increase in valuation of \$15.25 million since 2006.

PROPERTY TAX RATABLE BASE						
Land Use Type	Number of Parcels			Equalized Property Value (in millions of dollars)		
	2006	2023	Change	2006	2023	Change
Vacant	89	60	-29	4.04	9.61	5.57
Residential	3,487	3,551	64	385.30	1,262.63	877.33
Commercial	155	158	3	82.43	274.43	192.00
Industrial	66	65	-1	92.86	301.17	208.31
Apartments	6	7	1	4.06	19.31	15.25
Farm Land	6	5	-1	0.04	0.04	0.00
Total	3,809	3,846	37	568.73	1,867.18	1,298.45

Source: http://www.state.nj.us/dca/divisions/dlgs/resources/property_tax.html

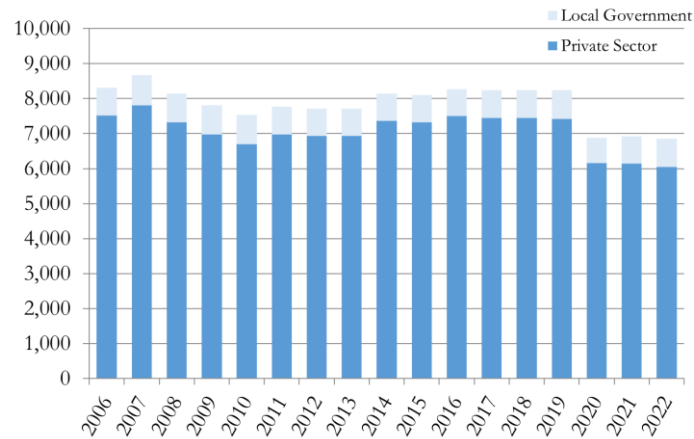
Employment Changes

The NJ Department of Labor and Workforce Development (NJDL&WD) maintains tabulations of employment and wage data for employers covered under the New Jersey Unemployment Compensation Law. The data is published quarterly and annually, utilizing the North American Industry Classification System (NAICS).

In 2006, West Caldwell had an average of 7,522 private sector jobs and 791 local government jobs (including local education). According to the data, the Township has seen a notable decrease in private sector jobs beginning in 2020, corresponding with the outbreak of the COVID-19 pandemic. Private sector jobs dropped from 7,429 in 2019 to 6,155 in 2020. The most

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EMPLOYMENT GROWTH (2006-2022)



recent data, from the year 2022, suggests that private sector employment has still not recovered to pre-pandemic levels, with only 6,044 jobs identified.

As for the local government employment, the Township saw a net gain of 14 jobs over the 16-year period.

EMPLOYMENT GROWTH (2006-2022)			
Year	Private Sector	Local Government	Total
2006	7,522	791	8,313
2007	7,815	849	8,664
2008	7,325	816	8,141
2009	6,978	834	7,812
2010	6,706	824	7,530
2011	6,984	779	7,763
2012	6,940	779	7,719
2013	6,935	773	7,708
2014	7,371	767	8,138
2015	7,332	777	8,109
2016	7,503	761	8,264
2017	7,455	780	8,235
2018	7,449	798	8,247
2019	7,429	818	8,247
2020	6,155	730	6,885
2021	6,141	781	6,922
2022	6,044	805	6,849

Source: NJDLWD, Employment and Wages, 2006-2022 Annual Reports

Employment Projections

The NJTPA estimates that employment within West Caldwell will grow by 889 jobs between 2015 and 2050. This equates to an average of 30 new jobs per year over the 30-year period.

PERMANENT EMPLOYMENT PROJECTION			
Year	Employment	Change	Percent
2015	10,019	--	--
2045	10,908	889	8.87%

Source: NJTPA Population Forecast by County and Municipality 2015-2050

Changes in State Planning Regulations

State Development and Redevelopment Plan (SDRP)

In March of 2001, the New Jersey State Development and Redevelopment Plan (SDRP) was adopted, which amended the previous plan adopted in 1992. In 2010, the State released a new draft State Plan, which had gone through the public comment and hearing process, and had been approved in November 2011, but stalled when it came to final adoption. The State Planning Commission re-started the process in 2023 with a series of outreach events. The State Planning Commission released a Draft of the New Jersey State Development and Redevelopment Plan on December 4, 2024. The release of the Preliminary State Plan also marks the beginning of the Cross-Acceptance process of comparing statewide planning policies at government levels to attain consistency among municipal, county, regional, and state plans.

2019 New Jersey Energy Master Plan

Governor Murphy unveiled the finalized 2019 New Jersey Energy Master Plan (“EMP”) Pathway To 2050 in January 2020, envisioning initiatives to achieve 50 percent clean energy by 2030 and 100 percent clean energy by 2050. The plan concedes that the State’s current trajectory will not allow it to meet these goals, so the EMP identifies major contributors to the state’s carbon footprint—such as transportation and electric generation—and evaluates carbon neutral solutions. In reducing the dependence on fossil fuels, the EMP outlines seven key strategies guiding New Jersey’s path to energy efficiency, each with underlying goals and objectives intended to aid the transition to a clean energy future.

While the strategies, goals, and objectives of the EMP are geared primarily toward state agencies and policy, many have the potential for replication on the local level, including, conversion of fleet vehicles to electric, installation of electric vehicle charging infrastructure, increasing transportation options, reducing congestion, encouraging transit oriented development, installation of alternative energy systems, improving energy efficiency in new and

existing construction, develop shared bike and scooter programs, and incentivize energy efficient purchasing. As such, Goal 6.1 and its underlying objectives seek to encourage municipalities to establish and enact community energy plans that will allow them to identify their own priorities and obstacles that will allow them to complement the Energy Master Plan. The EMP suggests that a Community Energy Plan could include community redevelopment mechanisms to increase public space, walkability, and bike-ability; decrease congestion and idling; and enable equitable, multi-modal transportation opportunities to improve public health and quality of life. The EMP suggests that solid waste reduction plans, such as through a municipal composting program, could provide numerous benefits, including the reduction in energy resulting from a reduction in waste that is sent to the landfill.

Complete Streets

The New Jersey Department of Transportation (“NJDOT”) finalized a Complete Streets policy in December of 2009. The policy requires that future roadway improvement projects that are federally or state funded will include safe accommodations for all users, which includes bicyclists, pedestrians, transit users, and the mobility-impaired. The purpose of the policy is “to create and implement a Complete Streets Policy in New Jersey through the planning, design, construction, maintenance, and operation of new and retrofit transportation facilities within public rights of way that are federally, or state funded, including projects processed or administered through the Department’s Capital Program.” In December of 2012, the NJDOT issued [A Guide to Creating a Complete Street Implementation Plan](#). This was followed in 2017 by a [Complete Streets Design Guide](#). The 178-page Guide is divided into four chapters and provides guidance on the planning and design process and a lengthy toolbox for implementing complete streets. The final chapter provides street typologies. The

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document provides helpful information and tips for both practitioners and citizens.³

Most recently (July 2019), NJDOT released a [Complete & Green Streets for All Model Complete Streets Policy & Guide](#) report. This report indicates that 160 communities have adopted a complete streets policy via resolution.⁴ The document is described as a “one-stop resource for adopting and implementing Complete Streets policies and practices.” This document describes green streets as streets that “use green infrastructure practices installed within the public right-of-way to manage stormwater while preserving the primary function of a street as a conduit for vehicles, pedestrians, bicyclists, and transit riders.”⁵

More locally, Essex County has had a complete streets policy, and a Complete Streets Implementation Action Plan was completed in 2014. At present, West Caldwell does not have a Complete Streets policy. However, West Caldwell supports the objectives of the complete streets concept and believes it is important to maintain flexibility and site-specific approaches to provide the most productive design concepts.

Medical Marijuana

On January 18, 2010, Governor Corzine signed into law Senate Bill Number 119 titled “New Jersey Compassionate Use Medical Marijuana Act.” This law permits the use of medical cannabis for persons with certain conditions. The law permits entities to operate as alternative treatment centers, which are a dispensary for medical cannabis.

³ https://www.state.nj.us/transportation/eng/completestreets/pdf/NJCS_DesignGuide.pdf, accessed February 20, 2024

⁴ https://www.state.nj.us/transportation/eng/completestreets/pdf/CS_Model_Policy_2019.pdf, accessed February 20, 2024, page 2

Adult-Use Recreational Cannabis

On February 22, 2021, Governor Murphy signed into law Assembly Bill Number 21 titled “An Act concerning the regulation and use of cannabis, and amending and supplementing various parts of the statutory law.” The law legalizes recreational personal use of cannabis for adults and provides municipalities with 180 days from the date the law was signed to prohibit or establish zoning provisions regulating the six classes of cannabis – cultivation, manufacturing, wholesaling, distribution, retail, and delivery. Municipalities that do not act within the 180-day period will be “locked in” for a five-year period to standards established by the law. West Caldwell Township adopted a prohibition of all cannabis establishments within the municipality (Ordinance 1849-2021, adopted August 17, 2021).

Certain Housing Exempt from Zoning Regulations

On June 30, 2021, Governor Murphy signed into law Senate Bill 1676 titled “An Act concerning hospitals and supplementing P.L.1971, c.136 (C.26:2H-1 et seq).” The law allows hospitals to construct housing for individuals who are homeless or housing insecure and deems such housing as a permitted use in all residential and non-residential districts of a municipality and exempt the use from local zoning restrictions.

Affordable Housing Marketing

On July 1, 2020, Governor Murphy signed into law Senate Bill Number 2527 titled “An Act concerning the online marketing of affordable housing units and supplementing P.L. 1985, c.111.” This law requires developers, owners, property managers, and/or administrative agents to post notices of

⁵ https://www.state.nj.us/transportation/eng/completestreets/pdf/CS_Model_Policy_2019.pdf, accessed February 20, 2024, page 5

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available affordable housing on the Housing Resource Center website at least 60 days prior to conducting a lottery.

New Jersey Land Bank Law

On July 11, 2019, Governor Murphy signed into law Senate Bill Number 1214. Bill 1214 is known as the New Jersey Land Bank Law, which will allow New Jersey towns and cities to designate a land bank entity to obtain vacant, abandoned, and neglected properties for productive reuse purposes. This law provides municipalities with a tool to revitalize and reuse properties for public benefit. The law provides for accountability to local communities through the requirement for community advisory boards with mandatory access to certain information and opportunities for the board to comment on the land bank entity's decisions. Land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity's online database.

Innovation District Designation Program

On August 8, 2019, Governor Murphy signed into law Assembly Bill Number 5111, creating the Innovation District Designation Program. The program, established within the New Jersey Commission on Science, Innovation, and Technology, encourages development of innovation districts within New Jersey. Innovation districts promote the development or redevelopment of an area in a manner that facilitates collaboration between government, higher education institutions, and private enterprises, and are a strategic way to promote development in science and technology throughout the State. Municipalities may apply individually or jointly for designation of an area as an innovation district.

Municipal Land Use Law (MLUL)

Amendments to the Municipal Land Use Law (MLUL) since the Master Plan was readopted in 2006 that are worth noting include:

1. The MLUL was amended to include the “Statewide Non-residential Development Fee Act” at N.J.A.C.40:55D-8.1 through 8.7, which allows municipalities to collect development fees for non-residential development to be utilized for the provision of low- and moderate-income housing (Sections 32 through 38 of P.L.2008, c.46, approved July 17, 2008).
2. The Statewide Non-residential Development Fee Act was later amended by the “New Jersey Economic Stimulus Act of 2009” (P.L. 2009, c. 90, approved July 28, 2009).
3. N.J.A.C. 40:55D-66.11 now provides that renewable energy facilities on parcels comprising 20 or more contiguous acres that are owned by the same person or entity shall be a permitted use within every industrial district of a municipality (P.L. 2009, c. 35, adopted March 31, 2009).
4. A Master Plan Reexamination Report is now required at a minimum of once every 10 years instead of every 6 years (P.L. 2011 c. 65, approved on May 4, 2011).
5. The MLUL was amended to define "inherently beneficial use" for purposes of zoning variance and specifically includes facilities and structures that supply electrical energy produced from wind, solar, or photovoltaic technologies (P.L. 2009 c. 146, approved on November 20, 2009).
6. The MLUL was amended to add a “Green Buildings and Environmental Sustainability Plan Element” to the components that comprise a municipal master plan, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment;

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- allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design (P.L. 2008, c.54, approved on August 5, 2008).
7. General development plan (GDP) protection can now be extended to development projects situated on sites less than 100 acres based on certain criteria. GDP's can now be sought for projects with a non-residential floor area of 150,000 square feet or more, or with 100 residential dwelling units or more, on sites of 100 acres or less (P.L. 2011 c. 86, approved July 1, 2011).
 8. Senate Bill Number 921 titled “An Act concerning solar panels and impervious surfaces and amending and supplementing various part of the statutory law” was signed into law on April 22, 2010. The law exempts solar plans from impervious surface or impervious coverage calculations.
 9. Senate Bill Number 2989 titled “An Act concerning the collocation of wireless communications equipment and supplementing P.L.1975, c.291” was signed into law on January 17, 2012. This law amends the MLUL to allow for an application for development to collocate wireless equipment to not be subject to site plan review provided the application meets certain requirements.
 10. The MLUL was amended to allow municipalities to authorize noncontiguous development, including the transfer of floor area ratio or density between noncontiguous parcels (P.L. 2013, c. 106, approved August 7, 2013).
 11. The MLUL was amended to require that for any land use element of a municipal master plan adopted after the effective date of P.L 2017 c. 275 (January 8, 2018), the land use element shall include a statement of strategy concerning: smart growth, including consideration of potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability (P.L 2017 c. 275, approved on January 8, 2018).
 12. Senate Bill Number 2126 titled “An Act concerning solar energy and wind energy and supplementing P.L.1979, c.111” was signed into law on December 14, 2011. This law amended the Municipal Land Use Law (hereinafter “MLUL”) to permit a wind energy generation facility or structure constructed and operated on the site of any landfill or closed resource extraction operation to be a permitted use within every municipality outside of the Pinelands Area.
 13. Assembly Bill Number 2785 titled “an Act concerning municipal master plans, amending P.L.1975, c.291, and supplementing title 13 of the Revised Statues” was signed into law on February 4, 2021. This law requires any land use plan element adopted after the effective date to include a climate change-related hazard vulnerability assessment which shall analyze current and future threats to, and vulnerability of, the municipality associated with climate change-related natural hazards such as increased temperatures, drought, flooding, hurricanes, and sea-level rise.
 14. Electric Vehicle Charging Space Requirements. Senate Bill 3223 titled “An Act concerning electric vehicles supply equipment and make-ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)” was signed into law on July 9, 2021. This law amends the MLUL's definition of inherently beneficial to include electric vehicle charging infrastructure. It also amends the law to permit electric vehicle supply equipment as a permitted accessory use

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and structure in all zoning districts within a municipality and precludes variances. The law states that an application for the installation of electric vehicle supply equipment at an existing gas station, retail establishment, or any other existing building shall not be subject to site plan or other land use board review provided it does not violate any bulk requirements. Moreover, all applications involving five or more multi-family units must provide 15% of the parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of the 15% of “make-ready” spaces. There are also requirements for parking lots containing certain numbers of spaces to provide “make-ready” and/or actual charging equipment. The act took effect immediately and any development applications filed after July 9, 2021, will be subject to these requirements.

15. Prohibition of appeals to land use decision. Assembly Bill Number 4881 titled “An Act concerning appeals of electric meetings held under the Municipal Land Use Law during the emergency declared in response to the COVID-19 pandemic” was signed into law on September 24, 2021. This law does not allow a decision of a municipal agency made at, or based in whole or in part, on a meeting held by means of electronic equipment where some or all participants are not in the same physical location to be appealable on grounds attributable to lack of a physical quorum, lack of a reasonable opportunity to be heard or otherwise participate in the meeting, etc.
16. Time of Decision. Senate Bill Number 82, titled “An Act concerning the review and approval of applications for development and supplementing P.L. 1975, c.291” was signed into law on May 5, 2010. This new law repealed the “time of decision” rule. Previously, municipalities could make zoning changes prior to a formal decision on a development application. For example, if a property owner filed

a development application to build a multi-family residential building in a zoning district that permitted such uses on the date the application was filed, the municipality could amend its zoning to prohibit such multi-family use while the application was pending. This would require the application to either amend its application or seek a use variance. The new law (P.L. 2010, c. 9) requires that those development regulations that are in effect on the date of submission of an application for development shall govern the review of that application. Any provisions of an ordinance, except those relating to health and public safety, that are adopted after the date of submission are not applicable to that application. The law went into effect on May 5, 2011.

It should be noted, however, that what constitutes an “application for development” was recently before the State Supreme Court in *Dunbar Homes, Inc. v. Zoning Board of Adjustment of Franklin Township* (233 N.J. 546, 563 (2018), where the Court found that a complete application must be submitted to receive protection under the development regulations in effect at the time.

17. Virtual Public Meetings. Assembly Bill Number 3850 titled “An Act concerning the conduct of public meetings during periods of emergency and supplementing P.L. 1975, c.231” was signed into law on March 20, 2020. This law allows public meetings, including zoning and planning board meetings, to be conducted electronically during a public health emergency.
18. Temporary Supplemental Zoning Board. Senate Bill Number 3212 titled “An Act concerning municipal zoning boards of adjustment, supplementing P.L.1975, C.291, and amending P.L.2005, c. 133 and P.L.1991, c.256” was signed into law on August 9, 2019. The law allows a municipality to establish a temporary, supplemental zoning

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board to address any backlog of applications. A municipality that determines a need for a supplemental zoning board must adopt an ordinance to establish one.

Local Redevelopment and Housing Law (LRHL)

A “Non-Condensation Redevelopment Area” provision was included in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-6) by P.L. 2013, C. 159, approved on September 6, 2013. This amendment significantly changes the way that municipalities may designate areas in need of redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). Chapter 159 provides that a municipality shall make a decision to utilize or reserve the power of eminent domain at the beginning of the redevelopment process. When a planning board investigates whether an area should be designated as being “in need of redevelopment”, the municipality must indicate whether it is seeking to designate a potential redevelopment area as a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area”. The evaluation criteria for each type of redevelopment area are the same except for determining whether the power of eminent domain will or will not be exercised.

On August 9, 2019, Assembly Bill 1700 titled “An Act concerning the designation of certain areas as in need of redevelopment and amending P.L.1992, c.79” was signed into law. The law expands the eligibility criteria for designating certain areas as being in need of redevelopment. Specifically, the law amends Criterion B by added retail, shopping malls, and office parks to the list of discontinued uses, and establishes a specific time frame of two years of such vacancies.

Council on Affordable Housing (COAH)

In 2000, The Villas at West Caldwell, located at 475 Passaic Avenue, filed a builder’s remedy lawsuit against the Township for exclusionary zoning practices. The parties executed a Settlement Agreement on May 5, 2005, resolving the builder remedy lawsuit. As a result of the settlement, the

developer was permitted to construct 30 rental units in exchange for a payment-in-lieu of constructing affordable units. The Agreement states the plaintiff will provide a payment of \$210,000 in lieu of providing affordable housing units in the 30-unit development, in two \$105,000 installments. The development has been constructed and received its CO in 2016. The developer has paid the entire payment-in-lieu to the Township’s affordable housing trust fund.

The Township of West Caldwell had a Second Round Rehabilitation Obligation of zero units and a New Construction Obligation of 200 units. The Township did not petition COAH for substantive certification for this round. However, according to the 2007 Court Master Report prepared by Phil Caton, West Caldwell received a Vacant Land Adjustment (“VLA”), to adjust the Township’s new construction obligation. The goal of a VLA is to analyze a municipality’s vacant and developable land to calculate its realistic development potential (“RDP”). The analysis, based on the conditions in 2000, found that 13 lots, in six tracts of land, out of 139 undeveloped lots could contribute to the Township’s RDP. Those six tracts resulted in an RDP of 18 units and an Unmet Need of 182 units (unmet need is calculated by subtracting the RDP from the Obligation).

In October of 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements in New Jersey. The Third Round methodology, adopted in September 2008, required that a municipality’s fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH gave new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008) that made significant changes to COAH’s rules.

In 2009, appeals were filed regarding the new Third Round rules’ methodology. The case worked its way through the Appellate Division and

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finally went before the Supreme Court. Oral argument occurred in November 2012 and an order was finally issued by the Supreme Court on September 26, 2013. The Supreme Court ruled that the key set of rules establishing the growth share methodology as the mechanism for calculating “fair shares” was inconsistent with the Fair Housing Act (FHA) and the Mount Laurel doctrine. The Supreme Court instructed COAH “to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds,” within five months. In March 2014, the N.J. Supreme Court extended the deadline for adoption of rules to November 2014.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015, which allowed for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allows low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. It also provides a municipality that had sought to use the FHA’s mechanisms the opportunity to demonstrate constitutional compliance to a court’s satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder’s remedy.

Pursuant to the March 10, 2015 Supreme Court Order, West Caldwell filed a motion with the court on July 7, 2015 seeking a Declaratory Judgement that the municipality has fulfilled its constitutional obligation to provide affordable housing. The Township negotiated with the Fair Share Housing Center (“FSHC”) to determine the Township’s third round obligation and the mechanisms to satisfy the obligation.

A Settlement Agreement was finally reached between the Township and the FSHC on June 17, 2020, setting forth the extent of West Caldwell’s Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which the Township proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring.

One of the terms of the Settlement Agreement is that the Township must adopt an updated Housing Element & Fair Share Plan, along with a Spending Plan, and adopt all zoning ordinances required as part of the Settlement Agreement. The West Caldwell Planning Board adopted a Housing Element & Fair Share Plan on September 13, 2021 to effectuate the terms of the Settlement Agreement.

On September 21, 2021, a Fairness and Compliance Hearing was held for West Caldwell Township. During that hearing the 2021 Housing Element & Fair Share Plan was presented. Following the hearing the Honorable Robert H. Gardner, J.S.C. entered a Conditional Order of Judgement of Compliance and Response on October 15, 2021. Condition 2 of the Order required the Township to provide confirmation that the bedrooms within the Universal Institute group home at 11 Twin Brook Road are available only to properly income-qualified individuals, must provide a revised special needs housing survey that indicates the income level of the bedrooms; and must revise its Third Round low-moderate income compliance documentation to include these units.

Following the Compliance Hearing the Township contacted Universal Institute for additional information and clarification. The provider ultimately indicated that while the 2014 Supportive and Special Needs Housing Survey (filled out by Universal Institute) indicated the home was restricted to very-low-income clients there was actually no income qualification requirement. The Township then offered monies from the affordable housing trust fund to the provider to place a deed restriction on the home. However, the provider was not interested in this arrangement.

During 2022 and 2023 the Township evaluated various options to solve for the four-credit gap that had been created. In mid-2023, the Arc of Essex County contacted the Township and indicated that they were interested in purchasing a second home within the Township and converting it to a group home. On May 12, 2023, the Township entered into a Consent Order with FSHC wherein the four-unit gap was satisfied by entering into an agreement with Arc of Essex, or similar qualified entity, for the acquisition of and/or construction of a four-bedroom group

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home/supportive housing facility. These changes were incorporated into an amendment to the 2021 Housing Element & Fair Share Plan, which was adopted by the Planning Board on January 8, 2024, and endorsed by the Township Committee on January 16, 2024.

On March 20, 2024, Governor Murphy signed legislation that dramatically modifies the State’s affordable housing regulations. The 75-page bill, known as A4, abolishes the Council on Affordable Housing (“COAH”), modifies the process of affordable housing compliance, amends bonus credits, and, among other changes, sets forth several important deadlines. The major changes, include:

- Increasing the cap on age-restricted units from 25% to 30%.
- Creating the Affordable Housing Dispute Resolution Program, which will be responsible for resolving challenges regarding obligations and housing plans and reviewing housing plans for compliance.
- A municipality or other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period, including a review of any inclusionary development site in the housing element and fair share plan that has not received preliminary site plan approval prior to the midpoint of the 10-year-round.
- Failure to meet certain deadlines results in the loss of immunity from exclusionary zoning, which includes builder’s remedy lawsuits, and appears to occur instantly.
- The housing element must also include an analysis of consistency with the State Development and Redevelopment Plan.
- Towns seeking Vacant Land Adjustments are now required to identify sufficient parcels likely to redevelop during the current round to address at least 25% of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation.
- Transitional housing is now defined and creditworthy if it meets the micro requirements.

- The bonus credits have been radically amended. The rental bonus credit, which many towns relied on in the third round, has been eliminated and replaced with several bonus options. However, most bonuses are now 0.5 instead of 1.
- All parties are entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute or binding court decisions.
- The length of deed restrictions for rental units has been increased to no less than 40 years. For-sale units remain at no less than 30 years.

The Township will be focusing on addressing its obligations under this “Fourth Round.”

Stormwater Management Program

Enacted on February 2, 2004, New Jersey’s stormwater management program, comprised of two separate Rules (N.J.A.C. 7:8 and 7:14A), establishes a framework for addressing water quality impacts associated with existing and future stormwater discharges. Together with the new Flood Hazard Control Act Rules (N.J.A.C. 7:13), they provide for Category One (hereinafter “C1”) Water Protection, including a 300-foot Special Water Resource Protection Area or riparian buffer for new major development adjacent to all C1 waters and upstream tributaries of C1 waters within the same HUC-14 sub-watershed. These regulations do not have implications in West Caldwell since no C1 classified waterways exist.

The Town has complied with the 2004 rule changes as follows:

1. Obtaining a Stormwater Permit from the State of New Jersey and addressing the Statewide Basic Requirements (SBNs) in that permit on a recurring basis.
2. Preparing and adopting a Stormwater Management Plan.

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3. Preparing and adopting a Stormwater Control Ordinance.
4. Reviewing development applications for compliance with the adopted Stormwater Control Ordinance where applicable.

The Municipal Stormwater Management Plan and Stormwater Control Ordinances have been reviewed and determined to be in conformance with the current State Stormwater Control Regulations. The Township adopted the latest amendments to N.J.A.C. 7:8, requiring ‘major developments’ to implement the use of Green Infrastructure (GI) Best Management Practices (BMPs) to treat stormwater runoff and enhance water quality, reduce stormwater runoff volume, and encourage infiltration and groundwater recharge.

Water Quality Management Planning

The New Jersey Department of Environmental Protection (NJDEP) administers the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15, in conjunction with the Statewide WQM Plan, which together constitute the Continuing Planning Process conducted pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*, the Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*, and N.J.S.A. 13:1D-1 *et seq.*, and as required by Sections 303(e) and 208 of the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*). The intent of the continuing planning process is to align federal, state, regional and local land use planning to ensure that these land use plans do not conflict with each other.

NJDEP readopted the WQM Planning rules on May 20, 2008, with the rule readoption effective May 21, 2008, and adopted rule amendments, repeals and new rules effective July 7, 2008 (see 40 N.J.R. 4000(a)). The rule amendments and new rules provide the following:

- Reassign wastewater management planning responsibility to the county boards of chosen freeholders and require counties to update WMPs;

- Establish clear standards for delineating appropriate sewer service areas to protect environmentally sensitive areas as well as clear, environmentally protective standards for the review of WQM plan amendments;
- Set forth clear standards to require identification of adequate wastewater management alternatives, address water supply, and control nonpoint source pollution (including controls related to stormwater, riparian zones and steep slopes);
- Require updated WMPs to address septic density in a manner that demonstrates compliance with a 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis or as required by development type and location.
- Make provisions to allow the withdrawal of sewer service areas and redesignate these areas as general wastewater service area of 2,000 gallons per day or less and less than six residential units (restricted septic service areas) where the applicable WMP is not in compliance with the mandatory update schedule contained in the rules; and
- Require municipalities to develop a septic system inventory and tracking system through an ordinance or other means which will ensure that septic systems are functioning properly through a mandatory maintenance program.

P.L.2011, c.203 was enacted on January 17, 2012, which permits a Wastewater Management Planning Agency to prepare and submit to the NJDEP at least that portion of a wastewater management plan designating sewer service area, which shall comply with the NJDEP’s regulatory criteria. The law requires that wastewater service area designations and sewer service area designations remain in effect and not be withdrawn for a period not to exceed two years. This law expired on January 17, 2014.

Essex County prepared a Future Wastewater Service Areas (“FWSA”) Map, which was adopted by NJDEP on March 5, 2013. The adopted FWSA Map shows that West Caldwell is almost entirely served by the Caldwell Borough Wastewater Treatment Plant. Limited areas in West Caldwell are serviced by the Two Bridges Wastewater Treatment Plant in Fairfield Township.

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Essex County prepared a Wastewater Management Plan, which was submitted to NJDEP on December 14, 2024. It appears that the Essex County WMP has not yet been adopted by NJDEP. Property owners should review outside agency information carefully since wastewater treatment capacity is regulated by other governmental entities.

Together North Jersey

In November 2011, the U.S. Department of Housing and Urban Development (HUD) awarded Together North Jersey (“TNJ”, also known as the North Jersey Sustainable Communities Consortium) a \$5 million Sustainable Communities Regional Planning Grant. The grant is matched with an additional \$5 million in leveraged funds from project partners. TNJ brought together a coalition counties, municipalities, educational institutions, nonprofits, businesses and other groups, to develop the first comprehensive plan for sustainable development for the 13 northern New Jersey counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

The final TNJ Plan was released in November 2015. The plan presents an overview of the TNJ regional planning process that took place from 2011 to 2015 and proposes strategies for achieving a competitive, livable, efficient, and resilient region.

Changes in County Planning Regulations

Essex County Comprehensive Transportation Plan 2013

Essex County adopted its Comprehensive Transportation Plan in June 2013. The Plan was developed to meet mobility and transportation safety needs throughout Essex County through the year 2035. The Plan outlines the goals, objectives and vision for a comprehensive County-wide transportation system, as follows:

Vision Statement

Develop a safe coordinated and integrated multimodal transportation system that provides accessibility for all users while promoting connectivity, economic vitality and productivity, our communities’ livability, and our ecosystem’s viability.

Goals:

1. Maintain a Safe & Efficient Roadway System
2. Increase the Use of Mass Transit
3. Increase and/or provide opportunities for walking & bicycling
4. Connectivity for all modes of Transportation
5. Foster and Support Development & Industrial Growth

The Plan recommends a Corridor Safety and Operational Optimization Study and Pedestrian Safety Improvements for the Passaic Avenue (CR 613) Corridor in West Caldwell. The Plan also a Corridor Study including Complete Streets Analysis and Pedestrian Safety/Traffic Calming Upgrades for the Bloomfield Avenue (CR 506/506S) Corridor.

Essex 2045: Essex County Transportation Plan (June 2023)

Essex County conducted the Essex 2045 planning study to update its county transportation plan. The plan includes a strategic vision and a list of recommendations.

Strategic Vision:

Safe, effective, and equitable access to affordable and efficient travel options and connections are essential to achieving a high quality of life, healthy lifestyles, and gaining access to opportunity.

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The strategic vision is supported by the following goals and objectives:

Goal 1: Safety

Essex county is committed to making our transportation system safer for all people and advancing a future without transportation-related serious injuries and fatalities.

Objectives:

- Prioritize interventions in locations with fatal and serious injury crashes.
- Recognize disproportionate impacts on vulnerable road users, including pedestrians and cyclists, elderly, youth, and disabled.
- Incorporate Americans with Disabilities Act (ADA), personal safety, and Crime Prevention through Environmental Design (CPTED) concepts and principles with transportation projects.

Goal 2: Equity

Essex County will prioritize reducing inequities across our transportation systems and the communities they affect.

Objectives:

- Identify and work with traditionally underserved communities.
- Ensure the needs of all vulnerable road users are identified and equitably addressed.
- Provide access and mobility for all, especially in traditionally underserved communities.
- Prioritize interventions in traditionally underserved communities.

Goal 3: Accessibility and Responsiveness

Essex County will create the means to enhance accessibility and responsiveness to the needs of transportation system users.

Objectives:

- Focus on first and last-mile connections.
- Connect residents and employees from where they live to where they want and need to go.
- Actively engage and listen to residents, businesses, and visitors.
- Incorporate local needs, concerns, and opportunities for transportation projects.

Goal 4: Environmental Sustainability and Resilience

Essex County will tackle the climate crisis by ensuring that transportation works to safeguard environmental sustainability and resilience.

Objectives:

- Preserve, protect, and enhance natural environment through green streets and green infrastructure.
- Reduce greenhouse gas emissions by prioritizing transit and active transportation improvements.
- Incorporate unique local needs, concerns, and context within plans for project implementation.

Goal 5: Economic Development and Job Creation

Essex County will invest in our transportation system to provide its workers and businesses with reliable and efficient access to economic opportunities.

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Objectives:

- Develop plans, policies, and procedures that create positive economic change.
- Promote transportation projects that support Essex County’s industries and local businesses.
- Support efficient goods movement, while also recognizing and supporting the safety of vulnerable road users.

In terms of roadway projects, the plan recognized improvements to Bloomfield Avenue between Passaic Avenue and Lane Avenue as a high priority roadway project, including milling, pavement, and ADA ramps. Another project, Passaic Avenue, between Westville Avenue and Clinton Road was also recognized as a high priority project involving a safety study of all crash types.

Concerning local planning, Essex 2045 notes:

The municipal circulation element should focus on moving people and goods, not just vehicles, and be aligned with the land use, housing, and affordable housing elements to achieve strategic alignment toward common goals of equity, safety, mobility, and access to opportunity. Most circulation elements for the Essex County municipalities have been updated recently and reflect progressive themes of Complete Streets, safety, walkable downtowns, and improved transit and multimodal options. Several Essex municipalities, however, have gone at least ten years since the last reexamination or circulation element update.

Siting of affordable housing is a significant challenge in New Jersey, and one that is also guided by regulatory oversight to meet affordable unit obligations. This process of identifying and selecting locations, however, often does not assess whether proposed affordable units have adequate access and connectivity to safe multimodal travel options.

Changes in Municipal Land Use Regulations

Since the 2006 MPR, the Town has adopted several ordinance changes to the land use regulations, as follows:

- **Ordinance 1580, adopted May 16, 2006, an Ordinance to amend Chapter XVIIIA “Land Use Procedures” and Chapter XX “Zoning”**

This Ordinance amended the following items in Chapter XVIIIA were amended: a definition, amended the payment of technical review fee deposits, the fees, minor site plan and minor subdivision checklist, major site plan and major subdivision and use variance checklist, created a new checklist for residential “C” variances, amended the submittal procedure for all development applications to match the amended checklists. The following items in Chapter XX: schedule of regulations provisions, provisions for continuing care retirement communities and commercial communications antennas as conditional uses, clarification of nonconforming structures and uses, parking requirements for banks and sign regulations in the M-1 and M-2 Districts.

- **Ordinance 1598, adopted February 6, 2007, an Ordinance to amend Chapter XVIIIA, Land Use Procedures, of the Revised General Ordinances of the Township of West Caldwell to Permit a Stay of Enforcement of Violation of Setback Requirements for Certain Sheds.**

This Ordinance amended the stay of enforcement of setback requirements for residential storage sheds, amended permit for construction in a Flood Hazard Area, and permit regulation for lots not abutting a street.

- **Ordinance 1639, adopted February 17, 2009, an Ordinance to amend Chapter XX “Zoning”**

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This Ordinance established the R-3D Single Family Residence and Residential Cluster District.

- **Ordinance 1640, adopted February 17, 2009, an Ordinance to amend the Zoning Map**

This Ordinance amended the Township Zoning Map to include the new R-3D District.

- **Ordinance 1641, adopted February 17, 2009, an Ordinance to amend the Zoning Map**

This Ordinance amended the Township Zoning Map to transfer Block 1500, Lots 15, 16 and 17 and a portion of Block 1500, Lot 13 from the M-2 District to the OS District.

- **Ordinance 1642, adopted February 17, 2009, an Ordinance to amend Chapter XX “Zoning”**

This Ordinance amended certain provisions of the country clubs and golf courses conditional use.

- **Ordinance 1678, adopted May 18, 2010, an Ordinance to amend Chapter XVIIIA “Land Use Procedures”**

This Ordinance amended the technical review fees by adding inspection fees, deposit requirements, performance and maintenance fees and the requirements for a Developer’s Agreement.

- **Ordinance 1725, adopted May 1, 2012, an Ordinance to amend Chapter XX “Zoning”**

This Ordinance amended the multiple-family adult community residential permitted principal use in the R-3C District.

- **Ordinance 1729, adopted August 7, 2012, an Ordinance to amend Chapter XVIIIA “Land Use Procedures” and Chapter XX “Zoning”**

This Ordinance amended the provisions of the schedule of district regulations and schedule of height, area, bulk and other requirements sections, amended the permitted principal uses in the B-2 District, added shopping cart corrals as a permitted accessory use in the B-2 District, amended conditions of a restaurant use, amended corner lot provisions in general regulations, amended parking regulations, amended the general, B-1 and B-3 and B-2 sign regulation sections. The Ordinance also amended definitions section in Chapter XVIIIA to add the definition of a “Planned Shopping Center or Shopping Center or Township Shopping Center”.

- **Ordinance 1730, adopted August 7, 2012, an Ordinance to amend Chapter XV “Property Maintenance”**

This Ordinance amended Sections 15-5.1, -12, -13, and -14 of the Property Maintenance chapter.

- **Ordinance 1737, adopted December 18, 2012, an Ordinance to adopt a Rehabilitation Plan**

This Ordinance adopted a Rehabilitation Plan for Block 1903, Lots 2, 3, 4, 5 and 6, Block 2100, Lot 7 and a certain right-of-way along Bloomfield Avenue and Kirkpatrick Lane. The Rehabilitation Plan required a B-2 Overlay Zone to be placed on Block 1903, Lots 1, 2, 3, 4 and 5 and 6 within 900 feet of Bloomfield Avenue while the remaining portion of Block 1903, Lots 5 and 6 would be designated as a new District, OS-1.

- **Ordinance 1745, adopted May 7, 2013, an Ordinance to amend Chapter XVIIIA “Land Use Procedures and Chapter XX “Zoning”**

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This Ordinance amended the definitions of an “existing high-tension electric tower” and “satellite dish antenna” and the submittal procedures, including the application checklists forms, in Chapter XVIIIA. The Ordinance also amended the schedule of district regulations section, conditional uses of the OS District, conditional use provisions for a continuing care retirement community, personal communications antennas and commercial communications antennas, accessory use provisions for satellite dish antennas, certain prohibited uses, parking regulations and certain sign regulations.

- **Ordinance 1750, adopted October 15, 2013, an Ordinance to create the position of Municipal Housing Liaison for the Township’s Affordable Housing Program.**
- **Ordinance 1755, adopted December 17, 2013, an Ordinance to Repeal Ordinance 1737**

This Ordinance repealed Ordinance 1737, adopting a Rehabilitation Plan, pursuant to the Settlement Agreement between GR/SS Caldwell, LLC, the Stop and Shop Supermarket, LLC and the Township of West Caldwell, dated November 8, 2013.

- **Ordinance 1765, adopted August 5, 2014, An Ordinance to Establish the Reimbursement of Administrative Agent’s Fee for the Sale of an Affordable Housing Unit.**
- **Ordinance 1797, adopted July 11, 2017, an Ordinance to amend Chapter XVIIIA “Land Use Procedures” and Chapter XX “Zoning”**

This Ordinance amended various definitions and the submittal procedure section, including the application checklist forms, in Chapter XVIIIA. The Ordinance also amended the permitted conditional use section of the B-1 and B-2 Districts, the permitted principal and conditional use section of the B-3 District, added coverage requirement to various conditional uses, requirements for decks and patios as

accessory uses, added drive-in uses as specific prohibited uses, added regulations for portable on-demand storage structures and generator, amended certain parking and sign regulations and amended the Schedule of Height, Area, Bulk and Other Requirements.

- **Ordinance 1798, adopted July 11, 2017, an Ordinance to amend Chapter XVIA “Stormwater Management and Control”**

This Ordinance added a section entitled “Runoff on Residential Properties” to the Chapter.

- **Ordinance 1801, adopted September 5, 2017, an Ordinance to adopt a Rehabilitation Plan**

This Ordinance adopted a Rehabilitation Plan for Block 1504, Lots 1 and 2, Block 1901, Lot 12, Block 1903, Lots 1, 2, 3, 4, 5 and 6 and Block 2100 Lot 8 along Bloomfield Avenue and Kirkpatrick Lane.

- **Ordinance 1802, adopted September 19, 2017, an Ordinance to amend Chapter XVIIIIA “Land Use Procedures” and Chapter XX “Zoning”**

This Ordinance added the definition of “self-storage facility” in Chapter XVIIIIA. The Ordinance also added self-storage facilities as a conditional use in the M-1 District and added conditional use standards for the new use. The Schedule of Height, Area, Bulk and Other Requirements table was also amended to reflect the new conditional use.

- **Ordinance 1807, adopted March 6, 2018, an Ordinance to amend a Redevelopment Plan**

This Ordinance adopted an amendment to the Redevelopment Plan for the Bloomfield Avenue Area in Need of Rehabilitation that was adopted via Ordinance 1801. The amendment revised text in the Superseding Provisions – Effect of Plan section.

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- **Ordinance 1812, adopted September 11, 2018, an Ordinance to amend Chapter XX “Zoning”**

This Ordinance added the growth and sale of recreational marijuana to the list of Specific Prohibited Uses.

- **Ordinance 1862, adopted September 20, 2022, an ordinance to amend Chapter 20 “Zoning”**

This ordinance corrected bulk requirements for the R-5 & R-6 districts, which had erroneously been stated as a result of Ordinance No. 1857, relating to the R-9 Multi-Family Residence Overlay District.

- **Ordinance 1869, adopted April 18, 2023, an Ordinance to amend Chapter 18A “Land Use Procedures” and Chapter XX “Zoning”**

This ordinance expands the list of amendments to the Zoning Map, adding Ordinances 1838, 1839A, 1840A, 1841, 1842, and 1843. It added additional standards governing the restoration of nonconforming structures partially destroyed by fire, or where emergency repairs are required. The ordinance also added further specificity on sign lighting, prohibiting any sign lighting from having the light source directly exposed to view. The ordinance also specified that fences are permitted to be constructed on the property line, provided there is no encroachment onto neighboring properties, and are not within 5 feet of a legally existing principal structure on a neighboring property. The one amendment to Chapter 18A concerned the addition of an expiration date for zoning permits.

- **Ordinance 1838-2021, adopted June 15, 2021. Ordinance to amend Chapter XX “Zoning” to create the R-9 Planned Residence Overlay District**

This ordinance created the R-10 Planned Residence Overlay District, which permits inclusionary housing (single-family, townhouses, multi-

family, or mixture thereof) with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1839A-2021, adopted August 17, 2021; Ordinance 1851-2021, amended November 9, 2021. Ordinance to amend Chapter XX “Zoning” to create the R-5 Multi-Family Residence District**

This ordinance created the R-5 Multi-Family Residence District, which permits multi-family inclusionary housing at a maximum density of 35 units per acre with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1840A-2021, adopted August 17, 2021. Ordinance to amend Chapter XX “Zoning” to create the R-6 Multi-Family Residence District**

This ordinance created the R-6 Multi-Family Residence District, which permits multi-family inclusionary housing at a maximum density of 20 units per acre with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1841-2021, adopted June 15, 2021. Ordinance to amend Chapter XX “Zoning” to create the R-8 Multi-Family Residence District**

This ordinance created the R-8 Multi-Family Residence District, which permits multi-family inclusionary housing at a maximum density of 11 units per acre (up to 25 units) with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1842-2021, adopted June 15, 2021; Ordinance 1857-2022, amended May 3, 2022. Ordinance to amend Chapter XX “Zoning” to create the R-9 Multi-Family Residence Overlay District**

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This ordinance created the R-9 Multi-Family Residence Overlay District, which permits multi-family inclusionary townhouses at a maximum density of 10 units per acre with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1843-2021, adopted June 15, 2021. Ordinance to amend Chapter XX “Zoning” to create the R-7 Multi-Family Residence District**

This ordinance created the R-7 Multi-Family Residence District, which permits multi-family inclusionary housing at a maximum density of 24 units per acre (up to 40 units) with 20 percent set aside for low- and moderate- income households.

- **Ordinance 1844-2021, adopted June 15, 2021. Ordinance to amend Chapter XX “Zoning” to permit Mixed-Use Inclusionary Development along Bloomfield Avenue or Passaic Avenue**

This ordinance amended the M-1, M-2, B-2, and B-3 Zones to allow mixed-use inclusionary development as a conditional use for parcels with direct frontage on Bloomfield Avenue or Passaic Avenue with at least 4 acres, and permitting a maximum density of 20 units per acre with a required set aside of 20% for low- and moderate-income households.

- **Ordinance 1845-2021, adopted June 15, 2021; Ordinance 1852-2021, amended December 14, 2021. Ordinance to repeal and replace Chapter XXIII Affordable Housing.**

This ordinance repeals and replaces the Affordable Housing Ordinance.

- **Ordinance 1849-2021, adopted August 17, 2021. Ordinance to amend Chapter XX Zoning.**

This ordinance prohibits recreational cannabis establishments or cannabis distributors or cannabis delivery services township-wide.

- **Ordinance 1869-2023, adopted April 18, 2023. Ordinance to amend Chapter XX Zoning.**

This ordinance adopts the amended Zoning Map, amends the provisions for nonconforming structures partially destroyed by fire, and amends the signage requirements.

Significant Development & Variance Approvals

This section provides a summary of major development applications approved by the Planning Board and significant variance relief granted by the Board of Adjustment since 2006.

- **The Preserve, 475 Passaic Avenue (R-3C Zone District)**

The Planning Board granted preliminary and final major site plan and subdivision in 2007 for the construction of a 30-unit age-restricted apartment building. The development was the result of Builder’s Remedy Lawsuit filed against the Township (The Villas at West Caldwell v. Township of West Caldwell, Docket No. ESX-L-11345-00), which resulted in a settlement agreement for the construction of 30 age-restricted apartments with a payment-in-lieu of construction in the amount of \$210,000 to be paid to the Township’s Affordable Housing Trust Fund.

- **Evans Run Development, LLC., (R3-D District) 210, 216, 220, 226, & 236 Clinton Road**

Approved by the Planning Board in 2009, the application to consolidate 5 lots and develop 6.3 acres with 9 townhouse buildings, having 38 market rate units and 9 COAH units for a total of 47 units

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with associated site improvements was constructed in the R3-D Zone District

- **Lutheran Social Ministries of New Jersey, d.b.a. Crane’s Mill Life Care Retirement Community, 459 Passaic Avenue**

Approved by the Planning Board in 2010, the application proposed the installation of a pump station, water system equipment cabinet and related accessory structures.

- **Corporate Communications Group, 14 Henderson Drive**

Approved by the Planning Board in 2010, the applicant received approval to construct 114,400 sq. ft warehouse addition with related site plan details.

- **26-30 Bond Place Minor Subdivision (R-3 Zone District)**

The Planning Board granted minor subdivision in 2011 for the subdivision into 2 lots.

- **627 Bloomfield Avenue (B-1 Zone District)**

Approved by the Zoning Board in 2016, the Applicant was approved to construct a new two-story building with commercial office on the rear floor and two residential apartments on the second floor. They also received variance relief from the following: Variance for “d-3” conditional use variance (MLUL 40:55D-70(d)(3) (expansion of nonconforming use (Section 20-18)). Variances (“c”) include maximum lot coverage (Section 20-5.4), width of parking stalls (Section 20-23.5(d)), parking aisle width (Section 20-23.5(d)), setback of driveway from property line (Section 20-23), parking spaces calculation (Section 20-23.4), front yard setback (Section 20-5.4), side yard setback (Section 20-5.4), location of HVAC units (Section 20-19.1(e)(1) and (3) and 20-19.1(f)).

- **MBF Auto RE, LLC (Mercedes) (B-3 Zone District) 1220 Bloomfield Ave.**

Approved by the Planning Board in 2016, the application proposed the demolition of the existing structure and construction of a new car dealership facility for the sales and services of Mercedes Benz. Said facility was constructed in the B-3 zone.

- **666 Passaic Avenue (M-1 Zone District)**

Approved by the Planning Board in 2017, the application proposing the reconfiguration of existing floor space into three rental areas as a self-storage warehouse was approved. A second application was approved by the Planning Board in 2018 to allow half of the building to be used as a self-storage facility, which is a permitted conditional use.

- **Essex Regional School, 23 Fairfield Place (M-1 Zone District)**

The Zoning Board granted D(1) use variance approval in 2018 for the conversion of an existing light industrial/warehouse building to a school to service up to 60 students from kindergarten through 8th grade and up to 20 adult alternative education students. The application was bifurcated, such that the D(1) variance was subject to the Applicant returning to the Board for site plan approval. The Applicant never returned to the Board for site plan approval. In 2023, the Planning Board issued a minor site plan approval for Technotime Business Solutions (PB22-22) to occupy the existing building on the property to store IT equipment and furniture in the warehouse space. The D(1) use variance approval was voided with the approval of PB22-22.

- **Burger King, 940 Bloomfield Avenue (B-2 Zone District)**

Approved by the Planning Board in 2020, the application proposed to renovate the former Taco Bell fast-food restaurant for a new Burger King fast-food restaurant.

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- **Veterinary Specialists of North America, Essex Mall (B-2 Zone District)**

Approved by the Planning Board in 2020, the application received preliminary and final site plan approval and conditional use certification to convert the prior Sears Hardware and New York Sports Club tenant spaces within the Essex Mall Shopping Center into a 45,763 square foot veterinary animal hospital.

- **Amazon, 10 Patton Drive (M-1 Zone District)**

Approved by the Planning Board in 2020, the application was approved to allow BPREP 10 Patton, LLC, to repurpose the existing 166,969-square foot warehouse/distribution facility previously occupied by Allied Beverage Group into an Amazon Logistics Delivery Station.

- **5 Dedrick Place (M-1 Zone District)**

PB19-07: On April 28, 2020, the Planning Board granted Preliminary and Final Site Plan and Minor Subdivision approval with variances for Lot 13 in Block 1500, which was at that time an 18.03-acre parcel developed with a two-story, 70,565-square foot office building. The application involved the subdivision into two parcels (Lots 13 and 14) to be redeveloped with two one-story warehouse buildings. Lot 13 was originally 18.03 acres, which was subdivided to create Lot 14 of 10.69 acres (identified as Lot A in the 2020 Resolution) and remainder Lot 13 with 7.34 acres (identified as Lot B in the 2020 Resolution).

PB21-23: Lot 13 (Lot B) was approved for the development of an 80,768-square foot warehouse building with one office space proposed of 6,162 square feet including the utility and pump rooms. The Planning Board granted Preliminary and Final Major Site Plan approval on February 14, 2022 for Megadyne America, LLC to expand the previously approved 6,162-square foot office to 8,410 square feet of office space.

PB21-22: Lot 14 (Lot A) was approved for the development of a 134,550-square foot warehouse building with two office spaces proposed of 11,000 square feet. The Planning Board granted Preliminary and Final Major Site Plan approval on February 14, 2022 for construction and occupancy by StockX, LLC, an e-commerce business that authenticates luxury sneakers, apparel, electronics, collectibles, and other current culture verticals.

- **Sunrise Markets, Shoprite (Bloomfield Avenue Rehabilitation Area)**

The Planning Board granted Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approval in 2022 to consolidate five parcels and then re-subdivide into two new lots with a right-of-way.

The five parcels making up the subject tract are included in the Bloomfield Avenue Area in Need of Rehabilitation designation. A Redevelopment Plan for the Area in Need of Rehabilitation was adopted by the West Caldwell Township Council on September 5, 2017, and later amended on March 6, 2018. The Redevelopment Plan establishes the RAO Rehabilitation Area Overlay, which provides for additional development options to the redeveloper(s) without affecting the underlying zoning.

Lot 4.01 would contain 10.5 acres (457,760 square feet) located along the entire Bloomfield Avenue frontage. Lot 4.01 is proposed to be developed with a new Shoprite grocery store containing 107,650 square feet of gross floor area (including a 2,550-square foot of atrium, 11,000-square foot front mezzanine, and a 9,000 square foot rear mezzanine). Other proposed improvements include 495 vehicle parking spaces, 9 loading docks, and 8 DSD loading spaces.

Lot 6.01 would contain 20.99 acres behind Lot 4.01. Lot 6.01 would include the rear portion of Lots 5 and 6. Lot 6.01 would not have any frontage on Bloomfield Avenue and would only be accessible via a new

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right-of-way to be created from the flag stem of existing Lot 6. The Township of West Caldwell would become the owner of Lot 6.01.

A new right-of-way is proposed to be located along the existing flag stem of Lot 6. The proposed right-of-way is 50 feet wide and 680 feet long, which would provide access to Lot 1 (the recently constructed Burger King) and proposed Lots 4.01 and 6.01. The right-of-way would be dedicated to the Township of West Caldwell.

Lot 1 was included in this application to allow for a proposed connection from the Burger King development to the new right-of-way being created. Condition #10 in the June 25, 2020 Resolution from the Planning Board for Burger King required Lot 1 to return to the Board to interconnect the egress driveway within the intersection with the adjacent right-of-way to improve traffic safety. The existing ingress driveway to Lot 1 shall remain and the egress driveway will be eliminated and combined with the new right-of-way.

- **Greenwich House, 1085 Bloomfield Ave, 1089-1091 Bloomfield Ave & 204 Clinton Rd (R-6 Zone District)**

The Planning Board granted preliminary and final site plan approval in 2022 to consolidate the three lots, demolish three existing dwellings, and construct a new multi-family residential development consisting of a 4-1/2-story apartment building fronting on Bloomfield Avenue with 32 apartment units (including 7 units for low- and moderate-income households), and two 3-story townhouse/duplex buildings fronting on Clinton Road, each containing 2 units.

The Planning Board adopted a Housing Element & Fair Share Plan on September 13, 2021, which recommended that the subject property be rezoned from the B-3 General Business and R-3 Residential Districts to the R-6 Multi-Family Residence District. The Township Council then adopted Ordinance 1840A on August 17, 2021, to rezone the property to the R-6 Multi-Family Residence Zone District as recommended by the Master Plan.

- **Essex Professional Holdings, 1148-1152 Bloomfield Ave (B-1 Zone District)**

The Planning Board granted preliminary and final site plan approval with variance relief in 2023 to consolidate two lots, demolish the existing dwellings, and construct a new office building with medical offices for use by a periodontal dentistry practice. The proposed development consists of a 2-story medical office building fronting on Bloomfield Avenue. Additional proposed site improvements include 45 surface parking spaces, 4 electric vehicle charging stations, exterior lighting, utility additions, and landscaping.

- **Henderson Solar, 5 Henderson Drive (M-1 Zone District)**

The Zoning Board granted D(1) use variance approval in 2024 for a 0.952 MW DC and 0.720 MW AC community solar facility on the rooftop of the existing building at 5 Henderson Drive.

- **Essex Fells Water System, 8 Gray Street (R-4 Zone District)**

The Zoning Board granted D(2) expansion of nonconforming use variance to expand a water utility facility owned and operated by the Township of Essex Fells. The Applicant was approved to construct an addition to the existing structure to accommodate new filtration and treatment equipment required to comply with the NJDEP perfluoroalkyl and polyfluoroalkyl substances (PFAS) standards.

Zoning Board Recommendations

The following section summarizes the recommendations the Zoning Board has made between 2007 and 2023.

1. Amend Chapter 20-5 (Schedule of District Regulations)

The Board recommended amendments and new chapters to the Schedule of District regulations. More specifically amendments to chapter 20-5.4 in 2007, 2008, 2009, 2010, and 2011 to amend the “building height and max feet” of all residential structures be limited to thirty-one (31) feet as measured to the peak of the roof. Whereas the existing height regulation at the time was thirty-five feet (35’) as measured to the midpoint of the sloped roof in all residential zones.

In chapter 20-5.4c, the Board recommended to amend the definition of “max stories” to include any story whose ceiling is more than for (4) feet vertically above the average grade. The existing definition uses five (5) feet. Neither recommended amendment has been adopted.

The Board recommended a new requirement chapter in 2007, 2008, 2009, 2010, and 2011 relating to “max. residential floor area” where Maximum Residential Floor Area would be limited to a fifty percent (50%) increase in the existing floor area of the dwelling or a fifty percent (50%) increase in the minimum floor area set forth in the Schedule of District Regulations, whichever is greater. Maximum Residential Floor Area shall be calculated by adding the sum of the area of all floors in any residential dwelling excluding the attic and basement floor areas when used solely and exclusively for storage or utility purposes or any floor area devoted to stairwells, open porches, breezeways and garages. This recommendation has not been adopted.

In 2010, 2015, 2016, and 2018, the Board recommended that the maximum percentage of lot coverage in the R-4 zone district only be reduced from

thirty percent (30%) to twenty five percent (25%). The recommendation has not been adopted.

2. Amend Chapter 18A-5 Definitions

The Board recommended in 2007, 2009, 2010, 2011, 2015, 2017, and 2018 that the definition for “Height of Building” be amended where the roof of a residential building is sloped that the height be measured from the lowest ground elevation to the peak of the roof rather than measured to the point half the distance from the highest perimeter wall of the building and the highest point of the roof.

The Board recommended in 2007, 2009, 2010, and 2011 that the definition of “Story, Half” be amended that the possible floor area of conforming half story headroom be reduced to six (6) feet (now 7 feet 4 inches - 7’4”) or occupy no more than one-quarter (1/4) (reduced from 1/3) of the total floor area of the story directly beneath.

In 2010 the Board recommended a new definition for “lot coverage” in all residential districts based on the sum of all floors including any maximum story or half story of all principal buildings and all ground floors of any accessory buildings on the lot. Neither definition recommendation was adopted.

3. Administrative Action: Professional Planning and Engineering Reviews

The Board recommended in 2007, 2009, and 2010 that the Governing Body appropriate funds for professional planning and engineering review of all residential bulk variance applications by outside consultants or Township employees. Alternatively, the application fee for residential variance applications could be raised to partially offset the cost of professional reviews or residential applicants could be required to post an escrow for review. The Board also recommended that the Governing Body appropriate funds to conduct a professional planning review to determine the appropriateness of existing residential bulk and heights regulations

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contained in the Township Land Use Ordinances. Ordinance 1678 was adopted in 2010, which included revised fees for reviews and inspections. Ordinance 1797 was adopted in 2017 which added maximum building coverage and lot coverage requirements for all zone districts.

4. Residential Stormwater Control

In 2008, more applications raised concerns amongst neighbors regarding stormwater control. The Board recommended in 2008, 2011, 2010, and 2015 that the Governing Body, Environmental Commission, and Township Engineer consider whether a residential stormwater management ordinance is appropriate. The Board's recommendation was adopted in 2017 via Ordinance 1798. The Township also recently adopted Ordinances 1888 (amending and replacing sections of Chapter 21A (Stormwater Management and Control); 1882 (Chapter 24 Tree Protection and Removal Standards); and 1881 (Amending chapter 21A to include standards for privately owned salt storage), in order to meet new NJDEP requirements.

5. B-1 Zone District Mixed Use Conditional Standard

The Board decided an expansion of a non-conforming use in the B-1 zone district during 2007 which proposed one additional residential dwelling over an existing commercial retail space. While the Board denied this use variance application as an inappropriate and an over utilization of the site, it became apparent that during the hearing that the B-1 zone district conditional use standard for mixed use development was completely lacking in any specific controls that were uniquely applicable to that use. The Board recommends that the mixed-use conditional standard in the B-1 zone be eliminated or sufficiently defined to make its application feasible in the zone district. In 2021, the Township added conditional use standards for Mixed-Use Inclusionary Development, via ordinance No. 1844-2021; however, this use is permitted in the B-2, B-3, M-1, and M-2 districts.

6. Residential Steep Slope Ordinance

In 2015, 2016, 2017, and 2018, the Board recommended inclusion of grading plans for new development and larger additions, citing soil removal having a serious impact on neighboring properties. This recommendation was adopted in 2019 via Ordinance 1822-2019.

7. Permitted Use in Open Space District

The Board recommended commercial use in the Open Space Zone District in regard to mulching business in 2015, 2016 and 2018. The recommendation has not been adopted.

The Board's Annual Reports for 2019-2023 did not include any recommended changes.

Master Plan Problems & Objectives

As required under N.J.S.A. 40:55D-89 (a) and (b), the following section of the MPR examines the major problems and objectives relating to land development in the Township of West Caldwell that were included in the 1978 Master Plan and its subsequent updates, and identifies the extent to which such problems or objectives have changed.

Elements of the Master Plan (1978)

The Borough of West Caldwell⁷ Planning Board adopted *Elements of the Master Plan* on June 26, 1978. This document included a background analysis, a list of goals and objectives, a land use plan, and a housing plan.

General

Goal 1 – To maintain the suburban residential character with a strong regional employment base as well as adequate shopping to serve both the Borough and surrounding communities. An orderly allocation of land uses to preclude incompatible development and potential blighting influences is required. Living areas, working areas and leisure-time areas are to be coordinated and integrated to provide a balanced community development pattern. The following objectives pertain to this goal:

- To capitalize on existing, vacant land resources to achieve the desired pattern of residential development.
- To design new developments to support and enhance the existing character of the Borough and the neighborhoods within which the new uses are located.

⁷ As noted in the introduction, West Caldwell was incorporated as a Borough in 1904 and remained so until it was designated a Township in 1982. As this section recreates the Master Plan as it was written in 1978, there are numerous references to “the Borough.” Such references were corrected at the time of the 1989 Land Use and Housing Plan.

- To ensure that adjacent land uses are compatible with regard to such factors as noise, traffic, odor, activity and appearance.
- To provide through land development legislation the standards and the design flexibility to encourage mutually compatible and supportive development.

2025 Update: This goal continues to remain relevant. It is recommended that the first objective be revised as follows:

To capitalize on existing, vacant land resources to achieve both a desired pattern of residential development and ample open space and recreational amenities.

Residential

Goal 1 – The preservation and enhancement of residential neighborhoods while encouraging decent, safe and sanitary housing for all residents of the Borough is a major goal. The following objectives support this goal:

- To prevent the incursion of incompatible non-residential uses into residential neighborhoods.
- To establish a residential density pattern which will produce desirable concentrations of residences and will not overburden local community facilities or cause congestion.
- To sustain the high quality of the neighborhoods and to protect individual property values by encouraging proper standards of design, construction, private and a healthful living arrangement.

2025 Update: This goal and these objectives continue to remain relevant.

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Goal 2 – The provision of a variety of housing types is desirable to serve the changing demographic profile of the Borough as well as the lifestyle of the individual resident. The following objectives support this goal:

- To permit garden apartments and town houses in well-defined areas related to major roads.
- To protect the older, single-family sections of the Borough as a valuable, moderate and middle-income housing resource.
- To improve stressed residential areas, unrelated to larger neighborhoods, by creating opportunities for upgrading through higher intensity development.

2025 Update: It is recommended that this goal be revised to the following:

Goal 2 – The provision of a variety of housing types is desirable to serve the needs and abilities of all residents. The following objectives support this goal:

The objectives are proposed to be revised as follows:

To permit multi-family and town houses in well-defined areas related to major roads.

To protect the older, single-family sections of the Township as a valuable and economical housing resource.

To upgrade, revitalize, and reimagine older housing.

To continue to comply with its constitutional obligations to provide opportunities for affordable housing.

Commercial

Goal 1 – The existing commercial (shopping) base of the Borough must be protected and strengthened. This can be best accomplished by concentrating, rather than dispersing shopping areas. The following objectives pertain to this goal:

- To concentrate major shopping activities on Bloomfield Avenue.
- To avoid strip shopping development along both Bloomfield Avenue and Passaic Avenue.
- To avoid overzoning for commercial development thereby creating a situation which encourages retail establishments unrepresentative of the Borough’s character.

2025 Update: It is recommended that the second objective be revised as follows:

To encourage quality design of commercial development that minimizes the appearance of sprawl along Bloomfield Avenue and Passaic Avenue.

Industrial

Goal 1 – An important element of a well-balanced community is office and industrial uses which not only provide job opportunities for local residents, but also is an important support for the tax base. It is the goal of the Borough to encourage new office and industrial development, of a high-performance order, to locate in West Caldwell in order to provide the fiscal base necessary to maintain housing values. This goal has four objectives:

- To protect the economic values of industrially zoned land by assuring good access and proper amenities.
- To provide sites and areas for office and industrial use which have varying lot sizes and locations in the Borough.
- To encourage these industries to meet accepted suburban performance standards on noise, odor, and other possibly harmful deterrents.
- To protect existing industrial development and industrially zoned land from non-compatible uses.

2025 Update: This goal and associated objectives continue to remain relevant. Given the rise in eCommerce, there has been a greater demand for warehouse space. It is recommended that the third objective be revised as follows:

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To encourage these industries to meet accepted suburban performance standards on noise, odor, traffic, and other possibly harmful deterrents.

In addition, the following additional objective is recommended:

To ensure businesses have access to attractive and high-quality infrastructure that allows them to expand their presence within the Township.

To minimize the visual impacts of large commercial structures from residential neighborhoods through quality design and landscaping.

Open Space

Goal 1 – Open space in the Borough provides both functional and psychic values. It is the goal of the Borough that adequate open space is available to provide for the physical and mental well-being of all residents of West Caldwell.

2025 Update: This goal continues to remain relevant. It is recommended; however, that the wording be revised as follows:

Open space provides value to the Township that ranges from functional (including recreation, flood mitigation, and habitat protection) to aesthetic. It is the goal of West Caldwell that adequate open space is available and accessible for the benefit of all residents, businesses, and visitors.

Goal 2 – Lands periodically inundated by flood waters must be protected from encroachment by residential development. Currently, no residential structures are located within the 1903 flood plain. It is the goal of the Borough to continue this policy.

The following five objectives support these goals:

- To locate open space and recreation areas so they are readily accessible to most residents of the Borough.
- To use open space lands as protection to developed areas from flooding.

- To design and utilize watercourses as important open spaces.
- To provide a variety of large and small open spaces to serve Borough-wide needs, as well as neighborhood need.
- To use open space as a buffer between non-compatible developments.

2025 Update:

The Township continues to experience flooding, and water issues appear to be worsening as storms will frequently drop several inches of precipitation over a short period.

FEMA Adopted new flood maps for West Caldwell that became effective April 3, 2020. These FEMA flood maps show residential structures within the floodplain, most notably a significant portion of the Crane’s Mill Retirement Community.

Moreover, the New Jersey Department of Environmental Protection’s Inland Flood Protection Rule took effect on July 17, 2023, which raise the base flood elevation from the FEMA maps by 3 feet; mapping released by Rutgers in 2024 shows that the extent of flooding under this scenario includes a significantly larger section of the Township. Notably, this includes the entirety of the commercial district at the intersection of Passaic and Bloomfield Avenues.

Based on the above, it is recommended that this Goal be revised to the following:

As flooding becomes more frequent and more severe, it is a goal of the Township to protect life, property, and infrastructure.

The objectives for Goals 1 and 2 continue to remain relevant, however, it is recommended that they be supplemented with the following:

The Township should consider participation in FEMA’s Community Rating System as a way to encourage floodplain management. This program recognizes communities that go

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beyond the minimum requirements, rewarding them with discounted flood insurance premium rates. The Township should consider an update to its Open Space and Recreation Plan.

The Township should update its Land Use Element to incorporate a Climate Change Related Hazard Vulnerability Assessment which will identify and evaluate areas of the Township at risk of extreme weather events, including increased precipitation and flooding, in order to develop a long-range plan for mitigation and resilience.

It is also recommended that the Township study the maximum lot coverage requirements for each zone district to ensure that the standards are appropriate.

The 1978 Master Plan contained a Land Use Plan Element intended to carry out Township's goals and objectives, listed above. The following list details the major elements of the Land Use Plan:

- No residential development should be permitted on land within the 1903 floodplain or in other designated floodplains.
- Residential development is to be located generally east of the PSE&G right-of-way and Passaic Avenue. Due to the flood plain lands, isolation from other residential areas and the non-residential character of surrounding areas, residential development in the western sections of the Borough should be limited to infill of existing neighborhoods.
- Retail uses are to be concentrated in the area of the Bloomfield Avenue – Passaic Avenue intersection.
- General commercial and office uses and higher density residential development are logical and desirable uses along Bloomfield Avenue and Passaic Avenue.
- Industrial development should be located in the northwest quadrant of the Borough adjacent to similar uses in Fairfield.

2025 Update: This section was revised in the 1989 Land Use and Housing Plan. See the following section for recommended updates.

The 1978 Land Use Element also made recommendations for certain land uses. Below is a summary of those recommendations.

Preservation of Floodplain Lands

In order to protect the Township's health, safety and general welfare from flood damage, it is recommended that flood prone lands be preserved. Additionally, it is recommended that residential structures be prohibited in the floodplain. Non-residential structures be permitted if the first-floor elevations are at least one foot above the 100-year or 1903 storm elevation, whichever is greater, and the proposed development does not increase the peak runoff rate or volume of runoff water.

2025 Update: This section was revised as part of the 1989 Land Use and Housing Element. See the following section.

Residential Land Use and Housing Plan

This section makes recommendations on the locations of the two proposed residential densities, low density (single-family dwellings) areas and medium density (apartments and town houses) along Bloomfield Avenue.

Low density residential areas are located in the eastern half of the Township, The Gardens subdivision and an area between Bloomfield Avenue and Clinton Avenue, west of Sanford Avenue. Much of this land was identified to be already developed. However, there are some scattered single lots throughout the Township. Some areas contain large parcels, such as between Passaic Avenue and the PSE&G right-of way, south of Bloomfield Avenue and along Fairfield Avenue, northeast of Spring Lane. Since these areas contain floodplain lands, two recommendations were made:

- The area west of Passaic Avenue and south of Howland Circle was recommended to be developed by clustering single-family homes.
- The area west of Passaic Avenue and north of Howland Circle and along Passaic Avenue was recommended to be developed with

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townhouses at a density of six to nine units per developable acres as conditional uses.

Medium density residential were proposed along Bloomfield Avenue from the Borough of Caldwell to Roosevelt School and from Distler Avenue to Johnson Avenue at a density of no more than 15 units per acre.

The Housing Plan discussed the condition of the Township’s housing stock and recommended locations for housing opportunities. The Gardens development and older homes in the northeastern section of the Township were identified as prime resources for moderate- and middle-income housing. Upgrades to stressed residential areas along Kanouse Place, Melrose Place and Spring Lane were recommended. The Housing Plan also recommended the provision of housing for senior citizen residents of the Borough.

In addition to the three areas of focus for residential development, two programs were recommended:

- Home Improvement Loan Program – The New Jersey Mortgage Finance Agency provides this program to “modest-income” householders seeking low interest loans for home improvements.
- Housing for the Elderly – Various Federal and State programs provide grants and loans for the construction of senior housing.

2025 Update: This section was revised and revisited as part of the 1989 Land Use and Housing Plan. See the following section. It is also worth noting that some of the funding programs have changed over the years; however, the Township’s most recent Housing Element noted that Essex County sponsors a Home Improvement Program. As of 2020, only one rehabilitation in West Caldwell has utilized this program.

Commercial Land Use Plan

This section of the Land Use Plan proposed three classes of commercial uses; retail and service, offices and general commercial and neighborhood

commercial. Locations for retail and services uses were recommended to be along Bloomfield Avenue between Roosevelt School and Sanford Avenue and along Passaic Avenue between Kirkpatrick Lane and Clinton Road due to the central location within the Township. Office and general commercial uses are recommended to be located north of Spring Lane between Passaic Avenue and Fairfield Avenue and west of The Gardens along Bloomfield Avenue. Finally, neighborhood commercial uses are recommended to be located along Bloomfield Avenue intermixed with medium density development.

2025 Update: This was reaffirmed in the 1989 Land Use and Housing Plan. Changes are proposed; see the following section for details.

Industrial Land Use Plan

The Plan recommended industrial uses remain in the northwest quadrant of the Township where the existing M-1 and M-2 zone districts are located. This area is also adjacent to industrial development in Fairfield.

2025 Update: This continues to remain relevant. This was revisited in the 1989 Land Use and Housing Plan; however, no changes were proposed.

Open Space Plan

Proposed categories of open space in this section were Township and County parkland and open space, areas within the 1903 floodplain and the Mountain Ridge Country Club. Open space areas also included school playgrounds and playfields. The Plan discussed keeping areas within the floodplain as open space to prevent the increased runoff and decreased retention resulting from development. These floodplain areas included land within the 1903 flood located east of the Essex County park lands and The Gardens development and the floodway and flood fringe located on a “Parcel 9” as identified in the Land Use Plan.

A discussion of the Mountain Ridge Country Club property recommended methods to help retain the golf course as the future may present pressure to

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more intensely develop the property. The methods listed were acquisition of development rights, tax abatement, public acquisition and management and limited development such as seasonal homes or an expanded restaurant to serve the public.

The Open Space Plan then discussed the status of the municipal park system. According to this section, all park lands proposed in the 1964 Master Plan were acquired by the Township. However, this Plan recommended additional park areas to serve the northern and southern sections of the Township. The municipally-owned land along Woodland Road was recommended to be developed as a park to serve residents north of the PSE&G right-of-way. Another area of municipally-owned land along portions of the Eisenhower Parkway right-of-way be developed into a park to serve residents west of Passaic Avenue in the southern area of the Township. Finally, other Township-owned lands and public service rights-of-way should be evaluated for park uses.

2025 Update: This was revised and revisited as part of the 1989 Land Use and Housing Plan.

Master Plan Reexamination Report (1982)

The July 1982 Reexamination Report affirmed and reinforced the goals and objectives of the 1978 Master Plan.

Land Use and Housing Plan (1989)

Similar to the 1982 Reexamination Report, the 1989 Land Use and Housing Plan also affirmed and reinforces the goals and objectives of the 1978 Master Plan. However, the 1989 Land Use and Housing Plan added the following goals and objectives:

General

An objective was added to the General Goal, which states “To preserve and conserve environmentally sensitive areas”.

2025 Update: This objective continues to remain relevant. No modifications are recommended at this time.

Residential

Housing opportunities for low- and moderate-income families including senior citizens should be provided and enhanced. The following objectives are listed under this goal:

- To permit flexibility in housing types including townhouses, garden apartments, duplexes, etc. to meet the special financial constraints of low- and moderate-income housing.
- To permit flexible zoning options to aid in proper residential development of the few large and environmentally sensitive properties remaining in the Township.
- To ensure reasonable development and redevelopment opportunities for the construction and rehabilitation of affordable housing for low- and moderate-income families.

2025 Update: The goal and objectives here continue to remain relevant. No modifications are recommended at this time.

Open Space

Wetlands should be incorporated into the open space system of the Township. Two objectives support this goal:

- To preserve all wetland areas as open space.
- To retain a reasonable upland buffer area around wetlands to protect the integrity of the wetland.

The 1989 Land Use Plan did not recommend any changes to the 1978 Land Use Plan.

2025 Update: The goal and objectives here continue to remain relevant. No modifications are recommended at this time.

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Similar to the 1978 Master Plan, the 1989 Land Use and Housing Plan also made recommendations for certain land uses, along with a guiding set of objectives. Below is a summary of those recommendations.

Guiding Objectives

The guiding objectives of the 1989 Land Use Plan were minimally changed from the 1978 Master Plan, notably the change in reference from Borough to Township. The first objective was also revised to replace references to the 1903 floodplain and to add protections to wetlands, as seen below:

- (i) No residential development should be permitted on land within the 100-year flood hazard area or in wetlands.
- (ii) Residential development is to be located generally east of the PSE&G right-of-way and Passaic Avenue. Due to flood plain lands and wetlands, isolation from other residential areas and the non-residential character of surrounding areas, residential development in the western sections of the Township should be limited to infill of existing neighborhoods.
- (iii) Retail uses are to be concentrated in the area of the Bloomfield Avenue - Passaic Avenue intersection.
- (iv) General commercial and office uses and higher density residential development are logical and desirable uses along Bloomfield Avenue and Passaic Avenue.
- (v) Industrial development should be located in the northwest quadrant of the Township adjacent to similar uses in Fairfield.

2025 Update: As noted previously, the Township's floodplains have been revised by FEMA. There are several areas of the Township where residential development is now located within the floodplain, and with increasing frequency of heavy precipitation events leading to flooding, it is not unreasonable to consider that additional properties outside of the flood

zone are, or will be, affected by flooding. A new objective is proposed to be added.

Existing development located within the floodplain, or that is found to be at risk of flooding due to increased storm activity, should be encouraged to pursue improvements that advance storm resilience where applicable.

Preservation of Environmentally Sensitive Areas

In contrast to the 1978 Master Plan, which focused strictly on floodplain lands, this section was expanded to include environmentally sensitive lands. It was revised to include the following recommendations:

- (i) Future flood damage can be significantly reduced by preserving floodplains as open space. No development, fill or soil removal shall be permitted in the floodway section of the floodplain.
- (ii) No residential structures shall be permitted in the 100-year flood hazard area. Residential structures are 24-hour activity uses. They serve as essential shelter to the family, providing food, social communion and rest. As a 24-hour activity serving all age groups, residential areas are much more susceptible to health and safety problems from flooding than are nonresidential areas, and should be accordingly protected.
- (iii) Non-residential structures may be permitted in 100-year flood hazard areas as long as:
 - first floor elevations shall be at least one foot above the 100-year storm elevation; and
 - the peak stormwater runoff rate shall be no greater after development than before development.
- (iv) No development shall be permitted in wetland areas as defined by the New Jersey Department of Environmental Protection, except that where such wetlands are encroached upon, they should be replaced on

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the site at a ratio of two acres of new wetland for each acre of wetland displaced.

- (v) Wetland buffer areas (i.e., upland areas immediately abutting wetlands) shall be protected to assure the future integrity and viability of the wetland.

2025 Update: These recommendations generally remain relevant. Recommendation “iv” above, however, should be revised to reflect that wetland mitigation and replacement is largely governed by the New Jersey DEP. A proposed revision is included below:

(iv) Any development of wetland areas shall comply with all state and federal requirements governing wetland protection, wetland mitigation, and wetland replacement.

Residential Land Use Plan

This section made minor revisions to the Residential Land Use Plan as outlined in the 1978 Master Plan, adding a section on “Affordable housing density areas,” which would be permitted as conditional uses within the low and medium density areas, where they would be permitted to contain higher densities than permitted for market-rate housing.

The 1989 Land Use and Housing Plan did not propose many changes to the low-density residential areas, noting that most of these areas of the Township have already been developed, with remaining vacant parcels containing wetlands and floodplains. To allow for some development of these areas, the Township had proposed clustering of single-family homes in the area generally west of Passaic Avenue and south of Howland Circle as a conditional use. For those areas west of Passaic Avenue, north of Howland Circle and along Fairfield Avenue, townhouses were recommended as conditional uses, however, the recommended density was reduced from a range of 6-9 to 6-8 dwelling units per developable acre.

The plan also reiterated the recommendation of protecting the residential densities of the residential area west of Sanford Avenue between

Bloomfield Avenue and Clinton Road. Finally, it proposed that no new residential areas be developed west of the PSE&G right-of-way.

Similarly, the 1989 Land Use and Housing Plan did not propose any updates to the medium density housing area.

The new addition to the 1989 Land Use and Housing Plan was the addition of an “Affordable Housing Areas” residential use, which included:

- Two-family homes on vacant lots as a conditional use in all residential districts where the vacant lot is 150 percent of the minimum lot area required in the zoning district providing that the structure would be owner-occupied, and one unit is specifically designated for affordable housing. The 1989 Plan goes on to further describe the recommended criteria for such housing, specifying that it should be located in residentially zoned areas east of Passaic Avenue and south of Bloomfield Avenue as in-fill to existing residential neighborhoods, that vacant lots suitable for development should not be larger than three acres, and that the siting and design of the buildings should be consistent and in character with adjacent buildings.
- Senior citizen housing as a conditional use in the R- and B-Districts, with a percentage reserved for low- and moderate-income seniors. The 1989 Plan goes on to further describe that such housing should be located in proximity to shopping, public transportation, and cultural and recreational opportunities in residential and business zoning districts.

2025 Update:

The 1978 Master Plan identified the need to upgrade and enhance “stressed” residential areas, including Kanouse Place, Melrose Place, and Spring Lane. The Township should consider investigating whether these areas, and potentially others, would qualify as an area in need of rehabilitation under the Local Redevelopment and Housing Law. Such a

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designation could help to encourage property owners to make improvements to their properties.

Townhouses were constructed as part of the Cranes Mill continuing care retirement development, west of Passaic Ave and just south of Howland Circle.

The Preserve West Caldwell, a multifamily development, also located west of Passaic Avenue and north of Howland Circle was also constructed.

The Township’s most recent Housing Element and Fair Share Plan was adopted in 2021, with an amendment adopted in early 2024. These plans identified 7 locations appropriate for affordable housing:

1. Mountain Ridge Country Club, through the adoption of an inclusionary overlay to permit residential uses at 6 dwelling units per acre.
2. Durkin—Located at 1120 Bloomfield Avenue (Block 1700, Lot 8), which would permit the site, currently used as an office building, to be developed for multi-family residential development, with a maximum density of 35 dwelling units per acre.
3. Block 1600, Lots 11, 12, and 22. The properties, located at 1085-1091 Bloomfield Avenue and 204 Clinton Road, will be rezoned to permit inclusionary multi-family residential development with a maximum density of 20 units per acre. The Planning Board approved the site plan application for this property (Greenwich House) in 2022. The property is now under construction.
4. Pio Costa—Located at 1200 Bloomfield Avenue (Block 1700, Lot 2), the site was rezoned to permit multifamily residential development of up to 40 units.
5. 75 Clinton Road—Also known as Block 1502, Lot 1. The site was rezoned to permit multifamily residential development at a maximum of 25 units.

6. Caldwell Nursery—Located at 246 Passaic Avenue (Block 2802, Lot 14.01), the site is part of an inclusionary overlay to permit residential development at a density of 10 units per acre.

7. B-2, B-3, M-1, and M-3 Zones. Certain properties within these zones along Passaic and Bloomfield Avenues are large enough to accommodate multi-family residential development. A conditional use ordinance was adopted for each zone to permit multifamily development above commercial and/or parking on lots of at least 4 acres, permitting a maximum density of 20 units per acre.

In addition, other projects, including the inclusionary development known as Heritage at West Caldwell, which was approved in 2009 (amended 2011), have been developed which contribute toward the Township’s affordable housing obligations.

The R-3A zone located between Fairfield Avenue and Natalie Drive contains several large vacant tracts, many of which are constrained by wetlands and floodplains. The zoning of these tracts should be reevaluated to ensure that any future development promotes resilience and minimizes impacts on the surrounding community.

Commercial Land Use Plan

The 1989 Land Use and Housing Plan did not propose any changes to this section.

2025 Update: As was noted in the 1978 and 1989 Master Plans, Office and Professional Uses were proposed along Bloomfield Avenue west of the Gardens. This area, referred to as “Vacant Parcel 2” in the 1978 Master Plan, was noted as not being suitable for residential development because of its flood prone condition. This parcel is still heavily constrained by the updated flood hazard map, and Land Use/Land Cover suggest that a significant portion of the property contains wetlands. It is likely that these natural constraints will limit its development potential.

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The Township also contains several retail and service uses along the northern section of Passaic Avenue, north of Fairfield Avenue. These parcels are currently zoned M-1.

Industrial Land Use Plan

The 1989 Land Use and Housing Plan did not propose any changes to this section.

2025 Update: Several properties located along the Passaic Avenue corridor in the northern M-1 industrial district are consumer-facing, including a restaurant, a childcare facility, and an autobody. The Township should consider rezoning this section of the M-1 zone to B-3.

Open Space

The 1989 Land Use and Housing Plan made several modifications to this section. This included areas within the flood hazard area and wetlands (previously just the 1903 floodplain). Of the three recommendations for additional municipal parkland from the 1978 Master Plan, two were reaffirmed:

- (i) It is recommended that Township-owned land and portions of the present Eisenhower Parkway right-of-way be developed as park area to serve the residential subdivisions west of Passaic Avenue in the southern portion of the Township.
- (ii) Consider park and recreational use of other Township owned land and Public Service right-of-way.

The recommendation that municipally owned land along Woodland Road be developed as a park to serve the area north of the PSE&G right-of-way was removed from the 1989 Land Use and Housing Plan.

2025 Update: The 2021 Housing Element and Fair Share Plan has included the Mountain Ridge Country Club as one of its compliance mechanisms,

specifically through an inclusionary overlay. Given the increasing severity of flooding, the Township should consider acquisitions that would help to mitigate flooding.

Eisenhower Parkway

The 1989 Land Use and Housing Plan included a section on the Eisenhower Parkway, which was proposed to extend into West Caldwell from Roseland, generally parallel to and west of Passaic Avenue, north to its joining with Passaic Avenue north of Clinton Road. The plan noted that the proposed alignment would have a substantial and significant negative impact on the existing residential neighborhoods and the undeveloped residentially zoned lands. The proposed alignment would also isolate vacant developable lands between it and the PSE&G right of way. The plan recommended that the alignment be relocated west of the PSE&G right-of-way with a terminus near Route 46.

2025 Update: Completion of the Eisenhower Parkway extension was most recently identified in the County's 2023 Transportation Plan. The plans do not appear to show a movement to west of the PSE&G right-of-way. The Township may wish to consider adopting an Official Map designating the unimproved right-of-way as a linear park.

1994 and 2000 Master Plan Reexamination Reports

The 1994 Reexamination Report did not recommend any specific changes to the Master Plan or development regulation since there had been no significant change in the assumptions, policies and objectives forming the basis of the last adopted Master Plan.

The 2000 Reexamination Report determined that the “major assumptions, policies, problems and objectives relating to land development in the Township remain substantially the same as those delineated in, and forming the basis for, the current Master Plan and last Reexamination Report”. Therefore, this Reexamination Report did not recommend any amendments or revisions to the Master Plan. It should be noted that this report stated

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that the Planning Board intends to provide a comprehensive review of the results of the 2000 Census. The Planning Board adopted “Addendum A”, which contained the 2000 Census data in May of 2003.

2006 Master Plan Reexamination Resolution

The Planning Board conducted a general reexamination of the Township’s Master Plan and development regulations again in 2006, the findings and recommendations of which were not detailed in a written report, but rather a resolution. The 2006 Reexamination Resolution found that the Township’s Master Plan to be acceptable, while also noting that revisions and amendments should be explored based on new data and circumstances, including the findings of the previously referenced 2003 “Addendum A.”

Specific Changes Recommended for the Master Plan or Development Regulations

The following section identifies specific recommendations for the Master Plan or development regulation, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

1. It is recommended that the goals and objectives of the Township’s Master Plan be revised to reflect the modifications listed in the prior section. (A list of revised goals and objectives is included as an Appendix to this report).
2. Considering that flooding in the Township appears to be occurring with greater frequency, it is recommended that the Township update its Master Plan, beginning with a Climate Change Related Hazard Vulnerability Assessment. This new requirement of the MLUL can then help to identify and inform updates to the Master Plan.

3. The Land Use Element of the Master Plan should be revised to reflect the numerous changes that have occurred since the adoption of the 1978 and 1989 Master Plans.
4. Consider rezoning those parcels along Passaic Avenue, north of Fairfield Avenue, from M-1 to B-3.
5. Given the new requirements from the state governing EV parking, it is recommended the Township adopt standards that ensure EV parking infrastructure is located and designed in a way that charging stations are designed so that they are accessible, yet do not produce excessive lighting impacts onto roads or neighboring properties from LED screens or other lighting features not necessary for the electric vehicle charging operation. The location should be sensitive to provide buffers between adjacent buildings and EV charging infrastructure and prohibit EV chargers within or under multi-family residential structures.
6. The Township should consider an ordinance governing warehouses as a conditional use. Such conditions should focus on the appropriate management of traffic, screening from residential areas, signage, lighting, and building design.
7. In recent years, the Planning Board has seen several applications relating to salons offering semi-permanent cosmetics as one of their offerings. Considering that the procedure is similar to, but not identical to tattooing, which is prohibited within the Township, the question was raised as to whether such services can be permitted. As the procedure is temporary, and is an accessory component to a salon, it is recommended that a definition of salons be added to the code to differentiate semi-permanent cosmetics from tattoo parlors.
8. Consider permitting ground-mounted mechanical equipment in the side yards for commercial zones, provided adequate screening, fencing and/or landscaping, is provided.

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9. The M-1 and M-2 zones only permit the overnight parking of trucks for any vehicle more than 30 feet in length, or having more than four wheels, except vehicles parked at approved loading docks. It is recommended that this provision be revised to permit such overnight storage of vehicles to include those not parked at a loading dock, provided that such vehicles are located in a rear yard and are shielded from public view through a combination of fencing and/or landscaping.
10. The Township may wish to define and regulate short term rentals and/or accessory dwelling units.
11. The Township should amend the zoning ordinance to allow “community residences for the developmentally disabled,” “community shelters for victims of domestic violence,” and “community residences for persons with head injuries” as permitted principal uses in all residential districts, pursuant to the requirements of the MLUL (N.J.S.A. 40:55D-66.1).
12. The Township should amend the zoning ordinance to allow “family day care homes” as an accessory use in all residential districts, pursuant to the requirements of the MLUL (N.J.S.A. 40:55D-66.5b). Family day care home means the private residence of a family day care provider which is registered as a family day care home pursuant to the “Family Day Care Provider Registration Act,” P.L.1987, c.27 (C.30:5B-16 et seq.) The Township may wish to consider requiring a permit or registration of such family day care homes for the purpose performing fire inspections.
13. To ensure consistency with the MLUL (N.J.S.A. 40:55D-66.6), childcare centers that are “licensed by the NJ Department of Human Services” shall be listed as a principal permitted use in all non-residential zones within the Township.
14. Houses of worship shall be permitted in all zone districts that permit other institutions or places of assembly, in accordance with RLUIPA.
15. The definitions section of the Land Use Regulations should be reviewed and amended where necessary.
16. To alleviate the number of variances requested from the Zoning Board of Adjustment for front yard setbacks to porches and porticos, it is recommended that the Zoning Ordinance be amended to allow for porch or portico to extend further into the required or nonconforming front yard.
17. It is recommended that the regulations be adopted to prohibit any new plantings of invasive running bamboo.
18. It is recommended that the application and escrow fees for site plan applications be reviewed and amended as appropriate.
19. It is recommended that the Sign Ordinance be reviewed and updated to comply with content neutral guidelines.
20. The Zoning Ordinance should be amended to permit solar and photovoltaic energy systems as an accessory or principal use in certain zone districts.
21. It is recommended that the Township study the maximum lot coverage requirements for each zone district to ensure that the standards are appropriate.

Recommended Changes in the Master Plan and Development Regulations to Effectuate Municipal Redevelopment Plans

There is currently one redevelopment plan that has been adopted by the Township of West Caldwell that should be incorporated into the municipal master plan and zoning regulations.

The Township Council adopted the Redevelopment Plan for the designated Area in Need of Rehabilitation “Rehabilitation Area” within the Township of West Caldwell, Essex County, New Jersey on March 6, 2018. The Rehabilitation Area is a 65.81 acre area encompassing lands on both sides of Bloomfield Avenue (Essex County Route 506), including Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, Block 2100, Lot 8, a portion of the Bloomfield Avenue right-of-way, and a portion of the Kirkpatrick Lane right-of-way (Essex County Route 613 Spur). The Redevelopment Plan created the RAO Rehabilitation Area Overlay Zone to encompass the entire Rehabilitation Area. The RAO Zone permits planned shopping centers on tracts with a minimum of 15 acres, retail and service uses, pharmacies, offices, restaurants, indoor recreation, childcare facilities, banks, etc. It is recommended that the Redevelopment Plan be incorporated into the Township Master Plan. The Redevelopment Plan was incorporated, by reference, into the Township’s Zoning Ordinance as of April 2020, and the Redevelopment Plan is provided as an attachment within the Ordinance.

As noted in the previous section, one of the recent amendments to the Local Redevelopment Housing Law applies to commercial buildings that have experienced extended vacancies for at least 2 years. Considering the notable drop in local employment since 2020, the Township may want to consider an examination of commercial office vacancies. Properties that are generally vacant, such as through the loss of a major tenant, could be

studied for redevelopment eligibility, and redevelopment plans could be prepared to reimagine these sites and put them back into productive use.

Recommendations Concerning the Installation of Electric Vehicle Charging Infrastructure

As noted in the previous section, Governor Murphy signed into law Senate Bill 3223 titled “An Act concerning electric vehicles supply equipment and make-ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.)” on July 9, 2021. This law amends the MLUL’s definition of inherently beneficial to include electric vehicle charging infrastructure. It also amends the law to permit electric vehicle supply equipment as a permitted accessory use and structure in all zoning districts within a municipality and precludes variances. The law states that an application for the installation of electric vehicle supply equipment at an existing gas station, retail establishment, or any other existing building shall not be subject to site plan or other land use board review provided it does not violate any bulk requirements. Moreover, all applications involving five or more multi-family units must provide 15 percent of the parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of the 15 percent of “make-ready” spaces. For other uses where site plan approval is required, there are also requirements for parking lots containing certain numbers of spaces to provide “make-ready” and/or actual charging equipment. The act took effect immediately and any development applications filed after July 9, 2021 are subject to these requirements.

The above requirements will help to encourage the development of Electric Vehicle Charging Infrastructure as part of certain new developments; however, the Planning Board recommends that the Township consider Electric Vehicle Charging Infrastructure at the following public facilities:

- Township Building/Library

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- Police Department/DPW Building
- Cedar Street & Westville Ave Pools

In addition to the above, while the Planning Board acknowledges that certain aspects of EV charging cannot be regulated at the local level as it is superseded by state law. For those areas of EV charging infrastructure that are within the control of the Township, the Planning Board makes the following recommendations:

- Establishing appropriate setbacks, particularly when parking is permitted in the front yard.
- Lighting requirements to ensure that no accessory lighting or digital displays associated with the charging infrastructure are visible from the property line.

Appendix A: Recommendations Summary

Summary of Recommendations, Responsible Parties and Benchmarks

Timing: Short = 1-2 years, Medium = 2-5 years, Long = 5-10 years

Action Item	Timing	Responsibility	Comments
1. Amend Goals and Objectives of the Master Plan.	Short	Planning Board	
2. Prepare and adopt a Climate Change Related Hazard Vulnerability Assessment.	Medium	Township Council; Planning Board	
3. Amend Land Use Element to include changes since 1978 and 1989 Master Plans.	Short	Planning Board	
4. Rezone parcels along Passaic Avenue, north of Fairfield Avenue, from M-1 to B-3.	Short	Township Council	
5. Adopt EV parking standards.	Short	Township Council	
6. Amend Zoning Ordinance to permit warehouses as a conditional use in the M-1 and/or M-2 Zones.	Short	Township Council	
7. Amend Zoning Ordinance to include a definition of salons to differentiate semi-permanent cosmetics from tattoo parlors.	Short	Township Council	
8. Amend Zoning Ordinance to allow ancillary mechanical equipment in the side yards for nonresidential zones.	Short	Township Council	

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Action Item	Timing	Responsibility	Comments
9. Amend Zoning Ordinance to allow overnight parking of trucks in rear yards.	Short	Township Council	
10. Amend Zoning Ordinance to define and regulate short term rentals and/or accessory dwelling units.	Short	Township Council	
11. Amend Zoning Ordinance to allow “community residences for the developmentally disabled,” “community shelters for victims of domestic violence,” and “community residences for persons with head injuries” as permitted principal uses in all residential districts, pursuant to the requirements of the MLUL (N.J.S.A. 40:55D-66.1).	Short	Township Council	
12. Amend Zoning Ordinance to allow “family day care homes” as an accessory use in all residential districts.	Short	Township Council	
13. Amend Zoning Ordinance to permit childcare centers that are “licensed by the NJ Department of Human Services” as a principal permitted use in all non-residential zones.	Short	Township Council	
14. Amend Zoning Ordinance to permit houses of worship in all zone districts that permit other institutions or places of assembly.	Short	Township Council	
15. Review and amend the definitions section of the Land Use Regulations where necessary.	Short	Township Council	
16. Review and amend the site plan fees and escrow fees section of the Land Use Procedures Regulations where necessary.	Short	Township Council	
17. Amend the Zoning Ordinance to allow for porches or porticos to extend further into the required or nonconforming front yard.	Short	Township Council	

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Action Item	Timing	Responsibility	Comments
18. Adopt regulation to prohibit any new plantings of invasive running bamboo.	Short	Township Council	
19. Review and update to the Sign Ordinance comply with content neutral guidelines.	Short	Township Council	
20. Amend the Zoning Ordinance to permit solar and photovoltaic energy systems as an accessory or principal use in certain zone districts	Short	Township Council	
21. Review and amend the maximum lot coverage requirements where appropriate.	Short	Township Council	
22. Amend the Zoning Ordinance to codify the RAO Rehabilitation Area Overlay Zone pursuant to the Bloomfield Avenue Redevelopment Plan.	Short	Township Council	
23. Examine commercial and office vacancies within the Township to identify areas that may be suitable for redevelopment or revitalization.	Short	Township Council	

Appendix B: Revised Goals & Objectives

1. General Goals and Objectives

Goal 1 – It is the goal of West Caldwell to maintain its suburban residential character with a strong regional employment base as well as adequate shopping to serve both the Township and surrounding communities. This requires an orderly location of land uses to preclude incompatible development and potential blighting influences. Living areas, working areas and leisure-time areas are to be coordinated and integrated to provide a balanced community development pattern.

- a) To capitalize on existing, vacant land resources to achieve both a desired pattern of residential development and ample open space and recreational amenities.
- b) To design new developments to support and enhance the existing character of the Township and the neighborhoods within which the new uses are located.
- c) To ensure that adjacent land uses are compatible with regard to such factors as noise, traffic, odor, activity and appearance.
- d) To provide through land development legislation the standards and the design flexibility to encourage mutually compatible and supportive development.
- e) To preserve and conserve environmentally sensitive areas.

2. Residential Goals and Objectives

Goal 1 – The preservation and enhancement of residential neighborhoods while encouraging decent, safe and sanitary housing is a major goal.

- a) To prevent the incursion of incompatible non-residential uses into residential neighborhoods.
- b) To establish a residential density pattern which will produce desirable concentrations of residences and will not overburden local community facilities or cause congestion.

- c) To sustain the high quality of the neighborhoods and to protect individual property values by encouraging proper standards of design, construction, privacy and a healthful living arrangement.

Goal 2 – The provision of a variety of housing types is desirable to serve the needs and abilities of all residents. The following objectives support this goal:

- a) To permit multi-family and townhouses in well-defined areas related to major roads.
- b) To protect the established single-family sections of the Township as a valuable and economical housing resource.
- c) To upgrade, revitalize, and reimagine older housing.
- d) To continue to comply with its constitutional obligations to provide opportunities for affordable housing.

Goal 3 – Housing opportunities for low- and moderate-income families including senior citizens should be provided and enhanced.

- a) To permit flexibility in housing types including townhouses, garden apartments, duplexes, etc. to meet the special financial constraints of low- and moderate-income housing.
- b) To permit flexible zoning options to aid in proper residential development of the few large and environmentally sensitive properties remaining in the Township.
- c) To ensure reasonable development and redevelopment opportunities for the construction and rehabilitation of affordable housing for low- and moderate-income families.

3. Commercial Goals and Objectives

Goal 1 – The existing commercial (shopping) base of the Township must be protected and strengthened. This can best be accomplished by concentrating, rather than dispersing shopping areas.

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- a) To concentrate major shopping activities on Bloomfield Avenue.
- b) To encourage quality design of commercial development that minimizes the appearance of sprawl along both Bloomfield Avenue and Passaic Avenue.
- c) To avoid overzoning for commercial development thereby creating a situation which encourages retail establishments unrepresentative of the Township's character.

4. Industrial Goals and Objectives

Goal 1 – An important element of a well-balanced community is office and industrial uses which not only provide job opportunities for local residents, but also is an important support for the tax base. It is the goal of the Township to encourage new office and industrial development, of a high-performance order, to locate in West Caldwell in order to provide the fiscal base necessary to maintain housing values.

- a) To protect the economic value of industrially zoned land by assuring good access and proper amenities.
- b) To provide sites and areas for office and industrial use which have varying lot sizes and locations in the Township.
- c) To encourage these industries to meet accepted suburban performance standards on noise, odor, traffic, and other possibly harmful deterrents.
- d) To protect existing industrial development and industrially zoned land from non-compatible uses.
- e) To ensure businesses have access to attractive and high-quality infrastructure that allows them to expand their presence within the Township.
- f) To minimize the visual impacts of large commercial structures from residential neighborhoods through quality design and landscaping.

5. Open Space Goals and Objectives

Goal 1 – Open space provides value to the Township that ranges from functional (including recreation, flood mitigation, and habitat

protection) to aesthetic. It is the goal of West Caldwell that adequate open space is available and accessible for the benefit of all residents, businesses, and visitors.

Goal 2 – As flooding becomes more frequent and more severe, it is a goal of the Township to protect life, property, and infrastructure.

- a) To locate open space and recreation areas so they are readily accessible to most residents of the Township.
- b) To use open space lands as protection to developed areas from flooding.
- c) To design and utilize water courses as important open spaces.
- d) To provide a variety of large and small open spaces to serve Township-wide needs, as well as neighborhood need.
- e) To use open space as a buffer between non-compatible developments.
- f) The Township should consider participation in FEMA's Community Rating System as a way to encourage floodplain management. This program recognizes communities that go beyond the minimum requirements, rewarding them with discounted flood insurance premium rates. The Township should consider an update to its Open Space and Recreation Plan.
- g) The Township should update its Land Use Element to incorporate a Climate Change Related Hazard Vulnerability Assessment which will identify and evaluate areas of the Township at risk of extreme weather events, including increased precipitation and flooding, in order to develop a long-range plan for mitigation and resilience.

Goal 3 – Wetlands should be incorporated into the open space system of the Township.

- a) To preserve all wetland areas as open space.
- b) To retain a reasonable upland buffer area around wetlands to protect the integrity of the wetland.