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Community Planning  
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### **PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN & LAND USE PLAN BOROUGH OF WHARTON MORRIS COUNTY, NEW JERSEY**

#### **PREPARED FOR:**

**BOROUGH OF WHARTON PLANNING BOARD  
BA# 1498.05**

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The original document was appropriately signed and sealed on September 13, 2005 in accordance with Chapter 41 of the State Board of Professional Planners.

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## **INTRODUCTION**

### **Overview**

As noted in the last Master Plan Report of 1994, the Borough of Wharton's Master Plan Reexamination Report review process is part of a continuing comprehensive planning tradition. The borough has adopted planning documents regarding its fair share housing obligation and a recreation and open space plan element of the master plan. Each of these reports was designed to guide the future development of the community. The 2005 Borough of Wharton Master Plan Reexamination Report provides the required statutory review of the community's land use policies and planning objectives and updates land use information in accordance with the New Jersey Municipal Land Use Law (MLUL).

This reexamination report represents a continuing effort on the part of the municipality to ensure that its planning policies and land use goals and objectives remain current and represent the issues affecting the municipality. This reexamination report utilizes the framework for such reports as established per the Municipal Land Use Law's statutory requirements. While it does not radically depart from the policies and land use goals set forth in the previous study, it does recommend modifications to the Borough's Land Use Plan and zoning ordinance. It also updates the demographic and related background information on the community utilizing the 2000 census. This reexamination continues to recognize that the established developed character of the community necessitates a planning response which focuses on supporting and preserving the unique character of the community, and identifying those areas warranting an upgraded planning and zoning approach to development.

This document is comprised of two principal sections. These include the following:

1. The first section addresses the community's planning and zoning issues within the framework of the statutory requirements of the MLUL and its master plan reexamination provisions. The MLUL requires municipalities to periodically reexamine their master plan and development regulations, and the statute mandates that the report must include, at a minimum, five key elements, which identify:
  - a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
  - b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
  - c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;
  - 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 regulation 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," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The second section of this document sets forth the Borough's Land Use Plan. This section is comprised of two sub-sections. There is an enumeration of planning goals, objectives, and policy statements, followed by the Land Use Plan which identifies a proposed distribution of land use and intensities-of-use.

The section concludes with specific zoning recommendations which are designed to implement the land use plan. The entire second section is designed to address item d above of the MLUL re-examination requirements.

### **The Legal Requirement for Planning**

The Municipal Land Use Law establishes the legal requirement and criteria for the preparation of a master plan and reexamination report. The planning board is responsible for the preparation of the master plan and its reexamination. These documents may be adopted or amended by the board only after a public hearing. The board is required to prepare a review of the plan at least once every six years.

The MLUL identifies the required contents of a master plan and the master plan reexamination. The reexamination provisions are set forth above. The Statute requires that the master plan include a statement of goals, objectives, and policies upon which the proposals for the physical, economic and social development of the municipality are based. The plan must include a land use element which takes into account physical features, identify the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and state the relationship of the plan to any proposed zone plan and zoning ordinance. The MLUL also requires municipalities to prepare a housing plan and recycling plan, and additionally identifies a number of other plan elements such as circulation, recreation, community facilities, historic preservation and similar elements, which may be incorporated into a comprehensive master plan document.

The master plan gives the community the legal basis to control development in the municipality. This is accomplished through the adoption of development ordinances which are designed to implement the plan's recommendations.

### **Previous Master Plan Efforts Undertaken By the Borough**

A summary of the borough's previous planning efforts is described below:

- In 1986, the borough adopted a periodic reexamination of the master plan. At that time, the redevelopment of the Thatcher Glass was a matter of concern. As a result, the report focused on an alternatives analysis of industrial, residential, office and mixed use redevelopment of the site.
- A subsequent planning effort was undertaken by the borough in 1994 when the Borough adopted its last master plan. The 1994 Master Plan included a land use plan element as well information relating to community facilities and environmental characteristics. That report analyzed and evaluated the potential development in the northeast section of the community and encouraged use of the redevelopment statute for a planning initiative in the revitalization of industrial sites in the community. The document also set forth recommended improvements for the central business district streetscape to create a unique downtown area for the community.
- In June 1998, the borough adopted a master plan amendment pertaining to the Irondale Mountain tract in the southwest portion of the community. The 128 acre parcel was changed from a low density residential designation to an Open Space/Parkland designation to reflect the borough's intent to acquire the site. As noted in a subsequent section of this reexamination report, the tract has been acquired by the borough as open space.
- An Open Space and Recreation Plan element was adopted by the borough in 2001. The report recommended the acquisition of five parcels to expand the community's land base for recreation and open space.

Wharton has also addressed its fair share affordable housing obligation in a manner consistent with the New Jersey Supreme Court's Mt. Laurel decisions and the provisions of the state's Fair Housing Act. In February of 1999 the Council on Affordable Housing (COAH) granted Wharton substantive certification of its second housing element and fair share plan, which addressed the borough's 1987 to 1999 fair share obligation of 89 units.

The Borough's current fair share plan includes credits and reductions for affordable housing activity that was provided for in the Borough's first-round plan, including credits for rehabilitation. Wharton's 1998 fair share plan provides for 42 units of new construction and 47 rehabilitated units. The Borough has also adopted a development fee ordinance and received COAH approval of its spending plan.

The borough has received an extension of substantive certification from COAH through December 20, 2005. The municipality is in the process of preparing a housing plan to satisfy the third round affordable housing obligation, as established by COAH.

The 2004 reexamination report is a culmination of the review and analysis by the Borough to establish an updated comprehensive plan to guide the future growth and development of Wharton. It builds upon the prior planning activities described above, and is designed to ensure that the borough's land use policies remain current, and are consistent with the applicable statutory criteria.

## **SECTION 1 – PERIODIC REEXAMINATION**

- I. Major Problems and Objectives Relating to Land Development in the Municipality at the time of the Adoption of the Last Reexamination Report**
  
- II. Extent to Which Problems and Objectives Have Been Reduced or Have Increased Subsequent to the Last Reexamination**
  
- III. Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives Forming the Basis for the Master Plan or Developmental Regulations as Last Revised, With Particular Regard to Specific Planning Issues and Government Policy**
  
- IV. Specific Changes Recommended for the Master Plan or Development Regulations, if any, Including Underlying Objectives, Policies and Standards, or Whether a New Plan or Regulation Should be Prepared**
  
- V. Recommendations Concerning the Incorporation of Redevelopment Plans into the Land Use Plan Element and Recommended Changes in the Local Development Regulations Necessary to Effectuate the Redevelopment Plans of the Municipality**

## **PERIODIC RE-EXAMINATION REPORT**

### **I. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT**

The MLUL initially requires a reexamination report to identify the major land use problems, and planning objectives that were enumerated in the most recently adopted master plan or reexamination report. The following is noted with respect to Wharton's 1994 adopted document.

#### **A. Major Problems Identified in the Prior Reexamination Report**

1. **Property Maintenance.** The previous master plan noted the aging character of the housing stock, as well as the age of commercial and industrial properties. The report acknowledged that sites are generally well maintained but would benefit from renovation and upgrading. The report noted the availability of low interest loans for income qualified residents through various Morris County programs and encouraged a greater degree of publicity to make residents aware of the availability of assistance.
2. **Separation of Uses and Buffers.** The report cited the need to reinforce the existing land use development pattern, particularly with regard to the protection of residential areas. The master plan supported efforts to prevent non-residential intrusion into residential areas. It also promoted design techniques to effectively separate different land uses through the use of appropriate buffers and landscaping. The regulation of intensities of use was also highlighted as a goal in the report.
3. **Recognition of Environmental Constraints.** The report noted that the community was largely developed and that future development of vacant land would necessitate consideration and evaluation of environmental constraints. The report noted that such constraints may contribute to limiting the future development potential of land in the municipality.
4. **Redevelopment of Industrial Sites.** At the time of the last master plan, the community contained a number of vacant industrial sites and the report noted that the redevelopment statute was a tool by which the community could take a proactive role in their redevelopment. The report noted that use of the state statute should be explored in order to promote the beneficial redevelopment of these properties.
5. **Future Access to Northeast Portion of Borough.** Access to the 90+ acre industrial area in the northeast section of the community was noted to be a crucial concern relating to the future development of that area. The intersection of Main Street and Dewey Avenue was identified as the primary gateway into the community from nearby highways. The report noted that the intersection operates at, or above, capacity during peak hours. An alternative connector roadway, bypassing the intersection, was mentioned as a possible solution worthy of further study.
6. **Added Commercial Development Along Route 15.** Commercial development was recommended for the Route 15 corridor, rather than industrial land use.
7. **Central Business District Improvements.** The upgrading of the Main Street Central Business District was included in the report as a planning concern. The planning document contained a conceptual streetscape plan to aid in establishing a unique identity for the borough's Central Business District.
8. **Regulating Residential Densities.** Many illegal two and three family dwellings were noted to exist in the community. The report highlighted the negative effects associated with the increased population densities resulting from these uses. The developed character of certain neighborhoods was viewed as having the

potential to become dominated by an increase in these land uses through use variance applications. Additional increases in residential densities were viewed as problematic and undesirable for the community.

9. **County Housing Subsidies.** The report noted that there was a disproportionate amount of county subsidized housing in the community relative to the borough's share of the county population.
10. **Open Space Needs.** The previous master plan noted the need for an increased amount of open space in the community based on population. The report cited four parcels to be acquired in the future for additional open space. The report noted that the community, at that time, had 22.4 acres of open space and recommended that the total should be closer to 43 acres of land.

## **B. Major Goals and Objectives Identified in the 1994 Master Plan Report**

The 1994 report enumerated a detailed and definitive set of goals and policy statements regarding the Borough's future growth and development. These general goals and objectives are set forth below:

### **General Objectives**

1. To encourage Borough actions to guide the appropriate use or development of all lands in Wharton, in a manner which will promote the public health, safety, morals and general welfare.
2. To secure safety from fire, flood, panic and other natural and man-made disasters.
3. To provide adequate light, air and open space.
4. To ensure development within the Borough does not conflict with the development and general welfare of neighboring municipalities, Morris County, and the State as a whole.
5. To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions and preservation of the environment.
6. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
7. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses, uses and open space, both public and private, in a manner compatible with the character of the Township and the environment.
8. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which would result in congestion blight, or unsafe conditions.
9. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
10. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources, and to prevent urban sprawl and degradation of the environment through improper use of land.
11. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

12. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals.

### **General Goals**

1. To maintain and enhance the existing areas of stability in the community; to encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character and existing density of the community by restricting incompatible land uses from established residential areas, and limiting intensities of use to the levels, and locations, prescribed herein.
2. To ensure that any prospective development is responsive to the Borough's environmental features, and can be accommodated while preserving these physical characteristics.
3. To encourage and provide buffer zones to separate incompatible land uses.
4. To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations, to serve the Borough.
5. To encourage the provision of County subsidized housing in the borough which is proportionate to the community's size and population.
6. To promote the continued maintenance and rehabilitation of the Borough's housing stock.
7. To discourage the proliferation of three family dwellings.
8. To preserve and enhance the community's commercial areas, particularly along Main Street, and provide suitable parking for central business district establishments.
9. To promote the redevelopment and reuse of the Borough's former industrial buildings and sites.
10. To support the State Development and Redevelopment Plan for growth management.

### **C. Major Land Use Issues Currently Facing the Municipality**

It is appropriate for the Borough to not only consider the major problems which were affecting the municipality at the time of the last re-examination report, but to also reflect on the current planning issues facing the community today. The following represents a list of the most significant planning concerns requiring the Borough's attention. Subsequent sections of the report offer specific recommendations with respect to the manner in which these issues may be addressed:

1. **Future Bypass Connector Road for North Main Street and Dewey Avenue.** The signalized intersection at North Main Street and Dewey Avenue continues to be problematic in terms of the delays experienced by motorists due to large volumes at this intersection. The intersection serves the majority of vehicles entering and exiting the borough via the nearby highway network. It also facilitates movements for north/south and east/west traffic destined for adjoining municipalities. This bypass road is the subject of ongoing engineering studies and technical coordination with Morris County officials regarding geometric design and funding.
2. **Central Business District Improvements.** The municipality has begun to explore the design issues related to streetscape and aesthetic improvements for the Main Street Central Business District corridor. Some

business and property owners have recently upgraded the appearance of buildings and made improvements. The formerly dormant Chamber of Commerce has also been resurrected in order to better coordinate events and efforts at establishing an identity for the business district. However, the area requires a more coordinated and comprehensive approach in establishing guidelines for design features in the area to create a uniform identity emanating the old style charm of the area. It is this old style charm which distinguishes the area from other nearby commercial areas. Further development and enhancement of this unique characteristic is essential in establishing the area as an attractive commercial niche, given the close proximity of the Rockaway Townsquare Mall complex to the north in Rockaway Township.

3. **Redevelopment of Former Air Products Site.** The former Air Products industrial site (Block 801 Lot 5.1) occupies 11.77 acres and is located on the southern side of East Dewey Avenue, just west of the Route 15 intersection. It is also relatively close to the Route 80 interchange. The site is currently vacant and all the previously existing industrial structures have been removed. The property adjoins an environmentally sensitive 13 acre tract to the south. If the bypass road is constructed, it will likely adjoin the west side of the Air Products parcel, thereby increasing its attractiveness for redevelopment. The site is currently zoned for industrial use. However, it is in a transitional location based on the existing land use pattern and future uses should be thoroughly evaluated with regard to fiscal, environmental and traffic impacts.
4. **Substandard Lot Configurations.** The rising real estate market has created increased pressure for further subdivisions of existing residential properties in the borough. Often times, the application is presented with variance requests for substandard lot area and lot width. For even larger tracts, there is increased pressure for more varied lot configurations, such as flag lots, to generate a greater number of development parcels. The borough recognizes that although some nonconforming lots exist, they rarely dominate the developed character of a neighborhood. Therefore, the community seeks to reaffirm the existing land use policies established in the land use plan element and the zoning regulations.
5. **Two Family and Multi-Family Dwellings.** The strong real estate market and demand for housing also creates pressure to convert existing dwellings into two family and multifamily residences. Due to the narrowness of many borough streets and the compact lot arrangement in many neighborhoods, this creates a detrimental effect on the quality of life in the area. The result of increased density in developed areas results in greater demand for on street parking and increases the level of activity and noise in a neighborhood. Increased population densities are not appropriate for many areas of the community and any proposals to increase the intensity of use for a residential property should be thoroughly evaluated with regard to the compatibility with the zone plan and zoning ordinance.
6. **Acquisition of Open Space.** Although the borough has acquired several significant tracts of open space over the past decade, there remain additional tracts worthy of preservation. The borough has utilized the Morris County Open Space and Farmland Preservation Trust Fund to aid in acquisition of properties on Dezso Street, Clarence Street and Irondale Mountain. The borough will continue to seek funds available for further preservation efforts, particularly for farm qualified lands in the southwest portion of the community.
7. **Recognition of Environmental Constraints.** The developed nature of the borough, real estate market trends and state regulations such as the Highlands Preservation Act and Stormwater Management Rules, will create additional pressure for the redevelopment of properties in the community. Since the last master plan, the borough implemented a steep slope ordinance and tree preservation ordinance to preserve vegetation and existing topographic characteristics. The imposition of DEP's Stormwater Management Regulations will create areas requiring significant buffers from designated waterways. Attention to the environmental characteristics of a site during the review process is essential to maintain a complementary development pattern in the borough.
8. **Stormwater Management.** Due to the recent changes to the N.J.D.E.P. requirements for the management of stormwater, the relative ordinance provisions should be amended. The requirements should be included in the review of future development applications.

9. **Zoning Updates.** The municipality would benefit from further refinement of zone district boundaries and other actions as noted herein. These issues are further detailed within the ordinance recommendations of this report.

## **II. EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST REEXAMINATION**

The Borough has been successful in addressing a number of the goals and objectives, as well as the planning problems, highlighted in the prior planning report, although others require continued efforts. The remaining issues, as noted in the prior master plan, are a function of the type of long-range planning concerns which they represent, the general nature of most of the problems and objectives, and the extent and type of development which the Borough has experienced through the 1990's to the present. The general planning concerns regarding the impact of development upon the community, the protection of environmentally sensitive features, and the preservation of existing established residential neighborhoods all represent long term issues which focus on the inherent character of the community, and consequently necessitate continual assessment and reassessment on the part of the borough. The following outlines the issues which have been partially addressed, while others continue to remain critical concerns:

1. **Main Street and Dewey Avenue Intersection.** The intersection of Main Street and Dewey Avenue serves as a gateway into the Borough from the nearby highway network and operates with heavy traffic volumes. The Borough has been actively pursuing the construction of a new bypass roadway connecting North Main Street to East Dewey Avenue, farther east, to relieve volumes at the existing intersection. The L.E. Carpenter tract was recently designated as a redevelopment area as part of the Borough's ongoing planning process to secure this much needed transportation improvement. This issue remains a high priority and this policy is affirmed in this reexamination.
2. **Relocation of Municipal Offices.** The Borough recognizes the need for additional space for municipal operations, particularly with regard to the police department and municipal court functions. The Wharton Police Department and Municipal Court perform a regionalized service to the adjoining community of Mine Hill Township. The Borough is examining the adaptive reuse of a portion of the existing buildings on the L.E. Carpenter tract as a municipal complex with adjoining land to be developed for public recreation facilities. This location allows the opportunity to create a combined municipal administrative office and recreation complex with Main Street visibility and expanded parking.
3. **Open Space Acquisitions.** The 2001 Open Space and Recreation Plan Element identified five parcels for potential acquisition to serve the Borough's needs regarding open space, recreation and preservation of a property with historical value. The sites identified are as follows; Block 1704 Lot 2; Block 1710 Lot 3; Block 1902 Lot 14; Block 1501 Lot 3; and Block 1801 Lot 41. To date, one of these sites (Block 1710 Lot 3) was acquired through the assistance of the Morris County Open Space Trust Fund.

Block 1704 Lot 2 is occupied by an original Port Oram house, which has historical and cultural significance to the community. The site's location between two portions of open space occupied by historical monuments makes it especially appropriate to serve as a meeting place for historic and cultural activities. The borough should pursue continued negotiations to acquire this parcel.

Two of the larger parcels cited in the open space plan continue to be worthy of preservation. It is recommended that the Borough advance toward acquisition of these sites: Block 1501 Lot 3 containing 14 acres northeast of Irondale Road and Bartek Lane, and Block 1801 Lot 41 which comprises 5.3 acres and adjoins residential parcels on the south side of Sherwood Place and extends southward to the Mine Hill Township boundary.

Block 1902 Lot 14, comprising 8.19 acres on the south side of St. Mary's Place has various environmental constraints which will likely preclude any future development of this parcel. Therefore, it is recommended that the site be withdrawn from consideration for open space acquisition.

4. **Redevelopment of Former Industrial Sites.** Block 903 Lot 2 occupies 22.34 acres and was previously an industrial property utilized by a pipe manufacturing business. The parcel went through bankruptcy proceedings, the manufacturing structures were demolished and environmental clean up was completed. The site, located at the northeast corner of Harry Shupe Boulevard and North Main Street, was designated by the borough as a redevelopment area in 2003. A redevelopment plan was subsequently adopted by the Borough. In conjunction with the redevelopment plan, Wharton implemented a new zone district to facilitate the redevelopment of this parcel known as the MB Mixed Business District. The district allows commercial, business and office use, as well as eating and drinking establishments, banks and financial institutions. Light industrial uses may be combined with office use in the zone. The site received preliminary site plan approval by the planning board on December 16, 2003 for development consistent with the MB district regulations. The approved site plan called for a commercial and office/light industrial development totaling approximately 111,000 sf.
5. **Land Use Regulations and Zoning Map.** Since the last comprehensive zoning revision, the Borough has updated several sections of the Land Use Code and rezoned a number of parcels to further ongoing land use policies of the community. However, the zoning map was prepared in 1994 and has not been updated. It is recommended that the zoning amendments be incorporated into a recodified version of the Borough's Land Use and Development Regulations. An updated base map, delineating current property lines and existing zoning districts in the Borough has been prepared in conjunction with this reexamination report.
6. **Base Information.** Since the last Borough master plan in 1994, the Morris County Planning Department has completed the preparation of a geo-referenced G.I.S. database of the entire county which the municipality has obtained for the mapping of Wharton. This database oriented mapping will assist in the ongoing management of the Borough's zoning and land use issues as well as its infrastructure. This database should be further developed and it is recommended that the accuracy of this information be periodically updated, particularly with regard to the delineation of lots, property lines and paper streets. It was noted in preparing the information for this reexamination report that some lot line configurations were not consistent with the Borough tax maps.
7. **Intensification of Single Family Dwelling Construction.** The Borough's Board of Adjustment has reviewed several variance applications for lot coverage variances corresponding to additions on existing single family dwellings. It is recommended that future board reviews of residential development applications should critically evaluate variations relative to building coverage and setbacks in order to safeguard the character of the neighborhood and the zone plan. The borough should require specific information per a checklist from these types of applications to insure that the board has the appropriate information available for its review.
8. **Increased Density Pressures.** Due to the lack of available vacant land in the Borough, there is an increasing trend toward subdivision of lots to construct additional dwellings on nonconforming lots and redevelop single family structures with two family or multi-family structures. The existing land uses in the community were evaluated in this reexamination report, particularly the locations of two family and multi-family structures. This analysis generated conclusions regarding the potential rezoning of certain properties in an effort to scale back areas of the community which are currently developed as single family residential areas, but have the potential to be converted to two family use under the current zoning regulations.
9. **Flag Lot Configuration.** As with the density pressures noted above, and the appeal of Wharton as a desirable community to live in, there is pressure to subdivide remaining lands in a manner which creates flag lot configurations. Flag lot configurations are not appropriate based on safety and aesthetic issues

related to the irregularity of such lots. This reexamination also evaluated the potential rezoning of some areas to more closely fit the developed character of the area. A recommendation is set forth regarding the introduction of a new zoning requirement for the minimum lot area within a specified distance of the right of way to further discourage flag lot configurations.

10. **Central Business District Improvements.** The borough's central business district needs further enhancement to create a unique identifying character. In order to build upon the ongoing efforts, such as reactivation of the chamber of commerce, the borough needs to initiate land use policies to further the appeal and success of the commercial district. The borough should consider analyzing the amount of parking available, develop and implement design guidelines for signage and architectural features for buildings in the district, implement a procedure for review of changes of use and tenancy changes to assure continued progress toward a unifying Main Street character and pursue grants and funding for streetscape and pedestrian improvements for the area.
11. **Housing Plan** The borough's substantive certification from the Council on Affordable Housing expired in 2005 and an extension of certification was granted. The borough is in the process of preparing an updated Housing Element and Fair Share Housing Plan to petition COAH for third round certification in 2005.

**III. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES, AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENTAL REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO SPECIFIC PLANNING ISSUES AND GOVERNMENTAL POLICY**

There are a number of substantive changes at the state and local level that were not contemplated at the time of the preparation and adoption of the 1994 Master Plan, which require the Borough’s attention. Additionally, the Borough has experienced modest changes in growth and development which are also noteworthy. The following is noted:

**A. Changes at the local level**

1. **Population Size.** The 2000 census indicated that the Borough had a population of 6,298 residents (see accompanying table), a 16.5 percent growth from 1990. This population growth reversed the slight declining trend the Borough experienced between 1970 and 1990, when 130 residents emigrated from the community. However, recent population estimates for 2001 through 2003 suggest that another declining trend may be occurring, as population has decreased by 75 residents over these three years.

**Table 1  
Historic Population Trends: 1920 - 2003  
Wharton, New Jersey**

<b>Year</b>	<b>Population</b>	<b>Population Change</b>	<b>Percent Change</b>
1920	2,877	---	---
1930	3,683	+806	+28.0
1940	3,854	+171	+4.6
1950	3,853	-1	0.0
1960	5,006	+1153	+29.9
1970	5,535	+529	+10.6
1980	5,485	-50	-1.0
1990	5,405	-80	-1.5
2000	6,298	+893	+16.5
2001*	6,230	-68	-1.0
2002*	6,234	+4	+0.06
2003*	6,223	-11	-0.2

Source: U.S. Census of Population, 1920-2000 \*Estimated Population Figures, Source: US Census

2. **Age Characteristics.** The age characteristics of the Borough’s population are presented in the following table. The 2000 census indicates that the Borough's population continues to get older, with the median age increasing to 35.7 years of age from a 1990 median age of 34.2 years and a 1980 median age of 31.8 years. As the population continues to age, the “baby boomer” generation approaches retirement, and the survival rate of individuals 65 years and older increases, there will be significant impacts on community planning over the next two decades, particularly in the increased need for public and private facilities that address the needs of an increasing senior population.

**Table 2**  
**Age Distribution: 1990 & 2000**  
**Wharton, New Jersey**

Age Group	1990		2000	
	Population	%	Population	%
under 5	368	6.8	464	7.4
5-14	641	11.8	933	14.8
15-24	740	13.7	671	10.6
25-34	1,046	19.3	994	15.8
35-44	893	16.5	1,145	18.2
45-54	604	11.2	829	13.2
55-64	478	8.8	551	8.7
65-74	371	6.9	351	5.6
75-84	204	3.8	269	4.3
85+	60	1.1	91	1.4
<b>Total</b>	<b>5,405</b>	<b>100.0</b>	<b>6,298</b>	<b>100.0</b>
	<i>1990 Median Age: 34.2</i>		<i>2000 Median Age: 35.7</i>	

Source: 1990 & 2000 U.S. Census

3. Birth and Death Statistics. The number of births is also important in assessing future needs for community facilities and services, particularly with respect to the school system and recreational facilities. As shown below, between 1990 and 2002, there was an average of 92 births per year in the Borough. Unfortunately, death statistics are not available for comparison, as the State Health Department has not recorded such data since 1988. According to officials at the department, this is due to a chronic problem with the assignment of municipal residence on vital records due to differences between postal boundaries and municipal boundaries. A detailed explanation is set forth in the Appendix to this report.

**Table 3**  
**Births: 1990 - 2002**  
**Wharton, New Jersey**

Year	Births
1990	90
1991	99
1992	86
1993	94
1994	99
1995	99
1996	88
1997	84
1998	90
1999	88
2000	82
2001	99
2002	100
<b>Total</b>	<b>1,198</b>

Source: State of New Jersey Department of Health and Senior Services

4. **Household Size.** Between 1970 and 1990, the Borough's average household size continually decreased, from 3.15 persons per household in 1970 to 2.64 persons per household in 1990. This trend is consistent with most municipalities in Morris County, which experienced a decrease in average household size from 3.40 persons to 2.78 persons per household between 1970 and 1990. However, whereas the County as a whole experienced a further decline to 2.72 in 2000, Wharton saw a slight increase in average household size to 2.70 persons.

**Table 4**  
**Average Household Size: 1970 - 2000**  
**Wharton, New Jersey**

Year	Population	Number of Housing Units	Household Size	
			Wharton	Morris County
1970	5,535	1,755	3.15	3.40
1980	5,485	2,010	2.73	3.02
1990	5,405	2,122	2.64	2.78
2000	6,298	2,328	2.70	2.72

Source: U.S. Bureau of the Census, 1970-2000

5. **Housing Characteristics.** This section provides a brief overview of the characteristics of Wharton's housing stock. The 2000 Census indicated there was a 12.8 percent increase in the number of housing units in the Borough, increasing from 2,122 units in 1990 to 2,394 in 2000. As shown in the following table, this increase appears to be the result of steady increases in both owner-occupied and renter-occupied housing units.

**Table 5**  
**Year-Round Housing Units**  
**By Tenure and Occupancy Status: 1990 & 2000**  
**Wharton, New Jersey**

Category	1990		2000	
	Number of Units	Percent	Number of Units	Percent
Owner Occupied	1,276	60.1	1,454	60.7
Renter Occupied	768	36.2	874	36.5
Vacant Units	78	3.7	66	2.8
<b>Total</b>	<b>2,122</b>	<b>100.0</b>	<b>2,394</b>	<b>100.0</b>

Source: 1990 & 2000 U.S. Census

Between 2000 and 2003, a total of 1 building permit and 5 demolition permits were issued by the Borough (see Table 8). Therefore, we can estimate that there were a total of 2,390 year-round housing units in Wharton at the beginning of 2003.

The following table indicates the relative age of the Borough's housing stock, revealing that nearly 60 percent of the housing units were constructed prior to 1960. In fact, over a third of the Borough's housing stock was constructed before 1939. In contrast, only 10.7 percent of all housing units have been built since 1990.

**Table 6**  
**Year Structure Built: 2000**  
**Wharton, New Jersey**

<b>Year Structure Built</b>	<b>Number</b>	<b>Percent</b>
1999 to March 2000	8	0.3
1995 to 1998	190	8.2
1990 to 1994	51	2.2
1980 to 1989	247	10.6
1970 to 1979	238	10.2
1960 to 1969	263	11.3
1940 to 1959	529	22.7
1939 or earlier	802	34.5
<b>Total</b>	<b>2,328</b>	<b>100.0</b>
<b>Median year built</b>		
Owner-occupied units	<b>1956</b>	
Renter-occupied units	<b>1957</b>	

Source: 2000 U.S. Census

The majority of the Borough's housing is single-family detached dwellings. There are a total of 1,510 single-family dwellings in the Borough, representing nearly 65 percent of all housing in the community. This is a slight increase from 1990, when single-family dwellings accounted for approximately 63 percent. The census data also reveals that there are a substantial number of units within multi-family developments, as reflected in the accompanying table

**Table 7**  
**Units in Structure: 1990 & 2000**  
**Wharton, New Jersey**

<b>Units in Structure</b>	<b>1990</b>		<b>2000</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Single Family, Detached	1,069	50.4	1,223	52.5
Single Family, Attached	260	12.3	287	12.3
2	385	18.1	404	17.4
3 or 4	160	7.5	124	5.3
5 to 9	121	5.7	63	2.7
10 to 19	77	3.6	73	3.1
20+	0	0.0	133	5.7
Mobile Home	23	1.1	21	0.9
Boat, RV, Van	n/a	n/a	0	0.0
Other	27	1.3	n/a	n/a
<b>Total</b>	<b>2,122</b>	<b>100.0</b>	<b>2,328</b>	<b>100.0</b>

Source: 1990 & 2000 U.S. Census

- Recent Development Activity.** The following table provides data on the amount and type of residential development that has occurred in the Borough since 1990. The data reveals that of the 133 building permits issued, 129 (97 percent) were for single-family dwellings.

**Table 8**  
**Number of Residential Building and Demolition Permits Issued: 1990 - 2003**  
**Wharton, New Jersey**

Year	Building Permits			Demolition Permits
	Single-Family	Multifamily	Total	
1990	1	0	1	0
1991	3	0	3	0
1992	2	2	4	0
1993	6	0	6	1
1994	5	0	5	0
1995	31	0	31	4
1996	34	2	36	3
1997	30	0	30	2
1998	16	0	16	0
1999	0	0	0	2
2000	1	0	1	3
2001	0	0	0	0
2002	0	0	0	1
2003	0	0	0	1
<b>Total</b>	<b>129</b>	<b>4</b>	<b>133</b>	<b>17</b>

Source: New Jersey Department of Labor;  
New Jersey Construction Reporter, New Jersey Department of Community Affairs

Data concerning site plans that have been reviewed for non-residential uses was obtained from the Morris County Planning Board. The data indicates that the Borough experienced a modest amount of non-residential development activity between the years 1993 and 2003, peaking in 1995 and 1996. During this time, a total of 1.8 million square feet of non-residential space was reviewed, representing just about 4 percent of all non-residential space reviewed in the County. In contrast, a total of 2.1 million square feet of non-residential space was reviewed between 1989 and 1992 alone, which included renovation of the vacated Thatcher Glass building.

**Table 9**  
**Non-Residential Development**  
**Reviewed by Morris County Planning Board**  
**In Square Feet: 1993 – 2003**  
**Wharton, New Jersey**

Year	Site Plan Approvals (Sq. Ft.)		
	Morris County	Wharton	
		Total	Percentage*
1993	2,679,939	121,852	4.5%
1994	1,880,768	0	0%
1995	2,602,297	535,000	20.5%
1996	2,872,403	535,000	18.6%
1997	3,283,932	0	0%
1998	5,853,391	0	0%
1999	10,047,807	86,400	0.9%
2000	6,691,158	379,200	5.7%
2001	2,594,159	0	0%
2002	3,658,616	0	0%
2003	3,549,911	111,000	3.1%
<b>Total</b>	<b>45,714,381</b>	<b>1,768,452</b>	<b>3.9%</b>

Source: Development Activity of Morris County, Morris County Planning Board; 1993 - 2003.

\* Percentage from total non-residential development approved in Morris County

The trend in non-residential development in the Borough has remained heavily industrial. From 1987 to 1992, industrial space was the primary type of non-residential development, accounting for 85 percent of all nonresidential space approved. This represented approximately 1.3 million square feet of industrial space. During this period, 223,000 square feet of commercial space was approved (15 percent of the total). Since 1993, nonresidential development in the Borough has continued to be overwhelmingly industrial. As shown in the table below, industrial space represented 77 percent of all non-residential development with over 1.3 million square feet. During this period, approximately 406,000 square feet of commercial space was approved.

**Table 10**  
**Non-Residential Development**  
**Reviewed by Morris County Planning Board**  
**In Square Feet; 1993 – 2003**  
**Wharton, New Jersey**

Year	Commercial	Industrial	Office	Other*	Total
1993	121,852	0	0	0	121,852
1994**	0	0	0	0	0
1995**	0	535,000	0	0	535,000
1996**	0	535,000	0	0	535,000
1997**	0	0	0	0	0
1998***	0	0	0	0	0
1999***	86,400	0	0	0	86,400
2000***	86,400	292,800	0	0	379,200
2001***	0	0	0	0	0
2002***	0	0	0	0	0
2003***	111,000	0	0	0	111,000
<b>Total</b>	<b>405,652</b>	<b>1,362,800</b>	<b>0</b>	<b>0</b>	<b>1,768,452</b>

Source : Development Activity of Morris County, Morris County Planning Board; 1993 - 2003.

\* : "Other" includes institutional, utilities, churches, etc..

\*\* : Site plan's 20,000 sq. ft. or larger

\*\*\* : Site plan's 50,000 sq. ft. or larger

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

Below is a summary of changes at the State level since Wharton's 1994 Master Plan.

**1. Highlands Water Protection and Planning Act.** The Highlands Water Protection and Planning Act, passed by the New Jersey State legislature on June 10, 2004, significantly impacts land use planning and environmental protection throughout the 800,000 acre region. The New Jersey Highlands Region includes 88 municipalities from seven counties throughout the State. The legislation authorizes and directs a newly established Highlands Water Protection and Planning Council to effectuate the Act's goals through a comprehensive set of powers. The Act charges and empowers the Highlands Water Protection and Planning Council, a 15 member political subdivision of the State created under this Act, with a number of duties – including the adoption of a regional master plan within 18 months of the Council's first meeting.

The Act divides the Highlands region into two areas – the Preservation Area and the Planning Area. While the Act severely restricts and controls development in the Preservation Area, the Act's treatment of development in the Planning Area is more permissive. A regional master plan, to be prepared and adopted by the Council, will effectuate appropriate and coordinated land use decisions within the region. Within nine to 15 months of Plan adoption, each municipality and county wholly or partially in the Preservation Area must revise its master plan and development regulations to conform to the goals, requirements and provisions of the regional master plan. Revisions must be submitted to the Council for its approval, rejection or conditional approval. If a municipality or county fails to adopt or enforce these revisions, the Act authorizes the Council to adopt and enforce rules and requirements necessary to implement the regional master plan on its behalf. The Act offers incentives to municipalities and counties located within the Planning Area to do the same. A strict permitting review process for all "major Highlands development" (carried out by the Department of Environmental Protection), further limits the location, character and type of development allowed in the Preservation Area.

While development in the Preservation Area is severely restricted through the permitting process and regional master plan provisions, the Planning Area allows sensible, smart growth development that is sensitive to natural resources.

The Act empowers the Council to provide financial and technical assistance to Highlands municipalities for activities such as the creation of Transfer of Development Rights (TDR) ordinances and the revision of master plans and development regulations. Moreover, upon request, the Council will provide legal representation to a Highlands municipality or county in any cause of action filed against it contesting a Municipal Land Use Law (MLUL) decision, as long as the decision is consistent with the regional master plan.

The Act directs the Council to establish a TDR program as a tool to effectuate the intent of the legislation. It provides for a TDR program modeled after the program created by the State Transfer of Development Rights Program (C.40:55D-137 et seq.) with certain defined exceptions.

The State Transfer of Development Rights Program provides municipalities throughout the State with a tool to conserve land and grow smartly without the need for costly land purchases. Essentially, a participating municipality would identify “sending” and “receiving” zones upon which development potential would be sold. Landowners in sending zones could sell their building rights to developers in receiving zones in return for a restrictive covenant on their property - preserving it in perpetuity. Sending zones are those areas that are less suitable for development because of environmental constraints, distinct features or inadequate infrastructure. A developer who purchases the development rights is entitled to build at a higher density than that which is permitted by the base zoning. Receiving zones are those lands suitable for development that have, or are planned to have, adequate infrastructure to support development.

The program prescribes certain procedures that must be followed in order for a municipality to implement a TDR program. A municipality must amend its master plan to include (1) identified sending and receiving areas with an analysis of how the anticipated population growth can be accommodated, (2) a capital improvement program, and (3) a utility service plan element. The law also requires that the municipality prepare a real estate analysis to demonstrate the relationship between supply and demand for the anticipated development rights. In the case of the Highlands, the Act requires that the Highlands Council perform this real estate analysis for the entire region.

The State Transfer of Development Rights Program allows the establishment of a TDR bank to act as an intermediary for these transactions. Municipalities can establish their own bank, make use of the State TDR bank, or use a TDR bank established at the county level. A TDR bank can purchase the development potential of properties and convey that potential to interested developers. The bank is allowed to establish a municipal average of the value of the development potential in order to carry out its transactions. The Highlands Act requires that the Council establish the initial value of a development right.

While the Act requires that the Highlands TDR program be consistent with the State Transfer of Development Rights Act, it identifies a variety of exceptions or distinctions. First, the Council is required to identify sending and receiving zones for the region within 18 months of enactment. Moreover, the Act provides the Council with a goal of identifying four percent of the Planning Area as voluntary receiving zones, and it directs the Council to work with municipalities to identify State designated centers as voluntary receiving zones. The Council must provide a variety of assistance to municipalities for the purpose of effectuating this program. Activities in which the Council must assist municipalities include: (1) analyzing receiving zone capacity, (2) developing TDR ordinances, and (3) establishing the initial value of a development right. Various state entities with expertise in these areas, including the Office of Green Acres and the State Agricultural Development Department Committee, are required to offer technical assistance to the Council with regard to this program.

The Act encourages municipalities to accommodate increased density in the Planning Area through targeted incentives for that purpose. A Highlands municipality that agrees to create a voluntary receiving zone with a minimum density of five dwelling units per acre is subsequently:

- Eligible for an enhanced planning grant of up to \$250,000
- Eligible for a grant to reimburse the costs of amending regulations to allow the receiving zone
- Authorized to impose impact fees no more than \$15,000 per dwelling unit through ordinance (with certain restrictions)
- Accorded priority status in the Highlands region for any State capital or infrastructure programs

Non-Highlands municipalities with state plan endorsement that establish a receiving zone from a sending zone in Highlands are also eligible for the above incentives – with the exception of the priority status.

The Borough of Wharton has been classified in the planning area of the Highlands. It is recommended that the Borough consider the benefits associated with identifying as a receiving municipality for the TDR program. Land in the northeast section of the municipality is situated in close proximity to the highway network and may be suitable for consideration regarding this mechanism.

**2. Surface Water Quality Standards and Classification.** The NJDEP adopted Surface Water Quality Standards (SWQS) and Surface Water Classifications on July 10, 2004 and the rules became effective August 2, 2004. These regulations were enacted to provide protection for the drinking water supply of New Jersey’s growing population. NJDEP identified key water bodies to receive special protections based on providing drinking water and serving as high quality habitats for New Jersey’s aquatic species.

Also as part of this effort, NJDEP also implemented regulations providing water quality protection including stormwater regulations that update the Stormwater management rules for the first time since 1983. The new rules prioritize groundwater recharge by preventing roadways and parking lots from transporting this resource directly into streams and rivers.

The Category One Water Classification is a special level of protection for specified waterways. It focuses on waterways that provide drinking water, habitats for threatened and endangered species and popular recreation species such as trout or shellfish.

Waterways are designated as Category One to protect and prevent water quality degradation and discourage development where it would impair or destroy natural resources and environmental quality. Special buffer areas and protections for Category one waterbodies are proposed.

A preliminary list of waterbodies for Category One designation was issued by DEP for consideration. The DEP also invited the public to nominate water bodies statewide for consideration. The information was to be used by NJDEP to add candidates to include future rule proposals.

The strategy for reducing nonpoint sources of pollution includes implementing best management practices (BMP’s). Under the proposed stormwater management rules, new BMP’s would be required to establish recharge standards and water quality controls. The proposed rules would also require the implementation of BMP’s for new development in order to reduce pollution runoff levels by 80 percent.

The stormwater management rules will not apply to development projects resulting in less than 0.25 of an acre of new impervious surface and less than one acre of site disturbance. In addition, projects receiving approval prior to the effective date of the rules will not need to meet the new standards.

Buffers are a new BMP to meet Category One antidegradation standards. Buffers are required adjacent to all Category One waters and upstream tributaries of Category One waters within the same subwatershed. Buffers include an area extending 300 ft from the top of the stream bank or center channel, if the stream has no defined banks. Where the buffer is already disturbed, the width may be reduced in the disturbed area, but will not extend less than 150 ft from either bank. Buffers will not effect existing development. Buffer requirements may

be adjusted to reflect local conditions through approval of stream corridor protection plans as part of a required stormwater management plan. Buffers are required to be preserved in their natural state. No direct discharge of stormwater is allowed through the buffer.

Exceptions to these requirements are redevelopment within the buffer confined to the footprint of existing impervious areas. Buffer requirements will not apply for five years to single family homes constructed on lots which received subdivision approval prior to the effective date of the rules.

Two waterways in the Borough are classified as Category One waterbodies. The Rockaway River bisects the community and adjoins the southeast municipal boundary along the Town of Dover. Spring Brook adjoins the Borough's southerly municipal boundary along Mine Hill Township. The map entitled "Environmental Constraints", provided in the "Map" section at the end of this report, identifies the location of the Category one designations within the borough.

**3. Smart Growth Principles for Development.** Smart growth in New Jersey became a funded program in 1999 when the Smart Growth Planning Grant Program was established to fund smart growth initiatives for eligible projects. The program made available funds to assist counties and municipalities with the incorporation of the State Plan and principles of smart growth in local planning and development regulations. In 2002, the office of State Planning was renamed the Office of Smart Growth. This action was oriented to promote well planned, well managed growth to provide new homes, new jobs while preserving open space, farmland and environmental resources.

Principles of smart growth include mixed use development, walkable town centers and neighborhoods, mass transit access, sustainable social and economic development and preserved open space. The initiative supports development and redevelopment in recognized centers as outlined in the State Plan and promotes growth in areas with established infrastructure.

**4. State Development and Redevelopment Plan and Cross-Acceptance Process.** On April 28, 2004, the New Jersey State Planning Commission (SPC) approved the release of the Preliminary SDRP and the Preliminary State Plan Policy Map. This action launched the third round of Cross-Acceptance.

A significant aspect of this year's Cross-Acceptance process, and what distinguishes it from past years, is the State's intent to rely upon this process and the final adopted State Plan as the basis for determining funding allocations for a variety of programs, which is why it is important for the Borough to participate in this process.

An examination of the current State Plan Policy Map indicates three changes are proposed for land in the western section of the community. While the eastern portion of the community remains classified as Metropolitan Planning Area (PA-1), changes are proposed by the state for the western portion of the Borough. The majority of the western section of the borough had previously been classified as a Suburban Planning Area (PA-2) and is now proposed with two significantly different designations. The northwest section is proposed to be designated as a Park and Natural Area while the area adjoining to the southeast is to be classified as an Environmentally Sensitive Planning area. The southwest corner of the municipality was previously classified as a Metropolitan Planning Area and is proposed to be classified as an Environmentally Sensitive Planning Area.

The borough has submitted a cross acceptance report to the Morris County Department of Planning. Technical map corrections have been requested by the borough regarding the state's proposed inclusion of the Stirling Heights subdivision in an Environmentally Sensitive Planning Area. The Borough seeks an adjustment to Suburban Planning Area 2 in order to acknowledge the developed residential status of this area.

A more detailed explanation of the designations is provided below.

- **Metropolitan Planning Area.** The Metropolitan Planning Area (PA-1) encompasses large urban centers and developed suburban areas. These areas are fully developed with significant investment in existing,

but aging, infrastructure systems. There is little vacant land available for development and, as such, much of the development activity is infill development or redevelopment. The SDRP states that public and private investment in PA-1 should be the "principle priority" of state, regional and local planning agencies, with the intent being to direct development and redevelopment into these portions of the State. Within this framework, the recommended policy objectives for PA-1 are summarized to include the following:

**Land Use:** Guide new development and redevelopment in PA-1 in a manner which ensures an efficient use of remaining vacant parcels and existing infrastructure.

**Housing:** Preserve the existing housing stock through a program of maintenance and rehabilitation. Provide a variety of housing choices through new development and redevelopment.

**Economic Development:** Promote economic development by encouraging redevelopment, infill development, public-private partnerships, and infrastructure improvements.

**Transportation:** Encourage the use of public transit and alternative modes of transportation.

**Natural Resource Conservation:** Reclaim environmentally damaged sites and mitigate impacts on remaining environmental and natural resources, including wildlife habitats. Special emphasis should be on air quality, preservation of historic sites, the provision of open space and recreation.

**Recreation:** Maintain existing parks and open space and expand system through redevelopment and additional land dedications.

**Historic Preservation:** Integrate and reconcile historic preservation with new development and redevelopment efforts.

**Public Facilities and Open Space:** Complete, repair or replace existing infrastructure systems to enable future development and redevelopment.

**Intergovernmental Coordination:** Provide for regionalization and intergovernmental coordination of land use and development policies.

- **Suburban Planning Area.** The Suburban Planning Area (PA-2) also has available infrastructure but is distinguished from PA-1 by the fact that there is more available vacant land for development and a less dense development pattern. PA-2 also offers an opportunity to extend infrastructure efficiently from PA-1 if no existing infrastructure is in place. The SDRP recommends that new development in PA-2 be designed to discourage sprawl development patterns. While recognizing that the land use pattern in PA-2 may be fixed by existing and approved development, the SDRP recommends that new development be in mixed-use centers.

- **Environmentally Sensitive Planning Area.** The Environmentally Sensitive Planning Area (PA-5) has large contiguous areas of land that contain valuable ecosystems, natural resources and wildlife habitats. These areas are either undeveloped or have limited development that is rural in character. The primary policy objective for PA-5 is the protection of environmentally sensitive areas through the promotion of center development with clear boundaries and buffer areas separating the center from the surrounding "environs." Natural resources should be protected and preserved in large contiguous tracts of open space. The SDRP suggests that these areas may be appropriate for recreational facilities, and infrastructure should only be provided to support linkages between centers or to promote recreational and other activities.

- **Parks and Natural Areas.** These delineations generally correspond to existing areas preserved for open space and park lands.

The Borough's land use plan is consistent with the statewide goals and objectives of the SDRP and the policy objectives of the various planning areas.

**5. Council on Affordable Housing (COAH).** Wharton adopted an Affordable Housing Plan in 1998, addressing its obligation identified by COAH for the 1987-1999 housing need cycle. On February 4, 1999, the Borough received substantive certification of its second-round fair share plan. Its substantive certification expired on February 4, 2005 and the borough received an extension from COAH.

COAH adopted new rules in November 2004 for the implementation for their third round methodology. The new rules became effective December 20, 2004. The methodology requires the Borough to undertake a new review of the housing element and fair share plan in 2005. The borough is in the process of preparing an updated housing plan to petition COAH for third round certification.

**6. Residential Site Standards Act.** The Residential Site Standards Act, P.L. 1993, c. 32, created a Site Improvement Advisory Board (SIAB) and provided the SIAB with the authority to recommend to the Commissioner of the Department of Community Affairs (DCA) mandatory statewide site improvement standards that are to be applicable to residential development in New Jersey. The SIAB promulgated regulations establishing residential site improvement standards in June 1996. These regulations went into effect on June 3, 1997.

The adopted rules establish technical standards for streets and parking, water supply, sanitary sewers and stormwater management relating to residential development. The standards are the minimum requirements for site improvements that must be adhered to by all applicants for residential subdivision and site plans before planning boards and zoning boards of adjustment. They also represent the maximum that such boards can require of an applicant.

Pursuant to the Act, the adopted standards supersede any local standards established for these systems. However, they do not supersede local ordinances regulating the use, height, bulk, density or design of residential development. The standards also do not include requirements for landscaping, shade trees, transit stops, noise barriers, snow removal guarantees or assessments for off-tract improvements. These issues remain the purview of the local reviewing agencies. The regulations also provide for special planning areas where the municipality may adopt standards that recognize existing local conditions.

Since 1997, there have been several amendments to the RSIS standards. The changes that most significantly affect planning issues and current developments in the Borough are listed below:

1. The RSIS standards have been revised to acknowledge the impacts of two-family dwellings. Trip generation and parking requirements for two-family dwellings have been added to the state standards. This allows the township to quantify the impacts a two family dwelling would have in a single-family residential zone district.
2. The definition of rural lane has been modified to only include lots that are one acre in area or greater. The Borough has few parcels with this area. This modification will only apply to a small number of potential areas which will limit this street classification in a majority of the municipality.
3. New regulations for access streets to multi-family development have been added. The RSIS standards now include regulations for cul-de-sacs and multi-family cul-de-sacs, which differentiate between the higher density developments and single family neighborhoods.
4. The RSIS standards have been recently revised as a result of the changes to the stormwater regulations as required by the N.J.D.E.P. These standards will require greater infiltration of stormwater, where feasible, and stormwater quality treatment through bioremediation techniques.

The Borough should continue to implement the adopted residential site standards as required by the statute. It should also be noted that these standards govern residential development only. Any local standards governing non-residential development are not affected by the RSIS standards.

**7. Clustering in Non-Contiguous Parcels.** In 1995, the planned development provisions of the MLUL were amended to permit the clustering of development between noncontiguous parcels within a planned development. Thus developers owning separate parcels within a planned development zone could cluster development on one parcel and leave the other parcel as open space. Developers could also enter into a contract with another property owner in the zone to transfer the development potential from one parcel to another. The regulation was also broadened to allow clustering of non-residential development both on contiguous and non-contiguous parcels.

A municipality may obtain some level of control of this process by designating specific areas of the municipality as planned development districts with this option, planning the location of infrastructure improvements and providing incentives (such as additional density bonuses or permitting mixed-use development) in areas where the Borough would like to see development transferred. A municipality should also work proactively with property owners interested in exercising this option to ensure that development transfers are not done in a haphazard manner. A number of municipalities are beginning to use this technique as a means to preserve open space and agricultural lands. The remaining developable land in Wharton is extremely limited and curtails the applicability of this technique for the borough's land use policies.

#### **IV. 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**

This periodic reexamination report notes several key factors influencing the planning process and its implementation in the Borough of Wharton. The review indicates that it is appropriate for the Borough to prepare an update to its land use plan, including detailed planning goals, objectives, and policy statements, and clearly identify the basis for the Borough's various land use categories. The planning review also indicates that

it is appropriate for the Borough to prepare zoning provisions designed to implement the land use plan recommendations and update the code's regulatory controls. The appropriate recommendations and the updated land use plan are set forth at the end of this document.

**V. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE PLAN ELEMENT AND RECOMMENDED CHANGES IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY**

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

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

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

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

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

5. "A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;
- 6 "Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated".
7. "In any municipality in which an Enterprise Zone has been designated pursuant to the New Jersey Enterprise Zones Act."
8. "The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulations."

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

In 2003, the Borough of Wharton undertook the redevelopment process, per the state statute cited above, for a combined acreage of 38 acres in the northeast section of the community identified as Block 301 Lot 1, Block 801 Lot 3, and Block 903 Lot 2. The planning analysis concluded that specific criteria were met by the existing site conditions and the borough proceeded with the redevelopment designation for the study area as an "area in need of redevelopment."

A redevelopment plan was subsequently implemented for Phase 1, consisting of Block 903 Lot 2. This property occupied the southerly portion of the redevelopment site. The redevelopment plan proposed a mixed business district for the southerly parcel allowing a combination of commercial and office or commercial, office and light industrial use. Since the northernmost portion of the site was envisioned as the future site for the municipal complex, and was located on the northern side of the Rockaway River, a redevelopment plan was not prepared at that time for the site.

The southerly tract was given preliminary site plan approval for a mixed use development in December 2003. The Borough is conducting an ongoing effort regarding construction of a bypass road through the northern portion of the redevelopment area. A redevelopment plan is being prepared concurrently with this reexamination report for Phase 2 of the redevelopment area. As noted above, this property is designated for redevelopment with a municipal complex, including recreation facilities and is designated with a municipal overlay in the land use plan element of this document. The applicable zoning standards are also set forth in the "Implementation" section of this report.

## **SECTION 2 - LAND USE PLAN ELEMENT**

- I. Goals, Objectives and Policy Statements**
- II. Land Use Plan**
- III. Implementation**



## **I. GOALS, OBJECTIVES, AND POLICY STATEMENTS**

The Municipal Land Use Law requires that all municipal master plans set forth a statement of objectives, principles, assumptions, policies and standards upon which the master plan recommendations are based. This section of the Wharton land use plan update sets forth the borough's goals, objectives and supportive policy statements. Several of the items still relevant from the 1994 master plan have been repeated to restate the continued efforts needed to address these issues.

### **A. General Objectives**

The Master Plan is predicated on the following general objectives:

1. To encourage Borough actions to guide the appropriate use or development of all lands in Wharton, in a manner which will promote the public health, safety, morals and general welfare and enhance the character of the neighborhood.
2. To secure safety from fire, flood, panic and other natural and man-made disasters.
3. To provide adequate light, air and open space.
4. To ensure development within Wharton does not conflict with the development and general welfare of neighboring municipalities, Morris County, and the State as a whole.
5. To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions and preservation of the environment.
6. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies. The borough will continue to prioritize capital improvements for roadways and utilities based on the most efficient use of funds.
7. To provide sufficient space in appropriate locations for a variety of uses and open space, both public and private, in a manner compatible with the character of the Borough and the environment.
8. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which would result in congestion blight, or unsafe conditions.
9. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
10. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources, and to prevent urban sprawl and degradation of the environment through improper use of land.
11. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more effective use of land.
12. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals.

## **B. Goals and Policies**

The Plan's residential and non-residential goals and planning policies are as follows:

### **Goal 1**

*To support a planning policy to reinforce the existing variety of housing types and densities, in appropriate locations, to serve the borough.*

Policy Statement: The borough contains a broad and varied housing stock consisting of detached dwellings, two family dwellings and multifamily apartments. Consequently, the borough's land use policy for residential development acknowledges that although this broad array of housing exists, the borough is predominantly a single family detached residential community. The borough's policy is to limit two family and multifamily development to those specific delineations depicted on the land use plan map, and not to encourage any additional two family and multi-family development beyond that which is depicted on the Plan. This policy is expressed in recognition of the broad range of housing options available in the community, and the fact that the borough has affirmatively addressed its low and moderate income housing obligation, as defined by the New Jersey Council On Affordable Housing, through the preparation and adoption of a Housing Element and Fair Share Housing Plan, which received certification from COAH in 1999. The borough will prepare a housing plan in conjunction with COAH's new methodology and seek third round certification.

### **Goal 2**

*To protect the existing single family residential neighborhoods of the community by preserving areas exhibiting predomination of single family land uses. A principal goal of this plan is to preserve and protect the residential character and existing density of various neighborhoods within the community. The plan also seeks to restrict incompatible land uses from established residential areas, and limit intensities-of-use to the levels, and locations, prescribed herein.*

Policy Statement: The Borough of Wharton is largely a residential community with a preponderance of single family detached residential development. While there are parcels occupied by two family and multifamily dwelling units in the community, they are generally concentrated in specific areas, many of which are close to Main Street. The borough acknowledges that there are development pressures contributing to redevelopment of some properties with two family and multifamily dwellings due to the desirability of the borough as a pleasant place to live. However, there is an understanding that increased density in established neighborhoods contributes to issues affecting the quality of life for neighborhood residents. For example, many of the borough's streets are narrow in width and the increased demand for on-street parking creates congestion along residential streets. The increased demand for on street parking also creates difficulties in collecting refuse and snow removal. The Plan's residential land use recommendations are designed to protect and reinforce the prevailing residential development patterns, permit attached residential development only in those areas specified in the plan and preclude them from other areas, prohibit incompatible land use arrangements, and reinforce the intensities-of-use recommended in this plan.

### **Goal 3**

*To restrict three family dwellings to sites where they currently exist and prohibit any further development or redevelopment with this land use.*

Policy Statement: The borough acknowledges that there are existing three family and multifamily dwellings in the community. However, for the most part, the largest concentrations of these uses exist in close proximity to the Main Street corridor. The borough desires to restrict these uses to sites where they currently exist. It also seeks to strongly discourage the redevelopment of existing residential properties with higher density housing than currently exists on the parcel, or in the neighborhood. Although a particular block may contain three family dwellings, the borough seeks to promote the land use plan set forth in this reexamination report which limits multifamily development to select areas of the municipality. Existing nonconforming residential uses are not a sufficient basis for additional nonconformities in a neighborhood.

#### **Goal 4**

*To promote uniform residential density among single family and two family residential parcels in the borough's RM-75 Medium Density One and Two Family District.*

**Policy Statement:** The current zoning regulations of the RM-75 District permit single family dwellings on 7,500 sf lots and two family dwellings on 12,500 sf lots. This represents a range in the permitted densities between single family and two family development, and allows a greater density for two family development. Based on the minimum required lot area, single family development is designated at 5.8 dwelling units per acre while two family development is permitted at a higher density of 6.9 dwelling units per acre.

This periodic reexamination report affirms the borough's position that an increased density allowance for two family dwellings no longer benefits the community. The borough has encountered increased demand for on-street parking in the RM-75 Districts, which is complicated by the abundance of narrow roadways in these areas. The overwhelming majority of roadways in the borough's RM-75 District, approximately 85 percent, have right of ways less than 50 ft. wide. In fact, approximately 40 percent of the roadways in this zone district have very limited right of way widths of 30 ft. or less. The congestion created by parked vehicles on roadways with very narrow widths has resulted in difficulties for the borough regarding refuse collection and snow removal.

The community would be better served by an increase in the minimum required lot area for two family dwellings so that adequate on-site parking can be provided. Typically, a 12,500 sf two family lot has insufficient space for garages and driveways large enough to accommodate the number of vehicles typically associated with the use.

In order to maintain the efficiency of municipal services, while recognizing the inherent limitations of the narrowness of the borough's roadways, the borough supports an increase in the minimum lot area, lot width and lot depth requirements for two family development in the RM-75 District so that the residential density for two family development is uniform and compatible with the density of single family development within the district. A uniform density of approximately 5.8 dwelling units per acre is the maximum suitable density for the borough's RM-75 District for both single family and two family parcels.

#### **Goal 5**

*To promote the continued maintenance and rehabilitation of the borough's housing units.*

Policy Statement: The borough is characterized by well maintained residences, with few exceptions. Based on census information, slightly more than one-third of the borough's housing stock was constructed in 1939 or

earlier. The borough will continue to encourage resident participation in available programs, such as the Morris County Department of Community Development Rehabilitation Program, for renovation and rehabilitation of housing units

### **Goal 6**

*To discourage the development of flag lots and irregular lots in the municipality,*

Policy Statement: The borough recognizes the scarcity of vacant land in the community and the development pressures to subdivide remaining oversized parcels in various areas to generate additional building lots. The desire to produce a building lot results in the creation of irregular lots, sometimes with a flag configuration. The safety and aesthetic issues associated with such configurations make them undesirable in the community. The residential streets in the community are typified by relatively rectangular parcels and fairly uniform front yard setbacks along streets and throughout neighborhoods. The existence of flag lots in a neighborhood shall not suffice as a sufficient basis for the creation of new flag lots in the borough. The borough's land use policy calls for the creation of regular lots which complement the existing predominant development configuration.

### **Goal 7**

*To ensure that any prospective development is responsive to the borough's environmental features, and can be accommodated while preserving these physical characteristics.*

Policy Statement: The borough's land use policy calls for limiting development to that which is sensitive to the community's particular physical characteristics, and preserves the borough's sensitive environmental elements. In particular, the borough seeks to limit development to that which preserves steeply sloped areas. New development and redevelopment must comply with wetlands preservation and minimize impacts to sensitive environmental characteristics. Additionally, the borough realizes that there are sites in the municipality that are typified by environmentally sensitive features and therefore may not be able to accommodate the full zoned development potential.

### **Goal 8**

*To require buffer zones to separate incompatible land uses.*

Policy Statement: The borough recognizes the need to reinforce the delineation of boundaries separating residential and non-residential uses. Appropriate buffer/screening devices are to be encouraged to separate incompatible land uses in order to minimize adverse impacts on residential and other properties. This should be accomplished primarily within the framework of appropriate open space buffer widths containing suitable planting elements (incorporating such elements as multiple rows of plant material, planting clusters, etc. as a means to provide suitable buffer protection), with supplemental (aesthetically pleasing) fencing when appropriate. The building design and landscape elements of industrial and commercial sites adjoining, or opposite, residential uses must be thoroughly evaluated during the site plan review process with regard to neighborhood compatibility and a complementary development appearance. Every effort should be made to preserve existing mature vegetation as a natural buffer between uses.

### **Goal 9**

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

Policy Statement: The borough recognizes that the visual and aesthetic character of a community includes the type and design of landscape elements that comprise development sites. The borough's site plan review process

shall actively encourage developments, and redevelopments, which incorporate the highest quality of aesthetic elements to enhance the visual character of the community. Landscaped areas on commercial properties' street frontages along roadway corridors are encouraged, as well as landscaped features within parking lots, foundation plantings, and perimeter plantings. The community strongly discourages the installation of chain link fences in front yards based on aesthetic concerns.

### **Goal 10**

*To preserve and enhance the borough's Main Street Central Business District by defining its functional role in the community.*

Policy Statement: Wharton is characterized by four retail commercial districts which are clearly distinguished from one another. The area along Route 15 is reflective of both neighborhood and regional-type shopping. The commercial area north of Route 80 contains Wharton Mall and has a mix of commercial uses suited to the neighborhood. The proximity of the Rockaway Townsquare Mall in adjoining Rockaway Township, and associated big box commercial development within the mall complex, creates the need for Wharton's Main Street area to further develop and enhance the existing small town charm which presently characterizes the central and southern portions of Main Street.

Within this framework, the Plan encourages the improvement of the community's central business district Main Street commercial area. The borough has initiated efforts to reinvigorate the long dormant Chamber of Commerce to encourage awareness and events to promote the borough's central business district. Ongoing efforts should continue to focus on the development of the unique character of the area through design guidelines and review of change of use/tenancy applications to encourage upgrading of properties along a common theme to establish a clear physical and aesthetic identity for the district. The borough's 1994 master plan encouraged the implementation of design features to enhance the physical character of the central business district, and encourage the integration of building, parking, landscaping and signage elements into a comprehensive and unified framework. Continued maintenance and upgrading of storefronts is a priority of the borough. This reexamination reaffirms this as a land use policy of significance to the community.

Additionally, many of the properties in the Main Street commercial area do not have on-site parking. The borough will seek to identify properties which may be appropriate to fulfill the parking need of the central business district.

### **Goal 11**

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

Policy Statement: The borough recognizes that the municipality is situated at the confluence of a number of major regional highways, and the consequences for borough residents is significant in terms of congestion, increased travel time caused by excessive traffic volumes and limited roadway capacity. The borough shall continue to pursue solutions to these issues, particularly at the intersection of Main Street and Dewey Avenue. Larger development, and redevelopments, are encouraged to provide an assessment of each development application's impact on the community's road system, and determine the need for necessary roadway improvements in an effort to affirmatively address the issue of traffic congestion in the community.

Attention is also required to enhance pedestrian safety within the borough's Main Street commercial areas, extending northward to Fern Avenue and at the southern end, near St. Mary's Street.

### **Goal 12**

*To maintain the passive recreation use of the former Morris Canal.*

Policy Statement: The former Morris Canal is municipally owned and adjoins the rear yards of several residential properties in the west central portion of the borough. Morris County's Department of Planning and Development has proposed connecting this feature as a multi-use trail to other trails collectively forming the West Morris Greenway. The borough favors recreational use of this feature which does not create detrimental impacts on adjoining residential properties.

### **Goal 13**

*To promote the continued redevelopment and adaptive reuse of the borough's former industrial sites.*

Policy Statement: The borough initiated the redevelopment process with two former industrial sites in the community (L.E.Carpenter and Lock Joint) and recently approved the adaptive reuse of the Rongene site on East Dewey Avenue. Other sites exist in the community that may also lend themselves to the application of the Local Redevelopment and Housing Law to foster the redevelopment of former industrial buildings and sites.

### **Goal 14**

*To support the overall philosophy of the Highlands Water Protection and Planning Act.*

Policy Statement: The borough supports the designation of the municipality as a planning area wherein future growth is encouraged in proximity to existing infrastructure and facilities. The future growth in the community is encouraged to be sensitive to environmental constraints.

### **Goal 15**

*To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.*

Policy Statement: The borough maintains that the general intent of the SDRP, to manage growth within the framework of an assessment of needs and infrastructure capabilities, and the SDRP's specific planning area designations for Wharton, represent a reasonable approach to growth management.

## **II. LAND USE PLAN**

The Wharton Land Use Plan indicates the proposed location, extent, and intensity of development of land to be used in the future for varying types of residential, commercial, business, recreational and other public and semi-public purposes.

The plan is intended to guide the future development for the next six year period in accordance with the provisions of the Municipal Land Use Law, in a manner which protects the public health, safety and general

welfare. This plan is designed to serve as the basis for revisions to the Borough's land use ordinances including zoning, subdivision, and site plan codes.

The Borough Plan is based on eighteen categories of development. They do not substantially alter the community's Plan as depicted in the prior master plan reports, although some modifications are suggested. The categories are described as follows.

**Land Use Categories:**

1. **Residential Land Use.** The Wharton Land Use Plan recommends eleven categories of residential development in the Borough. These include single family, single and two family residential categories, as well as an apartment and townhouse, affordable housing, senior citizen housing and age restricted housing designations. These designations are generally designed to reflect the established development patterns of the areas they encompass, incorporate an environmentally sensitive approach to development which includes the preservation of natural features through tree preservation and other environmentally based ordinances, and retain the community's overall prevailing intensity of residential development and character. Additionally, this component of the plan offers some modifications to existing land use designations in specified instances where conditions warrant adjustment.

Each of the categories are identified as follows:

- a. **Very Low Density Single-Family Residential.** There are two very low density residential land use designations in the southwest portion of the community. They are north of the Stirling Heights neighborhood and in the vicinity of Old Irondale Road, Bartek Lane and Mill Street. For the most part, this land use designation encompasses property adjoining publicly owned open space. The anticipated residential density of this designation is approximately one dwelling unit per acre.
- b. **Low Density Single Family Residential.** Immediately south of the very low density land use designation is a low density residential category calling for a residential density of approximately 3 dwelling units per acre. This category encompasses a large portion of the southwest area of the community which includes the Sterling Heights neighborhood and the current land use plan calls for an expansion of this category. This designation is recommended to encompass additional properties on the north side of St. Mary's Place and extending northward to include some of the properties on the west side of Hance Street, just south of the Main Street intersection, to acknowledge the developed character of these properties. This newly included area is typified by lot areas generally 15,000 sf and greater and the community desires to maintain the existing pattern of development in this section of the community. Many of the lots are characterized by large front yard setbacks and many trees in the rear portions which create a less congested and more spacious character to the area. Additionally, the land use designation extends to the southeast to encompass property occupied by St. Mary's Church on the south side of St. Mary's Place and the west side of South Main Street. A vacant 8.19 acre parcel known as "Crater Field", located on the south side of St. Mary's Place, has extensive environmental constraints and is also included in the Low Density Single Family Residential designation. The land use designation corresponds to the borough's R-15 District.
- c. **Low-Moderate Density Single-Family Residential.** This land use designation is designed to permit a density of approximately 4.3 dwelling units per acre. This designation encompasses the southeasterly portion of the community. The area is bound generally by Dover to the east, Lafayette and Third Streets to the west, an industrial tract to the north, and Downs and Wilcox Avenues to the south.

The area incorporated within this designation has developed in a relatively uniform residential pattern with lots generally measuring 10,000 square foot in size. A primary objective of this plan is to preserve and retain this established detached single-family pattern and type of development. It is recommended that any future development in this portion of Wharton be in accordance with this density and established residential

pattern.

- d. **Moderate Density Single-Family Residential.** This delineation encompasses several sections of Wharton. Some adjustments are proposed to reflect established development patterns and lot line arrangements and the land use. Generally, the land use plan seeks to expand this land use designation to encompass areas that are currently developed primarily with single family development.

The following areas are designated for Moderate Density Single Family development:

- 1) The largest concentration of moderate density development is located in the northwest corner of the Borough, along North Main Street, the northern portion of Meadow Avenue, both sides of Langdon Avenue, and both sides of Elizabeth Street;
- 2) The North Main Street area in the vicinity of Oak Hurst Lane, as well as Luxemburg Avenue, and High Street in the northern portion of the Borough;
- 4) A portion of the Mount Pleasant Avenue and Grove Street area between Third Street and Church Street;
- 5) The south side of East Central Avenue between Union Street and Lafayette Street;
- 6) Both sides of Baker Avenue between Theodore Street and Lafayette Street;
- 7) The east side of Theodore Street between Baker Avenue and Stirling Street;
- 8) The area of the Borough bounded by Route 46 to the south, the west side of Ford Avenue to the west, Birmingham Lane to the north, and the west side of Downs Avenue to the east;

The various expansions for this land use category are identified below:

- 1) Properties on the south side of West Dewey Avenue, west of Main Street are located in the Moderate Density Single Family Category. The designation also includes seven additional properties on the north side of West Dewey Avenue, west of Luxemborg Avenue. These properties adjoin a single family residential pattern, and include single family uses, which the borough wants to preserve.
- 2) Another expansion of the Moderate Density Single Family land use category encompasses an area bounded by Pine Street to the north, extending eastward to the terminus of the Morris Canal, Hurd Street and West Central Avenue to the south.
- 3) Properties fronting on Elm Street, Birch Street, Spring Street and Laurel Street.
- 4) Properties along Robert Street in the vicinity of Thomas Street and Clarence Street, parcels on the west side of Main Street, between Thomas Street and Stirling Street, and properties on the south side of Stirling Street in the vicinity of Port Oram Avenue.
- 5) Properties on both sides of Main Street between Hance Street and Cutler Street.
- 6) Properties on the north side of Old Irondale Road and the east side of Bartek Lane.
- 7) Parcels on the north side of Baker Avenue between Union Street and Division Street.
- 8) Properties fronting on Fern Avenue, between Church Street and Third Street

The Plan recommends that the properties within this land use category be developed at a density of 5.8 dwelling units per acre. This is consistent with the established development pattern of the area. The designation is designed to accommodate detached single-family dwellings on 7,500 square foot lots.

It is recognized that the area included within this designation contains some two-family dwellings. The current land use policy of the borough is to restrict additional two family development in the community. To affirm this policy, the above noted changes expand this area so that the conversion and redevelopment of sites with two family dwellings in the borough is curtailed and pointedly discouraged.

e. **Medium Density (One and Two Family) Residential.** This delineation encompasses several areas in the Borough. Each section is identified below:

- 1) The west side of South Main Street between Stirling Street and Hance Street;
- 2) The east side of South Main Street between Thomas Street and north of Bermingham Lane;
- 3) Both sides of Baker Avenue between Thomas Street and Union Street;
- 4) The Irondale Road area, including Gallagher Lane;
- 6) The south side of West Central Avenue in the vicinity of Burns Street;
- 7) The Oxford Road area and north side of Pine Street;
- 8) The north side of West Dewey Avenue, west of Luxemburg Avenue;
- 9) The triangle bounded by West Dewey Avenue, Luxemburg Avenue and Main Street;
- 10) The area east of the Main Street/Dewey Avenue intersection, north of Ross Street and extending northward to Route 80;
- 11) A small portion of North Main Street between the railroad right-of-way and the Washington Pond;
- 12) The area bounded by Fern Avenue, Church Street and East Central Avenue.

The Plan recommends that these areas be designated for a uniform development density equivalent to 5.8 dwelling units per acre for both single-family and two-family residences. This proscribed density results in a 7,500 square foot single-family residential lot and a 15,000 square foot two-family lot.

f. **Apartment and Townhouse Residential.** The residential land use category includes selected sites which have developed with garden apartments and attached single-family dwellings such as the Overlook Townhouse development, Wharton Garden Apartments and Brentwood Apartments. The proposed density of 12 dwelling units per acre is consistent with the average densities of the existing developments identified in the plan.

g. **Low Density Affordable Housing.** This land use designation encompasses an existing affordable housing development in the westerly portion of the borough on the south side of West Dewey Avenue. The multifamily development is known as River Place and is developed at a density of 7 dwelling units per acre. The site contains 67 units, of which 14 are affordable. This designation corresponds to the AH-2 zoning

designation.

- h. **Medium Density Affordable Housing.** This site occupies 8.97 acres and is located on the southwest corner of Old Irondale Road and Mill Street. This site is currently vacant but is included in the borough's housing plan as an inclusionary site anticipated to be developed with a 73 unit multifamily development, with 15 affordable units. This land use designation pertains to the borough's AH-1 District.
- i. **Senior Housing.** This land use designation pertains to a developed site on the southeast corner of North Main Street and Harry Shupe Boulevard. The site has a 100 unit apartment building restricted for senior citizens and was constructed in 1998 as part of the borough's fair share housing plan. The site is developed at a density of approximately 21 dwelling units per acre. This land use designation corresponds to the borough's SH District.
- j. **Office/Assisted Living.** The 1994 land use plan designated Block 703 Lots 33 and 34 as an inclusionary site. This property is located on the westerly side of Main Street north of Railroad Avenue. The Plan recommends a density of 14 units per acre for this 5.3 acre site, resulting in a total of 74 units, of which 15 would be set-aside for low and moderate income households. The borough subsequently deleted this site from the plan and amended its zoning to designate Block 703 Lots 32, 33 and 34 as an Office/Assisted Living (OAL) District. The OAL land use designation provides for a variety of permitted uses including eating and drinking establishments, business and professional offices, banks and financial institutions, and assisted living facilities.

The rezoning of this area occurred in 1999 and the redevelopment envisioned by the implementation of the zone change has yet to occur. In order to further encourage the redevelopment of this area, the land use plan recommends the expansion of this zone district to encompass adjoining residential properties via an overlay. The plan recommends that Block 703 Lots 35 through 41 be designated with an Office/Assisted Living Overlay to enable them to be included within the adjoining zone if an assemblage of one or all of these properties occurs.

- k. **Adult Living Residential.** This land use category encompasses a vacant tract formerly used for mining operations on the north side of East Dewey Avenue, adjoining Interstate Route 80. The site is appropriate for future development with an adult living campus consisting of independent living units with a majority of units ages restricted for residents age 55 years and older. Due to its proximity to the regional highway network, a maximum building height of eight stories and 80 feet is permitted. The site can be developed with a maximum density of 20 units per acre. The corresponding zone district is the ALR zone.

- 2. **Commercial Land Use.** Commercial land uses are divided into three categories. These include a central business district, general neighborhood commercial and a highway commercial designation. These designations are identified as follows:

- a. **Central Business District.** This land use designation encompasses an area extending along both sides of Main Street from the rail line to Thomas Street. The current land use plan calls for the elimination of certain properties from this commercial designation, as described below:

- 1) Two residential properties on the south side of Kossuth Street, between Main Street and Washington Street have been deleted from the CBD commercial designation and included in the Medium Density Single and Two Family Residential designation. This change in land use designation acknowledges the existing residential land uses on these properties and corresponds to their physical orientation toward the residential neighborhood east of Main Street.
- 2) Another land use designation change involving a change from a CBD designation to Medium Density Single and Two Family Residential occurs along Trowbridge Lane. The 1994 master plan added to the CBD the triangular-shaped area along Trowbridge Lane, bounded by Main Street and West Central Avenue. The 1994 master plan noted that the designation of this area as part of the CBD afforded an opportunity for commercial growth, and the expansion of the

central business core linking to the community's Borough Hall. However, the area never redeveloped as envisioned in the master plan and the borough, in 2003, rezoned the area to an RM-75 designation in order to reinforce its residential character. The current land use plan reflects the existing zoning of the area and reaffirms its residential use.

- 3) Subsequent to the 1994 master plan, the borough rezoned the residential area east of Main Street which had been in the CBD zone, to a Medium Density Single and Two Family District. This rezoning effectively limited the CBD zoning on the east side of Main Street to properties with frontage on Main Street. The land use plan in this reexamination report delineates the CBD boundaries in this area consistent with the previous rezoning and reaffirms residential land use east of Main Street.

The land use plan recommends that property at the northerly tip of the block bounded by North Main Street and Washington Street be located in the CBD designation. The property adjoins existing commercial development and is a visible location along Main Street, making it appropriate for the commercial designation rather than Medium Density One and Two Family.

The 1994 land use element stated that the CBD area should function as the Borough's primary business district where goods and services providing the daily needs of the residents are offered. As such, there should be a borough effort to encourage the integration of building, parking, landscape and signage elements into a comprehensive and unified framework within this central core. As with traditional downtown areas, many of the buildings in the Central Business District are mixed use with commercial space on the ground floor, and apartments on the upper floor.

The gazebo and clock tower existing at the northeast corner of North Main Street and East Central Avenue are positive initial efforts toward creating a Main Street identity for the borough. The land use goals contained in the 1994 master plan remain valid with regard to the suggestions for improving the area's existing streetscape with landscaping in the form of street trees, the imposition of benches, trash receptacles and decorative street light fixtures. Fabric awnings and uniform signage would visually improve and upgrade the appearance of this district.

For the central business district, this reexamination reaffirms the 1994 master plan recommendation that the Borough utilize a "preferred" streetscape and landscape plan which includes examples of the types of street trees, benches, awnings, trash receptacles and signage, which are to be encouraged in this area, and would guide businesses and property owners in the upgrade of their sites with common elements to transform the area through a visual aesthetic. Coordinated efforts would ultimately create a unique charm and community identity for the commercial center of the Borough of Wharton. The proposed design elements in the 1994 master plan are reaffirmed conceptually in this reexamination but it is recommended that the borough undertake an evaluation of the CBD area to update the design recommendations with current preferences.

- b. **Neighborhood Business.** This land use category encompasses an extended area along the east side of South Main Street roughly between Cutler Street and Route 46, as well as an area along North Main Street and Meadow Avenue north of Route 80. The former area is designed to emphasize office, restaurant, and a limited number of commercial uses. The latter area is recommended to provide for the daily shopping needs of the residents, and also permit office and selected business activities.
- c. **Regional Business.** The highway commercial area encompasses several properties located along both sides of Route 15 and the easternmost portion of East Dewey Avenue. It permits a variety of retail and commercial land uses with larger minimum lot sizes compared to other commercial areas in the community.

3. **Mixed Business.** The Mixed Business land use designation currently encompasses a 22 acre site designated

for redevelopment by the borough. The redevelopment is envisioned to consist of the following uses: business, office and commercial use, eating and drinking establishments; and light industrial use mixed with office use. The goal of the mixed business designation is to foster the redevelopment of the site with a comprehensive and integrated design. The development regulations for this area call for consideration of the environmental features of the site, including the adjoining Rockaway River and mature trees.

The redeveloper has recently acquired another parcel adjoining the redevelopment site to the east. It is recommended that the MB District be extended eastward to encompass the additional parcel east of Harry Shupe Boulevard. This would allow the two sites to be developed in conjunction with one another, since the easternmost lot has no roadway frontage.

4. **Industrial Land Use.** The industrial land use designation encompasses three portions of the Borough. The largest tract delineated for industrial use is the Wharton Warehouse (formerly Thatcher Glass Factory) property located on the east side of Main Street. Additionally, there are two industrial designations located in the west central portion of the borough. Another industrial area designation exists at the north tip of the municipality. Within these areas it is recommended that permitted uses include a variety of light industrial, general manufacturing and related business activities, distribution facilities, warehouses, ancillary office and similar type uses.
  - a. **Planned Industrial.** One industrial designation encompasses land in the northeast section of the community, south of East Dewey Avenue and east of North Main Street. This designation encompasses vacant land as well as parcels developed with industrial land uses. This designation corresponds to the I-1 District which permits manufacturing, warehousing and distribution and indoor commercial recreation facilities.
  - b. **General Industrial.** The general industrial designation encompasses property in three areas of the community: The northernmost tip of the borough, north of Route 15; the Wharton Industrial Center currently under construction on approximately 36 acres, and located on the north side of West Dewey Avenue, adjoining Route 80, and an existing industrial building on the southwest corner of Kice Avenue and Old Irondale Road. This land use designation corresponds to the I-2 zoning district which permits light manufacturing, warehousing, distribution and storage facilities and offices.
  - c. **Industrial Distribution.** This land use designation occupies land currently developed with a manufacturing and distribution facility on a 19.6 acre tract formerly known as Thatcher Glass. The site is located on the east side of Washington Street, opposite the intersection of North Main Street. The land use designation pertains to the I-3 zoning district which allows manufacturing and office use.
5. **Open Space/Parkland.** This land use classification is designed to acknowledge the Borough's existing open space and parkland, as well as acknowledge other parcels which are appropriate to be considered for acquisition. A significant amount of land has been preserved through open space acquisition since the last master plan in 1994. For example, the Irondale Mountain area, occupying in excess of 132 acres in the southwest portion of the borough, has been acquired and is planned to accommodate an extensive trail system linking to open space in adjoining communities.

This category encompasses the following properties:

- a. Block 702 Lot 5.01. This 4.7 acre Borough owned parcel is located on the north side of Oxford Road adjacent to the Rockaway River;
- b. Block 1709 Lot 1. This 3.7 acre site is located on the northeast corner of Stirling and Division Streets known as Stirling Street/Clarence Street Park;
- c. Block 1713 lots 1, 11 and 18 comprising Concialdi Park on the north side of Stirling Street, west of Robert Street.

- d. Block 2104 Lot 2 situated between Stirling Street and Columbia Street, known as Columbia Street Park.
- e. Block 303 Lot 9 at the terminus of Huff Street known as Huff Street Park.
- f. Block 703 Lots 25, 28 and 31 encompassing Washington Forge Pond and other borough property.
- g. Block 602 Lot 1 on the west side of West Central Avenue and adjoining lands known as Hugh Force Park.
- h. Block 1320 Lot 1 and Block 1321 Lot 1 known as the Morris Canal.
- i. Block 1501 Lot 3 and Block 1801 Lot 41 which are farm qualified parcels in the southwest portion of the municipality and adjoin publicly owned lands.
- j. Block 1704 Lot 2 contains an original Port Oram House of cultural and historic significance to the community. It is situated between the two parcels comprising Monument Park on the east side of South Main Street adjoining Union Street.
- k. Block 1710 Lot 3 was recently acquired to complement the nearby Sterling Street/Clarence Street Park.

**6. Municipal Overlay.** The LE Carpenter property, identified as Block 301 Lot 1 and Block 801 Lot 3 is identified as a municipal overlay designation in conjunction with the borough's ongoing planning for a new municipal complex and recreation facility at this location, as well as construction of a new roadway to alleviate congestion at Main Street and West Dewey Avenue. The site is located on the east side of Main Street, north of the Rockaway River. The borough has designated the site as an area in need of redevelopment.

### **Master Plans in Surrounding Communities**

The master plans of adjoining communities were reviewed as part of the master plan reexamination to formulate a policy statement as to whether the land use policies of the Borough of Wharton are compatible with the land use policies of adjoining communities. There are five communities adjoining Wharton. They are as follows: Rockaway Township to the north, the Townships of Jefferson and Roxbury to the west, the Township of Mine Hill to the south, and the Town of Dover to the east.

**Town of Dover.** Residential classifications encompass most of the land adjoining Wharton. The designations range from low to moderate density and are compatible with the borough's land use policy in these areas.

**Township of Jefferson.** The most recent reexamination by the Township was completed in 2003. The land use policy calls for land south of Interstate Route 80 to Dewey Avenue to be developed with industrial use. This is consistent with Wharton's land use designations.

**Township of Mine Hill.** Single family classifications are provided along Wharton's southerly boundary. Along Route 46, the land use policy is to continue retail and office land use. The townhouse designation along northwest Irondale Road, adjoining Wharton, was proposed to be deleted. The land use policies of Mine Hill are compatible with the borough's land use plan.

**Township of Rockaway.** The Township of Rockaway adjoins a significant portion of the western, northern and eastern portion of the borough. The township's land use plan is consistent with the borough's and calls for a mixture of industrial office and business uses along the majority of the boundary adjoining Wharton. It is noted that the southwestern portion of the township, between Route 80 and Route 15, is part of the municipality's affordable housing plan calling for 1,050 dwelling units and 95,000 sf of commercial development.

**Township of Roxbury.** The land use plan was last updated in 2000 for Roxbury Township. It designated land adjoining Wharton for a rural residential category. This area was previously designated by the township for industrial land use. This land does not specifically adjoin the Wharton Industrial Center, which is under construction. It is also located in close proximity to parkland. Therefore, the designation is not considered incompatible with Wharton's land use designations along its western boundary.

**Morris County Master Plan.** The Morris County Planning Board adopted its Future Land Use Element of the County Master Plan in 1975. This document serves as a general guide for development in the county and encourages development in various centers. The plan identified Wharton as a village center and also delineated the environmentally constrained areas of the borough.

**State Plan.** The borough is an active participant in the Cross Acceptance procedure of the recently released 2004 State Plan Policy map. The borough's current land use policies are consistent with the state plan.

### III. IMPLEMENTATION

It is recommended that the Borough Development Ordinances, be amended to reflect the modifications which result from the land use plan recommendations.

**1. Recommended Rezoning.** The following rezonings are recommended per the land use plan of the current periodic reexamination of the borough’s master plan. Zoning amendments should be implemented by the Governing Body to implement the following changes in land use designations. The following areas of the municipality are recommended for rezoning:

Block	Lot	Existing Zone	Proposed Zone
501	29,30,31, 33,35,38,39	RM-75	R-75
703	1-24		
1203	1-9		
1212	8-12.01		
1301	1-6		
1302	1,2 and 2.01		
1303	1-4		
1304	1-3		
1305	1-12		
1309	1-6		
1308	9-16		
1310	1-5		
1311	1-4		
1312	1-4		
1601	1, 1.01, 18-24		
1603	1-10		
1605	2.3.01,3		
1703	All lots		
1706	1-4		
1712	All lots		
1801	3-11		
1805	2		
1901	1-17		
2002	11-16		
2003	1-5		
703	35-41		
301	1	I-1	I-1 with M Overlay
801	3	I-1	I-1 with M Overlay
903	2.01	I-1	MB
1801	20-40	R-75	R-15
1319	1	RM-75	CBD
1318	5, 6	CBD	RM 75

**2. Proposed Municipal Overlay Zone for LE Carpenter Redevelopment Area.** In conjunction with the borough’s redevelopment plan for the LE Carpenter site, the following zoning regulations are recommended for implementation as a Municipal Overlay District.

Proposed Regulations.

A. Purpose. The Municipal (M) Overlay District is implemented to accomplish the following objectives relevant to the improvement of existing conditions on the redevelopment site:

- 1) To encourage the redevelopment of Block 301 Lot 1 and Block 801 Lot 3 pursuant to, and consistent with, the redevelopment recommendations and plan;
- 2) To facilitate adaptive reuse and new construction on the site with a unified approach to the location and relationship of building, access to the surrounding roadway network, vehicular and pedestrian circulation and on-site parking, architectural design elements, recreation amenities and passive open space areas, and consideration of environmental features.
- 3) To provide a modern, visible and integrated municipal complex for the convenience and recreational enjoyment of the borough's residents.

B. Permitted Uses. The following uses are permitted in the Municipal Overlay District:

- 1) Principal Permitted uses: Municipal offices, municipal government facilities, municipal operations, occupancy by municipal agencies and municipal emergency services, municipal recreation facilities including active and passive recreation amenities.
- 2) Accessory Uses: Any accessory structure related to a principal permitted use including concession buildings, rest room facilities, open sided shelter areas, bandshells, gazebos and nature conservancy interpretive buildings.
- 3) Conditional uses: none

C. Area and Bulk Regulations.

Zoning Standard	Requirement
Min. Lot Area (ac)	5
Min. Lot Width (ft)	300
Min. Lot Depth (ft)	300
Min. Front Yard (ft)	
North Main Street	20
Ross Street	20
Bypass Road	20
Min. Side Yard (ft)	15/30
Min. Rear Yard (ft)	30
Max. Bldg Ht (st/ft)	3/40
Max. Bldg Coverage (%)	40
Max Impervious Coverage (%)	60
Max FAR	0.4

D. Parking Standard. The following parking standards shall apply to the Municipal Overlay

District:

Office	1 space per 250 sf
Public assembly	1 space per 75 sf assembly area
Recreation facilities/Parkland	5 spaces for each acre

E. Additional Zoning Regulations. The following additional regulations are applicable to the M Municipal Overlay District:

1. Multiple buildings and uses shall be permitted.
2. A minimum buffer, including landscaping and fencing, will be provided along the site's entire frontage on Ross Street. The landscaped portion of the buffer shall be at least 10 ft. in depth and planted with vegetation appropriate for screening and creating a complementary appearance for the residential area on the north side of Ross Street. Fencing shall be designed to complement the landscaping and enhance the screening of any on-site parking for residential properties opposite the site.
3. An emergency access to the municipal facilities may provided via Ross Street, however, the main public vehicular access to the site will be via the bypass roadway.

F. Building Setbacks from Internal Roads. There shall be a minimum building setback of 10 feet between buildings and all internal circulation aisles and roadways.

G. Required Parking Setbacks. The following parking setbacks shall be applicable:

Minimum distance to right of way line	20 ft
Minimum setback to building	10 ft
Minimum setback to side or rear lot line	20 ft

3. Implement a Tenancy Review Subcommittee for CBD Applications. The borough should consider implementing a tenancy review process for all properties in the CBD District. This subcommittee, usually comprised of planning board members, would evaluate all change of use and change of tenancy applications for the properties in the Central Business District. The review process would serve the purpose of encouraging applicants to construct improvements consistent with the desired character of Wharton's Main Street and facilitate review of parking needs and parking locations for businesses in the area. The review subcommittee could also offer suggestions to applicants on signage, lighting and building façade treatments in keeping with the desired identity for the borough's central business district. Typically the borough's engineer and planning consultant work with the committee in reviewing the applications. The development of detailed design guidelines for the Central Business District would aid in this endeavor, as noted below.

4. Update Design Guidelines for the CBD. The borough should consider conducting a study of the Central Business District to analyze parking availability and quantity, evaluate existing architectural features and develop architectural design guidelines and signage requirements specific to this area of the community.

The 1994 master plan set forth several recommendations for an improved streetscape design along Main Street, along with recommendations for street trees and signage. Since ten years have elapsed since the recommendations were formulated, it is suggested that the borough consider an update to these recommendations based on current conditions and the desired look of the core downtown of the community. Coordinated planning efforts with regard to these issues would enable Wharton to advance toward establishing a unique identity for the Central Business District. One positive step toward this endeavor is the recent reactivation of the Chamber of Commerce. This group could be active in providing feedback regarding proposed design guidelines for properties in the area as well as targeting areas of concern and identifying issues within the CBD to be addressed. The group could also spearhead the coordination of promotional events for the CBD.

5. **Residential Zoning Compliance Certificate.** The borough has expressed concern regarding the number of dwelling units in existing residential structures and the illegal conversion of structures to multifamily units. Such conversions are of concern due to the demand for on-street parking, street congestion, unit overcrowding and fire safety. The borough should consider implementing a procedure to keep updated records on tenancies and occupancies for the rental properties in the community. A residential zoning compliance certificate could be a requirement for all rental dwellings and would assist the borough in collecting relevant information on the number of units in a structure, allow for an inspection of conditions, and facilitate the updating of records.

6. **Amend Schedule XI-2 to eliminate inconsistencies in the CBD setbacks listed.** The area and bulk schedule in the existing ordinance needs to be amended to eliminate conflicts between footnote references and the footnote text at the end of the schedule for the CBD District. The table should be amended as follows:

Minimum Side Yard	Delete “0” and replace with “Note 1”
Minimum Rear Yard	Delete “Note 1” and replace with “0”

7. **Accessory Structures.** The current ordinance does not regulate the size of accessory structures in nonresidential districts. It is recommended that the borough consider amending the ordinance to limit the size to a maximum 200 sf.

8. **Flag Lots.** One zoning mechanism which discourages the formation of flag lots is a requirement for the lot area to be within a certain distance of the front street lot line for a parcel. The borough’s ordinance does not currently require that the lot area be provided within a certain distance of the lots front street property line. It is recommended that the borough consider amending the residential district zoning to require that the lot area be located as follows:

District	Required Lot Area (sf)	Lot Area required within this distance from front lot line (ft)
R-40	40,000	200
R-15	15,000	150
R-10	10,000	100
R-75	7,500	100
RM-75	7,500	100
	15,000 *	100

\*Recommended lot area for two family dwellings per this Periodic Reexamination report

9. **Sign Regulations.** The existing sign regulations for the community have a uniform set of requirements for all nonresidential districts. The borough should evaluate the aesthetic benefits of specifying different regulations for each type of district since the uses and lot areas for the districts vary. For example the development in the B-1 District at the south end of Main Street is in close proximity to a residential area and is quite different than the development in the B-2 District along Route 15. Similarly, signage for the CBD would benefit from the creation of requirements distinct to this area.

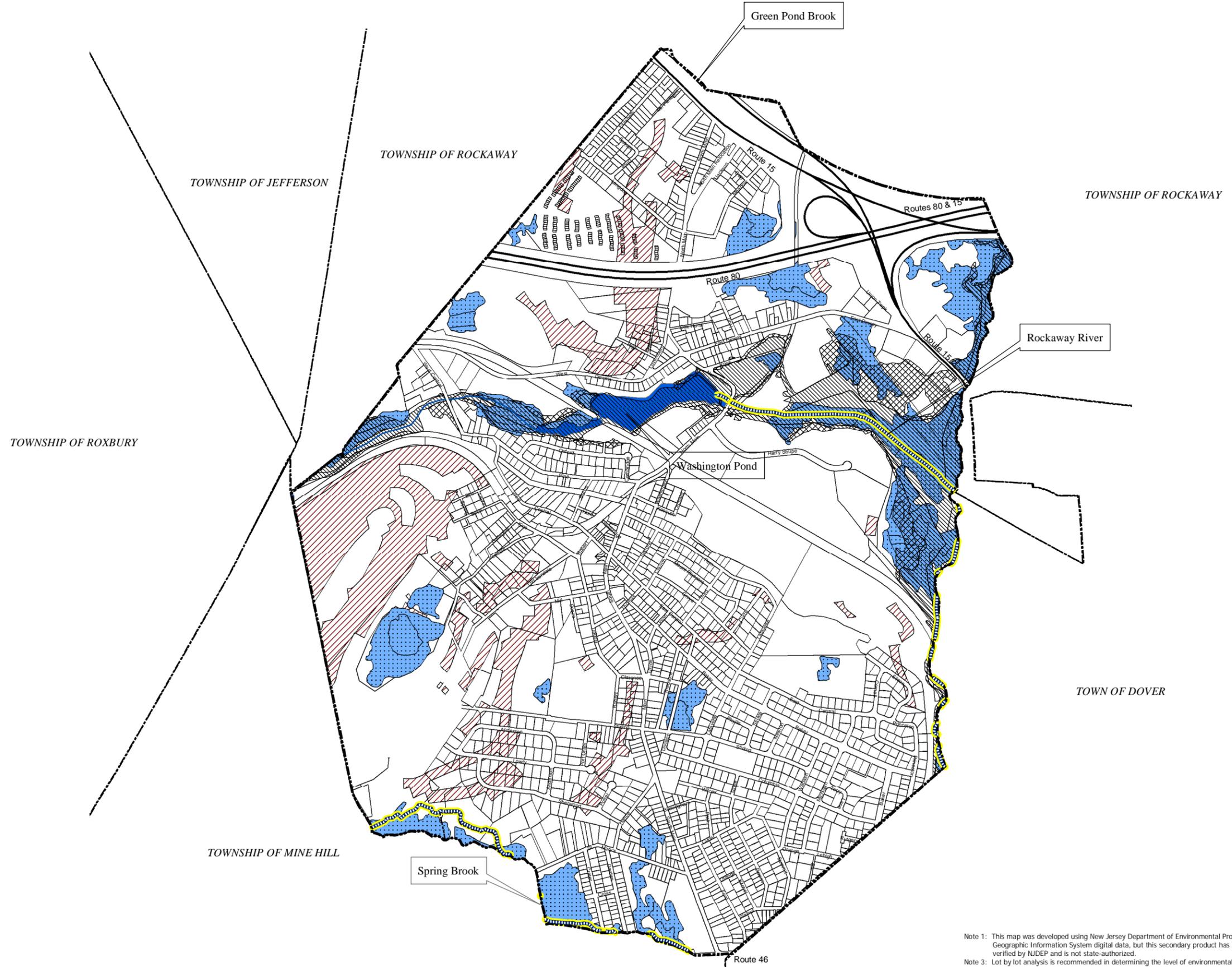
**10. Required Information for Zoning Board Applications.** The borough should consider requiring enhanced information for zoning board applications, particularly for residential additions. Frequently, the application submitted lacks basic zoning and survey information. This creates difficulty for the board in establishing the existing conditions of a property and quantifying the level of deviation proposed by the applicant.

**11. Garage Conversion to Living Space.** The borough has experienced an increase in residents converting attached garages into living space. This results in all parking for the dwelling to be outdoor parking and detracts from the small town charm evident throughout the residential neighborhoods of the community. Therefore, the borough seeks to encourage the retention of existing garages for automobile storage rather than conversion to living space such as family rooms. An ordinance prohibiting the conversion of garage space to living space is encouraged.

**12. Limitation on Residential Driveway Width.** The above noted trend of converting garage space to living space, and the need to park more vehicles outdoors on property has created another problematic trend wherein residential driveways are expanded across a significant portion of the property's front yard area. There are instances where the expansion of the driveway occupies virtually the entire front yard area of the dwelling. This creates an undesirable appearance in the neighborhood since the dwelling and lawn are no longer the predominant view. It is recommended that the borough implement an ordinance regulating the amount of front yard area that may be occupied by a driveway, or simply limit the width of a residential driveway to a maximum of 20 ft.

**13. Increase Lot Area for Two Family Dwellings in RM-75 District.** An ordinance implementing the land use policy expressed in the Periodic Reexamination Report to create uniform residential densities in the RM-75 District should be acted upon. It is suggested that the minimum lot area be increased from 12,500 sf to 15,000 sf for two family development in the RM-75 District. It is recommended that the lot width and lot depth dimensions for such development be modified to 100 ft. and 150 ft, respectively.

## **MAPS**



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 COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS  
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 Fax: (201)-666-2599

Project Title  
**Reexamination Report of Master Plan**  
 BOROUGH OF WHARTON  
 MORRIS COUNTY, NEW JERSEY

Key Map  
 Scale NOT TO SCALE

Dwg. Legend

- Municipal Boundary
- C-1 Designated Waterways

**Floodplains**  
**ZONE**

- 100 Year
- 500 Year
- Wetlands
- Artificial Lakes
- Slopes 15% and Over

Rev	Description	Date	Dwn	Ckd

Dwg. Title  
**Environmental Constraints**

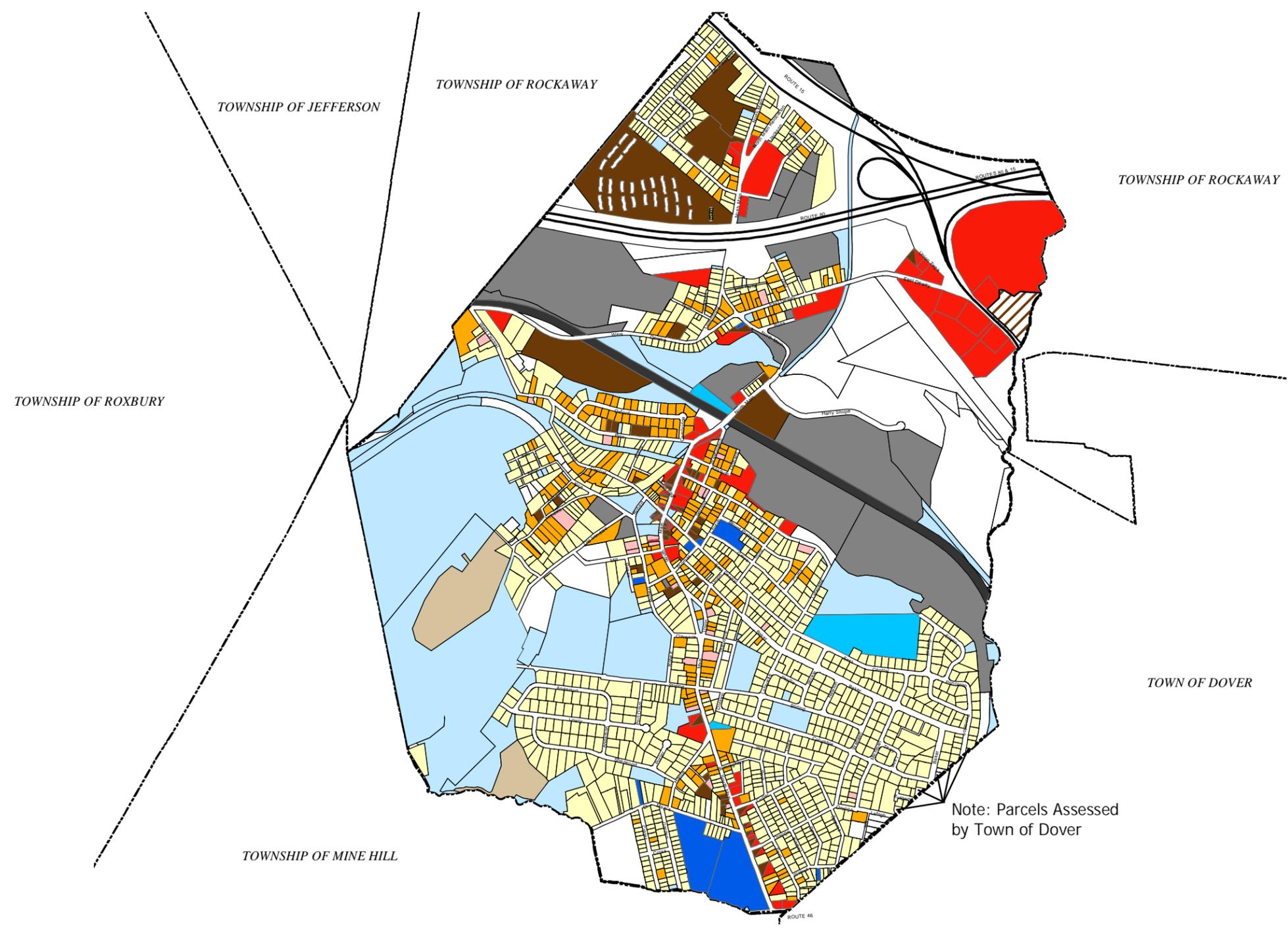
Graphic Scale

**JOSEPH H. BURGIS AICP**  
 PROFESSIONAL PLANNER  
 NEW JERSEY LIC. NO. 2450

Project No.	1498.05
Sheet No.	1 of 1
Date	09/08/04
Drawn	RN
Dwg. Scale	1"=1200' ±
File Name	1498.05ENV
Dwg. No.	ENV

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Note 1: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.  
 Note 3: Lot by lot analysis is recommended in determining the level of environmental constraints depicted on this map.  
 Source 1: NJDEP Municipality Boundaries for the State of New Jersey.  
 Source 2: County of Morris, Department of Planning and Development, GI, September 2002, Parcels.  
 Source 3: NJDEP Wetlands of Morris County, New Jersey, 1986.  
 Source 4: FEMA Flood Map.  
 Source 5: USGS Topographic Map.  
 Source 6: NJDEP Category One Waters for the State of New Jersey.



Note: Land use information provided herein has been updated reflecting the current municipal tax records or field-verified by Burgis Associates, Inc.  
 Source 1: NJDEP Municipality Boundaries for the State of New Jersey.  
 Source 2: County of Morris, Department of Planning and Development, GI, September 2002, Parcels.

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Project Title  
**Reexamination Report of Master Plan**  
 BOROUGH OF WHARTON  
 MORRIS COUNTY, NEW JERSEY

Key Map  
 Scale NOT TO SCALE

Dwg. Legend

- Municipal Boundary
- Single-Family Residential
- Two-Family Residential
- Three-Family Residential
- Multi-Family Residential
- Mobile Home Park
- Commercial
- Industrial
- Public
- Quasi-Public
- Charitable
- Farm (Qualified)
- Railroad
- Vacant

Rev	Description	Date	Des	Ckd

Dwg. Title  
**Existing Land Use**

Graphic Scale

JOSEPH H. BURGIS AICP  
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Project No.	1498.05
Sheet No.	1 of 1
Date	12/08/04
Drawn	RN/RW
Dwg. Scale	1"=1400' ±/1
File Name	1498.05ELU

Dwg. No.  
 ELU  
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Dwg. Legend

- Municipal Boundary
- Zoning Boundary
- Property Boundary

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Rev	Description	Date	Dwn	Ckd

Dwg. Title  
**Zoning Map**

Graphic Scale

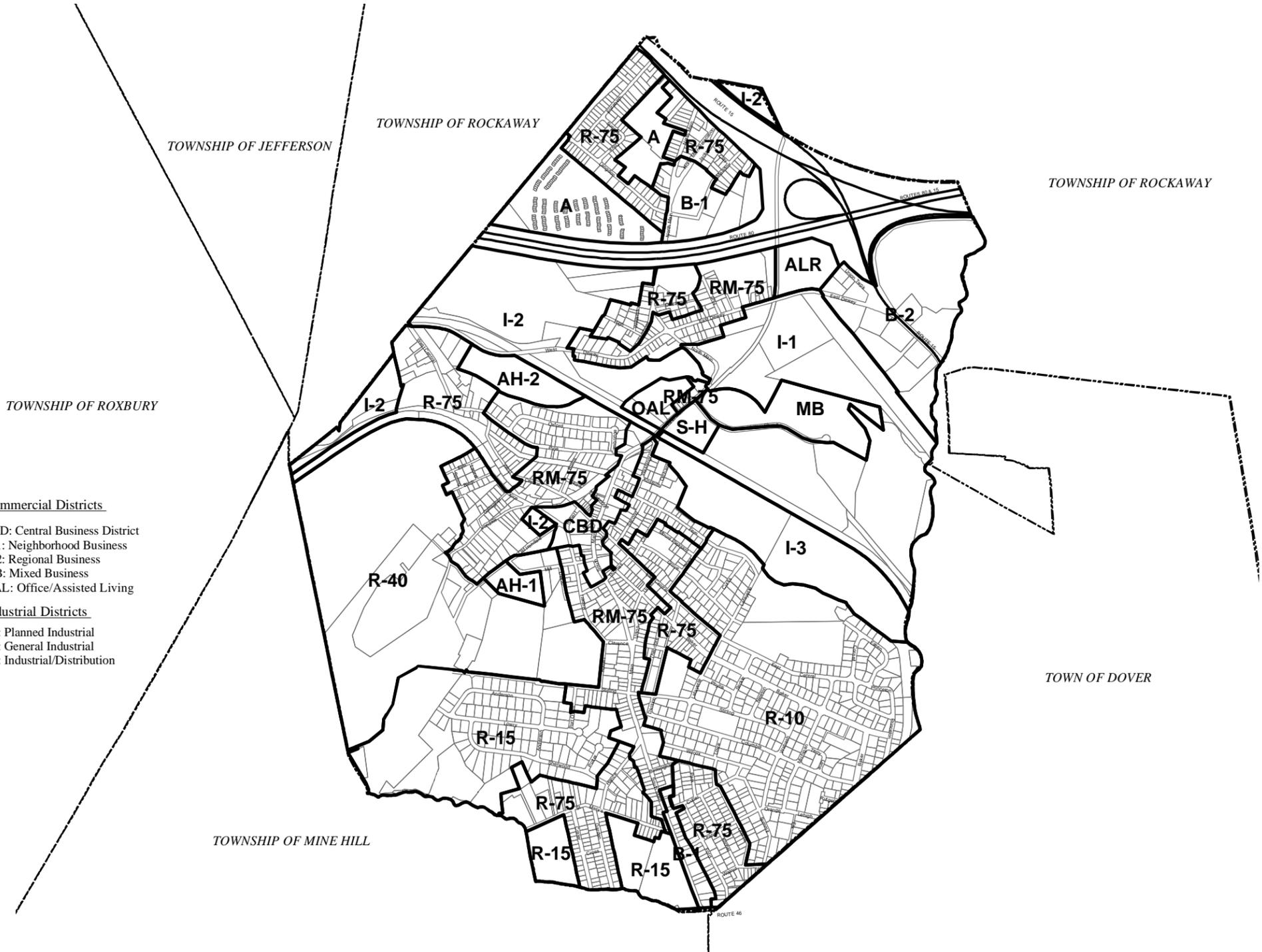
JOSEPH H. BURGIS AICP  
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 NEW JERSEY LIC. NO. 2450

Project No.	1498.05
Sheet No.	1 of 1
Date	09/08/04
Drawn	RN/RW
Dwg. Scale	1"=1475' +/-
File Name	1498.05ZN

Dwg. No.  
**ZN**  
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- Zoning Legend**
- Residential Districts
- R-40: Low Density Single Family
  - R-15: Low Density Single Family
  - R-10: Low-Moderate Density Single Family
  - R-75: Moderate Density Single Family
  - RM-75: Medium Density One and Two Family
  - A: Apartment and Townhouse
  - AH-1: Affordable Housing Medium Density
  - AH-2: Affordable Housing Low Density
  - S-H Senior Housing
  - ALR: Adult Living Residential

- Commercial Districts
- CBD: Central Business District
  - B-1: Neighborhood Business
  - B-2: Regional Business
  - MB: Mixed Business
  - OAL: Office/Assisted Living
- Industrial Districts
- I-1: Planned Industrial
  - I-2: General Industrial
  - I-3: Industrial/Distribution



Source 1: NJDEP Municipality Boundaries for the State of New Jersey.  
 Source 2: County of Morris, Department of Planning and Development, GI, September 2002, Parcels.

Dwg. Legend

**Recommended Zoning Changes**

- From RM-75 to R-75
- From RM-75 to CBD
- From CBD to RM-75
- From R-75 to R-15
- From I-1 to MB
- Office/Assisted Living Overlay
- Municipal Overlay
- Zoning Boundary
- Municipal Boundary
- Property Boundary

**Zoning Legend**

Residential Districts

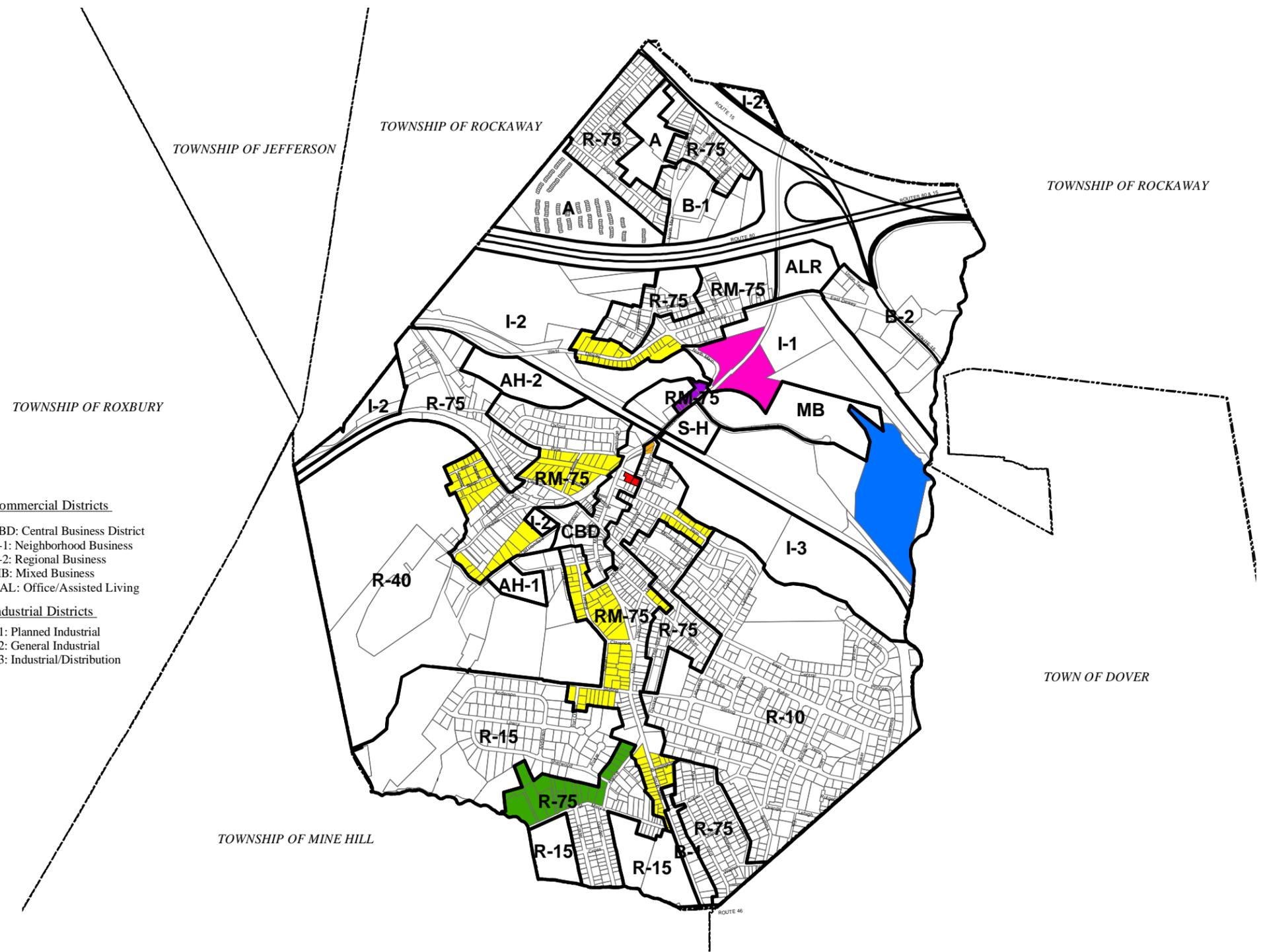
- R-40: Low Density Single Family
- R-15: Low Density Single Family
- R-10: Low-Moderate Density Single Family
- R-75: Moderate Density Single Family
- RM-75: Medium Density One and Two Family
- A: Apartment and Townhouse
- AH-1: Affordable Housing Medium Density
- AH-2: Affordable Housing Low Density
- S-H Senior Housing
- ALR: Adult Living Residential

Commercial Districts

- CBD: Central Business District
- B-1: Neighborhood Business
- B-2: Regional Business
- MB: Mixed Business
- OAL: Office/Assisted Living

Industrial Districts

- I-1: Planned Industrial
- I-2: General Industrial
- I-3: Industrial/Distribution



Rev	Description	Date	Dwn	Ckd

Dwg. Title  
**Existing Zoning and  
 Recommended Changes**

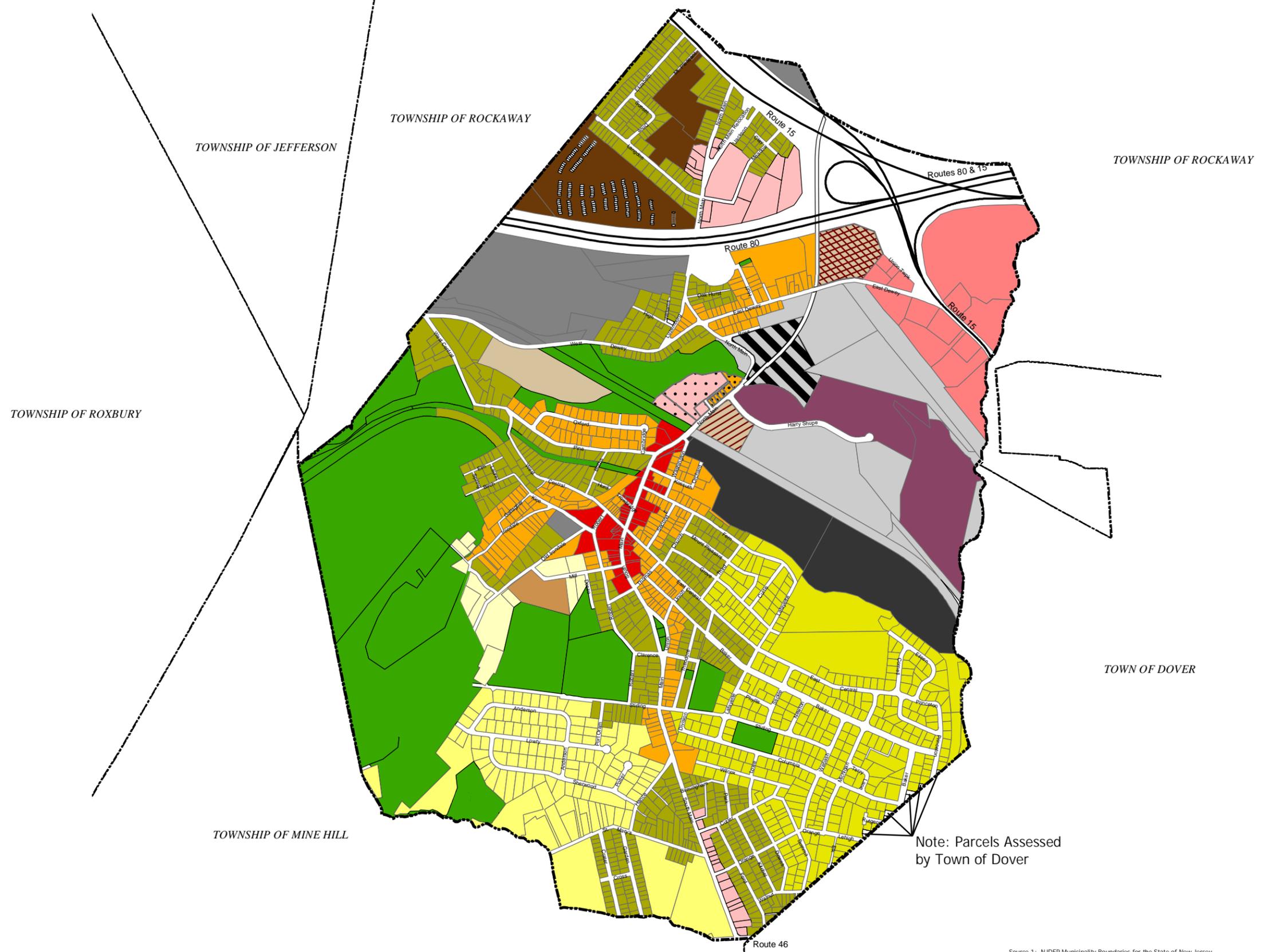
Graphic Scale

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 NEW JERSEY LIC. NO. 2450

Project No. 1498.05  
 Sheet No. 1 of 1  
 Date 12/15/04  
 Drawn RW  
 Dwg. Scale 1"=1475' +/-  
 File Name 1498.05Znrec

Dwg. No.  
**ZNrec**  
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Source 1: NJDEP Municipality Boundaries for the State of New Jersey.  
 Source 2: County of Morris, Department of Planning and Development, GI, September 2002, Parcels.



Note: Parcels Assessed by Town of Dover

Source 1: NJDEP Municipality Boundaries for the State of New Jersey.  
Source 2: County of Morris, Department of Planning and Development, GI, September 2002, Parcels.

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Project Title  
**Reexamination Report of Master Plan**  
BOROUGH OF WHARTON  
MORRIS COUNTY, NEW JERSEY

Key Map  
Scale NOT TO SCALE

Dwg. Legend

- Municipal Boundary
- Very Low Density Single Family
- Low Density Single Family
- Low-Moderate Density Single Family
- Moderate Density Single Family
- Medium Density One and Two Family
- Apartment and Townhouse
- Affordable Housing Low Density
- Affordable Housing Medium Density
- Senior Housing
- Adult Living Residential
- Central Business District
- Neighborhood Business
- Regional Business
- Mixed Business
- Office/Assisted Living
- Planned Industrial
- General Industrial
- Industrial/Distribution
- Open Space/Parkland
- Office/Assisted Living Overlay
- Municipal Overlay

Rev	Description	Date	DWN	CKD

Dwg. Title  
**Land Use Plan**

Graphic Scale

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Project No.	1498.05
Sheet No.	1 of 1
Date	12/15/04
Drawn	RW
Dwg. Scale	1"=1200' +/-
File Name	1498.05LUplan
Dwg. No.	LUplan

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## **APPENDIX**



# BURGIS ASSOCIATES, INC.

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Community Planning  
Land Development and Design  
Landscape Architecture

July 12, 2006

### **Explanation of Unpublished Death Statistics**

According to the New Jersey Center for Health Statistics, the state has a chronic problem with the assignment of municipality of residence on vital records. This problem exists due to differences between postal boundaries and municipal boundaries. Since the address of the mother is entered onto birth statistics, the Center for Health Statistics has been able to correct improperly assigned data using geocoding software. However, in instances where the street address is not available on the electronic file of deaths, geocoding correction is not possible. The Center for health Statistics has a policy of not releasing death data for municipalities which are known to have poor reconciliation between pre-geocoded and post-geocoded residence assignment.

The Center for Health Statistics will not release death data for any municipality which has more than a 10 percent overcount or undercount. Based on this policy, only 355 of New Jersey's 566 municipalities have releasable data. Death data for the Borough of Wharton is estimated to have a 21 percent overcount and the data has not been published since 1988 by the Center for Health Statistics.