



Engineering & Design



2022 Master Plan & Development Regulations Reexamination

Township of East Hanover

Adopted by the Planning Board on October 19, 2022

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Prepared for:

Township of East Hanover
Morris County, New Jersey

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I. Introduction



I. Introduction

The Township of East Hanover is in Morris County along the boundary with Essex County and encompasses approximately 8.1 square miles. East Hanover is a diverse community offering quiet residential neighborhoods, opportunities for small and large businesses, space for industrial and manufacturing uses, and open space areas. The Township is traversed by Interstate 280 in the north, but there is no interchange within the Township. New Jersey State Route 10 (“Route 10”) bisects the southern half of the Township. A majority of the commercial, office, and industrial uses are centered around Route 10 and adjacent side streets. The Township also contains numerous County Routes, including Hanover Road (CR 609), Mt. Pleasant Avenue (CR 610), Eagle Rock Avenue (CR 611), and Ridgedale Avenue (CR 632). The Township does not have access to any public rail services. However, NJTransit operates Bus Route 73 (Newark – Orange – Livingston Mall) and Bus Route 872 (Morristown – Route 10 – Livingston), which make stops in East Hanover.

East Hanover is surrounded by the Township of Montville to the north, the Townships of Fairfield and West Caldwell in Essex County to the northeast, the Borough of Roseland and Township of Livingston in Essex County to the east, the Borough of Florham Park to the south, the Township of Hanover to the southwest, and the Township of Parsippany-Troy Hills to the northwest. See the map on page 4 for the general location of East Hanover.

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

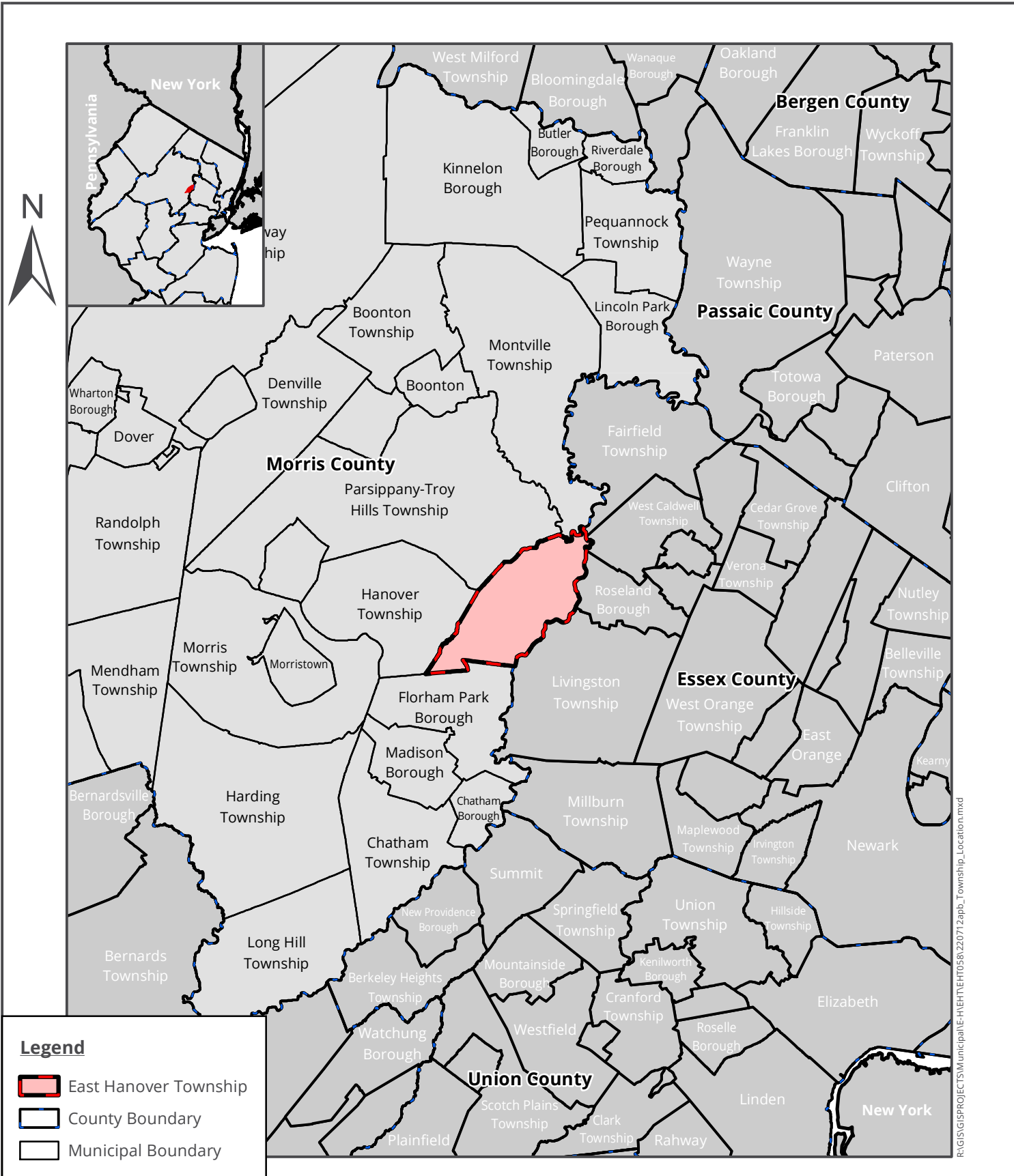
“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the Office of Planning Advocacy and to the County Planning Board. A notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the municipality pursuant to section 1 of P.E.2005, c.41 (C.40:55D-12.4) and to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the military facility or municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination.”

This reexamination of the Township of East Hanover’s Master Plan and Development Regulations conforms to the requirements of the MLUL and addresses the requirements of NJSA 40:55D-89 by including the following:

- 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 such plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.

- D. The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law”, P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

A review of East Hanover’s master planning documents reveals that the Township’s last reexamination report was adopted in December of 1994. The 1994 Reexamination of Master Plan (“1994 Reexamination”) reviewed the 1986 Re-examination of Master Plan. It should be noted that a Supplement to 1994 Reexamination of the Master Plan was adopted in December of 1995 (“1995 Supplement”). The 1995 Supplement specifically dealt with zoning options for the Block 96, Lots 99, 100, 101, and 102 in the Professional Business, PB-1 and PB-2, Zones.



Legend

- East Hanover Township
- County Boundary
- Municipal Boundary

0 1.75 3.5
 Miles
 1 inch = 3.5 miles

Regional Location
 Township of East Hanover
 Morris County, New Jersey

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 July 2022

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II. Problems & Objectives Related to the 1994 Reexamination



II. Problems & Objectives Related to the 1994 Reexamination

This chapter of the 2022 Master Plan & Development Regulations Reexamination (“2022 Reexamination”) report examines the major problems and objectives outlined in the 1994 Reexamination and 1995 Supplement by category as outlined in the reports. In 1994, there were several recommended changes, which are detailed below:

Recommended Changes in Permitted Land Uses

The following zone changes are recommended to both recognize existing land uses and to confirm that the existing use change is an appropriate use of the property:

1. Block 99, Lot 7 (part), Lots 5, 6, & 8. Currently, the listed lots include retail stores, an automobile dealership, and a service station. The property is contiguous to Route 10 and the uses are established. The uses generally conform to B-2 Zoning requirements. We believe that the B-2 Zone is appropriate. Accordingly, we recommend that the zone for the referenced properties be changed from I-3 to B-2.
2. Block 42, Lots 52 and 52.01. These properties are currently located within the B-1 Zone. The existing development on Lot 52.01 includes condominium warehouses, shops, and uses which are permitted within the adjoining I-1 Zone but not the B-1 Zone. Lot 52 is the location of the Police Station. The property in question is bounded by DeForest Avenue and Ridgedale Avenue. The two lots under the present zoning suggest “spot zoning”. We recommend that the existing use be recognized and that Lot 52.01 properties be rezoned from B-1 to I-1 and Lot 52 be rezoned from B-1 to PB-1.
3. Block 127, Lot 1.02. This site is the location of the PRP Corp. facility. The site was changed to RAH-3 Zone to provide the opportunity for the development of 40 housing units to help satisfy the Township’s low and moderate income housing obligation. PRP subsequently withdrew from the plan. Additionally, it appears that the Township will not need the site in order to satisfy its COAH obligations. Accordingly, the site should be rezoned back to I-3 to conform with the existing uses and adjacent zone. This rezoning would require the approval of Superior Court.
4. Block 99, Lots 10 and 11. These lots in question contain approximately four (4) acres and are located within the I-3 Zone. The site fronts along Route 10 and includes a bowling alley. We do not believe that the best use for this tract is industrial. We recommend that the existing use be recognized and that the tract be rezoned to B-2.

Home Occupations

The following additional permitted use is recommended to permit home occupations. Home occupations as defined in Section 95-3 shall be permitted in all residential districts in accordance with the following:

1. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than an area equivalent to forty percent (40%) of the gross habitable floor area of the principal dwelling unit structure shall be used in the conduct of the home occupation.

2. No person other than members of the household residing on the premises plus one (1) secretary and one (1) other assistant shall be engaged in the occupation on the premises.
3. No retail trade and/or wholesale trade shall be permitted where the actual transfer of goods or merchandise occurs on the premises.
4. The residential character of the lot and building shall not be changed; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause interference with radio or television reception in neighboring residences.
5. There shall be no exterior evidence of the home occupation other than one (1) unlighted name plate identifying the home occupation, not exceeding three (3) square feet in area, either attached or freestanding and setback at least fifteen feet (15') from all street rights-of-way and property lines.
6. The home occupation shall not necessitate the need to park more than two (2) vehicles at any time in addition to those ordinarily used by the residents of the home. Said vehicles shall be limited to passenger automobiles and must be parked off-street.
7. The applicant shall have applied for and received "minor" site plan approval from the Planning Board in accordance with the applicable requirements of this Ordinance.

Deferred Recommendations

1. Hanover Village Historic District, in general, is situated along Mt. Pleasant Avenue and Hanover Road and is one of Morris County's earliest settlements. This area was settled within the 18th Century. The structures within this district include the Cook-Halfway House which was a stop for stagecoaches; the Hanover Presbyterian Church; and the former Hanover Post Office. Various residences also have historic significance.



The State Review Board for Historic Sites has recommended that the State Historic Preservation Officer considered the area for inclusion within the New Jersey Register of Historic Places. If included, the area would be regulated as regards publicly funded projects and building restorations, renovations, etc.

This area is located within the R-20 Zone. Except for the church, the area consists primarily of large single-family detached dwellings. Mt. Pleasant Avenue and Hanover Road experience large volumes of traffic.

In order to be consistent with regulations and restrictions, we recommend that any rezoning of this area be deferred until the area is federally designated as a historic district.

2. Block 96; Lots 99, 100, 101 and 102

The lots in question contain approximately 20 acres and are located within the PB-1 and PB-2 Zones, respectively. At present there are three (3) single-family dwellings on the tract.

3. The "East Hanover Airport" site, which currently is zoned RAH-2, is comprised of approximately 59.7 acres. All but approximately 11.5 acres are located in wetlands and/or flood hazard areas. The site is located along the northerly part of Ridgedale Avenue across from a commercial facility. If the site is not needed to satisfy the Township's low and moderated income housing obligations, the site should be re-evaluated to determine its most appropriate use. However, rezoning the site would require the approval of Superior Court.

4. PB-1 and PB-2 Zone (Maier's Bakery and Lisanti Foods Site)

The present zoning is PB-1 and PB-2. Permitted uses under the present zoning include:

- Single-family dwellings conforming to the regulations for the R-20 Zone.
- Office buildings for business, professional, and administrative uses not engaged in retail or wholesale sale and delivery of goods. Additionally, the uses do not permit the repairing, servicing, or receiving for repair of service on the premises.
- Banks of financial institutions
- Municipal facilities.

The intent of the PB-1 and PB-2 Zones was to serve as a transition zone between the residential zones and industrial zones. There are no residential zones adjacent to the subject tract. Because of its location, it is unlikely that the site will be developed for residential use. Since this site is the subject of litigation, no recommendations concerning the appropriate use of this tract are being made within this report.

Recommended Changes in the Township Land Use and Zoning Ordinance

Section 95-1 Purpose

1. Delete: "J. to promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment thru improper use of land."
2. Delete: "L. to promote conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources."

3. Add: "J. to promote the conservation of historic sites and districts, open spaces, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of the land."
4. Add: "K. to encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial, and recreational development of the particular site."
5. Add: "L. to encourage senior citizen community housing construction."
6. Add: "N. to promote the utilization of renewable energy sources."
7. Add: "to promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs."

Comment: The revisions are proposed to conform with the general purposes of the Municipal Land Use Law.

Section 95-3 Definitions

1. Governing Body: Change "Township Committee" to "Township Council"
2. Add:
 - a. "Lot, Corner – A lot abutting the intersection of two or more streets where the interior angle of intersection does not exceed 135°. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard. The side and rear yard shall be designated at the time an application is submitted for a construction permit or application for development."
 - b. "Lot Line Front – The line separating the lot from a street."
 - c. "Lot Line Rear – The lot line opposite and most distant from the front lot line."
 - d. "Lot Line Side – Any lot line other than the front or rear lot line. A side lot line separating a lot from the street is called a "side street lot line"."
 - e. "Lot Line Street or Alley" – The lot line separating the lot from a street or alley."
 - f. "Lot Frontage – The distance between the side lot lines measured along the street line. In the case of a corner lot, either street line may be considered the lot frontage, provided that it equals or exceeds the minimum frontage requirements of this ordinance for the land in question. Where a lot has discontinuous frontage, the minimum lot frontage requirement must be met with the required length of unbroken frontage."
 - g. "Home Occupation – An occupation conducted in a dwelling unit, subordinate to its residential use."
3. Parking Space: Change to: "An accommodation for the off-street parking of a motor vehicle, which space shall have an area not less than that prescribed exclusive of access drives or aisles appurtenant thereto. Parking spaces shall be measured perpendicular to the axis of the length, which adequate provision for ingress and egress."

4. Sign, Area of: Change to: "The area of a sign as measured from the extreme ends of the message in a geometric manner when the sign is inscribed upon a building or the outer ends of a structure incorporating the message when the structure is mounted onto a post or building. For freestanding signs, the area of the structure, excluding any post or past foundations."

Section 95-34 Filing Procedures (Subdivision and Site Plan Review)

1. Add:
 - F. "No tract or parcel shall be resubdivided for a period of three (3) years after a subdivision and/or resubdivision of said tract or parcel has been recorded and filed."

Section 95-39A.(2)(t) Sidewalk Specifications

1. Change to:
 - a. "Concrete sidewalks of a minimum width of four feet (4') and a minimum depth of four inches (4") except at driveways where the minimum depth shall six inches (6") shall be constructed and approved by the Township Engineer."

Section 95-39B. Site Plans

1. Add:
 - A. (19) Refuse storage areas shall be effectively screened from public view by means of structural walls, shroud fencing or methods approved by the Township Engineer.

Section 95-39B.(9) Design Standards, Off-Street Parking

1. Add:
 - a. "...except in cases of automobile sales facilities."



Section 95-39B.(18) Design Standards, Parking Spaces

1. Change to:
 - a. "In general, parking spaces shall be nine (9) feet wide by nineteen (19) feet long and shall be clearly marked with painted lines."

Section 39B.(19) Design Standards, Parking Areas

1. Delete in its entirety:
 - a. "For parking areas in excess of one-hundred (100) spaces, a maximum of thirty percent (30%) of parking stalls shall be designed as smaller car spaces. Stalls shall be sixteen (16) feet in length and eight (8) feet in width. Where provided, small cars shall be grouped in rows rather than scattered throughout parking areas in a random manner. Also, appropriate signs indicating designated spaces as smaller car spaces shall be provided. The approving authority may consider a reduction in aisle widths in small car areas from those indicated in Subsection B(11) above."

Section 95-44B. Zoning Map

1. Change Zoning Map Amendment date to date of latest revision.

Section 95-46C. General Regulations

1. Change the entire paragraph to read as follows:
 - a. "Off-street Parking and Garage Space – A garage of sufficient size to accommodate a standard-sized automobile shall be provided for each dwelling unit of a single family or townhouse dwelling unit except that for occupancy by municipally owned or sponsored senior citizens need not be provided with garages.
 - b. All parking spaces and garage spaces shall be provided with necessary passageways and driveways.
 - c. At least one (1) parking spaces shall be provided for each dwelling unit in all residential zones in addition to any parking spaces provided or located within any garage or garages.
 - d. Except for residential dwelling units in residential zones, no permanent parking facilities shall be permitted within twenty feet (20') of any street line in a zone.
 - e. All required parking spaces must be on the same lot as the building for which they serve.
 - f. No commercially registered vehicle having a load capacity in excess of three thousand (3000) pounds as determined by manufacturer's specifications shall be parked outdoors overnight in a residential zone."

Section 95-46E. General Regulations

1. Change this paragraph in its entirety to read as follows:
 - a. "Detached accessory buildings shall be located to the rear of the building line of the principal structure and shall comply with the provisions of the schedule governing their location in each

zone. The construction of accessory buildings having floor areas in excess of 220 square feet shall blend with the style and type of the principal structure with specific references as to the style and type of roof and the general aesthetics of the neighborhood.”

Section 95-46G. General Regulations

1. Change to:
 - a. “The required side yard on the street side of corner lots shall equal the required front yard setback for the adjacent lot.”

Section 95-47A.(4) Modifications and Exceptions, Outdoor Storage

1. Change Buffer Strip to read as follows:
 - a. “A Buffer Strip of ten (10) feet shall be provided along the side or rear lot lines when the same adjoins a residential zone.”
2. Add:
 - a. “Outdoor Storage Screening – All Outdoor Storage areas, if permitted, shall be screened from public view except that the display of new and used motor vehicles where permitted shall not be required to be screened by any plantings or fence along the street side and may be located within the required front yard. All storage areas shall be subject to a site plan application, review and approval of the appropriate municipal board.”

Section 95-47A.(4)(b) Modifications and Exceptions, Outdoor Storage

1. Change this to read as follows:
 - a. “Outdoor Storage as defined in this subsection shall be permitted in the B-2, B-2B, I-1, I-3, and R-L Zones on the Zoning Map of the Township of East Hanover. Outdoor Storage shall not be permitted within any zone not specifically permitted.”

Section 95-47A.(4)(b) Modifications and Exceptions, Outdoor Storage

1. Change this paragraph to read as follows:
 - a. “In the I-1 and I-3 zone on the Zoning Map of the Township of East Hanover, Outdoor Storage may be permitted in the rear and side yards only and shall be limited to a maximum area equivalent to 50% of the building area.”

Section 95-47A.(4)(e) Modifications and Exceptions, Outdoor Storage

1. Change this paragraph as follows:
 - a. “Use of Outdoor Storage areas within the I-1 and I-3 zones on the Zoning Map of the Township of East Hanover is not restricted solely to the use by the owner, or, if applicable, by the tenants of the principal structure, but may also be utilized by others with totally unrelated activities as long as such activities comply with the provisions of this article.”

Section 95-47A.(4)(f) Modifications and Exceptions, Outdoor Storage

1. Change this paragraph as follows:

- a. "The use of the Outdoor Storage areas within the B-2 Zone on the Zoning Map of the Township of East Hanover is not restricted solely to use by the owner or the tenants of the principal structure, but may also be used by others with totally unrelated activities as long as such activities relate to a use permitted within the B-2 Zone and are directly related to a use having a principal structure within the B-2 Zone."

Section 95-47A.(7) Modifications and Exceptions of Split Zones

1. Delete this paragraph in its entirety.

Section 95-54C.(1)(b) Business B-1 Zone, Other Provisions and Requirements, Area Requirements

1. Change this paragraph to read as follows:
 - a. "Where a side yard adjoins a residential zone, the side yard shall not be less than the larger of the two side yards required for the adjoining residential zone. Where a rear yard joins a residential zone, the rear yard shall not be less than the required rear yard for the adjoining zone."

Section 95-54D. B-1 Zone Regulations, Hours of Operation

1. Change this paragraph to read:
 - a. No deliveries of goods by vehicles having a load capacity exceeding three thousand (3000) pounds shall be made to any buildings within the B-1 Zone between the hours of 10:00 pm to 7:30 am, exclusive.

Section 95-55A.(1)(d)[1] Business B-2 Zone Regulations, Restricted Industrial Uses

1. Change this paragraph to read as follows:
 - a. "Warehouse and distribution facilities, provided that the goods of merchandise being stored is actually owned by the owner of the building or a bona fide tenant and, additionally, the goods to be stored shall be owned and used by said owner and tenant."

Section 95-55A.(1)(d)[4] Business B-2 Zone Regulations, Restricted Industrial Uses

1. Change "Section 95-56(B)" to "Section 95-56(C)(6)".

Section 95-55C.(1)(b) Business B-2 Zone

1. Change this paragraph to read as follows:
 - a. "Where the side yard adjoins a residential zone, the side yard shall be not less than the larger of the two (2) side yards required for the adjoining residential zone. Where a rear yard adjoins a residential zone, the rear yard shall be not less than the required rear yard for the adjoining residential zone."

Section 95-55C.(2) Business B-2 Zone, Off-Street Parking

1. Change the first two (2) sentences to read as follows:
 - a. "Off-street parking. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve and shall be located in other than the required front yard area or

required side yard area on the street side in case of corner lots unless waived by the municipal board.”

Section 95-55C.(2)(d) Business B-2 Zone Regulations

1. Add:
 - a. For restaurants: One space for each four (4) seats, but in all cases a sufficient number of spaces to prevent any parking along public rights-of-way or fire lanes and aisles. For restaurants with take-out service, sufficient additional parking spaces as may be determined by the Municipal Review Board to accommodate visiting the site.

Section 95-55B.(1) Business B-2 Zone Regulations, Prohibited Uses

1. Delete in its entirety.

Section 95-59A.(1)(a) Light Industry I-3 Zone Regulations, Permitted Uses

1. Change this paragraph to read as follows:
 - a. “warehouse facilities provided that the goods or merchandise being stored is actually owned by the owner of the building or a bona fide tenant.”

Section 95-59A.(2) Light Industry I-3 Zone Regulations, Permitted Accessory Uses

1. Add:
 - a. “Offices used in connection with and for the administration of related activities.”



Section 95-59D.(1)(c) Light Industry I-3 Zone Regulations, Other Provisions and Requirements, Area Requirements

1. Change this paragraph to read as follows:
 - a. "The frontage along all street lines opposite a residential zone shall be landscaped (except for access driveways) to provide an effective screen except that neutral vegetative growth shall be permitted if in the judgement of the municipal board, the same provides effective, aesthetic screening."

Section 95-59D.(2) Light Industry I-3 Zone Regulations, Other Provisions and Requirement, Off-Street Parking

1. Add the following to the end of this paragraph:
 - a. "Where an applicant can demonstrate to the satisfaction of the municipal board that the number of parking spaces herein is in excess of the needs of the intended use, the municipal board at its sole option, may permit the construction of fewer parking spaces provided a sufficient area is designated on the site for the future construction of the difference between the required number of parking spaces and the spaces permitted by the Board. When fewer parking spaces are permitted under this provision, any change in use or user shall require review and approval by the appropriate municipal board."

Section 95-60A.(1)(a) Light Industry I-1 Zone Regulations, Permitted Uses, Warehouse Facilities

1. Change this paragraph to read as follows:
 - a. "Warehouse facilities, provided that the goods or merchandise being stored is actually owned by the owner of the parcel or a bona fide tenant, and, additionally, the goods to be stored shall be owned by said owner or tenant and shall be the subject of planning board site plan review."

Section 95-65.1 Zone Change Requests

1. Change this Section to read as follows:
 - a. Any developer requesting a zone change shall file with the Director of Land Use such a request and simultaneously deposit with the Township Clerk an escrow amount for fees as hereinafter set forth.
 - b. The Director of Land Use shall thereupon notify the governing body, in writing, of the zone change request and, thereupon, forward copies of the request and accompanying maps to the governing body for its review.
 - c. Prior to the hearing on adoption of any amendments to the zoning ordinance, the governing body shall refer the proposed ordinance or amendment thereto to the Planning Board pursuant to Subsection C. 40:55D-26a of the Municipal Land Use Law. The Township Clerk shall forward to the Planning Board copies of the request for the zone change including any maps and related documents.
 - d. Upon receipt of the documents from the governing body set forth in 95-65.1A(3), the Planning Board shall thereafter review the documents and shall conduct a public hearing. The Planning Board shall make and transmit to the governing body, within 35 days after referral, a report

including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate.

- e. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the 35-day period provided herein shall relieve the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the Planning Board.
- f. Upon receipt by the governing body of the recommendation of the Planning Board, the governing body shall schedule a public hearing on the zone change request.

Section 95-65.2 Posting of Signs

1. Delete in its entirety.

1995 Supplement Recommendations

1. We recommend that the existing PB-1 and PB-2 (Professional and Business) Zoning be retained. This was established in the Township of East Hanover Master Plan nearly twenty years ago. The tract was cited as being in a transition area between the business zones and residential areas. The purpose of the PB-1 and PB-2 Zones was to provide a desirable balance of sites reserved specifically for offices, in addition to the large tracts zoned for industrial uses. These zones were reaffirmed in the 1976 and 1986 Master Plan Re-examinations.



III. Extent That Problems & Objectives Have Changed Since 1944



III. Extent That Problems & Objectives Have Changed Since 1994

This chapter of the report reviews the extent to which problems and objectives have been reduced or increased since 1994. The issues listed in Chapter II are summarized below, along with a 2022 status evaluation.

Recommended Changes in Permitted Land Uses

The following zone changes were recommended to both recognize existing land uses and to confirm that the existing use change is an appropriate use of the property:

1. Block 99, Lot 7 (part), Lots 5, 6, & 8. Change the lots from I-3 to B-2.
Current Status: The current Zoning Map, adopted on October 5, 2020 via Ordinance No. 6-2020, illustrates the above-mentioned lots in the I-3 Zone.
2. Block 42, Lots 52 and 52.01. Rezone Lot 52.01 properties from B-1 to I-1 and Lot 52 be rezoned from B-1 to PB-1.
Current Status: The current Zoning Map illustrates Lots 52 and 52.01 of Block 42 in the B-1 Zone.
3. Block 127, Lot 1.02. Rezoned the site from RAH-3 to I-3.
Current Status: There is no tax record for a Lot 1.02. However, Lot 1 and 1.01 are in the I-3 Zone.
4. Block 99, Lots 10 and 11. Rezone from I-3 Zone to B-2.
Current Status: The current Zoning Map illustrates Lots 10 and 11 of Block 99 in the I-3 Zone.

Home Occupations

The following additional permitted use is recommended to permit home occupations. Home occupations as defined in Section 95-3 shall be permitted in all residential districts in accordance with the following:

1. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than an area equivalent to forty percent (40%) of the gross habitable floor area of the principal dwelling unit structure shall be used in the conduct of the home occupation.
2. No person other than members of the household residing on the premises plus one (1) secretary and one (1) other assistant shall be engaged in the occupation on the premises.
3. No retail trade and/or wholesale trade shall be permitted where the actual transfer of goods or merchandise occurs on the premises.
4. The residential character of the lot and building shall not be changed; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause interference with radio or television reception in neighboring residences.

5. There shall be no exterior evidence of the home occupation other than one (1) unlighted name plate identifying the home occupation, not exceeding three (3) square feet in area, either attached or freestanding and setback at least fifteen feet (15') from all street rights-of-way and property lines.
6. The home occupation shall not necessitate the need to park more than two (2) vehicles at any time in addition to those ordinarily used by the residents of the home. Said vehicles shall be limited to passenger automobiles and must be parked off-street.
7. The applicant shall have applied for and received "minor" site plan approval from the Planning Board in accordance with the applicable requirements of this Ordinance.

Current Status: Home occupation is defined in Section 95-3 but is limited to only members of the immediate family. The definition does not address parking or minor site plan approval. However, home occupations are not a permitted use in any zone.

Deferred Recommendations

1. Hanover Village Historic District. The State Review Board for Historic Sites has recommended that the State Historic Preservation Officer consider the area for inclusion within the New Jersey Register of Historic Places. In order to be consistent with regulations and restrictions, we recommend that any rezoning of this area be deferred until the area is federally designated as a historic district.

Current Status: The Hanover Village Historic District was listed on the New Jersey Register of Historic Places on July 20, 1993, and the National Register of Historic Places on September 13, 1993.¹ According to the current Zoning Map, the District is still located in the R-20 Zone.

2. Block 96; Lots 99, 100, 101 and 102. No recommendations made.

Current Status: As no recommendations were made, there is no status to report.

3. The "East Hanover Airport" site. No recommendations made.

Current Status: As no recommendations were made, there is no status to report.

4. PB-1 and PB-2 Zone (Maier's Bakery and Lisanti Foods Site). No recommendations made.

Current Status: As no recommendations were made, there is no status to report.

Recommended Changes in the Township Land Use and Zoning Ordinance

Section 95-1 Purpose

1. Delete: "J. to promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment thru improper use of land."

Current Status: This recommendation has not been implemented.

2. Delete: "L. to promote conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources."

¹ https://www.state.nj.us/dep/hpo/1identify/nrsr_lists/MORRIS.pdf, page 5, accessed on July 1, 2022.

Current Status: This recommendation has not been implemented.

3. Add: "J. to promote the conservation of historic sites and districts, open spaces, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of the land."

Current Status: Since Subsection J has not been removed, this recommendation has not been implemented.

4. Add: "K. to encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial, and recreational development of the particular site."

Current Status: This recommendation has not been implemented.

5. Add: "L. to encourage senior citizen community housing construction."

Current Status: Since Subsection L has not been removed, this recommendation has not been implemented.

6. Add: "N. to promote the utilization of renewable energy sources."

Current Status: This recommendation has not been implemented.

7. Add: "to promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs."

Current Status: This recommendation has not been implemented.

Section 95-3 Definitions

1. Governing Body: Change "Township Committee" to "Township Council"

Current Status: This recommendation has not been implemented.

2. Add:

- a. "Lot, Corner – A lot abutting the intersection of two or more streets where the interior angle of intersection does not exceed 135°. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard. The side and rear yard shall be designated at the time an application is submitted for a construction permit or application for development."

Current Status: This exact recommendation has not been implemented. However, Ordinance No. 19-2018, adopted on December 10, 2018 added the following definition:

CORNER LOT

A lot of land at the junction of and having frontage on two or more intersecting streets when the interior angle of intersection does not exceed 135°. A corner lot is also a lot bound on two or more sides by the same street.

- b. "Lot Line Front – The line separating the lot from a street."

Current Status: This recommendation has not been implemented, but the definition of Front Yard was amended in 2018.

- c. "Lot Line Rear – The lot line opposite and most distant from the front lot line."

Current Status: This recommendation has not been implemented, but the definition of Rear Yard was amended in 2018.

- d. "Lot Line Side – Any lot line other than the front or rear lot line. A side lot line separating a lot from the street is called a "side street lot line."

Current Status: This recommendation has not been implemented, but the definition of Side Yard was amended in 2018.

- e. "Lot Line Street or Alley" – The lot line separating the lot from a street or alley."

Current Status: This recommendation has not been implemented.

- f. "Lot Frontage – The distance between the side lot lines measured along the street line. In the case of a corner lot, either street line may be considered the lot frontage, provided that it equals or exceeds the minimum frontage requirements of this ordinance for the land in question. Where a lot has discontinuous frontage, the minimum lot frontage requirement must be met with the required length of unbroken frontage."

Current Status: This recommendation has not been implemented.

- g. "Home Occupation – An occupation conducted in a dwelling unit, subordinate to its residential use."

Current Status: This specific recommendation has not been implemented. However, the following definition of "Home Occupation" is present in Section 95-3:

HOME OCCUPATION

An accessory use of a service character conducted entirely within a dwelling, provided that no article is sold or offered for sale except as may be produced only by members of the immediate family residing on the premises, and which use is clearly incidental to the use of the dwelling for dwelling purposes and does not change the character thereof and which shall in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.

- 3. Parking Space: Change to: "An accommodation for the off-street parking of a motor vehicle, which space shall have an area not less than that prescribed exclusive of access drives or aisles appurtenant thereto. Parking spaces shall be measured perpendicular to the axis of the length, which adequate provision for ingress and egress."

Current Status: A modified version of this recommendation has been implemented. The following definition of "Parking Space" is present in Section 95-3:

PARKING SPACE

An accommodation for the off-street parking of a motor vehicle, which space shall have an area of not less than 200 square feet per vehicle exclusive of access drives or aisles appurtenant thereto and shall be a minimum of 10 feet in width and 20 feet long measured perpendicular to the axis of the length, with adequate provision for ingress and egress.

4. Sign, Area of: Change to: "The area of a sign as measured from the extreme ends of the message in a geometric manner when the sign is inscribed upon a building or the outer ends of a structure incorporating the message when the structure is mounted onto a post or building. For freestanding signs, the area of the structure, excluding any post or past foundations."

Current Status: This exact recommendation has not been implemented. However, Article XI "Signs", adopted via Ordinance No. 5-2008 on May 6, 2008 includes the following definition in Section 95-102:

SIGN AREA

The total square foot area of a sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto. The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign.

Section 95-34 Filing Procedures (Subdivision and Site Plan Review)

1. Add:
 - F. "No tract or parcel shall be resubdivided for a period of three (3) years after a subdivision and/or resubdivision of said tract or parcel has been recorded and filed."

Current Status: This recommendation has not been implemented.

Section 95-39A.(2)(t) Sidewalk Specifications

1. Change to:
 - a. "Concrete sidewalks of a minimum width of four feet (4') and a minimum depth of four inches (4") except at driveways where the minimum depth shall six inches (6") shall be constructed and approved by the Township Engineer."

Current Status: This recommendation has not been implemented.

Section 95-39B. Site Plans

1. Add:
 - A. (19) Refuse storage areas shall be effectively screened from public view by means of structural walls, shroud fencing or methods approved by the Township Engineer.

Current Status: This recommendation has not been implemented.

Section 95-39B.(9) Design Standards, Off-Street Parking

1. Add:
 - a. "...except in cases of automobile sales facilities."

Current Status: This recommendation has not been implemented.

Section 95-39B.(18) Design Standards, Parking Spaces

1. Change to:
 - a. "In general, parking spaces shall be nine (9) feet wide by nineteen (19) feet long and shall be clearly marked with painted lines."

Current Status: This recommendation has not been implemented.

Section 39B.(19) Design Standards, Parking Areas

1. Delete in its entirety:
 - a. "For parking areas in excess of one-hundred (100) spaces, a maximum of thirty percent (30%) of parking stalls shall be designed as smaller car spaces. Stalls shall be sixteen (16) feet in length and eight (8) feet in width. Where provided, small cars shall be grouped in rows rather than scattered



throughout parking areas in a random manner. Also, appropriate signs indicating designated spaces as smaller car spaces shall be provided. The approving authority may consider a reduction in aisle widths in small car areas from those indicated in Subsection B(11) above.”

Current Status: This section was repealed by Ordinance No. 17-2007 on August 13, 2007.

Section 95-44B. Zoning Map

1. Change Zoning Map Amendment date to date of latest revision.

Current Status: Since the 1994 Reexamination, the Township has amended the Zoning Map multiple times, most recently on October 5, 2020 via Ordinance No. 6-2020. The text of Section 95-44B has been amended to reflect the date of the current Zoning Map.

Section 95-46C. General Regulations

1. Change the entire paragraph to read as follows:
 - a. “Off-street Parking and Garage Space – A garage of sufficient size to accommodate a standard-sized automobile shall be provided for each dwelling unit of a single family or townhouse dwelling unit except that for occupancy by municipally owned or sponsored senior citizens need not be provided with garages.
 - b. All parking spaces and garage spaces shall be provided with necessary passageways and driveways.
 - c. At least one (1) parking spaces shall be provided for each dwelling unit in all residential zones in addition to any parking spaces provided or located within any garage or garages.
 - d. Except for residential dwelling units in residential zones, no permanent parking facilities shall be permitted within twenty feet (20') of any street line in a zone.
 - e. All required parking spaces must be on the same lot as the building for which they serve.
 - f. No commercially registered vehicle having a load capacity in excess of three thousand (3000) pounds as determined by manufacturer’s specifications shall be parked outdoors overnight in a residential zone.”

Current Status: Items b, d, e, and f have been incorporated into the Ordinance. Section 95-46E.2.(c)[2] was amended to state that no required garage can be eliminated without replacement.

Section 95-46E. General Regulations

1. Change this paragraph in its entirety to read as follows:
 - a. “Detached accessory buildings shall be located to the rear of the building line of the principal structure and shall comply with the provisions of the schedule governing their location in each zone. The construction of accessory buildings having floor areas in excess of 220 square feet shall blend with the style and type of the principal structure with specific references as to the style and type of roof and the general aesthetics of the neighborhood.”

Current Status: Since the 1994 Reexamination, Section 95-46E has been amended multiple times, most recently on August 6, 2018 via Ordinance 9-2018. Currently Section 95-46E provides requirements for (1) accessory structures, (2)(a) attached private garages, (2)(b) detached private garages, (2)(c) all garages, (2)(d) driveways, and (3) portable on-demand structures.

Section 95-46G. General Regulations

1. Change to:
 - a. "The required side yard on the street side of corner lots shall equal the required front yard setback for the adjacent lot."

Current Status: On April 3, 2018, the Township adopted Ordinance 3-2018, which added a side yard on a street side setback requirement to certain zones. The following sections were added:

- Section 95-48B.(2) "Corner lots. Side yard on a street side of not less than 40 feet."
- Section 95-49B.(2) "Corner lots. Side yard on a street side of not less than 40 feet."
- Section 95-50B.(2) "Corner lots. Side yard on a street side of not less than 40 feet."
- Section 95-51B.(2) "Corner lots. Side yard on a street side of not less than 50 feet."

Additionally, Ordinance 19-2018 was adopted by the Township on December 10, 2018, which amended the definition of "Yard, Front" in Section 95-3 to read:

YARD, FRONT

An open, unoccupied space, unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the street right-of-way line and the nearest line of any building on the subject lot. The depth of the front yard shall be measured at right angles to the street line. In the case of a corner lot, the front yard shall be that which occupies the least amount of street frontage. In the case of through lots, there shall be two front yards and no rear yard.

The changes made via Ordinances 3-2018 and 19-2018, although not specific to this recommendation, implemented the main goal of the recommendation into the Ordinance.

Section 95-47A.(4) Modifications and Exceptions, Outdoor Storage

1. Change Buffer Strip to read as follows:
 - a. "A Buffer Strip of ten (10) feet shall be provided along the side or rear lot lines when the same adjoins a residential zone."

Current Status: The Township implemented this recommendation, which can be found in Section 95-47A.(4)(a)

BUFFER STRIP

A buffer strip of 10 feet shall be provided wherever adjacent to a residential zone or when the outdoor storage is within the public view as hereinafter defined.

2. Add:
 - a. "Outdoor Storage Screening – All Outdoor Storage areas, if permitted, shall be screened from public view except that the display of new and used motor vehicles where permitted shall not be required to be screened by any plantings or fence along the street side and may be located within the required front yard. All storage areas shall be subject to a site plan application, review and approval of the appropriate municipal board."

Current Status: This recommendation is embodied in part in Section 95-47A(4)(a).

Section 95-47A.(4)(b) Modifications and Exceptions of Outdoor Storage

1. Change this to read as follows:
 - a. "Outdoor Storage as defined in this subsection shall be permitted in the B-2, B-2B, I-1, I-3, and R-L Zones on the Zoning Map of the Township of East Hanover. Outdoor Storage shall not be permitted within any zone not specifically permitted."

Current Status: Section 95-47A.(4)(b) has been amended as follows to address this recommendation:

Outdoor storage as defined in this subsection shall be permitted in the B-2, I-1, I-3 and R-L Zones on the Zoning Map of the Township of East Hanover. Outdoor storage shall not be permitted in a B-1 Zone on the Zoning Map of the Township of East Hanover or when a B-1 use is permitted in any other zone on the Zoning Map of the Township of East Hanover, nor in any residential or professional business zone on the Zoning Map of the Township of East Hanover.

Section 95-47A.(4)(b) Modifications and Exceptions of Outdoor Storage

1. Change this paragraph to read as follows:
 - a. "In the I-1 and I-3 zone on the Zoning Map of the Township of East Hanover, Outdoor Storage may be permitted in the rear and side yards only and shall be limited to a maximum area equivalent to 50% of the building area."

Current Status: Section 95-47A.(4)(c) has been amended to address this as follows:

In the I-1 and I-3 Zones on the Zoning Map of the Township of East Hanover, outdoor storage may be permitted in the rear yard and side yard only and shall be limited in area to a maximum of 50% over and above the buildable area allowed by this article.

Section 95-47A.(4)(e) Modifications and Exceptions, Outdoor Storage

1. Change this paragraph as follows:
 - a. "Use of Outdoor Storage areas within the I-1 and I-3 zones on the Zoning Map of the Township of East Hanover is not restricted solely to the use by the owner, or, if applicable, by the tenants of the principal structure, but may also be utilized by others with totally unrelated activities as long as such activities comply with the provisions of this article."

Current Status: This recommendation has been completed and Section 95-47A.(4)(e) reads as follows:

The use of outdoor storage area within the I-1 and I-3 Zones on the Zoning Map of the Township of East Hanover is not restricted solely to use by the owners or, if applicable, the tenants of the principal structure, but may also be utilized by others with totally unrelated activities as long as such activities are permitted in the I-1 and I-3 Zones and the provisions of this article are complied with.

Section 95-47A.(4)(f) Modifications and Exceptions, Outdoor Storage

1. Change this paragraph as follows:
 - a. "The use of the Outdoor Storage areas within the B-2 Zone on the Zoning Map of the Township of East Hanover is not restricted solely to use by the owner or the tenants of the principal structure, but may also be used by others with totally unrelated activities as long as such activities relate to a use permitted within the B-2 Zone and are directly related to a use having a principal structure within the B-2 Zone."

Current Status: This recommendation has not been implemented.

Section 95-47A.(7) Modifications and Exceptions, Split Zones

1. Delete this paragraph in its entirety.

Current Status: This recommendation has not been implemented. It should be noted that Ordinance No. 10-2005, adopted on June 13, 2005, redesignated Section 95-47A.(7) to Section 95-47A.(8).

Section 95-54C.(1)(b) Business B-1 Zone, Other Provisions and Requirements, Area Requirements

1. Change this paragraph to read as follows:
 - a. "Where a side yard adjoins a residential zone, the side yard shall not be less than the larger of the two side yards required for the adjoining residential zone. Where a rear yard joins a residential zone, the rear yard shall not be less than the required rear yard for the adjoining zone."

Current Status: This recommendation has not been implemented, but should be to clarify the intent of the Ordinance.

Section 95-54D. B-1 Zone Regulations, Hours of Operation

1. Change this paragraph to read:
 - a. No deliveries of goods by vehicles having a load capacity exceeding three thousand (3000) pounds shall be made to any buildings within the B-1 Zone between the hours of 10:00 pm to 7:30 am, exclusive.

Current Status: This recommendation has not been implemented.

Section 95-55A.(1)(d)[1] Business B-2 Zone Regulations, Restricted Industrial Uses

1. Change this paragraph to read as follows:
 - a. "Warehouse and distribution facilities, provided that the goods of merchandise being stored is actually owned by the owner of the building or a bona fide tenant and, additionally, the goods to be stored shall be owned and used by said owner and tenant."

Current Status: The Township amended this section in 2021 to address the current nature of warehouse uses. Ordinance 14-2021 amended Section 95-55A.(1)(d)[1] to read as follows:

Automated and nonautomated wholesale, warehouse storage and distribution facilities, and wholesale distribution centers, provided such activities and inventories are conducted entirely within an enclosed structure.

Section 95-55A.(1)(d)[4] Business B-2 Zone Regulations, Restricted Industrial Uses

1. Change "Section 95-56(B)" to "Section 95-56(C)(6)".

Current Status: This recommendation has not been implemented.

Section 95-55C.(1)(b) Business B-2 Zone

1. Change this paragraph to read as follows:
 - a. "Where the side yard adjoins a residential zone, the side yard shall be not less than the larger of the two (2) side yards required for the adjoining residential zone. Where a rear yard adjoins a residential zone, the rear yard shall be not less than the required rear yard for the adjoining residential zone."

Current Status: This recommendation has not been implemented but should be to clarify the intent of the Ordinance.



Section 95-55C.(2) Business B-2 Zone, Off-Street Parking

1. Change the first two (2) sentences to read as follows:
 - a. "Off-street parking. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve and shall be located in other than the required front yard area or required side yard area on the street side in case of corner lots (unless waived by the municipal board)."

Current Status: The Township has completed this task via Ordinance No. 32-2005, adopted on November 21, 2005, which removed "unless waived by the municipal board" and included the following text:

Such parking area shall not be located closer than 50 feet to a residential zone, unless this requirement is waived by the appropriate municipal board in cases where a buffer strip as required by such board is provided and maintained. The following standards shall govern the provisions of such parking space. For uses other than those listed, the number of off-street parking spaces required is the number of spaces required for the use which most nearly approximates the proposed use.

Section 95-55C.(2)(d) Business B-2 Zone Regulations

1. Add:
 - a. For restaurants: One space for each four (4) seats, but in all cases a sufficient number of spaces to prevent any parking along public rights-of-way or fire lanes and aisles. For restaurants with take-out service, sufficient additional parking spaces as may be determined by the Municipal Review Board to accommodate visiting the site.

Current Status: Due to the evolution of restaurants and their varied nature, the Township created four categories of restaurants in 2020. Simultaneously, definitions were provided and the Ordinance was amended to provide parking regulations for each specific use. Now Section 95-55C.(2)(d) states "Restaurants, eatery restaurants, and fast-food restaurants. One space for every two seats/stools, plus one space for every two linear feet of bar or counter space where patrons may eat/drink while standing." Additionally, Ordinance No. 9-2020 also added Section 95-55C.(2)(e), which states "Take-out restaurants. One parking space for every two employees on the maximum shift, plus 4 spaces."

Section 95-55B.(1) Business B-2 Zone Regulations, Prohibited Uses

1. Delete in its entirety.

Current Status: It appears that the Township has not implemented this recommendation. Section 95-55B.(1) currently states "Same as specified for the Business B-1 Zone in §95-54B."

Section 95-59A.(1)(a) Light Industry I-3 Zone Regulations, Permitted Uses

1. Change this paragraph to read as follows:
 - a. "Warehouse facilities provided that the goods or merchandise being stored is actually owned by the owner of the building or a bona fide tenant."

Current Status: This task has been completed. The Township adopted Ordinance No. 11-2015 on November 4, 2015, which implemented the recommended text. However, Section 95-59A.(1)(a) was further amended via Ordinance No. 14-2021, adopted on December 6, 2021, to state:

Automated and nonautomated wholesale, warehouse storage and distribution facilities, and wholesale distribution centers, provided such activities and inventories are conducted entirely within an enclosed structure.

Section 95-59A.(2) Light Industry I-3 Zone Regulations, Permitted Accessory Uses

1. Add:
 - a. "Offices used in connection with and for the administration of related activities."

Current Status: This recommendation has not been implemented.

Section 95-59D.(1)(c) Light Industry I-3 Zone Regulations, Other Provisions and Requirements, Area Requirements

1. Change this paragraph to read as follows:
 - a. "The frontage along all street lines opposite a residential zone shall be landscaped (except for access driveways) to provide an effective screen except that natural vegetative growth shall be permitted if in the judgement of the municipal board, the same provides effective, aesthetic screening."

Current Status: The text currently reads "the 200' setback required in the schedule shall be landscaped except for access driveways on all street lines opposite a residential zone", which accomplishes the recommendation above.

Section 95-59D.(2) Light Industry I-3 Zone Regulations, Other Provisions and Requirement, Off-Street Parking

1. Add the following to the end of this paragraph:
 - a. "Where an applicant can demonstrate to the satisfaction of the municipal board that the number of parking spaces herein is in excess of the needs of the intended use, the municipal board at its sole option, may permit the construction of fewer parking spaces provided a sufficient area is designated on the site for the future construction of the difference between the required number of parking spaces and the spaces permitted by the Board. When fewer parking spaces are permitted under this provision, any change in use or user shall require review and approval by the appropriate municipal board."

Current Status: This recommendation has not been implemented.

Section 95-60A.(1)(a) Light Industry I-1 Zone Regulations, Permitted Uses, Warehouse Facilities

1. Change this paragraph to read as follows:
 - a. "Warehouse facilities, provided that the goods or merchandise being stored is actually owned by the owner of the parcel or a bona fide tenant, and, additionally, the goods to be stored shall be owned by said owner or tenant and shall be the subject of planning board site plan review."

Current Status: This specific recommendation has not been implemented. However, it should be noted that Ordinance No. 11-2015 was adopted on November 4, 2015 and amended this section to state “Warehouse facilities, provided that the goods or merchandise being stored is actually owned by the owner of the parcel or a bona fide tenant”. This Section was further amended by Ordinance No. 13-2021, adopted on December 6, 2021, to state:

Automated and nonautomated wholesale, warehouse storage and distribution facilities, and wholesale distribution centers, provided such activities and inventories are conducted entirely within an enclosed structure.

Section 95-65.1 Zone Change Requests

- Change this Section to read as follows:
 - a. Any developer requesting a zone change shall file with the Director of Land Use such a request and simultaneously deposit with the Township Clerk an escrow amount for fees as hereinafter set forth.
 - b. The Director of Land Use shall thereupon notify the Governing Body, in writing, of the zone change request and, thereupon, forward copies of the request and accompanying maps to the governing body for its review.
 - c. Prior to the hearing on adoption of any amendments to the zoning ordinance, the governing body shall refer the proposed ordinance or amendment thereto to the Planning Board pursuant to



Subsection C. 40:55D-26a of the Municipal Land Use Law. The Township Clerk shall forward to the Planning Board copies of the request for the zone change including any maps and related documents.

- d. Upon receipt of the documents from the governing body set forth in 95-365.1A(3), the Planning Board shall thereafter review the documents and shall conduct a public hearing. The Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate.
- e. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning board to transmit its report within the 35-day period provided herein shall relive the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the Planning Board.
- f. Upon receipt by the governing body of the recommendation of the Planning Board, the governing body shall schedule a public hearing on the zone change request.

Current Status: This recommendation has not been fully implemented. However, it should be noted that Section 95-65.1A.(1) contains text identical to Item a.

Section 95-65.2 Posting of Signs

1. Delete in its entirety.

Current Status: The Township adopted Ordinance No. 5-2001 on March 12, 2001, which repealed Section 95-65.2.

1995 Supplement Recommendations

1. We recommend that the existing PB-1 and PB-2 (Professional and Business) Zoning be retained.

Current Status: As illustrated in the 2020 Zoning Map, the Township still contains the PB-1 and PB-2 Zones. However, the PB-2 Zone was developed with single-family detached housing and not offices.



IV. Extent of Changes in Policies & Objectives Forming the Basis of the 1994 Reexamination Report

IV. Extent of Changes in Policies & Objectives Forming the Basis of the 1994 Reexamination Report

The third step in the reexamination process, known as Section “c”, reviews 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 and changes in State, County, and municipal policies and objectives. Since the 1994 Reexamination, there have been several changes at the State, County, and Township level that impact the policies and objectives that form the basis of the Master Plan. The remainder of this Chapter is divided into four sections: Demographic Changes, State Changes, County Changes, and Township Changes.

Demographic Changes

The following sections illustrate historic trends and the most recent data from the Census Bureau provided in the 2020 Census and 2016-2020 American Community Survey (“ACS”) estimates.

Population Growth

Historic population information since 1940 is readily available online. The population of the Township of East Hanover saw enormous growth between 1940 until its peak in 2000. Over 9,800 people came to reside in the Township over those six decades, including 3,300+ people in the 1960s alone. The 1950s were also an exceptional period with 2,200+ people becoming residents of the Township. However, since 2000, the population has slightly declined, first by 236 people between 2000 and 2010 and then by 52 people between 2010 and 2020. The population of the Township currently remains above 11,000 residents based on the 2020 ACS. See the table below for additional details.

Year	Population	Change	Percent
1940	1,579	--	--
1950	2,151	572	36.2%
1960	4,379	2,228	103.6%
1970	7,734	3,355	76.6%
1980	9,319	1,585	20.5%
1990	9,926	607	6.5%
2000	11,393	1,467	14.8%
2010	11,157	-236	-2.1%
2020	11,105	-52	-0.5%

Source: 2010 & 2020 Census table P-1 and <https://www.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The North Jersey Transportation Planning Authority (“NJTPA”), which is the regional planning agency for northern New Jersey, projects in their “Plan 2050” long range plan that the Township will grow from 11,250 residents in 2015 to 12,668 residents by the year 2050.² In order for that to occur, East Hanover would need to

² <https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>, accessed July 1, 2022.

gain 1,418 residents by 2050, which translates to an average of 40.5 new residents annually from 2015. However, the 2020 ACS reported a population of 11,009; 241 less than what the NJTPA reported in 2015. Therefore, the Township would need to gain 1,659 residents by 2050, or an average of 63.8 persons per year between 2020 and 2050.

NJTPA Population Projection

Year	Population	Change	Percent
2000	11,393	--	--
2010	11,157	-236	-2.1%
2015	11,250	93	0.8%
2050	12,668	1,418	12.6%

Source: 2000 & 2010 Census table DP-1; NJTPA Plan 2050, Appendix E

A population of 12,668 residents in 2050 could be achieved considering the approved residential development associated with the Township's court-mandated obligation to provide affordable housing by 2025. The Township has approved 548 residential units on a portion of the former Mondelez campus at the intersection of River Road and DeForest Avenue and 265 residential units at 60-72 Eagle Rock Road. Assuming two occupants per unit these two developments could generate 1,626 new residents, just 33 residents shy of NJTPA's projections.

Age Distribution of Population

In 2020, the Township's population was nearly even regarding younger and older residents. Individuals younger than 20 comprised 20.8% of the population, while residents 65 years or older comprised 21.1% of the population. The largest age cohort in 2020 was represented by individuals aged 60 to 64 years with 983 residents, or 8.9% of the population, falling into this category. This was followed closely by those aged 55 to 59 years at 955 residents, or 8.7% of the population, and those aged 20 to 24 years at 897 residents, or 8.1% of the population. It should be noted that the 2020 median age is 45.2.

Population by Age Cohort

Age	Total	Percent
Under 5 years	892	8.1%
5 to 9 years	308	2.8%
10 to 14 years	434	3.9%
15 to 19 years	652	5.9%
20 to 24 years	897	8.1%
25 to 29 years	518	4.7%
30 to 34 years	409	3.7%
35 to 39 years	716	6.5%
40 to 44 years	666	6.0%
45 to 49 years	665	6.0%
50 to 54 years	593	5.4%
55 to 59 years	955	8.7%
60 to 64 years	983	8.9%
65 to 69 years	614	5.6%
70 to 74 years	606	5.5%
75 to 79 years	393	3.6%
80 to 84 years	264	2.4%
85 years or more	444	4.0%
Total	11,009	100.0%

Source: 2020 ACS Table S0101

Housing Occupancy & Tenure

East Hanover contained an estimated 3,856 housing units in 2020. However, only 3,765 were occupied while 91 were noted as vacant. Over 95% of the occupied units were owner-occupied, while the remainder were rented. A majority (50 units) of the vacant housing units were classified as "other". The remaining 41 vacant housing units were either for sale or had been sold but not occupied. See the table below for additional details.

Housing Occupancy

Year	Total	Percent
Occupied Total	3,765	97.6%
Owner Occupied	3,587	95.3%
Renter Occupied	178	4.7%
Vacant Total	91	2.4%
For rent	0	0%
Rented, not occupied	0	0%
For sale	9	10%
Sold, not occupied	32	35.2%
Seasonal	0	0%
Other	50	54.9%
Total	3,856	100%

Source: 2020 ACS tables DP04 & B25004

Household Size

Of East Hanover's 3,765 occupied housing units, over 30% (1,133 units) were occupied by two people. Three-person households comprised 23.4% of occupied housing units, while four-person households comprised 22.9% of occupied households. It should be noted that 28 units were occupied by seven or more people. See the table below for additional details.

Household Size

Year	Total	Percent
1-person	560	14.9%
2-person	1,133	30.1%
3-person	880	23.4%
4-person	864	22.9%
5-person	225	6.0%
6-person	75	2.0%
7+ person	28	0.7%
Total	3,765	100%

Source: 2020 ACS table B11016

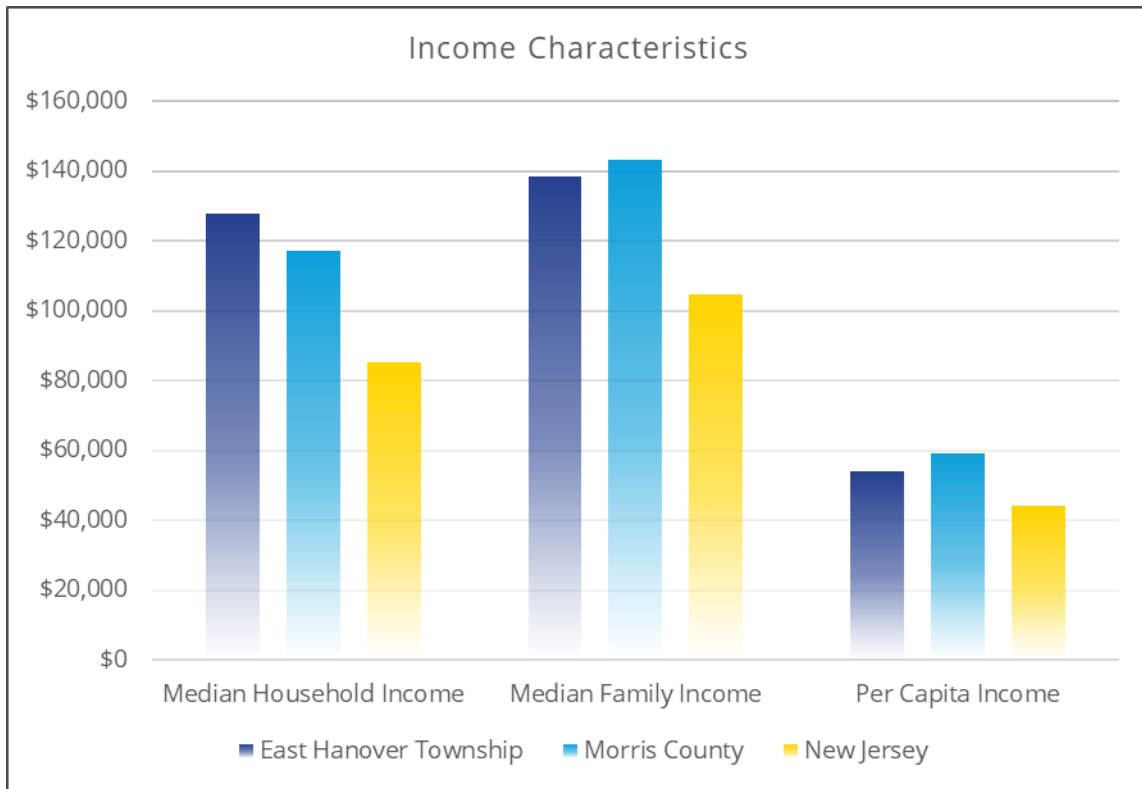
Household Income

The Township's median household income estimated by the 2020 ACS was greater than the median incomes of Morris County and New Jersey. However, East Hanover's median family and per capita incomes were less than the County's but more than the State's. The Township's median household income was more than \$10,000 greater than the County's and nearly \$42,000 greater than the State's. The County's median family income was approximately \$4,600 more than the Township's, while the State's was over \$33,000 less than the Township's. The per capita income of East Hanover was over \$4,800 less than the County's but over \$44,000 more than the State's. The 2020 ACS also reports the poverty rates of individuals and families. While the median family and per capita incomes of the County were greater than the Township's, East Hanover's poverty rates for individuals were less than Morris County's. Unsurprisingly, the Township poverty rates are significantly lower than the State rates. See the table and the chart below for additional details.

Income Characteristics

Income Type	East Hanover Township	Morris County	New Jersey
Median Household Income	\$127,977	\$117,298	\$85,245
Median Family Income	\$138,505	\$143,166	\$104,804
Per Capita Income	\$54,115	\$58,981	\$44,153
Poverty Status (Percent of People)	1.0%	4.8%	9.7%
Poverty Status (Percent of Families)	0.9%	3.1%	7.0%

Source: 2020 ACS table DP03



Land Use

Most of the Township of East Hanover is developed with residential uses according to the New Jersey Department of Community Affairs (“NJDCA”) 2021 tax data. In 2021, the Township contained 4,355 parcels, over 91% of which were classified as residential with a total value of over \$1.45 billion. However, the residential parcels only represented 57.9% of the Township’s total parcel value. Meanwhile, the Township has 164 commercial parcels, or 3.8% of the total, which contribute over 32% of the Township’s parcel value. The data in the table below demonstrates the residential character of the Township, which is anticipated to grow with the approved residential development associated with the Township’s court-mandated obligation to provide affordable housing.

Land Use (2021)

Land Use Class	Number of Parcels	Percentage	Total Value	Percentage
Vacant	124	2.8%	\$45,596,600	1.8%
Residential	3,973	91.2%	\$1,456,093,400	57.9%
Apartment	0	0.0%	\$0	0.0%
Farm Homestead	0	0.0%	\$0	0.0%
Farmland	0	0.0%	\$0	0.0%
Commercial	164	3.8%	\$820,642,400	32.6%
Industrial	94	2.2%	\$192,928,500	7.7%
Total	4,355	100.0%	\$2,515,260,900	100.0%

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

Additionally, see the map on page 39 for a visual representation of Township’s land uses in 2022. It should be noted that the land use data utilized in the map was obtained from the Monmouth County Clerk Open Public Records System.³ Therefore, the map may not exactly represent the data in the table above, which is sourced from NJDCA. For example, the table does not include the tax-exempt parcel categories, which are included in the map – public school property, public property, church and charitable property, cemeteries and graveyards, and other exempt properties.

State Changes

Since the adoption of the 1994 Reexamination, New Jersey has adopted numerous bills that impact the Municipal Land Use Law, how meetings are conducted, and how towns tackle affordable housing. The following sections document the State’s polity and rule changes since 2010.








Complete Streets

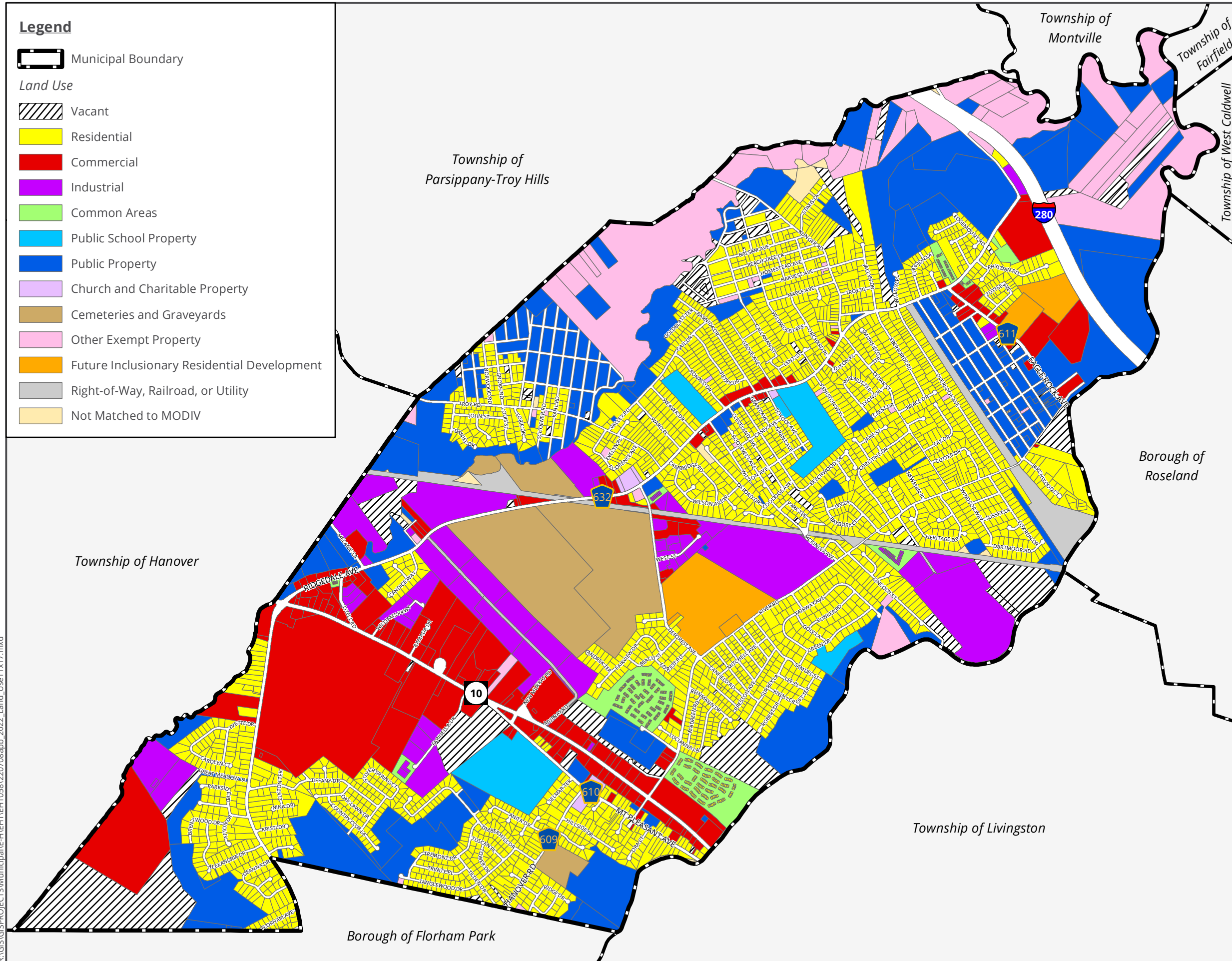
The New Jersey Department of Transportation (“NJDOT”) finalized a Complete Streets policy in December of 2009. The policy requires that future roadway improvement projects that are federally or state funded will include safe accommodations for all users, which includes bicyclists, pedestrians, transit users, and the mobility-impaired. The purpose of the policy is “to create and implement a Complete Streets Policy in New Jersey through the planning, design, construction, maintenance, and operation of new and retrofit transportation facilities within public rights-of-way that are federally, or state funded, including projects processed or administered through the Department’s Capital Program.” In December of 2012 the NJDOT issued A Guide to Creating a Complete Street Implementation Plan. This was followed in 2017 by a Complete Streets Design Guide. The 178-page guide is divided into four chapters and provides guidance on the planning and design process and a lengthy toolbox for implementing complete streets. The final chapter provides street typologies. The document provides helpful information and tips for both practitioners and citizens.⁴

³ <https://oprs.co.monmouth.nj.us/oprs/External.aspx?iId=12>, accessed July 1, 2022.

⁴ https://www.state.nj.us/transportation/eng/completestreets/pdf/NJCS_DesignGuide.pdf, accessed July 1, 2022.

Legend

-  Municipal Boundary
- Land Use**
-  Vacant
-  Residential
-  Commercial
-  Industrial
-  Common Areas
-  Public School Property
-  Public Property
-  Church and Charitable Property
-  Cemeteries and Graveyards
-  Other Exempt Property
-  Future Inclusionary Residential Development
-  Right-of-Way, Railroad, or Utility
-  Not Matched to MODIV



**2022
LAND USE**

**TOWNSHIP
OF
EAST HANOVER**

Morris County
New Jersey



0 1,000 2,000
Feet

1 inch = 2,000 feet

July 2022

This map was developed using NJDOT, NJGIN, and Morris County GIS digital data and MODIV tax data. However, this secondary product has not been verified by any agency and is not state-authorized.



R:\GIS\PROJECTS\Municipal\NE-HANOVER\HT058\220708.apb_2022_Land_Use11x17.mxd

Most recently (July 2019), NJDOT released a [Complete & Green Streets for All Model Complete Streets Policy & Guide](#) report. This report indicates that 160 communities have adopted a complete streets policy via resolution.⁵ The document is described as a “one-stop resource for adopting and implementing Complete Streets policies and practices.” This document describes green streets as streets that “use green infrastructure practices installed within the public right-of-way to manage stormwater while preserving the primary function of a street as a conduit for vehicles, pedestrians, bicyclists, and transit riders.”⁶

The use of cannabis for medical purposes and operation of alternative treatment centers for medical marijuana become legal in 2010.

Medical Marijuana

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

Solar and Impervious

On April 22, 2010 Governor Christie signed into law Senate Bill Number 921 titled “An Act concerning solar panels and impervious surfaces and amending and supplementing various parts of the statutory law.” The law exempts solar panels from impervious surface or impervious coverage calculations.

Time of Decision

On May 5, 2010 Governor Christie signed into law Senate Bill Number 82, titled “An Act concerning the review and approval of applications for development and supplementing P.L. 1975, c.291.” This new law repealed the “time of decision” rule. Previously, municipalities could make zoning changes prior to a formal decision on a development application. For example, if a property owner filed a development application to build a multi-family residential building in a zoning district that permitted such uses on the date the application was filed, the municipality could amend its zoning to prohibit such multi-family use while the application was pending. This would require the application to either amend its application or seek a use variance. The new law (P.L. 2010, c. 9) requires that those development regulations that are in effect on the date of submission of an application for development shall govern the review of that application. Any provisions of an ordinance, except those relating to health and public safety, that are adopted after the date of submission are not applicable to that application. The law went into effect on May 5, 2011.

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

⁵ Ibid, page 2.

⁶ Ibid., page 5.

New Jersey Energy Master Plan

In 2011 the State of New Jersey published an update to the 2008 Energy Master Plan. The purpose of the document is to outline the vision for the use, management and development of energy in New Jersey over the next ten years. The document has five goals:

- Drive down the cost of energy for all customers.
- Promote a diverse portfolio of new, clean, in-State generation.
- Reward energy efficiency and energy conservation and reduce peak demand.
- Capitalize on emerging technologies for transportation power production.
- Maintain support for the renewable energy portfolio standard of 22.5% energy from renewable sources by 2021.⁷

Wind Facilities on Landfills

On December 14, 2011 Governor Christie signed into law Senate Bill Number 2126 titled “An Act concerning solar energy and wind energy and supplementing P.L.1979, c.111.” This law amended the MLUL to permit a wind energy generation facility or structure constructed and operated on the site of any landfill or closed resource extraction operation to be a permitted use within every municipality outside of the Pinelands Area.

Master Plan Reexamination Requirements

On May 4, 2011 Governor Christie signed into law Assembly Bill Number 3272 titled “An Act concerning municipal land use planning, and amending the Municipal Land Use Law, P.L.1975, c.291.” This law changed the requirement to provide for a general reexamination of the master plan from every six years to every ten years.

State Development and Redevelopment Plan

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012 but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals considering Super Storm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values”. The four goals are as follows:⁸

- Targeted Economic Growth – Enhance opportunities to attract and grow industries of statewide, regional and international importance.
- Effective Regional Planning - Guide and inform regional planning to enable each region of the State to experience appropriate growth,

The State Strategic Plan has sat idle since 2012. It is unclear if or when the State will finalize and adopt the document.

⁷ https://www.nj.gov/emp/docs/pdf/2011_Final_Energy_Master_Plan.pdf, page 1.

⁸

<https://www5.njit.edu/middlestates/sites/middlestates/files/NJ%20State%20Development%20and%20Redevelopment%20Plan%202011.pdf>, page 20, accessed July 1, 2022.

preservation and protection based on its assets and desires.

- Preservation, Protection and Enhancement of Critical State Resources - Ensure that strategies for growth include preservation, protection and enhancement of our State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.
- Tactical Alignment of Government - Prioritize effective resource allocation, coordination, cooperation and communication among entities that play a role in meeting the Plan's mission.

The ten values include:⁹

- Concentrate Development and Mix Uses - Promote mixed-use development in Priority Growth and Alternate Investment Areas that is compact, conserves land, offers shopping and services, and provides culturally enriching experiences within convenient walking distance of home and jobs. Build with suitable designs and densities that support walking, biking and public transportation.
- Prioritize Redevelopment, Infill, and Existing Infrastructure - Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites and structures, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage development that incorporates green design and construction principles and opportunities for clean and renewable energy and efficiency measures.
- Increase Job and Business Opportunities - Provide opportunities for investment near housing, infrastructure and transportation. Support economic growth by addressing the land use and infrastructure needs of targeted industries and areas, consistent with these principles.
- Create High-Quality, Livable Places - Work with communities to offer an environmentally healthy place to live, work and recreate. Enhance community character and design, especially in historic areas, by reusing significant buildings, reinforcing architectural styles, incorporating art, and providing pedestrian-friendly streetscapes. Improve community plazas, public performance spaces and parks and connections to waterfront areas.
- Provide Transportation Choice and Efficient Mobility of Goods - Maintain and enhance transportation options that improve access, safety, affordability and air quality for all users: pedestrians, bicyclists, transit-users, ride-shares and drivers. Improve strategic freight and public transportation infrastructure that supports sound economic growth. Encourage options for low emission and alternate fuel vehicles.
- Protect Equity - Consider the impact to equity for property owners. Where the goals, objectives and strategies of this Plan implemented by county and local governments affect the reasonable development potential of private property or is determined to disproportionately affect the equity of other citizens, government agencies at all levels should identify feasible remedies, including, for example, compensation programs, that help mitigate such impacts as appropriate.

⁹ Ibid, pages 28-30.

- Diversify Housing Opportunities- Support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels, located near jobs, transit and where services are available.
- Provide for Healthy Communities through Environmental Protection and Enhancement - Protect and restore the environment, sensitive lands, ecosystems and natural resources. Ensure healthy places through an increase in the quantity and quality of preserved land. Reduce energy use, carbon emissions, water degradation and other impacts of development.
- Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands - Support agriculture and locally-grown food consumption through protection and preservation of farmland. Protect agricultural lands, and historic sites and landscapes. Provide accessible neighborhood parks and recreational systems.
- Make Decisions within a Regional Framework - Maintain up-to-date, coordinated local, regional and State functional plans that reflect these principles and can provide a regional framework for making decisions about capital investments, programs, regulations and development applications. Gather and consider public input during planning and implementation.

Wireless Co-Location

On January 17, 2012 Governor Christie signed into law Senate Bill Number 2989 titled “An Act concerning the collocation of wireless communications equipment and supplementing P.L.1975, c.291.” This law amends the MLUL to allow for an application for development to collocate wireless equipment to not be subject to site plan review provided the application meets certain requirements.

Non-Contiguous Cluster Development

On August 7, 2013 Governor Christie signed into law Assembly Bill Number 3761 titled “An Act concerning municipal land use approval, amending and supplementing P.L. 1975, c.291.” This new law permits communities to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites. The new law defines contiguous and non-contiguous clustering and via non-contiguous clustering allows development on one tract and preservation of another tract elsewhere in the community.

Local Redevelopment and Housing Law Changes

On September 6, 2013 Governor Christie signed into law Assembly Bill Number 3615 titled “An Act concerning procedures and powers under the Local Redevelopment and Housing Law and amending P.L.1992, c.79.” This new law amended Criterion E regarding productivity and adding language to the criterion. The law also requires the resolution authorizing the Planning Board to undertake the preliminary investigation to state whether the redevelopment area determination authorizes the use of eminent domain or not. This created a non-condemnation redevelopment and a condemnation redevelopment area and outlined certain noticing requirements.

Affordable Housing

On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (“COAH”) failed to act and as a result, the Courts would be assuming jurisdiction over the Fair Housing Act. The Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a thirty-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This enabled a municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of affordable housing. Consistent with its past history of voluntary compliance, East Hanover was proactive and filed its Declaratory Judgment Action on July 7, 2015.

As a result of the 2015 Court decision, East Hanover negotiated with Fair Share Housing Center and agreed to a Third Round Obligation of 786.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations purportedly accruing during the so-called “gap period,” the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need). This obligation is commonly referred to as the Gap Need.

See page 55 for a description of East Hanover’s response to the March 2015 decision.

Statement of Strategy

On January 8, 2018 Governor Murphy signed into law Assembly Bill Number 4540 titled “An Act concerning smart growth, storm resiliency, and environmental sustainability and amending P.L.1975, c.291.” This new law requires any land use element adopted after the effect date of the new law to include a statement of strategy concerning:

- Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
- Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
- Environmental sustainability.

Affordable Housing Foreclosure Revisions

On June 24, 2019 Governor Murphy signed into law Senate Bill Number 362 entitled “An Act concerning affordability controls on affordable housing and amending P.L.1995, c.244.” This law provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings.

New Jersey Land Bank Law

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

Innovation District Designation Program

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

Stranded Asset Redevelopment Criterion

On August 9, 2019 Governor Murphy signed into law Assembly Bill Number 1700 titled "An Act concerning the designation of certain areas as in need of redevelopment and amending P.L.1992, c.79." The law expands the eligibility criteria for designating certain areas as being in need of redevelopment. Specifically, the law amends Criterion B by adding retail, shopping malls, and office parks to the list of discontinued uses.

Temporary Supplemental Zoning Board

On August 9, 2019 Governor Murphy signed into law Senate Bill Number 3212 titled "An Act concerning municipal zoning boards of adjustment, supplementing P.L.1975, C.291, and amending P.L.2005, c. 133 and P.L.1991, c.256." The law allows a municipality to establish a temporary, supplemental zoning board to address any backlog of applications. A municipality that determines a need for a supplemental zoning board must adopt an ordinance to establish one.

Electric Charging Stations

On November 6, 2019 Governor Murphy signed into law Senate Bill Number 606 titled "An Act encouraging local units to plan for electric vehicle charging infrastructure, and amending P.L. 1975, c.291, and P.L. 1992, C.;79." The law requires a Land Use Plan Element to illustrate the existing and proposed location of public electric vehicle charging infrastructure; a Circulation Plan Element to identify existing and proposed locations for public electric vehicle charging infrastructure; a Green Buildings and Environmental Sustainability Plan Element to consider, encourage, and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops. Additionally, the law amended the requirements of a Master Plan Reexamination Report to add a new section "f" that contains the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to

public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

Long-Term Tax Exemptions

On January 13, 2020, Governor Murphy signed into law Senate Bill Number 538 titled “An Act concerning long-term tax exemptions on certain low-income housing, amending P.L.1983, c.530, and supplementing P.L.1991, c.431 (C.40A:20-1 et seq.)” This law allows long-term tax exemption extensions for certain low-income housing. Previously, a property tax exemption could be granted to an affordable housing project for a maximum of 35 years, or until a loan provided by the new Jersey Housing and Mortgage Finance Agency was fully paid. This legislation permits a municipal governing body to continue a tax exemption for a State or federally subsidized housing project beyond the date of the payoff of the existing first mortgage as long as the project remains subject to certain affordability controls.

Virtual Public Meetings

On March 20, 2020 Governor Murphy signed into law Assembly Bill Number 3850 titled “An Act concerning the conduct of public meetings during periods of emergency and supplementing P.L. 1975, c.231.” This law allows public meetings, including zoning and planning board meetings, to be conducted electronically during a public health emergency.

Affordable Housing Marketing

On July 1, 2020 Governor Murphy signed into law Senate Bill Number 2527 titled “An Act concerning the online marketing of affordable housing units and supplementing P.L. 1985, c.111.” This law requires developers, owners, property managers, and/or administrative agents to post notices of available affordable housing on the Housing Resource Center website at least 60 days prior to conducting a lottery.

Climate Change-Related Hazard Vulnerability Assessment

On February 4, 2021 Governor Murphy signed into law Assembly Bill Number 2785 titled “an Act concerning municipal master plans, amending P.L.1975, c.291, and supplementing title 13 of the Revised Statutes.” This law requires any land use plan element adopted after the effective date to include a climate change-related hazard vulnerability assessment which shall analyze current and future threats to, and vulnerability of, the municipality associated with climate change-related natural hazards such



as increased temperatures, drought, flooding, hurricanes, and sea-level rise.

Adult-Use Recreational Cannabis

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

Certain Housing Exempt from Zoning Regulations

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

Electric Vehicle Charging Space Requirements

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

Prohibition of Appeals to Land Use Decision

On September 24, 2021 Governor Murphy signed into law Assembly Bill Number 4881 titled “An Act concerning appeals of electric meetings held under the Municipal Land Use Law during the emergency declared in response to the COVID019 pandemic.” This law does not allow a decision of a municipal agency made at, or based, in whole or in part, on a meeting held by means of electronic equipment where some or all participants are not in the same physical location to be appealable on grounds attributable to lack of a physical quorum, lack of a reasonable opportunity to be heard or otherwise particulate in the meeting, etc.

County Changes

Since the adoption of the [1994 Reexamination](#), Morris County adopted several planning documents.¹⁰ The following sections summarize the documents and the recommendations made specific to East Hanover.

¹⁰ <https://www.morriscountynj.gov/Departments/Planning-and-Preservation/Publications#planning>, accessed July 1, 2022.

Morris County Master Plan Bicycle and Pedestrian Element

The County adopted its Bicycle and Pedestrian Element on December 3, 1998, which reviewed existing infrastructure and issues of bicycle and pedestrian travel in the County. This Master Plan Element provides municipal data sheets containing relevant information on existing bicycle and pedestrian travel, maps illustrating existing and proposed facilities, design guidelines and standards, funding information, resources for public outreach, and goals and objectives of the Plan. The following Goals and Objectives are provided in Chapter 11 of the document:¹¹

- **Goal #1** – Establish a coordinated bicycle and pedestrian network.
 - a. Encourage the completion of gaps in existing sidewalk networks, especially for connections to major trip attractions such as schools, parks, downtowns, or other shopping service amenities.
 - b. Design bicycle and pedestrian facilities, whenever possible, to the AASHTO standards, the Manual of Uniform Traffic Control Devices (Section Nine guidelines, and NJDOT Bicycle and Pedestrian Facilities Planning and Design Guidelines.
 - c. Encourage bicycle and pedestrian travel to major destinations by establishing efficient links to minimize travel time.
 - d. Integrate the bicycle and pedestrian network with the transit system.
 - e. Encourage the expansion of the bicycle and pedestrian system to include additional scenic, recreational, and commuter routes.
 - f. Identify the network through the use of uniform signs.
 - g. Promote on-going maintenance for bicycle and pedestrian facilities.
 - h. Recommend the inclusion of bicycle storage facilities, such as bicycle racks and lockers, at major trip destinations.
 - i. Recommend safety devices at appropriate locations to minimize conflict between bicyclists, pedestrians, and motorists.

- **Goal #2** – Develop planning policies and procedures that encourage opportunities for bicycling and walking.
 - a. Encourage municipalities to examine land use practices to provide opportunities for bicycle and pedestrian travel.
 - b. Encourage municipalities to include specific Master Plan recommendations for bicycle and pedestrian facilities.
 - c. Identify appropriate security measures to deter crime.
 - d. Address the requirements of the Americans with Disabilities Act (“ADA”) in the design, implementation, and maintenance of all facilities.
 - e. Encourage municipalities to develop municipal ordinances that specify requirements for bicycle and pedestrian facilities.
 - f. Coordinate the design and construction of routes between local jurisdictions to ensure continuity of bicycle and pedestrian facilities throughout the region.

¹¹ https://drive.google.com/file/d/0B5hiBO5NWHt5YVJPYk1dHBSQkE/view?resourcekey=0-0NSD8SbOOHMEN44aNH5_rw, Chapter 11, pages 187 through 197, accessed September 20, 2022.

- **Goal #3** – Develop a network of government and private interests that will foster bicycle and pedestrian facilities.
 - a. Coordinate state, county, and municipal capital improvement programs for the development of bicycle and pedestrian facilities.
 - b. Coordinate and assist local efforts to obtain funding for new bicycle and pedestrian facilities.
 - c. Encourage local governments to provide adequate funding for maintenance of bicycle and pedestrian facilities.
 - d. Provide municipalities with information on liability issues for bicycle and pedestrian facilities.

- **Goal #4** – Promote public awareness and acceptance of bicycling and walking as alternative modes of transportation.
 - a. Encourage bicycle use and walking as alternatives to single occupancy automobile trips.
 - b. Promote campaigns to heighten public awareness of safety issues.
 - c. Encourage school districts, colleges, police departments, health clubs, bicycle shops, and other organizations to offer bicycle and pedestrian educational programs.
 - d. Expand public education and safety programs in the school system for children and their parents.
 - e. Promote public education programs on "rules of the road," helmet use, and proper street crossing techniques.
 - f. Increase public awareness of existing and future bicycle and pedestrian facilities, including those at transit stations and park and ride lots.

- **Goal #5** – Create safe bicycle and pedestrian facilities.
 - a. Identify and develop safe routes for children traveling to and from school.
 - b. Eliminate hazards such as potholes, road debris, water accumulation, and low hanging tree branches.
 - c. Support municipal efforts to enforce helmet laws.
 - d. Recommend helmet laws be expanded to include all ages.
 - e. Encourage municipalities to participate in a pedestrian safety sidewalk program with tripod signs.

The municipal data sheet for East Hanover is located on page 105 of the document and details pertinent demographic and mode to



work data, existing parks and open space, existing sidewalks, multi-use paths, and shared roadways, and recommendations for the Township. The data sheet proposes a multi-use path along Klinger Road that would connect to an existing path leading to the Passaic River and other proposed pedestrian trails in the Township of Parsippany-Try Hills. Additionally, Patriot's Path is proposed to be extended through the Township to the Morris County border. A bicycle lane is recommended along Ridgedale Avenue. The map on page 102 of the document illustrates the following proposed pedestrian and bicycle facilities:

- A multi-use trail from the east end of Harvest Avenue to the end of Willow Place.
- A walking trail from the northwest end of Klinger Road to Troy Meadow Road.
- A walking trail from the east end of Harvest Avenue to Gail Drive and nearby open space.
- A walking trail along the Whippany River beginning on the south side of Troy Road.
- A bike lane along Ridgedale Avenue beginning at Deforest Avenue south to the municipal border.

State of the County Report

The Morris County Planning Board prepared a State of the County Report in 2013¹² to provide the County Planning Board, municipal planning boards, businesses, non-profit organizations, and other entities with a comprehensive document that summarizes various existing planning conditions and trends. The document includes nine chapters with information including population, housing, households, land use and development regulations, water supply and wastewater treatment, circulation, open space and farmland preservation, and other topics. The report does not make any recommendations that would affect land development in East Hanover.

Comprehensive Farmland Preservation Plan

The Morris County Agriculture Development Board adopted its Comprehensive Farmland Preservation Plan on July 17, 2008.¹³ The Plan's purpose is to "guide Morris County's efforts in preserving its remaining agriculture lands." Topics discussed within the Plan include the existing agricultural land base, existing agricultural industry, land use planning, the County's farmland preservation plan, funding, current preserved land, and natural resources. However, since there are no active farms in East Hanover, this document does not provide any recommendations that would affect land development in the Township.

Morris County Master Plan Circulation Element

The Morris County Department of Public Works adopted its Circulation Element on October 18, 2018, which discusses circulation planning context and background, demographics, the existing transportation network, and trends in transportation infrastructure, development, and technology. The document also provides goals, objectives, and strategies for transportation planning. The goals and objectives of the Circulation Element are as follows:¹⁴

- **Goal 1** – Improve the safety, accessibility, and efficiency of Morris County's transportation network.
 - Reduce congestion and improve safety on County roads.
 - Support the expansion and enhancement of public transit.

¹² <https://www.morriscountynj.gov/files/sharedassets/public/departments/planning-amp-preservation/sofc.pdf>, accessed September 20, 2022.

¹³ <https://www.morriscountynj.gov/Departments/County-Agriculture-Development-Board/Comprehensive-Farmland-Preservation-Plan>, accessed July 1, 2022.

¹⁴ <https://drive.google.com/file/d/0B5hiBO5NWHt5cC1PZThQbGJJMW8/view?resourcekey=0-lf-8GBBjQciza0zop4F3AQ>, page 1-3, accessed September 20, 2022.

- Provide for the special transportation needs of low-income workers, senior citizens, and people with disabilities.
- Support bicycle and pedestrian network improvements.
- Improve air quality and protect environmental resources.
- **Goal 2** – Conduct a coordinated, comprehensive, and cooperative transportation planning process.
 - Coordinate transportation planning with Federal, State, regional, and local agencies.
 - Continue to advance the County’s interest at the regional and State level.
 - Incorporate the needs of businesses, employees, residents, and others in transportation planning.
 - Encourage the use of context sensitive roadway design.
 - Support integration of land use and transportation planning.
- **Goal 3** – Support economic development through diverse transportation investment.
 - Maintain and invest in the County’s transportation infrastructure.
 - Support efficient goods movement in the region.
 - Advance transportation planning efforts that support economic development.
 - Advocate for stable transportation funding sources.
 - Integrate emerging transportation technologies into planning and infrastructure.

The Circulation Element also includes 37 strategies to advance these goals and objectives. The remainder of the Plan provides general transportation information throughout the County where East Hanover is mentioned. However, the document does not provide specific recommendations for roads within the Township.

Morris County Master Plan Land Use Element

Most recently, the Morris County Planning Board adopted its Land Use Element on December 3, 2020. The document provides general information regarding demographics, housing, existing land use, and trends in land use. The Land Use Element discusses these topics in a general manner, calling out specific municipalities on occasion. East Hanover is not discussed specifically, however, on page 3-1, the document indicates East Hanover was identified as a growth center in the 1975 Future Land Use Plan prepared by the County. Chapter 5 provides goals, objectives, and recommendations regarding land use in Morris County. The guiding principle of the County is:

Promote, enhance and preserve the natural resources, community assets, and the rich culture and history of the County, while actively promoting a thriving, robust economy, diverse housing opportunities and a strong infrastructure to protect and enrich Morris County's overall quality of life.

The document provides six goals, and 17 policy objectives as follows:¹⁵

Goals

1. The creation of balanced and diverse economic housing opportunities.
2. The efficient use of land and resources.
3. The protection of natural, historic, agricultural, and scenic resources.
4. Development that proceeds only after careful analysis of environmental conditions.

https://drive.google.com/file/d/1WUJRneT1pfZa9CAOTyTGtzHIHTdwB_8_/view

5. Greater integration of land use and transportation.
6. The achievement of community planning goals and objectives and increased cooperation between municipalities in their respective land use decisions.

Policy Objectives

1. Promote the continued revitalization and redevelopment of the County's established downtown centers and commercial corridors.
2. Encourage compact development patterns, cluster development, and infill development, consistent with local goals, to reduce sprawl, mitigate environmental impacts, and to make improved utility and transportation infrastructure feasible and economical.
3. Minimize Greenfield development where possible; prioritize redevelopment of Brownfield sites, Greyfield sites, obsolete land uses, and other previously developed sites.
4. Promote the revitalization of suburban town centers as multi-modal, mixed-use centers of diverse commercial and housing opportunities.
5. Support the creation of a diverse and robust economy, including a variety of economic uses and employment opportunities.
6. Support the creation of diverse housing types that meet the needs of all age groups, income levels and lifestyles.
7. Encourage higher density and mixed-use developments in downtown areas, near public transit, consistent with infrastructure availability and community goals.



8. Promote careful environmental analysis and the avoidance of environmental resources in all development proposals. Advance development in a manner that avoids these resources and mitigates potential environmental impacts.
9. Support the integration of a variety of open space/greenway, park and recreation opportunities throughout Morris County, particularly in proximity to population concentrations, mixed-use areas, and major employment centers; support municipal efforts to expand and/or improve these opportunities.
10. Promote use of more advanced wastewater treatment infrastructure in non-sewered areas of concentrated development where existing septic systems are failing, especially where these conditions negatively affect nearby water bodies and/or groundwater supplies.
11. Support local planning efforts that focus growth near existing and planned transit facilities that expands the use of public transit, increases service along existing lines, and that provides multi-modal transportation opportunities between various land uses and communities.
12. Maintain and improve the County's roads, stormwater, and other infrastructure systems to promote sustainable economic and residential development, protect environmental resources and mitigate the negative impacts of extreme weather events (e.g., reduce flooding).
13. Encourage municipalities to invest in robust comprehensive planning, review of zoning, and land development ordinances to ensure timely consideration of changing land use conditions, emerging land use/market trends, evolving zoning techniques, and development standards.
14. Encourage municipal governments to coordinate the planning and redevelopment of commercial corridors, particularly as concerns inter-municipal traffic impacts and to consider the compatibility of adjacent land uses along municipal boundaries in their land use planning. Facilitate inter-municipal communication, coordination and partnerships concerning significant land use issues and associated inter-municipal impacts, including, but not limited to traffic, stormwater, and incompatible land uses.
15. Support municipal efforts to provide adequate local community facilities and municipal services that keep pace with the needs of new growth and that supports local land use goals and objectives. This includes, but is not limited to, the use of cooperative agreements and shared services where appropriate.
16. Encourage municipalities to plan, zone, and permit compatible land uses adjacent to or affecting County properties, facilities, and infrastructure in order to mitigate any negative impacts of development on these County assets.
17. Encourage state lawmakers to examine potential changes to the property tax system, in particular, as pertains to the funding for public schools. Under the existing system, fiscal considerations constrain the ability of local planning boards and governing bodies to consider certain land use, intensity and density options, commercial and housing opportunities during the planning process. Establishment of a more equitable tax system would free local governments to consider a wider range of land use options.

Municipal Changes

Since the adoption of the [1994 Reexamination](#), East Hanover has adopted four master plan documents and modified its Zoning Ordinance. These changes are noted in the following sections. Additionally, a status on stormwater management is provided.

2010 Open Space and Recreation Plan Update

In 2010, the Township, with assistance from The Land Conservancy of New Jersey, prepared the 2010 Open Space and Recreation Plan Update.¹⁶ The document includes goals, a discussion of the history of the Township's open space program, an inventory of existing open space within the Township, an open space and recreation needs analysis, priorities and recommendations, and an action plan. The following goals are provided on pages 3 and 4 of the document:

Recreational Opportunities

- Acquire and preserve land for expansion of existing parks and recreational facilities to meet the Township's need for both active (facility-based) and resource-based recreation.
- Maintain and improve existing and future recreation facilities to ensure good repair and functionality for residents.
- Continue to work with Morris County Park Commission to further expand Patriots' Path in East Hanover Township; connect Patriot's Path to existing parks through a system of green corridors and linkages.
- Create a system of walkways and bikeways to allow connections between parks and residential neighborhoods.
- Establish an integrated greenway system to connect local neighborhoods to their parks, natural areas, and schools.
- Create a linear, multi-use path system in the center of the Township along the Morristown and Erie railroad right-of-way should the railroad line be abandoned.

Water Resources

- Preserve the floodway and floodplain of the Passaic, Rockaway, and Whippany Rivers and their tributaries to control floodwaters and protect residents against severe flooding events.
- Protection of the Rivers and their tributaries for wildlife and habitat protection, preservation of environmentally sensitive watershed lands, and creation of resource-based recreation opportunities along the river corridors.
- Protect the Buried Valley Aquifer groundwater recharge areas to ensure a continued supply of water for Township residents.

Open Space Resources

- Preserve open spaces to maintain community character, quality of life, and protect natural resources.
- Identify and preserve land in environmentally sensitive areas including stream corridors, wetlands, and threatened and endangered species habitat.

Historic Preservation

- Preserve historically significant areas and structures in the community.

2019 Master Plan Amendment

On July 31, 2019, the Township Land Use Planning Board adopted the 2019 Master Plan Amendment ("2019 Amendment"), which amended the 2005 Master Plan. The purpose of the 2019 Amendment was specific to

¹⁶ https://www.easthanovertownship.com/_Content/pdf/master-plans/OpenSpaceRecPlan2010.pdf, accessed July 1, 2022.

establishing a framework to guide the rezoning of Block 42, Lots 37, 38, and 41 (a portion of the former Mondelez campus). This document was prepared in response to the Township's Settlement Agreement with Fair Share Housing Center ("FSHC"), which permitted the construction of a 548-unit inclusionary multi-family housing development on the tract. The [2019 Amendment](#) recommended an ordinance be adopted rezoning the property permitting multi-family inclusionary housing development.

2019 & 2020 Housing Element and Fair Share Plan

In response to the March 10, 2015 Supreme Court decision to strip the Council on Affordable Housing of all its powers and duties, East Hanover filed a Declaratory Judgment Action on July 7, 2015. Between 2015 and 2019, the Township negotiated with Fair Share Housing Center and reached a settlement in on June 3, 2019. As outlined in the Settlement Agreement, East Hanover has a three-part obligation as follows:

- Rehabilitation – 18
- Prior Round Obligation – 262
- Third Round Obligation – 786 (138-unit Realistic Development Potential)

The Township agreed to:

- Create a new zone on Lots 47.02 and 50 in Block 96 to permit a multi-faceted site containing assisted living units, independent living units, a group home, senior housing, veteran housing, and/or supportive housing, that would produce at least 55 affordable credits.
- Create a new zone on Lots 37, 38, and 41 of Block 42, which will permit a maximum of 548 units at a density of 7.4 units per acre with a 17.5% affordable housing set-aside, which equates to 96 affordable units.
- Create a new overlay zone on Lots 53, 53.01, 54, and 54.01 of Block 1.01, which will permit multi-family residential development a maximum density of 10 units per acre with a 20% affordable housing set-aside.
- Create a new overlay zone on Lot 1.01 of Block 127, which will permit multi-family residential development at a maximum density of 15 units per acre with a 20% affordable housing set-aside.
- Amend the B-1 Zone along Ridgedale Avenue to conditionally permit residential development above commercial uses on lots of at least 30,000 square feet at a maximum density of 15 units per acre.
- Amend the B-1 and B-2 Zones along Eagle Rock Avenue to conditionally permit residential development above commercial uses on lots of at least 30,000 square feet at a maximum density of 15 units per acre.
- Adopt an Ordinance requiring a mandatory affordable housing set-aside for all new residential development of five or more units that occur as a result of a site plan or subdivision approval, use or density variance, new rehabilitation or redevelopment plan. The set-aside will be a minimum of 20% regardless of tenure.

East Hanover's 2019 [Housing Element & Fair Share Plan](#) ("2019 HEFSP") was adopted by the Land Use Planning Board on November 26, 2019 and endorsed by the Township Council on December 12, 2019. Following the adoption of the 2019 HEFSP it was discovered that one of the affordable units at Hanover Park was stripped of its affordability controls on or about 2001. This meant that the unit was not creditworthy and the second credit the Township was claiming for the extension of controls that occurred in 2014 was also not creditworthy.

Therefore, the Nike site mechanism on Block 96 was increased from 53 credits to 55 credits to make up for the two-unit shortfall. This generated the need to update the fair share plan and the Planning Board adopted the 2020 Housing Element and Fair Share Plan on May 26, 2020, which was endorsed by the Township Council on June 1, 2020.

Zoning Ordinances

Since the last Master Plan Reexamination Report was prepared in 1994, the Township has adopted numerous Ordinances amending and refining its zoning regulations. Preparing a list of all adopted ordinances over this 28-year period would be lengthy and time consuming. Additionally, the Township's Ordinance has been codified on the eCode360 website.¹⁷ In order to highlight the most important and recent changes to the Township's Land Use and Zoning Ordinance, the list below details the new zones established since January 1, 2019:

- Ordinance No. 11-2019, adopted on August 5, 2019 – This Ordinance established the RMF, Residential Multi-Family, Zone on Block 42, Lots 37, 38, and 41, a portion of the former Mondelez campus.
- Ordinance No. 16-2019, adopted on December 12, 2019 – This Ordinance added Section 95-54E.(2), which allows multi-family mixed-use development along Ridgedale Avenue and Eagle Rock Avenue in the B-1 Zone. Additionally, this Ordinance added Section 95-55D., which conditionally permits multi-family mixed-use development along Eagle Rock Avenue in the B-2 Zone.
- Ordinance No. 19-2019, adopted on December 12, 2019 – This Ordinance established the RMF-2, Residential Multi-Family-2, Overlay Zone on Block 1.01, Lots 53, 53.01, 54, and 54.01 along Eagle Rock Avenue. Additionally, the RMF-3, Residential Multi-Family-3, Overlay Zone on Block 127, Lot 1.01 was created by this Ordinance.
- Ordinance No. 4-2020, adopted on July 6, 2020 – This Ordinance established the RMF-2, Residential Multi-Family-2, Zone on Block 96, Lots 47.02 and 50 along Nike Drive.

It should be noted that each of the four Ordinances detailed above were established to address the Township's Constitutional obligation to provide for the development of affordable housing.

Stormwater Management

Adopted in 2005, the New Jersey's Stormwater Management Program, comprised of two separate Rules (N.J.A.C. 7:8 (Municipal Stormwater Regulations) and 7:14A (New Jersey Pollutant Discharge Elimination System (NJPDDES) Rules), which establishes a framework for addressing water quality impacts associated with existing and future stormwater discharges. As required by the NJAC 7:8-4.1, the Township of East Hanover has developed a Municipal Stormwater Management Plan. Adopted in October 2021, the Township updated its stormwater control ordinance as required by the NJPDDES Tier A permit. Furthermore, Board applications are reviewed on an on-going basis to comply with State requirements and obtain the requisite permits. This report makes no recommendations related to stormwater management and defers to the Township Engineer for compliance with the State regulations.

¹⁷ Township of East Hanover, Chapter 95 "Land Use and Zoning", <https://ecode360.com/13435455>, accessed September 20, 2022.



V. Changes Recommended for the Master Plan or Development Regulations



V. Changes Recommended for the Master Plan or Development Regulations

This chapter of the [2022 Reexamination](#) looks at specific changes that are recommended for the Master Plan and existing development standards, including the underlying objectives, policies, and standards. This chapter is divided into five sections. The first provides amended goals and objectives to guide the Master Plan. The second section makes recommendations regarding future master plan elements that should be drafted and adopted. Section three reviews Chapter 95 Land Use and Zoning and makes recommendations for changes and amendments. The fourth section reviews and makes recommendations for how the Township should handle recent technologies and land uses. The final section reviews the year-end Land Use Planning Board reports from 2010 to 2021.

Goals and Objectives

This section is divided into two parts – current goals/objectives and proposed goals/objectives.

Current Goals and Objectives

The Township's current goals can be found in the [2005 Master Plan](#). The document provides 13 goals, which are as follows:

1. Provide a healthy balance of land uses that preserves the residential character of the neighborhoods while providing convenient commercial and retail opportunities to acquire goods, services, and employment.
2. Provide for attractive and easily accessible commercial uses and districts that will support quality business enterprises and contribute to the Township's economic base.
3. Maintain a balanced stock of quality housing that accommodates diverse age groups in appropriate locations.
4. Ensure that community facilities and services are maintained at levels that will support the current and future populations of the Township.
5. Ensure that infrastructure systems are maintained at levels that will support the current and future populations of the Township by basing growth and development decisions on the existing and planned capacity of both natural and built systems.
6. Maximize circulation and mobility options for local and regional trips.
7. Create a well-designed village center to serve as the Township's civic core.
8. Preserve the Township's natural resources to protect water quality, manage stormwater, reduce the potential for flood damage, protect endangered habitats, and provide open space.
9. Create a comprehensive recreation system that provides indoor and outdoor, active and passive recreation opportunities for all age groups and ability levels.
10. Create a comprehensive open space system that preserves sensitive lands, creates connected greenways and blueways, and provides environmental education opportunities.

11. Promote aesthetically pleasing human scale development that recognizes the character of traditional New Jersey suburban towns.
12. Maintain a balanced tax base that is not over-reliant on a specific industry or use group.
13. Ensure that all development regulations reflect and implement the goals and objectives of the master plan.

The 2005 Master Plan also includes several objectives, which are sorted into categories including land use, circulation, utilities, community facilities, and economic. The existing objectives are as follows:

Land Use

- Create land use districts and standards that are clear and concise and leave no doubt as to the intended location and intensity of the land use.
- Retrofit existing strip-type development along the Route 10 corridor into concentrated, mixed-use alternatives.
- Identify appropriate locations and specific design standards for multi-unit housing.
- Identify appropriate locations and specific design standards for senior citizen housing.
- Identify boundaries and establish design standards specific to the Village Center.
- Preserve the floodway and floodplain of the Passaic, Rockaway, and Whippany Rivers and their tributaries to control floodwaters.
- Encourage traditional neighborhood elements such as sidewalks, alleys, front porches, public spaces, green spaces, street grids, and street trees. Encourage mixed uses that support pedestrian activity, human interaction, public safety, mass transit, and easy access to goods and services.
- Encourage commercial development and retrofitting that emphasizes quality architecture, shared access and parking, transit friendly facilities, pedestrian circulation, appropriate intensification of buildings, and extensive landscaping; and which avoids oversized parking areas, light pollution, multiple and uncontrolled highway access points.

Circulation

- Provide connections between residential areas, commercial nodes, and community facilities through an attractive, free flowing circulation system.
- Wherever possible and appropriate, link the residential street grids to ensure connectivity within and between neighborhoods.
- Provide opportunities for residents, business owners, employees, and shoppers to access multiple modes of transportation including public transportation, bikeways, and pedestrian ways.
- Improve the level of service along the Route 10 corridor through the implementation of creative engineering, land use and design techniques.
- Improve the function of problem intersections.
- Utilize traffic calming measures in areas of high pedestrian activity.
- Create a multi-use trail system that links neighborhoods, community facilities, parks, and open space.

Utilities

- Ensure that all development and redevelopment projects contribute their pro-rata share of the cost of providing reasonable and necessary off-tract water, sewerage, and drainage facilities.
- Minimize the amount of potable water purchased from outside purveyors.

Community Facilities

- Upgrade the municipal building through expansion or relocation.
- Expand active recreational opportunities in the Township through the creation of new park facilities either at existing Township parks, park/school sites or through the creation of new parks and facilities.
- Connect the existing park system and Patriot's Path through a system of green corridors and linkages.
- Continue open space acquisition efforts with funding shared among East Hanover Township, Morris County, the State and federal governments, and non-profit groups.
- Coordinate planning efforts with the Board of Education to ensure the most efficient placement and use of all Township and Educational facilities.
- Develop gateways to the Township at strategic locations to foster community identification and establish a visual sense of the community's character.

Economic

- Identify opportunities for land assembly and redevelopment projects.
- Replace outdated small-scale strip developments with modern structures that better reflect market needs.
- Establish a Special Improvement District.
- Identify and promote services and facilities that are necessary to support existing and future corporate enterprises.
- Provide transportation systems to efficiently move employees, customers, and goods to and from business sites.
- Provide the necessary infrastructure to support business development.
- Encourage cooperative programs between the High School and Community College and local businesses.

Proposed Goals and Objectives

The Township has reviewed the existing goals and objectives of the [2005 Master Plan](#) and found that many of the existing goals are still relevant and applicable to the Township. Additionally, several of the existing objectives remain pertinent and provide greater context to the goals. The proposed goals and objectives have been reorganized to group each objective under the most relevant goal. It should be noted that goals are numbered, while objectives are lettered.

1. Provide a healthy balance of land uses that preserves the residential character of the neighborhoods while providing convenient commercial and retail opportunities to acquire goods, services, and employment.

- a. Create land use districts and standards that are clear and concise and leave no doubt as to the intended location and intensity of the land use.
 - b. Encourage traditional neighborhood elements such as sidewalks, alleys, front porches, public spaces, green spaces, street grids, and street trees. Encourage mixed uses that support pedestrian activity, human interaction, public safety, mass transit, and easy access to goods and services.
 - c. Consider amending the ordinances to require and/or encourage the installation of sidewalks when other home improvements are occurring.
 - d. Identify opportunities for land assembly and redevelopment projects.
2. Provide for attractive and easily accessible commercial uses and districts that will support quality business enterprises and contribute to the Township's economic base.
 - a. Encourage commercial development and retrofitting that emphasizes quality architecture, shared access and parking, transit friendly facilities, pedestrian circulation, appropriate intensification of buildings, and extensive landscaping; and which avoids oversized parking areas, light pollution, multiple and uncontrolled highway access points.
 - b. Replace outdated small-scale strip developments with modern structures that better reflect market needs.
3. Strengthen the Route 10 corridor by encouraging a mixture of non-residential uses that provide employment, retail opportunities, services, and entertainment.
 - a. Retrofit existing strip-type development along the Route 10 corridor into concentrated, mixed-use alternatives.
 - b. Encourage reuse of vacant properties and buildings.
 - c. Identify zoning ordinance amendments that can respond to changing economies and market demands.



4. Preserve the scale and character of the Township's established single-family neighborhoods.
 - a. Prohibit the conversion of single-family homes into two-family homes or other types of multi-family housing.
 - b. Preclude subdivisions of residential land into lots that are less than 85% of the required lot size.
 - c. Prevent non-residential uses from locating within residential neighborhoods.
5. Maintain a balanced stock of quality housing that accommodates diverse age groups in appropriate locations.
 - a. Locate high density and multi-family residential development in areas with convenient access to Route 10 and/or public transit.
 - b. Provide opportunities for age-restricted housing to allow residents to age within the Township.
6. Ensure that community facilities and services are maintained at levels that will support the current and future populations of the Township.
 - a. Evaluate community facilities against population projections and approved Board applications to plan for future population increases.
7. Ensure that infrastructure systems are maintained at levels that will support the current and future populations of the Township by basing growth and development decisions on the existing and planned capacity of both natural and built systems.
 - a. Ensure that all development and redevelopment projects contribute their pro-rata share of the cost of providing necessary off-tract street and intersection improvements.
 - b. Conduct a sidewalk audit to identify locations where sidewalks are absent or where improvements may be needed.



- c. Provide the necessary infrastructure to support business development.
 - d. Ensure that all development and redevelopment projects contribute their pro-rata share of the cost of providing reasonable and necessary off-tract water, sewerage, and drainage facilities.
 - e. Minimize the amount of potable water purchased from outside purveyors.
8. Maximize circulation and mobility options for local and regional trips.
- a. Wherever possible and appropriate, link the residential street grids to ensure connectivity within and between neighborhoods.
 - b. Provide opportunities for residents, business owners, employees, and shoppers to access multiple modes of transportation including bikeways and pedestrian ways.
 - c. Improve the level of service along the Route 10 corridor through the implementation of creative engineering, land use, and design techniques.
 - d. Improve the functionality of problem intersections.
 - e. Utilize traffic calming measures in areas of high pedestrian activity.
9. Create a well-designed village center to serve as the Township's civic core.
- a. Consider establishing design standards to enhance the village center.
 - b. Encourage residential uses on upper-level floors to provide a built-in customer base.
 - c. Enhance the pedestrian environment and increase pedestrian safety at street crossings to attract consumers.
10. Preserve the Township's natural resources to protect water quality, manage stormwater, reduce the potential for flood damage, protect endangered habitats, and provide open space.
- a. Preserve the floodway and floodplain of the Passaic, Rockaway, and Whippany Rivers and their tributaries to control floodwaters.
11. Create a comprehensive recreation system that provides indoor and outdoor, active, and passive recreation opportunities for all age groups and ability levels.
- a. Connect the existing park system to the residential neighborhoods through a system of safe sidewalks and pathways.
 - b. Expand active recreational opportunities in the Township through the creation of new park facilities either at existing Township parks, park/school sites or through the creation of new parks and facilities.
 - c. Connect the existing park system and Patriot's Path through a system of green corridors and linkages.
12. Create a comprehensive open space system that preserves sensitive lands, creates connected greenways and blueways, and provides environmental education opportunities.
- a. Create a multi-use trail system that links neighborhoods, community facilities, parks, and open space.

- b. Continue open space acquisition efforts with funding shared among East Hanover Township, Morris County, the State and federal governments, and non-profit groups.
 - c. Coordinate planning efforts with the Board of Education to ensure the most efficient placement and use of all Township and Educational facilities.
13. Promote aesthetically pleasing human scale development that recognizes the character of traditional New Jersey suburban towns.
- a. Develop gateways to the Township at strategic locations to foster community identification and establish a visual sense of the community's character.
 - b. Encourage developers through the Board application process to provide aesthetically pleasing buildings.
 - c. Require and encourage the implementation of landscaping on sites to enhance the visual and ecological environment.
14. Maintain a balanced tax base that is not over-reliant on a specific industry or use group.
- a. Conduct annual reviews of the tax base and land use classifications within the Township to monitor the tax base.
15. Ensure that all development regulations reflect and implement the goals and objectives of the master plan.
- a. Continue to regularly evaluate the zoning ordinance and update as necessary.



Master Plan Elements

The Township of East Hanover's most recent comprehensive Master Plan was prepared in 2005 and adopted on November 22, 2005. The [2005 Master Plan](#) includes a land use plan, circulation plan, utilities plan, and economic plan. In 2019 and 2020 the Township adopted a [Housing Element and Fair Share Plan](#). Additionally, a [2019 Master Plan Amendment](#) was adopted in July of 2019 to establish a framework for the rezoning of a site identified in the Township's Settlement Agreement with FSHC.

This section of the [2022 Reexamination](#) recommends master plan elements that should be drafted and adopted over the next decade.

Circulation Plan Element






A Circulation Plan Element shows the location and types of facilities for all modes of transportation required for the efficient movement of people and goods. The report identifies existing issues, strategies for improvements, and conducts walking and/or cycling assessments. Two large inclusionary multi-family developments have been recently approved in East Hanover, one by KRE Acquisition Corp. located at 100 Deforest Avenue and another by E Han, LLC located at 60-72 Eagle Rock Avenue. These developments would increase the Township's housing stock by 813 residential units and likely add at least 1,626 new residents. Due to this anticipated residential development and the residential development under construction in adjacent communities, a Circulation Plan Element is necessary to evaluate the existing circulation network of East Hanover and identify circulation patterns, areas of concern, and potential improvements to the network.

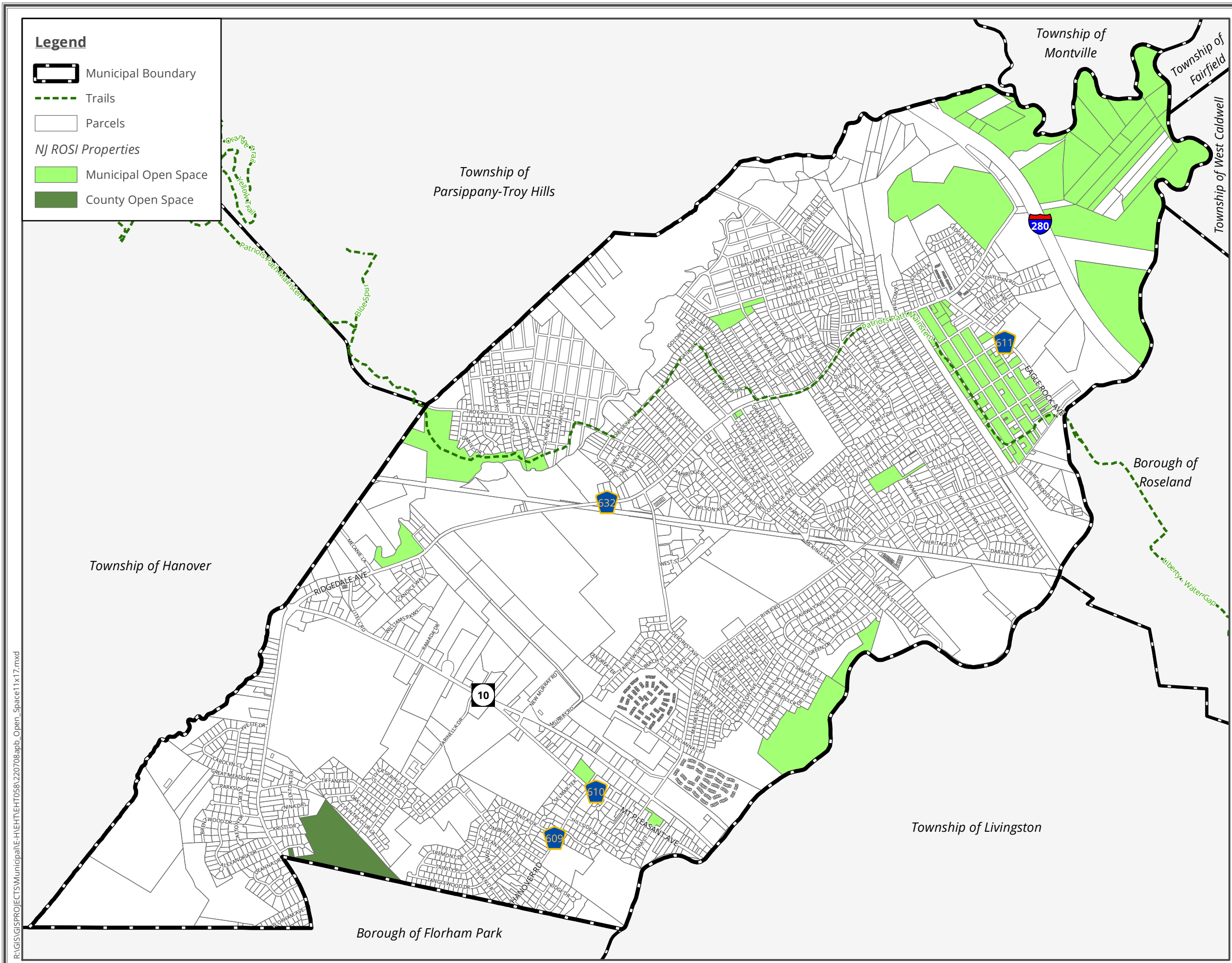
Open Space and Recreation Plan Element

An Open Space and Recreation Plan Element provides an assessment of existing recreation facilities and compares them to the needs and projected population of the community. Additionally, recreation needs and desires change over time and as the population's demographics change. As discussed above, the Township of East Hanover anticipates hundreds of new residential units to be constructed in the near future. The Township's last Open Space and Recreation Plan was prepared in 2010. Since then, there have been many changes within the Township and the anticipated number of future residents is expected to increase. The preparation of a new Open Space and Recreation Plan Element is recommended to evaluate the Township's open space and park inventory, evaluate facility conditions, and ensure there are sufficient open space and recreation facilities to accommodate existing and future residents. See the map on page 66 for the Township's existing open spaces, which are sourced from the New Jersey Department of Environmental Protection's Recreation and Open Space Inventory (ROSI) database.¹⁸

¹⁸ Data obtained from ROSI database <https://dep.nj.gov/otpla/rosi/>, accessed July 1, 2022.

Legend

-  Municipal Boundary
-  Trails
-  Parcels
- NJ ROSI Properties**
-  Municipal Open Space
-  County Open Space



NJDEP RECREATION AND OPEN SPACE INVENTORY (ROSI)

TOWNSHIP OF EAST HANOVER

Morris County
New Jersey



0 1,000 2,000
Feet

1 inch = 2,000 feet

July 2022

This map was developed using NJDOT, NJGIN, and Morris County GIS digital data and MODIV tax data. However, this secondary product has not been verified by any agency and is not state-authorized.



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Land Use and Development Review

The MLUL requires a review of the community's development regulations. The Township Planner has performed a cursory review of the regulations in Chapter 95 entitled "Land Use and Zoning". The analysis looked for inconsistencies between sections, outdated terms, missing definitions, etc. The Planner's review resulted in a memorandum, dated May 26, 2022, addressed to the Master Plan Reexamination Sub-committee. The memorandum was discussed with the Sub-committee and feedback was provided.

The Township has reviewed Chapter 95 and finds that the regulations and standards contained in the Land Use and Zoning Chapter are, except for the items outlined below, adequate and suitable. The following recommendations are made:

General

1. There are three attachments to Chapter 95. The first is entitled "Addendum A". This document concerns cluster residential developments and provides the lot area and dimensions for development built under the cluster provision. However, these cluster developments (Fairview Section 1 & 2, Gifford Heights, Royal Palm Estates, Silver Spring Estates, etc.) are not identified as a distinct zone on the Zoning Map. Instead, they are identified as the R-20 Zone. There have been at least two instances that the Township Planner is aware of where zoning permits were issued for improvements that are permissible under the R-20 Zone regulations, but not under the cluster regulations for homes within a cluster development. Since these cluster developments have different bulk standards they should be differentiated from the remainder of the R-20 Zone on the Zoning Map. One potential solution would be to place all the cluster developments in a new R-20-C (for cluster) Zone.
2. Addendum A is also unique from all the other single-family detached residential zones in that it requires a maximum lot coverage of 25%. This provision should be clarified to be a maximum total lot coverage. Also, the Township has received and approved three variances for impervious coverage within the last three years – 56%, 47.7% and 39.61%. The Township should consider increasing the lot coverage from 25% to 45% as lifestyle preferences have changed over time and residents now seek to enhance their backyard with decks, patios, pools, etc.
3. Attachment 2 is the Zoning Map. However, the version attached to the ecode360.com website is unreadable. A clearer, larger version of the Zoning Map should be attached to the code.
4. Attachment 3 is the Schedule of Area Requirements. Footnote 19 indicates that the maximum height of accessory structures in the R-10 through R-120-CR Zone is 1.5 stories and 13 feet. However, Section 95-46E.(2)(b)[4] permits garages to be 1.5 stories and 15 feet in height. These sections conflict and the discrepancy should be eliminated. Additionally, the text should be clarified that the height for accessory structures is measured to the peak, not the midpoint of the roof. Furthermore, there is no limitation on the height of permitted accessory structures in other zones, which should be specified. The Township should consider eliminating Footnote 19 and amending the text to permit accessory structures up to 15 feet in height measured to the peak of the roof.

Article II Definitions

95-3 Definitions

1. Portico is defined as a roof attached to a residential building. The definition states that if the construction of a portico violates the front yard setback requirement, a variance will not be required, provided that the total square footage is 50 square feet or less and the encroachment of the front yard setback is no greater than 5 feet. Section 95-46R.(3) permits an open porch to project into a required

front yard a distance of not more than eight feet. The Ordinance does not define porch. This discrepancy needs to be resolved. Furthermore, the Township wishes to limit the extent an existing non-conforming front yard setback could be exacerbated. For example, if a home is in the R-10 Zone and has a required front yard setback and the house is only set back 30 feet.

2. Professional Office is defined to permit a professional office in a residential zone and requires the use to be incidental to the use of the home. However, there are no standards for parking, no limitation on the number of non-resident employees, restrictions on hours of operation, etc. Typically, home offices are listed as accessory uses or conditional uses in the applicable zone and have standards to ensure there is no detriment to the surrounding neighbors. But the Ordinance doesn't list a home office as a permitted use in any zone. Furthermore, the Township has several zones that permit mixed-use development, and it is unclear if that would be deemed a "residential zone". The Planning Board recommends adding professional offices as accessory or conditional uses within specific zones and providing standards to guide parking, hours of operation, etc.

Article VI Subdivision & Site Plan Review

95-37 On-tract Improvements for Site Plans & Subdivisions

1. Section 95-37A.(8) requires subdivisions to install shade trees, which should be approved by the Shade Tree Commission. The Township does not have a Shade Tree Commission. Therefore, this text should be eliminated. Additionally, the Ordinance should be amended to require shade trees to be planted at an average of 50 feet on center.
2. Section 95-37B.(3) requires all parking spaces to be marked with painted lines for site plans. This should be amended to state the Township's desire for hairpin striping, which better guides drivers into the center of parking spaces.



3. Section 95-37B.(5) states that where off-street parking is located in a front yard, the Planning Board **may** require a landscaped berm. This should be amended to require landscaping screening of all parking within a front yard area and provide the flexibility for said screening to be accomplished with a landscaped berm or just landscaping, a minimum of four feet tall.
4. Section 95-37B.(8)(b) requires shade trees to be installed along the right-of-way according to the Shade Tree Commission. This should be amended to eliminate the reference to the Shade Tree Commission and require shade trees to be planted along the street line every 50 feet on average.
5. Section 95-37B.(8)(d)[1] requires shade trees to be planted at a caliper of 2.5 inches. Many towns have increased this to 3 inches and the Planning Board recommends doing so.
6. Section 95-37B.(8)(d)[3] requires shrubs to be planted at a height of 2 feet. The Planning Board recommends increasing the minimum height to 3 feet.
7. Section 95-37B.(8)(g) indicates that buffers and screening shall be provided as per 95-47A(6). However, 95-47A(6) concerns outdoor dining. The reference should be changed to 95-47A(7).

Section 95-39 Design Standards

1. Section 95-39B.(18) requires parking spaces to be 10 feet wide by 20 feet long, but is silent on the method of delineation. Over the years the Township has required new developments to utilize hairpin striping as it better guides drivers into the center of the space. This section should be amended to require hairpin striping.
2. Section 95-39C.(2)(f) provides design standards for the Route 10 corridor. This section reads “appropriate landscaped areas should be provided along the highway edge that include provisions for walkways, bike paths, plantings and shade trees.” The Planning Board recommends eliminating the requirement for providing areas for walkways, bike paths, and sidewalks. Additionally, the text “should” is recommended to be changed to “shall” to enable the ability to require landscaping along the highway edge.
3. Section 95-39C.(4)(c) states that parking lots should be extensively landscaped to provide visual relief. The Planning Board recommends modifying “should” to “shall”.
4. There are no requirements in this section or any other general section guiding the location and design of refuse areas. The Planning Board recommends that standards be crafted to limit refuse enclosures to the rear yard and require they be surrounded on three sides by a solid wall or fence with a self-closing solid gate on the fourth side.

Article VII Zoning

Section 95-44 Establishment of Zones

1. Subsection A. does not list the following zones, which are illustrated on the Zoning Map:
 - a. RMF-2 Overlay
 - b. RMF-3 Overlay
 - c. VRA (Varytyper Redevelopment Area)
 - d. CZ (Clear Zone Overlay)
 - e. RES (Runway End Subzone Overlay)

The text should be amended to add the above zones.

Section 95-46 General Regulations

1. Subsection C. states that there shall be not less than one garaged parking space for each dwelling in a residential zone. This should be clarified to apply to single-family detached and townhouses only.
2. Subsection J. requires a 10-foot buffer when a non-residential use abuts the boundary of a residential zone. The text requires four-foot-tall evergreens in two rows. In some instances, a solid, six-foot-tall fence may be a better alternative. The Planning Board recommends allowing a six-foot-tall fence in lieu of the four-foot-tall evergreens.
3. Subsection M. regulates fences. Fences within the front yard are limited to four feet in height and 50% open. On corner lots, both frontages are limited to a four-foot-tall fence. The Planning Board recommends looking into this issue further to see if minor Ordinance changes could be made to address corner lots. However, any Ordinance change should be mindful of sight triangles associated with street intersections.

Section 95-47 Modifications and Exceptions

1. Subsection A.(1)(a) indicates that the Township's height limits do not apply to items such as mechanical equipment. However, many towns cap the height of roof-mounted items. For example, a limit of 10 feet. The Planning Board recommends amending this subsection to restrict the height of roof-mounted equipment to a certain number. Additionally, there is no limitation on the height of parapets in the definition of building height or this subsection. The Planning Board recommends limiting the height of parapets.
2. Subsection A.(6)(b) contains the prior language for outdoor seating, which should have been deleted when Ordinance 13-2021 was adopted. This subsection should be deleted.
3. Subsection B.(2) permits hospitals, philanthropic, and eleemosynary uses in any zone. The Planning Board believes these uses are not compatible with the single-family detached zones and the text should be amended to limit which zones these uses are conditionally permitted in.
4. Subsection B.(3) permits public garage and gasoline stations in all zones except residential. The Planning Board does not believe these uses are compatible with the SED, PB-1, PB-2, PB-3, R-L, P, CEM, I-1, I-3 or B-1 Zones and recommends amending the text as necessary.

Section 95-53.1 R-10/CSAH Zone

1. Subsection B.(3) should be revised to clearly state maximum total lot coverage.

Section 95-53.7 RAH-4 Zone

1. Subsection B(2) should be revised to decrease the number of units as the size of the overall tract has been reduced.

Section 95-54 B-1 Zone

1. Change 95-54C.(1)(b) to read as follows:

"Where a side yard adjoins a residential zone, the side yard shall not be less than the larger of the two side yards required for the adjoining residential zone. Where a rear yard joins a residential zone, the rear yard shall not be less than the required rear yard for the adjoining zone."

Section 95-55 B-2 Zone

1. Change 95-55C.(1)(b) to read as follows:

“Where the side yard adjoins a residential zone, the side yard shall be not less than the larger of the two (2) side yards required for the adjoining residential zone. Where a rear yard adjoins a residential zone, the rear yard shall be not less than the required rear yard for the adjoining residential zone.”

Section 95-55.1 B-2B Zone

1. This zone permits stores, shops, and restaurants as conditional uses. Within this zone is Target, Costco, Home Goods, Bed Bath & Beyond, and other retail uses. There are also several existing restaurants. The Planning Board recommends revising this zone to permit shops and restaurants as of right.

Section 95-57, -58, and -58.1 PB Zones

1. A complimentary use to the permitted uses in this zone would be a data center. The Planning Board recommends adding a data center to the list of permitted uses in the PB Zones.

Section 95-64 Nonconforming Uses and Buildings

1. Subsection C.(1) does not permit non-residential buildings destroyed by more than 50% to be rebuilt unless in conformance. The same should apply to residential buildings.

Section 95-65.2 Payment in lieu fees for Affordable Housing

1. This section discusses payment-in-lieu fees within the R-15 Zone. This section was adopted in 2014 and does not comply with the development fee ordinance that was adopted pursuant to the Township’s Judgment of Repose. The section should be deleted in its entirety.



Other Items

1. The Ordinance should be revised to locate all parking standards in one section. This will eliminate the issue the Board has seen in the past when a D(1) use variance occurs and the Zone has no parking standard for said use.
2. A total lot coverage percentage should be created for the single-family zones. Over the years the Township has seen homeowners transform their entire rear yard with various impervious surfaces, which has caused drainage problems for neighbors.
3. Lots 28.03, 28.04, and 28.05 in Block 39, located along Merry Lane (a private street), should be rezoned from R-20 to I-3 to allow for the vacant lots to be developed with similar uses as the other lots that utilize Merry Lane for access to River Road.
4. Lots 39 and 40 in Block 42, which contain single-family detached homes, should be rezoned from the R-L Zone to the R-15 Zone.

New Technologies

There are five new technologies and/or uses that have emerged since the [1994 Reexamination](#). They include solar, wind, digital signs, cannabis, and short-term house rentals. These topics are examined in the following sections.

Solar

Chapter 95 does not mention solar energy facilities. However, solar panels are present on the roofs of many large buildings along Route 10 including but not limited to Target, Bed, Bath & Beyond, CubeSmart, Novartis, REI, etc. Additionally, the Gate of Heaven property has ground-mounted solar panels. The Township should consider amending the Ordinance to permit roof-mounted panels as of right and conditionally permitting ground-mounted panels in certain zones to control glare and other potential negative impacts.

Wind

Chapter 95 also does not discuss wind energy facilities. These facilities are listed as inherently beneficial uses in the MLUL. Wind energy systems have the potential for greater visual impact. Additionally, there are some reports that indicate there are noise impacts associated with turbines. The Planning Board believes further research should be done before the Township makes any decisions regarding wind energy facilities.

Digital Signs

The Township adopted Ordinance 11-2021 on December 6, 2021, which added digital signs to the list of prohibited signs in Section 95-103. No further action is recommended.

Cannabis

Ordinance 8-2021 was adopted on July 6, 2021. This Ordinance prohibits all classes of cannabis uses in the Township. No further action is recommended.

Short-Term Rentals

Short-term rentals were prohibited via Ordinance 5-2020 on October 5, 2020, which includes the rental of a dwelling and exterior of a residential property. No further action is recommended.

Year-End Board Reports

To determine if there has been a pattern in the types of variance relief granted, we requested year-end Land Use Planning Board reports and all resolutions from the Land Use Planning Board between 2010 and 2021. The Township provided a list of all applications to the Board during the 12-year period. The analysis reveals three variance patterns, which are discussed below. It should be noted that the list of applications did not specify the variance relief granted for all applications. Therefore, the analysis is limited to the applications where variance information was provided.

1. The Board heard 61 applications in the R-20 Zone. Where information was provided, the Board granted a total of 16 front yard setback variances, eight side yard setback variances, 12 rear yard setback variances, and seven variances for accessory structure setbacks. Based on this data, there has been no consistent relief granted over the past 12 years.
2. 32 applications were heard for properties in the R-10 Zone. Where information was provided, 12 variances were granted for front yard setbacks, seven variances were granted for side yard setbacks, and 11 variances were granted for rear yard setbacks. Based on this data, there has been no consistent relief granted over the past 12 years.
3. The Board heard a total of 16 applications for properties in the R-15 Zone. Where information was provided, eight front yard setback variances and eight side yard setback variances were granted. We have access to eight resolutions, dating back to 2014, granting such setback variances. The following variances from the 40-foot front yard setback requirement were granted by the Board, in order of greatest to least encroachment:
 - Resolution 15-204, 26 Mann Avenue, Block 124, Lot 9 – 18-foot setback, which is a 22-foot encroachment. However, it should be noted the resolution indicates this was a pre-existing non-conforming condition.
 - Resolution 20-2016, 28 Mann Avenue, Block 124, Lot 10 – 21.1-foot setback, which is an 18.9-foot encroachment.
 - Resolution 28-2015, 41 Mann Avenue, Block 125, Lot 9 – 31.7-foot setback, which is an 8.3-foot encroachment.
 - Resolution 11-2015, 40 Chic Jon Lane, Block 5, Lot 32 – 33.41-foot setback, which is a 6.59-foot encroachment.
 - The average front yard permitted via variance is 26.05 feet, where 40 feet is required.

Additionally, the following variances, in order from greatest to least encroachment, were granted from the required 15-foot single side yard setback requirement of the R-15 Zone:

- Resolution 15-2014, 26 Mann Avenue, Block 124, Lot 9 – 5.96-foot setback, which is a 9.04-foot encroachment. It should be noted that the resolution recognized this setback as a pre-existing non-conforming condition.
- Resolution 22-2021, 25 Dixon Place, Block 40.02, Lot 10 – 6.2-foot setback, which is an 8.8-foot encroachment.

- Resolution 20-2016, 28 Mann Avenue, Block 124, Lot 10 – 6.6-foot setback, which is an 8.4-foot encroachment.
- Resolution 17-2021, 56 Cedar Street, Block 38, Lot 12 – 9.25-foot setback, which is a 5.75-foot encroachment.
- Resolution 11-2015, 40 Chic Jon Lane, Block 5, Lot 32 – 9.3-foot setback, which is a 5.7-foot encroachment. It should be noted that the resolution indicates this setback was a pre-existing non-conforming condition.
- Resolution 28-2015, 41 Mann Avenue, Block 125, Lot 9 – 11-foot setback, which is a 4-foot encroachment.
- The average side yard setback granted was just over 8 feet, where 15 feet is required.

Furthermore, there were three instances where the Board granted variances from the R-15 Zone combined side yard setback requirement of 35 feet. The average combined side yard setback of the three variances is 23.5 feet, which is 11.5 feet less than the required 35 feet.

Based on the information presented above, it is recommended that the Planning Board further study the front, single side and combined side yard setback in the R-15 Zone to determine if changes should be made to these bulk standards. This would include obtaining and reviewing all 16 resolutions to determine the exact relief sought and granted.



VI. Recommendations Concerning the Incorporation of Redevelopment Plans



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The Township of East Hanover has one Area in Need of Redevelopment, which is located along Route 10 East and Farinella Drive. The Township Council adopted the redevelopment designation on May 10, 2004. A redevelopment plan entitled Varityper Redevelopment Plan, dated May 2, 2006, was adopted on October 10, 2006. Since the Redevelopment Plan's adoption, it has been amended twice, first on March 5, 2018, then on June 4, 2018. The Planning Board does not recommend any changes to the Varityper Redevelopment Plan at this time. Additionally, no other areas of the Township are recommended to be studied as an area in need of rehabilitation or redevelopment.



VII. Public Electric Vehicle Infrastructure

EV

VII. Public Electric Vehicle Infrastructure

According to Thomas Pershouse, the Township's Construction Official, electric vehicle charging stations are located in the parking garages at the Novartis campus and at Home2Suites, located at 170 Route 10.¹⁹ East Hanover recognizes the recently adopted legislation that requires certain types of developments filed after July 9, 2021 to include charging stations and/or make-ready parking spaces. Furthermore, the new law made charging stations an accessory use in all districts, regardless of the local zoning ordinance. The law also required a model ordinance to be developed and published by the Department of Community Affairs ("DCA"), which upon publication would become effective in each municipality. The model ordinance was published by DCA on September 1, 2021. Municipalities may make changes to the section entitled "reasonable standards" through the normal municipal ordinance process but are not permitted to change other parts of the model ordinance. The Township has reviewed the model ordinance and does not wish to adopt it at this time as the Legislation mandates the charging stations and/or make-ready parking spaces regardless of East Hanover incorporating the model ordinance into Chapter 95.

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¹⁹ Correspondence with Mr. Pershouse on July 11, 2022.