

**REPORT ON THE REEXAMINATION
OF THE BOROUGH OF MOUNTAIN LAKES'
MASTER PLAN AND DEVELOPMENT
REGULATIONS
MORRIS COUNTY, NEW JERSEY**

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INTRODUCTION

The Municipal Land Use Law (MLUL) requires every municipality in New Jersey to reexamine its Master Plan and development regulations at least once every six (6) years (N.J.S.A. 40:55D-89) to ensure periodic review of information and changing conditions in order to keep municipal planning efforts current. On October 24, 2002 the Planning Board of the Borough of Mountain Lakes adopted a reexamination report of its current comprehensive Master Plan, which was adopted in 1996. Since that time, the Master Plan was updated to include amendments to the Housing Element and Fair Share Plan in March 2005, to the Land Use Plan Element in March 2005 and May 2006, and a new Stormwater Management Plan Element in June 2006.

A public hearing on the Reexamination Report is not required, but the Planning Board must adopt, by resolution, a report on the findings of such reexamination. The Planning Board must submit a copy of the report and resolution to the Morris County Planning Board and the Clerks of all adjoining municipalities.

The MLUL sets forth that the reexamination report address the following five specific areas:

- a) Major problems and objectives relating to land development in the Municipality at the time of such adoption, last revision or re-examination, if any;
- b) Extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- c) Extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or 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, and changes in State, County and Municipal policies and objectives;
- d) 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; and
- e) 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:12 A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This Reexamination Report has been prepared to meet statutory requirements as specified in the MLUL. This report represents an evaluation by the Master Plan Committee of the comprehensive Master Plan Elements and recommends any necessary amendments or additions to the Master Plan and Land Development Regulations.

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The Borough of Mountain Lakes Master Plan 1996, hereinafter referred to as the “Master Plan,” consists of several elements, including land use, housing element and fair share plan, circulation, conservation, community facilities and utilities, recreation, recycling, historic preservation, and relationship to other plans.

Other planning efforts undertaken by the Borough since the time of the last Master Plan and Reexamination Report include the following:

- 2004 State Development and Redevelopment Plan Cross-Acceptance Questionnaire
- March 31, 2005 Amendment to the Housing Element and Fair Share Plan and to the Land Use Plan Element of the Borough Master Plan
- 2005 Establishment of the Mountain Lakes Historic District on the National and State Registers of Historic Places
- May 25, 2006 Amendment to Land Use Plan re: King of Kings Property
- June 29, 2006 Stormwater Management Plan
- February 2008 Highlands Regional Master Plan response to request for comments

Land use related ordinances passed since 2002:

06/10/02 Conservation Zones clarification/Permitted Uses
07/22/02 Conservation Zone clarification
08/12/02 Site Plan review exemption
03/24/03 Sign ordinance amendment
06/23/03 Accessory use regulations
10/27/03 Tree management plan
11/24/03 Parkland designation
12/08/03 Conservation easements
04/25/05 Amend affordable housing zone
06/13/05 Tree Protection Ordinance
09/26/05 Revised Building Height Definition, regulation of building height, new story above grade definition and establishment of grade plane
09/26/05 Amendment to the Stormwater Management regulations
05/08/06 Minimum Building Envelope regulations
08/21/06 Revisions to affordable housing ordinances
08/26/06 Reduction of minimum requirement for cluster housing
11/13/06 Clarification of retaining wall height restrictions
11/13/06 Revisions to permitted principal, accessory & conditional uses
02/26/07 Establish fee for new development
09/24/07 Restrictions on Outside Use for Conservation Purposes

Section A: Major problems and objectives relating to land development at the time of the adoption of the last reexamination report

The first requirement of the Reexamination Report is to present the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. The 2002 reexamination report noted few changes to the 1996 Master Plan. The major goals and their underlying assumptions in the 1996 Master Plan, as listed in *Chapter II: Statement of Objectives, Principles, Assumptions and Policies Underlying the Master Plan*, are:

- Retain the traditional character of Mountain Lakes
- Protect and enhance the Borough's environmental resources
- Provide for the appropriate development of the Borough
- Provide for safe and convenient pedestrian and vehicular circulation and access
- Maintain the Borough's traditional commitment to education and recreation

The 1996 Plan identified the following Major Planning Issues Since 1979

- A real estate development boom in the 1980's resulted in substantial development in the Mountain Lakes area, especially in surrounding communities.
- Many homes in the Borough were substantially reconstructed and/or expanded, resulting in even larger homes on relatively small lots.
- A floor area ratio ordinance and larger setback requirements were adopted to limit the potential for houses to be built out of proportion with lot size.
- The traditionally open landscape setting of residential neighborhoods has diminished in recent years as a result of the increased use of landscape plantings that enclose individual properties.
- The Borough's population is aging, resulting in changing housing needs and a heightened recognition of the need for more diversity of housing types within the Borough for long-time residents who wish to remain in the Borough but are finding it difficult to maintain larger homes.
- The need to address the Borough's constitutional "fair share" housing obligation became a focus of community planning concern.
- Townhouse housing developments that resulted from recommendations set forth in the 1979 Master Plan were completed. These units for the most part, however, were large and expensive and as such did not fully address the need for more variety of housing opportunities in the Borough.
- Relatively large-scale office development was completed on Route 46 in and out of the Borough.
- More active state involvement in land use planning went into effect including state regulation of wetlands, the adoption of the State Development and Redevelopment Plan and the Highway Access Management Code.
- Traffic congestion on Route 46 and within the Borough increased, largely resulting from development outside the Borough but contributed to by increased dependence on the automobile by Borough residents.

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- Concern increased about the impact of existing and potential development on the water quality of the Borough lakes and water supply aquifers.
- There has been an increased appreciation of Mountain Lakes' important heritage as a planned residential park community and concentration of Craftsman-influenced homes.
- There has been a substantial increase in the use of existing recreational facilities in recent years, which has resulted in their overuse and a public demand for additional facilities. The acquisition of the Office Court site was an important event offering a potential long-term solution to overused active recreation facilities.

MAJOR PLANNING ISSUES AND PROPOSALS in the 1996 Master Plan

The following is the summary of major planning issues of concern and the major new proposals included in and recommended by the 1996 plan:

- **“Community Character** - This plan seeks to foster a better understanding of the elements and characteristics that contribute to the special sense of place that is Mountain Lakes, especially the Borough's historically significant landscape pattern as a planned residential community.
- **Route 46E B Zone** - This plan seeks to explore the reasons for the decline of this area and ways to promote its redevelopment.
- **Housing** - This plan attempts to understand changing demographic characteristics and to address their implications for housing. This has been done within the context of the Borough's constitutional fair share housing obligation and Council On Affordable Housing rules.
- **Creative Development Options** - This plan recommends creative options for the development of the few remaining vacant parcels and the redevelopment of underutilized or poorly utilized parcels and where feasible recommend affordable housing options.
- **Community Center Development** - This plan seeks to promote more focus to the community life of Mountain Lakes by recommending options for the redevelopment of the Midvale/Market area.
- **Recreation** - This plan recommends options for enhancing the Borough's traditional commitment to active recreational opportunities for all its citizens.
- **Historic Preservation** - This plan contains a Historic Preservation element which outlines the historic significance of the Borough's development pattern as a planned residential park community and the concentration of Craftsman-influenced homes.”

MAJOR PLANNING ISSUES in the 2002 Reexamination Report

The 2002 Reexamination Report noted that “the 1996 Master Plan accurately represented the objectives, principles, assumptions and policies of the Borough with the following

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changes:

1. The floor area ratio ordinance was changed to increase requirements (reduce FAR)
2. The State Development and Redevelopment Plan was adopted in 2001.
3. Various safety and traffic calming measures were instituted; including barrier enclosure and expanded left turn lanes along Route 46, speed humps at the schools and on Midvale Road.
4. The Borough installed an air stripper on well #5—the primary well for the Borough.
5. An aggressive lakes management treatment program was instituted.
6. The Borough is in the process of applying for registry on the State and National Registries of Historic Places.
7. Recreation facilities have become available in Boonton Township. There is an increased demand for interscholastic fields within the Borough.
8. The number of children under 14 increased by 456 from 1990 to 2000.
9. Wetland delineations have been done for the Pocono Road property and Halsey Frederick Park.
10. Borough has made a commitment, thorough membership in regional water management groups, to support a policy of using best management land use practices and ordinances to protect the quality of the drinking water. Sensitive areas include the aquifer recharge area, and the wellhead areas.
11. Establish a school/government zone.
12. Route 46 E Redevelopment—the area has seen much redevelopment and a park and ride facility is no longer recommended.”

Section B: Extent Problems and Objectives have been Reduced or have Increased since Last Reexamination Report

The second requirement for a Reexamination Report is to discuss how the main planning concerns in the 1996 Master Plan have been reduced or have increased since the 2002 Reexamination Report.

- **Development and Density** –Due to the built out nature of Mountain Lakes and a top rated public school system, Borough real estate is more resistant to the typical boom- bust cycles seen in the last three decades throughout the State and the nation. Average real estate values have risen steeply in the last decade only seeing a modest decline since 2005. The strength of the Borough’s real estate has led to numerous land use and population changes. As very few undeveloped properties are available, property owners and home builders have continued to enlarge or replace smaller homes with large structures and taken advantage of sub-dividable lots where they became available to replace one home with two. The loss of space between structures is affecting the character of the municipality.
- **Size of residential buildings** -- To control the size of homes on our relatively small lots, the Borough’s reduced FAR ordinance and a Building Height definition revised in 2005 have limited somewhat the size of new construction.
- **Landscape, trees, conservation parcels** -- The open landscape setting and native shade tree canopy of our residential neighborhoods are continuing to change. This is in part due to landscape plantings that enclose properties, in part due to larger homes and less open space between them, in part due to loss of aging shade trees, and in part due to a trend toward leveled and manicured garden design that no longer incorporates the existing topography. Since the topography is important both as an element of our historic character and as an environmental feature that has established patterns of storm water distribution there is growing concern about this change. In addition, our native shade trees are aging. In public park land, deer and invasive vegetation has prevented their re-growth. On private property, residents are planting ornamental species rather than native shade trees. A Woodlands Committee of resident volunteers has been formed to help address the issue on Borough-owned land. The Borough Shade Tree Commission has an active replacement program for street trees. The replacement trees are small and it will take decades for them to reach the height of mature trees. In addition, although all but one Borough-owned open space parcel has been designated for Conservation, some Borough lots are being encroached upon and manicured by adjacent property owners. This encroachment is an ongoing problem.
- **Population trends** -- The 1996 Master Plan noted that the Borough population was aging and declining in numbers, but by the 2000 Census that trend had reversed and the population had grown by 10.6 % in that decade and the number of children under 14 had increased the most. New Census figures will not be available until 2011, though school enrollment indicates a 14% decline in the

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number of children. Kindergarten to 5th Grade school enrollment was 550 in 2002 and declined to 474 in 2007.

- **COAH** -- The Borough has addressed its constitutional “fair share” housing obligation through Round 2 of COAH substantive certification. The 29 units required by COAH were provided through a 12-unit Regional Contribution Agreement and an 11-unit rehabilitation program, as well as 8 units approved in an inclusionary development at the former “Fusee” property, though not yet built. The Borough filed a petition for third round substantive certification, but those rules have since been challenged and revised.
- **Housing options, senior housing** -- The intent to create more opportunities for a variety of housing through zoning for townhouses and cluster development has not resulted in the construction of smaller and lower priced housing units. There are few opportunities remaining. The need for senior housing has not been met by a specific development in the Borough, though the townhouses are an option for some residents, and others are available in the many age-restricted housing developments that have been built all over New Jersey in recent years. Mountain Lakes had zoned for age-restricted housing at the “Fusee” property, but the restriction was lifted when the market no longer supported construction of such units. No additional housing has yet been built in the Midvale area.
- **State regulations** -- The State of New Jersey continues more active involvement in land use planning affecting Mountain Lakes, including the adoption of the Highlands Water Protection and Planning Act in 2004, which designates Mountain Lakes part of its Planning Area, the 2004 Stormwater Management Regulations, the third round COAH regulations for 2004 to 2018 (originally adopted in 2004, challenged and revised in 2007/08, and readopted in amended form in 2008), and the 2007 Flood Hazard Area Control Act Rules.
- **Circulation issues** -- Traffic safety is a continuing concern. Traffic on Route 46 has increased. Traffic on the Boulevard increased from 1996 to 2004 and has remained at that level since. Traffic on Fanny Road has increased slightly. Since our roads were designed in an era of many fewer and much smaller cars, providing for safe pedestrian and bicycle circulation on our narrow roads continues to be a concern. Increased car traffic, the size and speed of vehicles, and the obstruction of roads by parked construction or landscaping service vehicles are impediments to better pedestrian and bicycle circulation. Resident committees have requested further pedestrian safety measures. The Borough has added sidewalks along Powerville and Elm Roads and refurbished sidewalks near the Wildwood and Briarcliff schools and the train station.
- **Potable water** -- Drinking water quality and supply quantity was noted as a concern in 1996. The quality has increased, as the installation of the air stripper on our primary well has eliminated trace contamination. The concern about quantity has grown. Mountain Lakes is in a recharge deficit area as defined in the

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Highlands Regional Master Plan. The Borough is currently under a state-mandated five-year new connection ban, because Borough water use had exceeded the allocation during two months in 2005 and 2006. The Borough continues its commitment to using best management land use practices and ordinances to protect the quality of the drinking water and is making a concerted effort to conserve water to stay within the allocation.

- **Lake water** -- The Borough with the recommendation of The Lakes Management Advisory Committee has developed and implemented a Management Plan for lake and watershed protection and improvement. This Plan is multi faceted and includes a program for monitoring lake and watershed conditions so that the effectiveness of the plan can be evaluated.

The comprehensive plan focuses on methods to lower the nutrient loading on the lakes. Excess nutrients lead to explosive plant growth in the water body that if left unchecked will eventually fill in the lake, a process known as eutrophication. Water clarity is also improved when nutrients are controlled. The guiding philosophy of the Lake Management Program is to control the nutrient loading at the source as well as in the water body and to recognize that it is better to manage plant growth rather than to eliminate it entirely.

Therefore, in addition to typical herbicidal lake treatment, the program includes methods to control the population of resident Canada Geese and regular street sweeping and catch basin maintenance. Additionally, ordinances have been adopted banning fertilizers with phosphate, prohibiting the feeding of water fowl, and the dumping of leaves and debris into the lakes. An annual Hydro Raking program has also been implemented that removes decaying leaves from the lake bottom primarily in shallow coves and at the shoreline. Many of the strategies that are part of the program have now been incorporated into the Borough's Storm Water Management Plan as required by the NJDEP.

A public education and awareness program is also an important part of the plan. Since the implementation of these management strategies, the overall quality of the lakes has improved

- **Historic district designation** -- The historic value of Mountain Lakes as a planned residential park community with a concentration of Craftsman-style homes was recognized with the successful application for designation on the State and National Registers of Historic Places in 2005. This designation does not protect privately owned structures in the Borough and the loss of contributing historic structures and our landscape park design is a concern for some in the community. Some Hapgood and Belhall homes have been razed, and many others have been significantly altered by expansions and additions. At the express request of the Borough Council, the Historic Preservation Committee has been monitoring demolition trends of historic housing.

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Between 1911 and 1931, there were 482 Hapgood houses and 66 Belhall homes built. As of 2008, there are 440 Hapgood homes, and 58 Belhall houses. In the years from 1931 to 1993, 23 of these historic houses were lost due to fire or demolition. This is roughly one house every three years. In the years from 1994 to 2003, 12 more were lost. This equates to about one house per year. The years of 2004 through 2007 saw six Hapgood and two Belhall houses razed, to be replaced with new homes. This rate is 2 houses per year. Due in large part to the educational efforts of the Historic Preservation Committee, there is a growing awareness of the historic nature of the housing stock and the town's planning.

- **Recreation fields** -- The 1996 Master Plan noted the demand for additional recreational facilities, and the 2002 Report added the need for interscholastic fields. In 1996, the former "Office Court" site on Pocono Road was seen as a possible solution. This site was later found to be unsuitable, but two new interscholastic fields were built in Halsey Frederick Park in 2004. The Borough also refurbished Taft and Midvale fields, and artificial turf was installed on the High School field to allow for more usage time. Recreation programs cooperate with Boonton Township and Boonton and use fields in those towns as well. Nevertheless, with greater participation by residents and more sports offered year-round, there is still a field shortage, particularly after school and on weekends.
- **Commercial zones** -- The Borough's non-residential areas, particularly the Route 46E B Zone, which were seen as in decline in 1996, have seen investments by property owners and significant private redevelopment. Given that, there appears to be no need for formal redevelopment initiatives as recommended in the 1996 Master Plan at this time.
- **Midvale area community center** -- The proposal of a community center development in the Midvale area has been supported by a citizens' committee and by other residents' and property owners' initiatives. The Borough recognizes the potential benefits in the redevelopment of Midvale Market area. However, since most of the area is privately owned, the development of a plan has been left to the private sector. To memorialize the Borough willingness to work with the private sector and support a mixed use approach to redevelopment, a resolution was passed on Feb. 24, 2004. Though informal proposals for private redevelopment have been circulated, no formal applications have been presented to the Planning Board. The Borough redesigned and resurfaced the parking area on Romaine Road. Commercial space is currently fully leased.
- **Infrastructure** -- The Borough has updated most of its aging infrastructure, including all lake dams except Sunset Lake, and most water lines, and all roads and sidewalks are on a maintenance schedule.
- **Schools and recreation** -- The goal of maintaining the Borough's traditional commitment to education and recreation (Section II, p.2) remains unchanged. The

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challenges for both have changed, however. The school district currently receives high school students from Boonton Township under a contractual sending-receiving relationship, runs a regional school for the hearing impaired in its Lake Drive building, and takes in tuition students as space permits. These arrangements are seen as a way to optimize the size of our schools and provide the best education possible to the students in Mountain Lakes. The recreation programs continue to be a focus of community life. The recreational needs of the Borough's population seem to be driven by more, and more intensive, involvement in many sports by all ages, as well as continued interest in passive recreation, rather than by an aging population, as noted in 1996.

- **School/Government zone** -- The Borough has not established a school/government zone as recommended in the 2002 Reexamination Report.
- **Environmental Resource Inventory** -- The 1996 Master Plan states that an Environmental Resource Inventory update is in progress. This is not yet completed.
- **Municipal Building** – The Borough has hired an architect to explore the municipal, fire department, police and Board of Education space needs. This architect will produce a needs assessment study and schematic designs, working with the Borough Facilities Committee.

Section C: Extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised

The major goals in *Chapter II: Statement of Objectives, Principles, Assumptions and Policies Underlying the Master Plan* of 1996 have not changed, though some of the assumptions have, as noted in the section above. However, there have been several major changes on a statewide and regional level that affect the assumptions, policies and objectives forming the basis for the 2002 Reexamination Report and the Master Plan. They have serious implications for the future of planning and development in the Borough of Mountain Lakes. They are identified and discussed below.

Maximum water usage limitations

The New Jersey Department of Environmental Protection (NJDEP) regulates potable water supplies and usage in the State of New Jersey. Mountain Lakes is limited by the NJDEP to an allocation not to exceed 30 million gallons per month. Additionally, the NJDEP requires a municipal water system to be able to continue to adequately supply water in the event that the highest producing well goes off line. The water system capacity without the highest producing well on line is known as firm capacity. Currently, the municipal system does not have adequate firm capacity. To address the firm capacity shortfall, municipal well #3 is being rehabilitated and is expected to go on line in the fall of 2008.

For the months of July and August in 2005 and 2006 Mountain Lakes exceeded the permitted monthly allocation of 30 million gallons. The Borough has enacted mandatory water use restrictions aimed at outdoor irrigation and adjusted rates to encourage water conservation. Since the enactment of these restrictions and with public education, the Borough has been able to keep the summer monthly usage under the permitted allocation. The NJDEP is monitoring the Borough's water usage and has banned any new water connections to the municipal system until it is demonstrated that the usage falls below the allocation for a period of five years since the last time the allocation was exceeded. Property owners wishing to develop a property have to apply to the NJDEP for a private individual well permit. The NJDEP has issued at least one individual well permit. The Borough is concerned about the effect of individual wells and has passed an ordinance requiring hook-up to the public water system and proper capping of the private wells as soon as the connection restrictions are lifted by the NJDEP.

Stormwater Management Regulations In 2004, the NJDEP adopted comprehensive amendments to its stormwater management regulations. These amendments have had a profound impact on site planning in the State. The requirements for on-site infiltration of stormwater as well as the water quality provisions of the regulations have changed the way engineers approach land development. Stormwater runoff resulting from development now has to be addressed so that stormwater can be put into the ground as close to the runoff source as possible, as compared to the old method of calculating the additional tract runoff and then routing it all into a single detention basin where it was permitted to exit the site.

In 2006, Mountain Lakes adopted a Stormwater Master Plan Element as Chapter XIII of the Master Plan and on 9/26/05 adopted a Stormwater Management Ordinance.

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Mountain Lakes has complied with all of the NJDEP requirements for adopting a Stormwater Management Plan and a Stormwater Management Ordinance.

Municipal Land Use Law

Amendments continue to be adopted to the Municipal Land Use Law that will need to be reflected in Mountain Lakes' Land Development Ordinance.

Affordable Housing

The Council on Affordable Housing (COAH) has adopted revised regulations for the third round, which covers the period from 2004 to 2018. The Borough will need to address the third round "fair share" obligation when the regulations are finalized. There are a number of legal challenges pending.

Highlands Act

A significant State-level change that has occurred in recent years that could directly impact Mountain Lakes' future in terms of potential development and influence on land use planning policies is the adoption, in 2004, of the Highlands Water Protection and Planning Act and the adoption in 2008 of the Highlands Regional Master Plan. Mountain Lakes lies entirely in the Highlands Planning Area, in which compliance with The Highlands Regional Master Plan is voluntary.

The Highlands Act created the Highlands Council, an entity charged with the responsibility of preparing a Highlands Regional Master Plan to determine the amount and type of human development and activity that the ecosystem of the Highlands Region can sustain. The purpose of the Regional Master Plan is to protect water resources and natural systems by establishing capacity limitations for future growth in the Highlands based upon the natural and built systems. Municipalities within the Highlands Preservation Area will be required, and those within the Highlands Planning Area—such as Mountain Lakes--will be invited, to conform their local Master Plans and development regulations with the Highlands Regional Master Plan.

In November of 2006, the Highlands Council released a draft Regional Master Plan and adopted the Plan on July 17, 2008.

According to the Land Use Capability Map that accompanies the draft Regional Master Plan, Mountain Lakes is divided into several different Planning Area "overlay zones:" the Existing Community Zone, the Protection Zone, the Lake Community Subzone and the Existing Community Environmentally Constrained Subzone.

Mountain Lakes will need to review the completed plan and consider whether to "opt in" to conformance of its Master Plan with the Highlands Regional Master Plan.

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State Plan

Mountain Lakes is in Planning Area 1: Metropolitan Planning Area of the State Development and Redevelopment Plan. This Planning Area and its policies apply to the most densely populated sections of the state, with infrastructure in place to support further growth. Mountain Lakes participated in State Plan Cross-Acceptance III through Morris County as the negotiating entity for the next edition of the State Plan. As a fully developed municipality with virtually no undeveloped land available and concern about the availability of additional drinking water, Mountain Lakes has requested, through its Cross-Acceptance Report, that the State have policies appropriate for fully developed communities not in need of redevelopment. Mountain Lakes also requested that all permanently protected open space and parkland be shown as such on the State Plan Map. A revised State Plan is expected late in 2008.

Section D: The Specific Changes Recommended for the Master Plan or Development Regulations

The following specific changes are recommended to be made to the Borough's Master Plan and Land Development Ordinance:

1. Adopt amendments to the Master Plan, reflecting the recommendations of the Reexamination Report. Though much of the 1996 Master Plan still accurately reflects the goals and assumptions of the Borough's land use planning, enough has changed over time that an update with corrections would make for a more usable document. The Planning Board can consider bringing the Plan into conformance with the Highlands Regional Master Plan at that time.
2. In light of the historic district designation on the New Jersey and National Registers of Historic places, prepare and adopt a new Historic Preservation Element. Both the designation and strategies for protection and preservation of our historic resources need to be reflected.
3. Prepare and adopt a new Housing Element and Fair Share Plan and address COAH third round substantive certification within the required time frame established by COAH.
4. Complete an updated Environmental Resource Inventory and adopt it as an addendum to the Master Plan.
5. Update Chapter IX Recycling Plan, reflecting the need for a greater commitment to reducing solid waste.
6. Add a sustainable community element to the extent permitted by law. This new element would address strategies to provide for, encourage, and promote the efficient use of natural resources; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.
7. The Borough should review the sections of the Highlands Regional Master Plan that apply to Mountain Lakes and consider conformance to the Highlands Plan.
8. Protection of our existing topography in light of the trend to cut and fill, or level, or create berms, which permanently alters our historic landscape, and could cause environmental problems such as increased stormwater runoff and reduced groundwater infiltration. The Master Plan should incorporate protection of the existing topography in all relevant sections, such as:
 - a. In Chapter II: Statement of Objectives, Principles, Assumptions... add a section on Topography
 - b. Add the following Land Use Objectives to the Land Use Plan:
Protect the natural topography, native vegetation and open, park-like setting that is part of our historic character.
 - c. Add a paragraph in "Natural Characteristics and Environmental Concerns" (Chapter III, p.2): Encourage keeping the topography original in scale and style, choosing indigenous plants, shrubs and trees, while controlling invasive vegetation.
 - d. Add in Chapter 10: Historic Preservation Element.

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- e. Add in Chapter 6: Conservation Element
9. Since concern about the quality and quantity of drinking water has gained added significance with the Highlands Water Protection and Planning Act and regional limitations on water usage, add the protection of water resources in all relevant sections, such as:
 - a. In Section II: Statement of Objectives, Principles, Assumptions..., revise the section on Aquifers to reflect water concerns
 - b. Add Streams, riparian buffers, stream corridors and well-head protection in “Natural Characteristics and Environmental Concerns” (Chapter III, p.2)
 - c. Add the following goals to the Land Use Plan Element:
 - To protect our water resources, including ground water, surface water, streams and riparian buffers
 - to sustain and protect our natural areas
 - d. Add in Chapter 6: Conservation Element
10. Mountain Lakes’ identity as a forested community is under threat by the aging of existing shade trees, lack of an understory in our parklands that would replace the mature canopy, and very few young shade trees growing on private property. The Master Plan should promote the protection of existing shade trees and the regeneration of our native shade tree canopy. In addition it should foster education about the importance of planting and protecting the next generation of native shade trees on private and public properties, rather than planting only ornamental species.
11. Change the recommendation regarding opportunities for senior housing. Since there has been much development of senior housing in the area and there does not appear to be a market for more, under Land Use Objectives (Chapter III, p.1): 7, maintain “Encourage more diversity in housing options within the Borough” but delete “by providing opportunities for senior citizen housing.”
12. Add the following under Land Use Objectives (Chapter III, p. 1): “Create and promote more opportunities for pedestrian and bicycle circulation”
13. Neighborhood characteristics (Chapter III, p.4): New ordinances have restricted building height and grade changes. Our ordinances should continue to encourage rehabilitation of existing buildings, particularly of Hapgood and Belhall homes and garages, over demolition and new construction.
14. Future Residential Land Use (Chapter III, pp. 5-6): Replace existing text with the following:
 - a. Fusee Tract (Block 88, Lots 17.01 and 18)—This property was rezoned R-AH to permit the construction of up to 44 units, including eight affordable units, to be constructed in a comprehensively planned inclusionary development. The development has been approved and is waiting for project completion. Due to water allocation shortages in Mountain Lakes, the development has contracted with the Town of Boonton for its water supply.
 - b. King of Kings Backland (Block 116, Lot 3)—The land use designation of this vacant 8.2 acre property is Single Family Residential—Cluster Option—RC-1. The property is a constrained lot both in access and

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environmental encumbrances. The cluster option would permit a protection of some open space and retention of the buffer to the highway and railroad. A final determination of permitted density should take into account the need for emergency access and environmental constraints on the site, including steep slopes, wetlands and a ravine area, as well as being in tier 2 of the Parsippany municipal well recharge area and adjacency to existing conservation parkland. Consideration should also be given to ways that will promote the integration of any new residential development into the rest of the Mountain Lakes community to avoid neighborhood isolation.

- c. Rush/Weichert Site, Fox Hill Neighborhood and Adjoining Lands (Block 116, Lot 3.03): This site has been fully developed with single-family homes accessed from Fox Hill Lane.
15. Future Non-Residential Land Use: The 1996 Master Plan calls for extensive planning changes of the Route 46 corridor and Midvale area. In light of private redevelopment and other changes along Route 46 since 1996, that section needs to be reconsidered. Delete Rt. 46E Business Area chapter except for the last paragraph, which should read “The Planning Board should investigate these and other possible alternatives...” etc.
16. Continue pursuing a School and Government zone
17. Promote more convenient public transportation, particularly by lobbying the State for improvements to the railroad line that connects Mountain Lakes to Boonton, Montclair, Newark, Hoboken and New York, as well as Denville and Dover.
18. Promote the redevelopment of the Midvale area to include a mix of housing and commercial uses while retaining the historic buildings.

Section E: The Recommendations of the Planning Board Concerning Redevelopment Plans

Finally, the Municipal Land Use Law requires that the Reexamination Report address the following:

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), into the land use element of the municipal master plan and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

At this point the Planning Board has no recommendations regarding the necessity or desirability for a Redevelopment Plan.