

MASTER PLAN REEXAMINATION REPORT

BOROUGH OF RUMSON
MONMOUTH COUNTY, NEW JERSEY

PREPARED FOR

RUMSON BOROUGH PLANNING BOARD

November 11, 2002
Adopted as Amended November 18, 2002

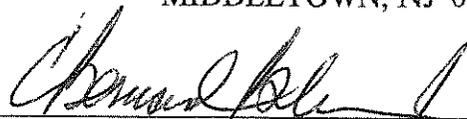
PREPARED BY

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Resolution No. 2002-

RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF RUMSON
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Adopting The Master Plan Re-examination Report

WHEREAS, N.J.S.A. 40:55D-89 requires that the Master Plan of the municipality must be re-examined at least once every six (6) years; and

WHEREAS, the Planning Board of the Borough of Rumson has undertaken a general re-examination of the Master Plan and Development Regulations of the Borough of Rumson pursuant to its obligations under N.J.S.A. 40:55D-89; and

WHEREAS, a report entitled "Master Plan Re-examination Report" dated November 11, 2002 was prepared by the Borough Engineer; and

WHEREAS, the Planning Board of the Borough of Rumson did at a duly noticed public meeting on November 18, 2002 review said report and considered the opinions of the Board members as well as public comment;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Rumson that based upon its review of the current Master Plan and Development Ordinances of the Borough of Rumson and its determination that there is a need for certain revisions within the Master Plan and Development Ordinances that the aforesaid re-examination report, as amended, be adopted and a copy of this Resolution together with the said report be forwarded to the governing body of the Borough of Rumson, the Monmouth County Planning Board and the Municipal Clerk of each adjoining municipality.

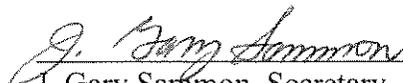
The foregoing was Moved by Mr. B. Ekdahl, Seconded by Mr. Hintelmann, and on Roll Call, the following vote was recorded:

Affirmative: Doremus, B. Ekdahl, Emery, Hintelmann, Sorrentino, Armitage and Slingluff.

Negative: None.

Absent: Mayor Callman, Councilman J. Ekdahl and Mrs. Parton.

I, J. Gary Sammon, Secretary to the Planning Board of the Borough of Rumson, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Rumson at a public meeting held on November 18, 2002.



J. Gary Sammon, Secretary
Planning Board

Dated: November 18, 2002.

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**BOROUGH OF RUMSON
MASTER PLAN REEXAMINATION 2002**

1.0 INTRODUCTION

The Borough of Rumson Planning Board has undertaken a general reexamination of the Rumson Master Plan and development regulations. Periodic reexaminations are required by the New Jersey Municipal Land Use Law to ensure that each municipality reviews and evaluates progress in achieving local objectives, resolving problems, and addressing planning issues that affect the future of the community (N.J.S.A. 40:55D-89).

As required by law, this reexamination report addresses the following:

- The major problems and objectives relating to land development in Rumson at the time of the adoption of the last reexamination report on June 3, 2002.
- The extent to which the problems have been reduced or have increased or objectives have been achieved subsequent to the date of adoption of the last reexamination report.
- The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or Development Regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County, and Municipal, policies and objectives.

- The specific changes recommended for the Rumson Borough Master Plan, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- 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 of the municipality.

2.0 THE MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF THE LAST REEXAMINATION

The Planning Board approved the last reexamination report of the Borough on June 3, 2002. That report recommended changes to the Borough's land development regulations as well as the Land Use Element and Historic Preservation Element of the Master Plan and provided for the following:

A. Demographic Information.

An update of the Borough's demographic information based on the 2000 Census. U.S. census data provides valuable insight into population and housing trends and their potential affect on a community. As updated census data becomes available, municipalities such as Rumson may choose to address impending impacts from population shifts and housing demands through changes in planning and land use policy.

Comparing information from the 1990 Census to the 2000 Census, it was noted that

the school age population in the Borough has grown 35.8% while "Working Age and Seniors" have declined slightly. It appears that larger, younger families are replacing mature family units. This trend is likely to continue, putting increased pressure on schools and increasing demand for family services such as parks and recreation facilities. Also during this time, the number of occupied housing units increased while the vacancy rate decreased. Census data infers that new homeowners have reinvested in existing vacant or abandoned properties. Rental units have been changing ownership and are being purchased by those who intend to use them as owner-occupied units.

B. Historic Preservation Element.

The June 3, 2002 Reexamination report recommended that the Master Plan be updated to include the Barley Point "bungalow colony " as an historic landmark site or district within the context of New Jersey's Municipal Land Use Law. The report stated that the bungalow colony of Barley Point "should be recognized as a local landmark which exemplifies the historic travel/vacation culture of the early 20th century when shore bungalows were the primary summertime escape of urbanites". It's unique development pattern as a vacation colony, panoramic vistas of the Navesink River and its location within the environmentally sensitive lands along the banks of the river warrant conservation and additional protection as a local landmark. The Historic Preservation Element was amended in June 2002 to recognize Barley Point as an historic bungalow colony.

C. Land Use Plan Element.

In order to codify Barley Point in the zoning ordinance and applicable land development regulations as an historic bungalow colony, the reexamination report

recommended changes to the current land use element of the Master Plan. The report proposed the creation of a new H-BP zone district. (Historic-Barley Point). The H-BP zone would allow the "historic bungalow colony" to exist as a permitted use, subject to restrictions on seasonal use and limited expansion of the existing bungalow dwellings. Regulations recommended for Barley Point are intended to maintain the current use, size, and density of the colony while providing for renovations or improvements to the existing units.

2.1 General Objectives

The June 3, 2002 and the 1997 reexamination reports supported the goals and objectives of the 1988 Master Plan. The plan recognized that Rumson is a mature community which has established harmonious patterns of land use and satisfactory public facilities and services. The challenge for Rumson is to manage further growth and changes within the Borough to assure that its satisfying quality of life is maintained.

The 1988 Master Plan included general objectives and specific land use recommendations:

- Maintain Rumson's character as a residential community and the quality of life that it offers.
- Encourage the most appropriate use of land consistent with neighborhood character and its suitability for development.
- Establish appropriate population densities and limit the intensity of development to both preserve the natural environment and to ensure neighborhood, community, and regional well being.

- Maintain a satisfactory level of public facilities and services.
- Secure the public's safety from fire, flood, panic, and other natural and man-made disasters.
- Maintain fiscal stability.
- Ensure that Rumson's development does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole.
- Coordinate development with land use policies to encourage the appropriate and efficient expenditure of public funds.
- Provide sufficient space in appropriate locations for residential, recreational, commercial, and open space use.
- Locate and design transportation routes to promote the free flow of traffic while discouraging congestion or blight.
- Promote a desirable visual environment.
- Conserve historic sites and districts.
 - Prevent urban sprawl and degradation of the environment through improper land use.
 - Expand housing opportunities within the Borough compatible with neighborhood character and the needs of present and future residents.
 - Promote the recovery of recyclable materials from municipal solid waste and encourage the conservation of energy.

- Protect the natural resources and qualities of the Borough including freshwater and saltwater wetlands, floodplains, stream corridors, open space, steep slopes, and areas with scenic, cultural and recreational values.

3.0 THE EXTENT TO WHICH PROBLEMS HAVE BEEN REDUCED OR HAVE INCREASED OR OBJECTIVES HAVE BEEN ACHIEVED SUBSEQUENT TO JUNE 3, 2002.

The current Borough Master Plan, adopted in 1988, was subsequently reexamined in 1994, 1997 and on June 3, 2002. The June 2002 reexamination report resulted in amendments to the Land Use Plan Element and the Historic Preservation Element of the Master Plan. The June 3, 2002 Reexamination Report also recommended that the Planning Board continue to study a variety of planning issues relating to community development.

With this reexamination, the Borough continues its focus on evaluating development regulations to ensure that new development will continue in a coordinated and consistent manner. Concern still exists about the adverse effect infill development and building expansions may have on the visual environment and character of neighborhoods. Consistent with the demographic evidence of an increase in younger, larger families, a number of older homes in the Borough have been demolished and replaced by larger contemporary ones and some of the larger properties that once contained a single housing unit are being subdivided to facilitate multiple houses. Over time, this type of small scale, low intensity development has a subtle way of changing the character of the landscape. The Borough should make a concerted effort to review existing development regulations and recommend changes that will minimize the adverse impact created by these types of development.

4.0 THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES

4.1 Assumptions, Policies and Objectives

The assumptions, policies, and objectives of the master plan and development regulations have not significantly changed. The assumptions that underpin Borough planning are:

- The continued economic viability of Rumson as a single-family residential community with supporting public, commercial, and institutional facilities and services.
- No natural or man-made disasters will require redevelopment of the Borough.
- Given a stable population level, there will be minimal need to expand municipal facilities and services. Recently revised municipal population projections through 2020 provided by Monmouth County substantiate this assumption.

The policies of the Borough, as stated in the Master Plan are:

- Prior land use planning and regulation within the Borough have been generally effective in producing satisfactory residential neighborhoods and commercial districts. The character of these areas and their suitability for particular uses can best be provided for by the continuation of established residential and commercial land use patterns and through the prudent application of regulations which assure that future development, redevelopment, or expansion occurs at reasonable levels of intensity. Standards compatible with the existing character of development are needed to restrict the coverage of lots by buildings, impervious surfaces, driveways, and parking areas. Within commercial districts, floor area ratio controls should be applied to control the intensity of commercial uses.

- In order to establish and maintain the well being of residential neighborhoods and assure a continued desirable visual environment, existing residential district should be reviewed and revised where appropriate to satisfactorily control setbacks and location of principal and accessory buildings, accessory living quarters, accessory structures including fences, walks, swimming pools, and parking locations and the location and bulk of structures and buildings which front upon the Navesink and Shrewsbury Rivers.
- The Borough will fully satisfy its obligation to allow for the production of low and moderate income housing. The master plan will be the basis for providing realistic opportunities for low and moderate income housing consistent with sound land use planning principles and environmental constraints. Given the community's lack of vacant land, the Borough will utilize and rehabilitate the existing housing stock to create low and moderate income housing opportunities.
- The conservation of historic sites and districts is a public purpose essential to promoting a desirable visual environment, good civic design, and establishing neighborhood and community well being. Rumson's history records both the presence of native Americans, and its settlement as part of colonial New Jersey. Sites of historical, archaeological, cultural, scenic, and architectural significance should be identified, maintained, and conserved.
- The disposal of solid waste is a problem affecting all communities and persons in the State of New Jersey. The recovery and recycling of materials from municipal solid waste will be promoted through planning and development regulations that incorporate State recycling goals and the Borough recycling program.

4.2 Changes in State, County and Municipal Policies and Objectives

There have been no significant changes in the State or County policies and objectives since the June 3, 2002 Reexamination Report.

On June 6, 2002, the Rumson Borough Council adopted a Tree Protection Ordinance and has designated a Tree Ordinance Officer to administer the newly enacted Tree Protection Program. The purpose of the ordinance is to prevent the clear cutting of trees in the Borough, and to restrict the removal of other trees, thereby maintaining the beauty and character of the Borough of Rumson, preventing erosion, controlling actions that will substantially change drainage patterns and restricting any action that could create a hazard to persons or property.

5.0 RECOMMENDED CHANGES

As a result of this reexamination, the following specific changes are recommended to the Borough Master Plan and Land Development Regulations:

5.1 Agricultural and Horticultural Uses in Residential Zones.

The number of agricultural and horticultural uses for profit, accessory to residential uses in the Borough, has increased in recent years. Such uses are not specifically identified in the land development regulations as a permitted use in residential zones. Beyond providing a definition for "farm", the current ordinance is silent on the issue. Significant agricultural and horticultural uses can conflict with the quality and character of nearby residential neighborhoods by creating disruptive physical nuisances such as excessive or objectionable amounts of dust, fumes, smoke, odor, noise, glare or waste products. Residents may have to contend with early morning operations, the movement of product

and heavy equipment, traffic generated by a commercial business, and potential exposure to chemical fertilizers and pesticides. The Borough should consider enacting regulations to protect the public health and safety of residents from the harmful impacts posed by agricultural and horticultural uses for profit on adjacent residential properties.

Any regulations considered by Rumson must take New Jersey's Right to Farm Act into consideration. The Right to Farm Act does not preclude municipalities from enacting zoning regulations protecting the health and safety of residents. It does, however, protect farms from unduly restrictive municipal regulations and public and private nuisance law suits. In order for a commercial farm to qualify for protection under the Right to Farm Act, it must; (1) not be a direct threat to public health and safety; (2) be located in an area where agriculture was a permitted use under municipal zoning ordinance or; (3) must have been operating as of December 31, 1997.

The Borough should consider the following land use regulations regarding agricultural and horticultural uses in Rumson:

1. Definitions and terms relating to farms and agricultural uses:

Remove the definition of "FARM" and "FARM BUILDING" from subsection 22-2.4 from Borough land use regulations.

Add the following definitions to subsection 22-2.4 of the Borough land use regulations.

ACCESSORY AGRICULTURAL AND/OR HORTICULTURAL USE- Land devoted to an agricultural use or horticultural use which is: 1) incidental to and located on the same lot having an individual single-family dwelling as a principal use; 2) produces agricultural

and/or horticultural plants, animals or other products primarily for use or consumption by the residents of the principal dwelling; and 3) does not produce any agricultural and or horticultural plants, animals or their products for sale.

AGRICULTURAL USE- Land devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or such animals (except "livestock" shall not include dogs and domestic cats); bees and apiary products, fur animals; trees and forest products or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of Federal Government.

DOMESTIC ANIMAL- An animal: 1) not associated with an agricultural use; 2) not classified as a nongame or exotic species requiring a permit pursuant to N.J.A.C. 7:25-4 et. seq. or as a game species and; 3) associated with an Accessory Agricultural Use and/or kept on a property as an accessory use to a conforming principal use.

EXOTIC SPECIES- Any nongame mammal, bird, reptile or amphibian species not indigenous to New Jersey.

GAME SPECIES- Any wildlife for which a legal hunt or a hunting or trapping season has been established in New Jersey.

HORTICULTURAL USE- Land devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

NONGAME SPECIES- Any wildlife for which a legal hunt or a hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of New Jersey.

POULTRY- Chickens, turkeys, waterfowl, ratites, pigeons (excluding non-feral pigeons), game birds and any other fowl which are bred for the purpose of producing eggs or meat.

To protect citizens from harmful or potentially dangerous animals as part of an agricultural use, the Borough should consider prohibiting the raising, keeping, training and breeding of any nongame or exotic wildlife species. Species requiring a permit of possession from the Jersey Department of Environmental Protection in accordance with N.J.A.C. 7:25-4 et. seq. should be prohibited. The Borough should also consider prohibiting the keeping of other species, such as bees, that may pose a significant health risk if they come in contact with humans. Other prohibited activities associated with agricultural uses should include the keeping, raising, or breeding of fur bearing animals, including but not limited to, mink and foxes, housing facilities for transient or migratory farm workers and the on site display and sale of agricultural products.

2. Amend Subsection 22-5.3,b, Permitted and Prohibited Uses, with the addition of the following:

Subsection 22-5.3,b,26. Agricultural Uses or Horticultural Uses, which are not Accessory Agricultural and/or Accessory Horticultural Uses, except where permitted in a zone district as a conditional use.

Subsection 22-5.3,b,27. These Agricultural Uses or Horticultural Uses are not permitted:

- a) The keeping of bees or apiaries
- b) The keeping or raising of swine
- c) The keeping or raising of poultry
- d) The keeping or raising of reptiles

Subsection 22-5.3,b,28. The keeping, breeding, or boarding of any nongame species or exotic species requiring a permit for possession as required by the Department of Environmental Protection, Division of Fish, Game and Wildlife, in accordance with N.J.A.C. 7:25-4 et.seq. or any game species is prohibited.

3. Amend Subsection 22-5.4,d, Regulations Controlling the R-1 Residential Zone, by adding the following:

Subsection 22-5.4,d,5. Agricultural or Horticultural Use

4. Amend Subsection 22-5.5,d, Regulations Controlling the R-2 Residential Zone, by adding the following:

Subsection 22-5.5,d,5. Agricultural or Horticultural Use

5. Minimum size and setback standards should be considered to provide for the hygienic boarding of farm animals and to provide a minimum buffer for adjacent residential lots from agricultural and/or horticultural activities. Amend Section 22-6, Conditional Uses, with the addition of the following:

Subsection 22-6.12 Agricultural or Horticultural Use. Agricultural or Horticultural uses may be permitted as a conditional use in those zones specified provided that the lot, use and/or structure shall conform to the greater or most restrictive of the minimum standards of the zone district or the following:

- a) Property must contain a single family dwelling as a primary principal use
- b) Minimum Lot Area: Ten (10) acres

- c) No agricultural or horticultural use shall be conducted within twenty-five (25) feet of a property line except fencing for pastures or corrals may be within fifteen (15) feet of a property line.
- d) A minimum setback of fifty (50) feet is required between any agricultural or horticultural use on a property and a boundary of a zone district other than the R-1 or R-2.
- e) No agricultural use may be conducted closer than one hundred (100) feet to a dwelling on an adjacent property.
- f) No manure storage shall be closer than two hundred (200) feet to an existing dwelling on an adjacent property.
- g) Unattended animals shall be at all times kept within a fence or within an accessory building which accessory building shall not be permitted closer than fifty (50) feet to any lot line.
- h) No accessory building erected entirely or partially for the storage of animal fodder or feed or other flammable material shall be closer than fifty (50) feet to any property line.

6. Amend Section 22-7, General Zoning Provisions, with the following addition:

A. Subsection 22-7.35, Accessory Agricultural or Horticultural Uses.

- 1) Accessory Agricultural or Horticultural Uses, excluding the raising or keeping of horses or ponies, shall not occupy or utilize more than twenty (20) percent of a lot.
- 2) No accessory agricultural use or horticultural use may be conducted in the required front yard area nor between any principal dwelling and a street line.

B. Subsection 22-7.36, Domestic Animals, The keeping of domestic animals shall not be restricted as a permitted accessory use to a principal use except as follows:

- 1) Horses and ponies;

- a. May only be kept in the R-1 and R-2 zone districts on a lot of at least one (1) acre.
- b. For lots of one (1) acre, the raising or keeping of one animal shall be permitted. More than one animal may be kept on lots with an area of three (3) acres or more. The maximum number of animals older than 180 days shall be the lesser of one (1) animal for each 60,000 square feet of lot area or five (5) animals.
- c. Shall be kept within a fence not closer than twenty-five (25) feet from any lot line; or
- d. Any structure used as a stable shall not be permitted closer than fifty (50) feet to any lot line.
- e. No manure storage shall be closer than two hundred (200) feet to an existing dwelling on an adjacent property.
- f. No building erected entirely or partially for the storage of animal fodder or feed or other flammable material shall be closer than one hundred (100) feet to any property line.

(Note: ordinance subsection 22-7.26.b should be amended to remove the equivalency of stable space and garage space. Both should be permitted subject to other ordinance bulk limits)

2) Poultry;

- a. The keeping of poultry other than domestic geese and ducks is prohibited.
- b. The minimum lot size for keeping domestic geese and ducks shall be one acre.
- c. No more than five geese or ducks (combined) per acre may be kept on a property.
- d. A maximum of ten (10) total geese or ducks (combined) may be kept on any one property.

- 3) Non feral pigeons (homing or racing pigeons);
 - a. pigeon lofts shall meet the greater of: 1) the setback requirement for an accessory building or 2) fifteen feet (15').
 - b. not more than two (2) pigeons per 1,000 square feet of lot area.
 - c. not more than 100 pigeons per lot.
 - d. pigeons shall be kept in sanitary conditions so as not to interfere with the useful enjoyment of adjacent properties.
- 4) Domestic rabbits;
 - a. outdoor facilities for the keeping of rabbits shall meet the greater of: 1) the setback requirement for an accessory building or 2) fifteen feet (15').
 - b. no more than three (3) rabbits shall be kept outdoors in the R-4, R-5 and R-6 zone districts and no more than five (5) rabbits older than 30 days shall be kept outdoors in the R-1, R-2 and R-3 zone districts.
 - c. rabbits kept outdoors shall be kept in sanitary conditions so as not to interfere with the useful enjoyment of adjacent properties.
- 5) Exotic and Nongame species that do not require a permit of possession pursuant to N.J.A.C. 7:25-4 shall be boarded in and confined to a principal structure on the property except when in direct control of a responsible person.

5.2 Increase the Minimum Lot Size in Certain Areas of the R-1 and R-2 Zone Districts.

In order to preserve the community's existing character, to prevent an increase in densities in established neighborhoods, and to preserve environmentally sensitive lands the Borough should consider increasing the required minimum lot size in certain areas of the R-1 and R-2 zone districts. Referring to Exhibit 1, New Jersey State Plan Policy Map, the New Jersey State Development and Redevelopment Plan (SDRD) identifies areas along the Navesink River, north of River Road, Black Point Road and Black Point Horseshoe as Planning Area 5 (PA-5). The State has designated PA-5 areas as being environmentally

sensitive. This designation describes large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. The PA-5 designated in Rumson consists of coastal wetlands and sedge islands that are part of a larger environmentally sensitive area which includes the Navesink Highlands on the north shore of the river and the McClees Creek Basin. PA-5 emphasizes maintaining large contiguous areas of undisturbed habitat to protect sensitive natural resources and wildlife. The PA-5 also includes the islands in the Navesink and Shrewsbury Rivers.

In addition to the PA-5 designation, the State Plan identifies several critical environmental/historic sites (CEHS) within Rumson. This designation applies the conservation objectives of Planning Area 5 to smaller locations that are less than one square mile in area. In Rumson, the historic Oceanic Village, the southern shoreline of Rumson along the Shrewsbury River (inclusive of the Rumson Country Club holdings) and the sedge islands in the Shrewsbury River are recognized as critical environmental/historic sites. The plan also recognizes Monmouth County's scenic corridor along Rumson Road as a CEHS.

The Borough has undertaken a lot survey of the R-1 and R-2 zone districts to ascertain which areas of the Borough are appropriate for an increase in the minimum lot size. Stable areas that have a predominate number of lots in excess of the minimum lot size should be considered for rezoning. Exhibit 2, Proposed Rezone Area Map, shows the proposed rezone areas in Rumson. A description of each area, the finding of the lot survey, and the recommended minimum lot size are outlined below:

Area A

Area A is comprised of properties north of River Road and west of Third Street along the Navesink River. This area excludes the three eastern most lots which front River Road

west of Third Street. The SDRP classifies this area as PA-5, Environmentally Sensitive Planning Area. The current zone is R-1 which allows for a minimum 1.5 acre lot. Area A contains 19 properties, of which 57.9% are in excess of four (4) acre. Lots in excess of (5) acres comprise 67.0% of the total land area. It is recommended that the minimum lot area be increased from 1.5 acres to 4 acres. Area A should be designated R-1A. All other regulations of the R-1 zone district would still apply in the R-1A zone district.

Area B

Area B is comprised of properties along the Shrewsbury River, east of the Rumson Country Club and west of Bellevue Avenue. This area excludes any property which fronts Bellevue Avenue. The SDRP classifies this area as PA-1, Metropolitan Planning Area. However, land along the Shrewsbury River in this location is identified by the SDRP as Critical Environmental/Historic Sites (CEHS). This designation corresponds to the conservation objectives of Planning Area 5 but to smaller locations that are less than one square mile in area. The current zone is R-1 which allows for a minimum 1.5 acre lot. Area B contains 7 properties with an average lot size of 4.52 acres. Four (4) of the seven (7) are in excess of four (4) acres and 77% of the total land area is comprised of lots in excess of four (4) acres. It is recommended that the minimum lot area be increased from 1.5 acres to 4 acre.

Area B should also be designated R-1A. All other regulations of the R-1 zone district would still apply in the R-1A zone district.

Area C

Area C is comprised of properties along the Shrewsbury River and Navesink River, east of Ward Avenue and north of Black Point Horseshoe. The SDRP classifies this area as PA-1, Metropolitan Planning Area. However, about half of Area C, mostly along the Navesink River, is identified by the SDRP as Critical Environmental/Historic Sites (CEHS). The

current zone is R-2 which allows for a minimum 1.0 acre lot. Area C contains approximately 30 properties of which 63.3 %, or nineteen (19) lots are in excess of two (2) acres and 77% of the total land area is comprised of lots in excess of two (2) acre. It is recommended that the minimum lot area be increased from 1.0 acres to 2 acre. Area C should be designated R-2A. All other regulations of the R-2 zone district would still apply in the R-2A zone district.

Area D

In general, Area D is comprised of properties north of Shrewsbury Drive, west of Oyster Bay Drive, east of Osprey Lane and south of Rumson Road. Area D also includes several properties west of Osprey Lane and east of Tuxedo Road and properties south of Shrewsbury Drive between Osprey Lane and Avenue of Two Rivers. The SDRP classifies this area as PA-1, Metropolitan Planning Area. Properties that front Rumson Road contains areas within the CEHS. This is consistent with Monmouth County's designation of Rumson Road as a County Scenic Roadway. The current zone is R-1 which allows for a minimum 1.5 acre lot. Area D contains 23 properties, of which 56.5% are in excess of two and one half (2.5) acre. Lots in excess of two and one half (2.5) acres comprise 75.4% of the total area while lots in excess of three (3) acres comprise 66.8% of the total land area. It is recommended that the minimum lot area be increased from 1.5 acres to 2.5 acres. Area D should be designated R-1C. All other regulations of the R-1 zone district would still apply in the R-1C zone district.

Area E

Area E is just south of Area D. It is comprised of properties along the Shrewsbury River south of Shrewsbury Drive and west of Oyster Bay Drive. The lots immediately adjacent to the east of Avenue of Two Rivers and to the west of Osprey Lane that front the river are

also included in Area E. The SDRP classifies this area as PA-1, Metropolitan Planning Area. However, most of the land along the Shrewsbury River in this location is identified by the SDRP as Critical Environmental/Historic Sites (CEHS). This designation corresponds to the conservation objectives of Planning Area 5 but to smaller locations that are less than one square mile in area. The current zone is R-1 which allows for a minimum 1.5 acre lot. Area E contains nine (9) properties. Seven (7) of the properties are in excess of three and one half (3.5) acres. Lots in excess of three and one half (3.5) acres comprise 92.0% of the total land area. It is recommended that the minimum lot area be increased from 1.5 acres to 4 acres. Area E should also be designated R-1A. All other regulations of the R-1 zone district would still apply in the R-1A zone district.

Area F

Area F is the 210-acre Rumson Country Club site. This site is the largest contiguous tract in the Borough. The SDRP classifies this area as PA-1, Metropolitan Planning Area. The entire site is also identified by the SDRP as Critical Environmental/Historic Sites (CEHS). This designation corresponds to the conservation objectives of Planning Area 5 but to smaller locations that are less than one square mile in area. The current zone is R-1 and allows for a minimum 1.5 acre lot. In order to protect areas along the Shrewsbury River from the possibility of intensive residential development in a Critical Environmental/Historic Area, it is recommended that southern portion of the property along the river have a minimum lot size of 4 acres. This area of Area F should also be designated R-1A. This recommendation is consistent with other proposed R-1A zones along the Shrewsbury and Navesink Rivers. The remainder of the parcel is also in the SDRP Critical Environmental/Historic Sites area and should be designated R-1B for three (3) acre zoning. All other regulations in the R-1 zone district would still apply to the R-1B zone district.

Area G

In general, Area G is located along the western portion of Bingham Avenue between Ridge Road and Rumson Road. The extent of Area G is shown in Exhibit 2. The SDRP classifies this area as PA-1, Metropolitan Planning Area. Area G contains the only commercial farming operation in the Borough. The current zone is R-1 which allows for a minimum 1.5 acre lot. Area G contains 11 properties, of which 8 are in excess of four (4) acres. Lots in excess of four (4) acres comprise 90% of the total land area. It is recommended that the minimum lot area increase from 1.5 acres to 4.0 acres. Area G should also be designated R-1A. All other regulations of the R-1 zone district would still apply in the R-1A zone district.

Other rezoning

The lot survey revealed that lots 27, 28, 29, and 30 in Block 18 located in the R-3 zone district have, on average, lot sizes more consistent with the adjacent R-1 zone district. These lots should be rezoned from the current R-3 to R-1.

Grandfather Clause

For properties within a proposed rezoning area, all provisions under the existing zone plan, except for the requirement for minimum lot size, should remain in effect. Lots with less than the new minimum lot size but conforming to prior zoning should not be treated as non-conforming with regard to lot area.

Excluding the specific recommendations with regard to minimum lot size, all other regulations, both existing and proposed, for the R-1 zone district shall apply to the R-1A, R-1B, R-1C zone districts and all other regulations, both existing and proposed, for the R-2 zone districts shall apply to the R-2A zone district.

EXHIBIT 1

New Jersey State Plan Policy Map

Planning Areas

Borough of Rumson
Monmouth County, New Jersey

State Plan Areas by Type

-  METROPOLITAN (PA-1)
-  ENVIRONMENTALLY SENSITIVE (PA-5)
-  ENV. SENSITIVE BARRIER ISLAND
-  STATE PARK
-  COUNTY PARK
-  CEHS (Critical Environmental Historic Site)
-  Roads
-  Municipal Boundaries
-  Water Features



1000 0 1000 2000 Feet

Prepared by:

TM
ASSOCIATES

November 2002

Sources: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized; U.S. Census Bureau TIGER files (2000).

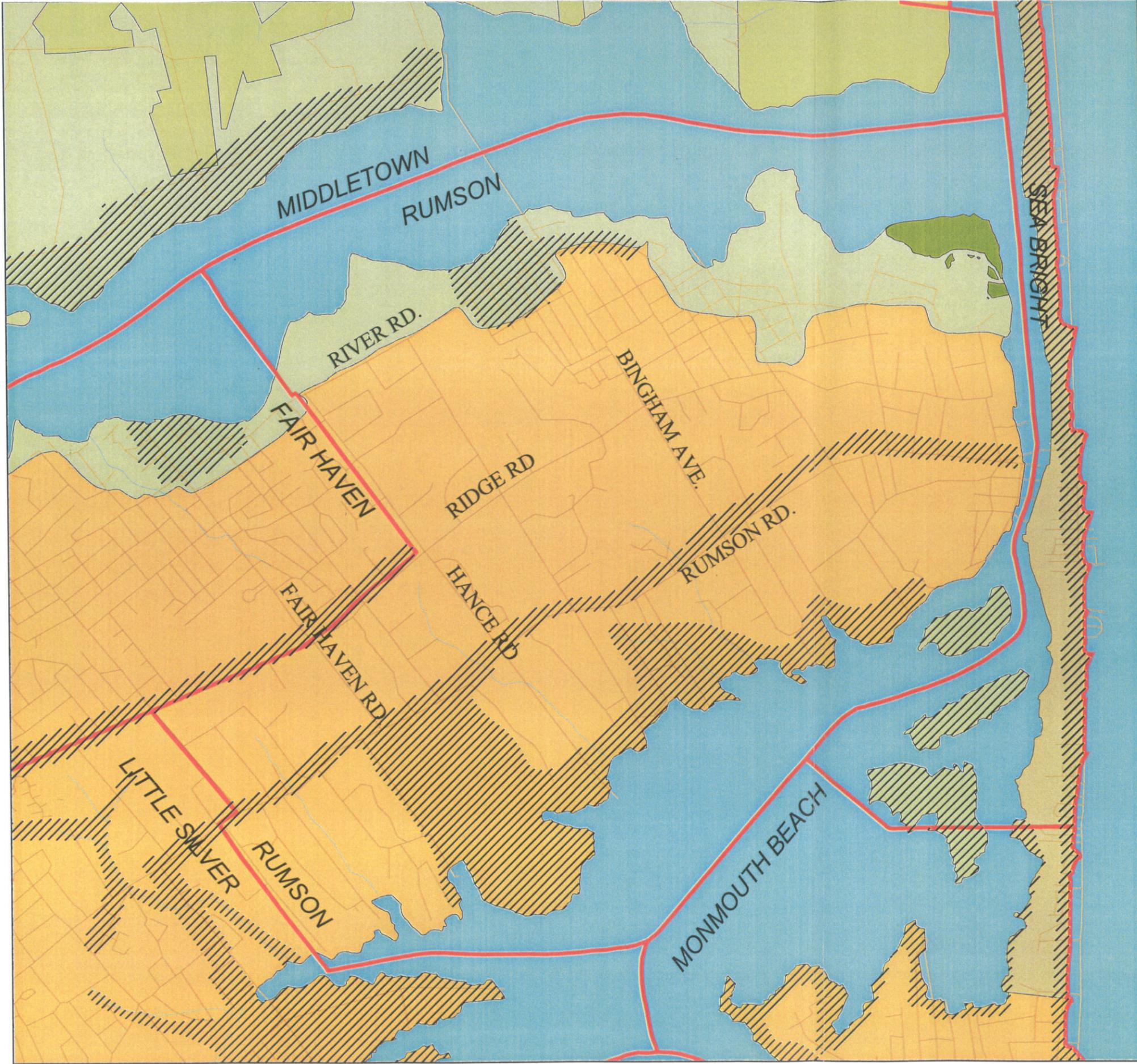
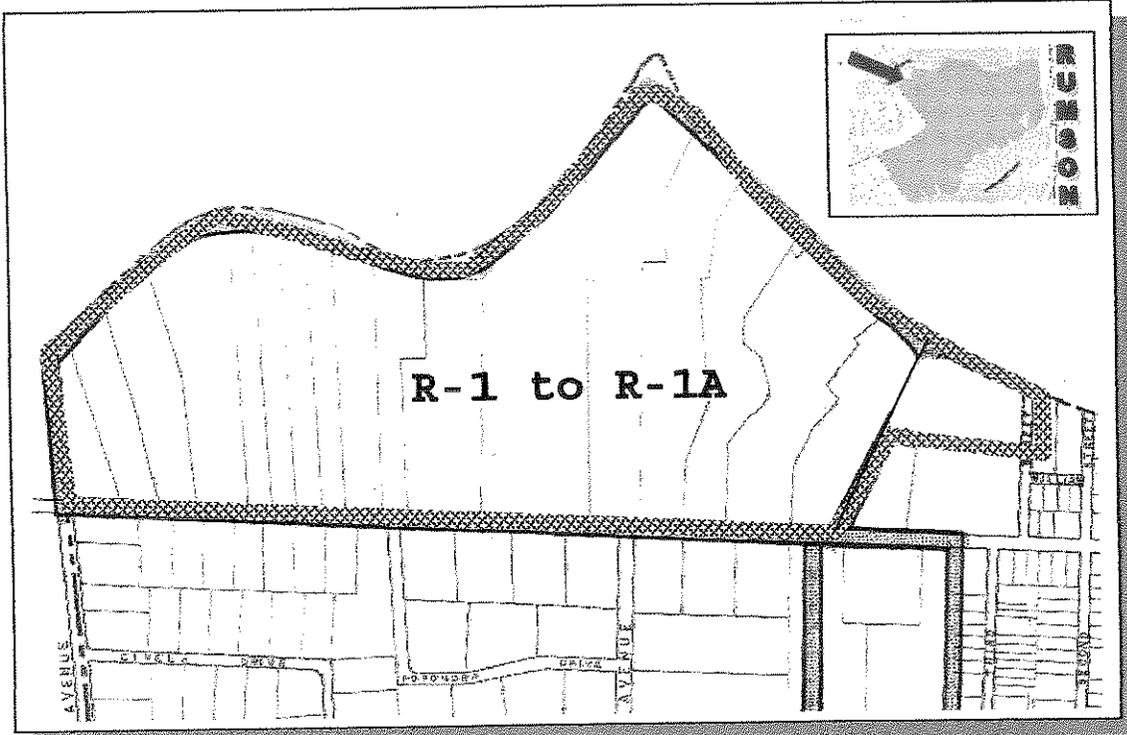


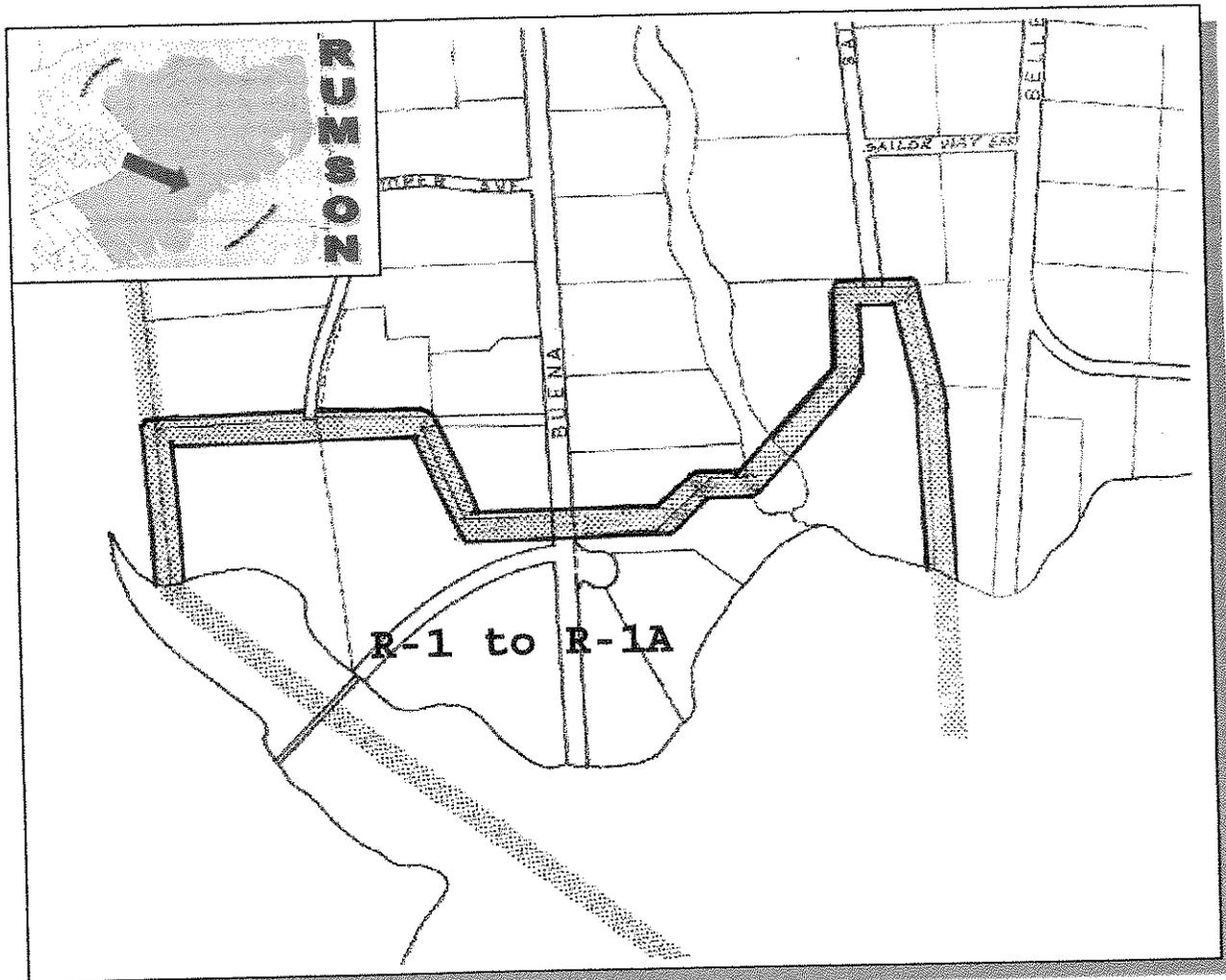
EXHIBIT 3
REZONE AREA A

Minimum Lot Area: 4.0 Acres



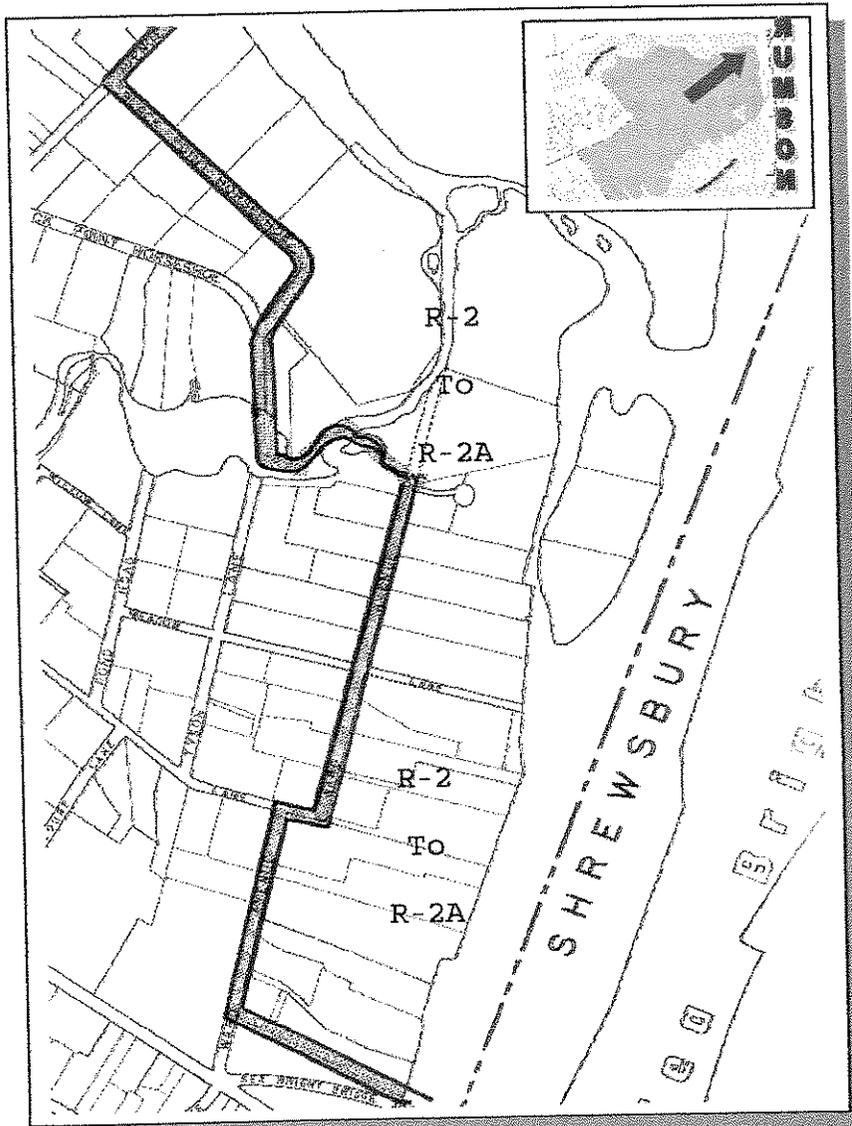
**EXHIBIT 4
REZONE AREA B**

Minimum Lot Area: 4.0 Acres



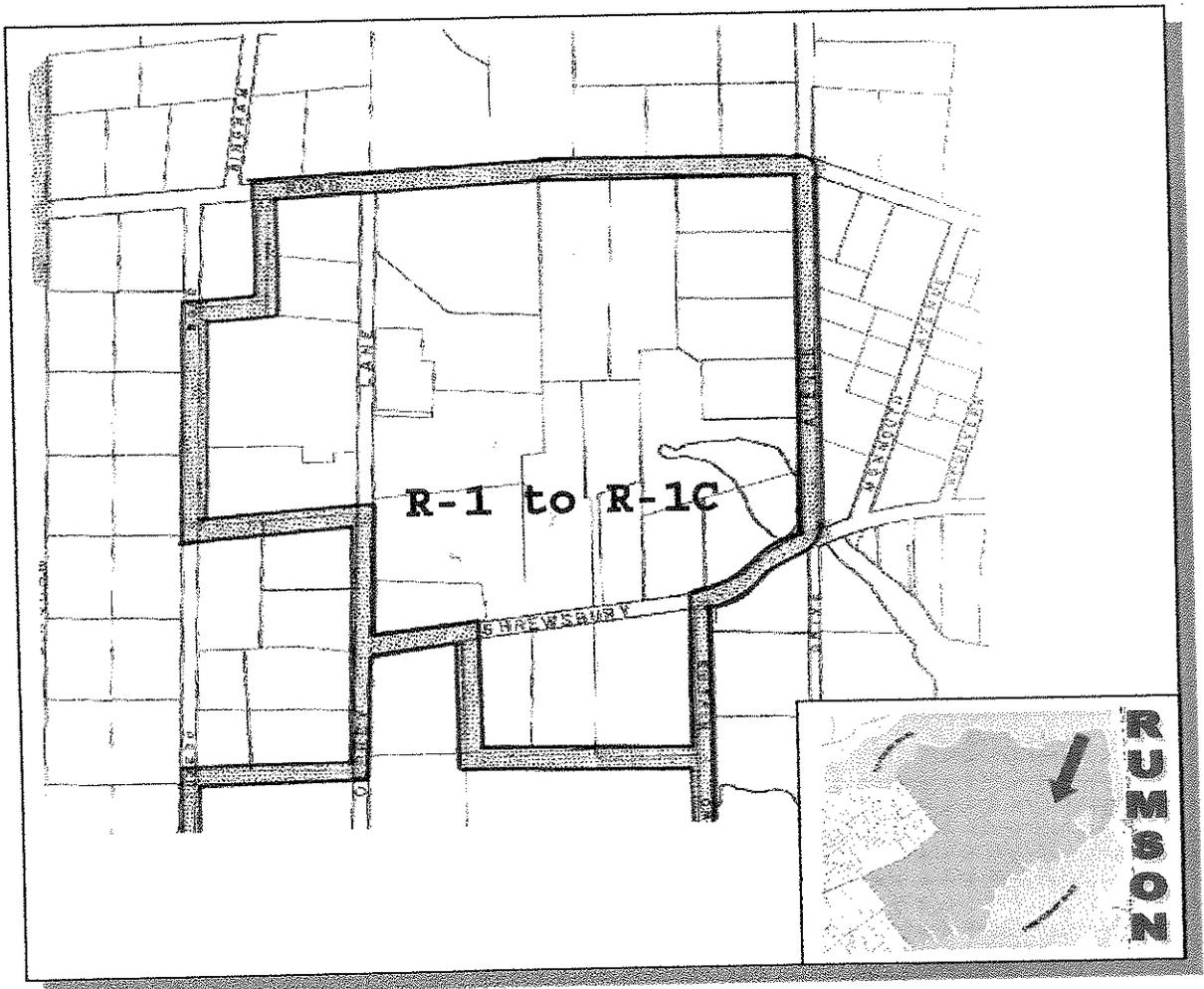
**EXHIBIT 5
REZONE AREA C**

Minimum Lot Area: 2.0 Acres



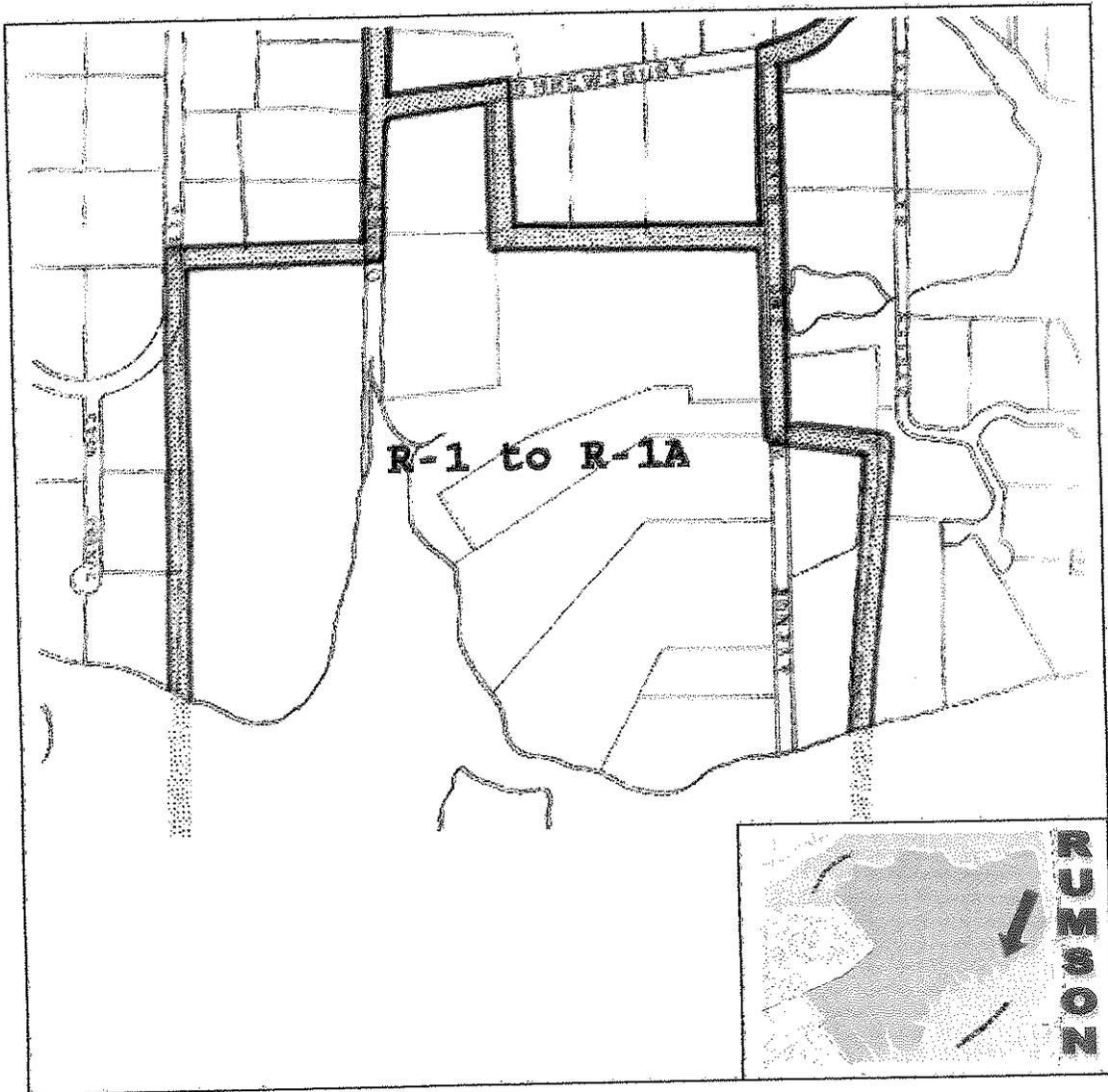
**EXHIBIT 6
REZONE AREA D**

Minimum Lot Area: 2.5 Acres



**EXHIBIT 7
REZONE AREA E**

Minimum Lot Area: 4.0 Acres



**EXHIBIT 8
REZONE AREA F**

Minimum Lot Area: R-1 to R-1A, 4.0 Acres

Minimum Lot Area: R-1 to R-1B, 3.0 Acres

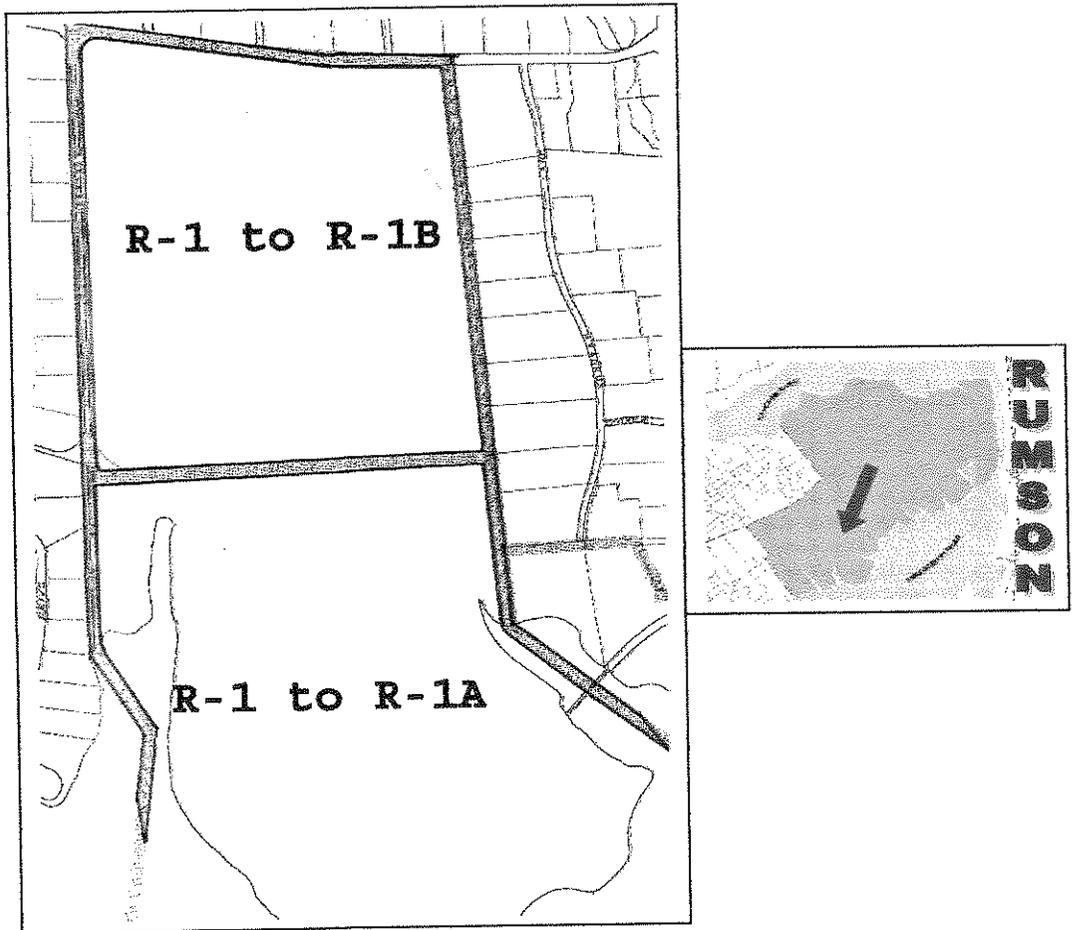
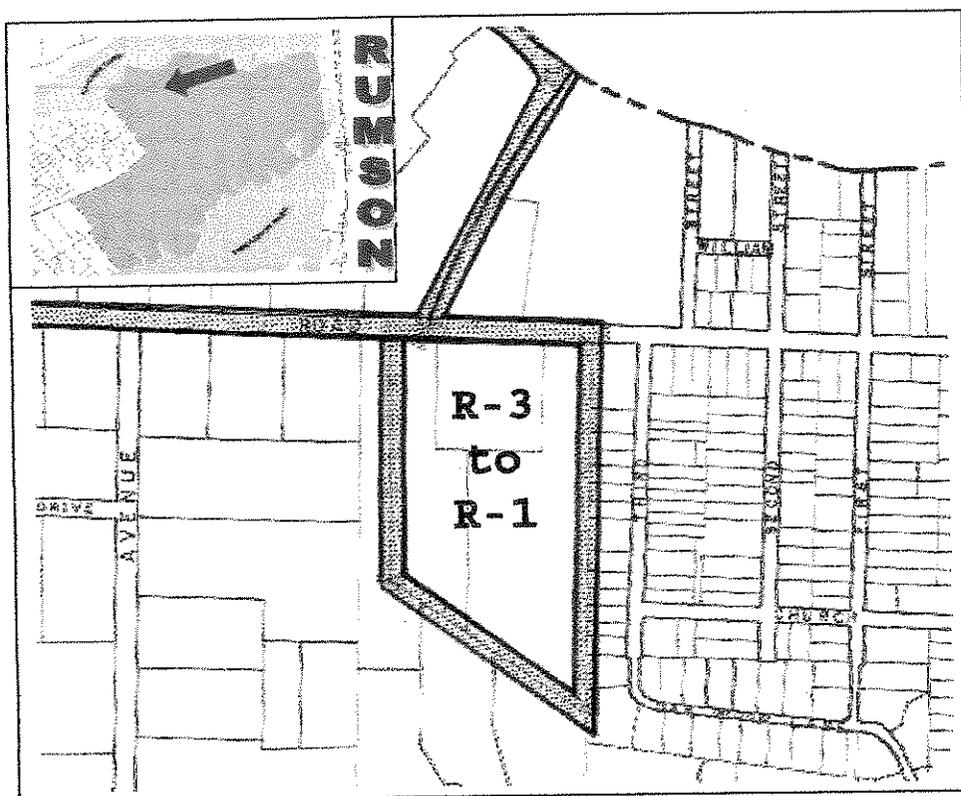


EXHIBIT 10
OTHER REZONE AREA

Minimum Lot Area: From 0.75 Acres in the R-3 Zone District to 1.5 Acres in the R-1 Zone District



5.3 Setbacks and the Permitted Size of Houses in Residential Zone Districts

Existing setbacks and the permitted size of houses in all residential zones were reviewed to discern if new standards are required to ensure that new construction and the expansion of existing structures are consistent with the size, scale and character of existing neighborhoods. Rumson already uses land use techniques to limit the size of residential dwellings including limits on maximum building coverage and maximum floor area ratios. These regulations are effective and do not require modification at this time. However, clarification should be provided for certain definitions and for lots with multiple frontages. Existing setbacks for principal and accessory structures in the larger zone districts appear to be satisfactory due to larger lot sizes and the increased distance between neighboring houses. In smaller zones, there is a concern about appurtenances such as chimneys, eaves, steps, decks and windows encroaching into setback areas. The size of these types of structures has been steadily increasing over the years. Traditional bay windows have been extended up to two stories in height with overhangs beyond the foundation. Chimneys and other types of windows have been observed protruding out of the side of homes and into side yard driveways. The Borough should consider limiting the encroachment of these types of structures into setback areas. Any regulations should be consistent with acceptable building practices.

Recommended changes include:

- 1) Schedule 5-1, Schedule of Zoning District Regulations should be amended to include a footnote on the schedule that the minimum lot shape requirements circle diameter for a corner lot in the R-5 and R-6 zone should be decreased from 34' in diameter to 33' in diameter. The change is recommended because the smallest corner lots permitted by ordinance can not comport with the required minimum diameter of 34'. Changing

the diameter to 33' will alleviate the need for a bulk variances on minimum sized corner lots in the R-5 and R-6 zone districts.

- 2) The application of minimum setback (yard) dimensions should be clarified:
 - a) The point of measurement is the face of the building foundation wall.
 - b) Intrusion into the required setback (yard) should be limited to:
 - 24" for chimneys, fire places and any utility service component
 - 18" for bay windows and similar elements provided that the total wall area of any elevation occupied by such structures does not exceed the greater of 8% of the total wall area of the building elevation or 50 square feet.
 - 36" into the required front or rear setback (yard) for an open porch that does not exceed 30" in height. Intrusion into a side setback (yard) are regulated by subsection 22-7.8, i.
 - 18" for eaves, soffits or other roof elements not including gutters
 - 6" for any other element of the structure
 - c) Electrical transformers, generators, air conditioning compressors and similar electrical and mechanical system components shall conform to the setback (yard) requirements for the principal structure unless they comport to the sound attenuation standards of Subsection 22-7.22,c,1 and are less than 30" high, in which case, they shall conform to the requirements for accessory structures.

- 3) Maintain the current combined side yard requirements of the R-4, R-5 and R-6 zone districts at 16 feet and 18 feet respectively. Decrease the minimum one side yard to 6' in the R-5 and R-6 and 7' in the R-4 and require a one-foot setback for driveways from adjacent property lines in all three zone districts. This will provide for a two foot planting/landscape strip between driveways that abut one another. An exception should be permitted if the adjacent property owners enter into an agreement to

maintain a joint driveway. Joint driveways should be limited to 12' wide between the front setback and the curb line of the street.

- 4) In all zone districts, except the R-1, R-2 and R-3, the minimum side yard setback for both one side and combined should be increased two (2) additional feet if the building exceeds 85% of the maximum permitted floor area.
- 5) Schedule 5-1, Schedule of Zoning District Regulations should be amended to include a footnote on the schedule that the minimum rear yard and side yard setback in the R-4, R-5 and R-6 zone districts for accessory buildings and structures should be increased one additional foot for each foot in excess of 15' height.
- 6) The definition of lot coverage should be expanded to include all stone or gravel surface area. The definition would exclude the use of stone in association with landscape plantings or vegetative beds.
- 7) To encourage creative house design, promote building configurations that are harmonious with existing neighborhoods and enhance the visual environment, the Borough should consider the following:
 - a) Roofed, open-sided porches should be permitted to extend up to five (5) feet beyond the front yard setback in the R-4, R-5 and R-6 zone districts only. The porch may be excluded from the calculation of the maximum lot and building coverage for a single-family residential dwelling.

b) In all zone districts, except the R-1, R-2 and R-3, any building façade substantially facing a side line with a height (or eave height) exceeding one half the maximum height permitted and having a length in a single plane (or substantially parallel planes less than eighteen (18) inches apart) exceeding thirty five (35) feet shall maintain a side yard setback, both one side and combined, two (2) feet greater than the minimum required for the applicable zone district.

8) The definition of Building Area should be amended as follows:

Building Area shall mean the area of a tract covered by principal and accessory buildings and roofed areas determined from the projection on a horizontal plane of the limits of the roof exclusive of unroofed porches, terraces, stoops or steps having vertical faces, which at all points are less than three (3') feet above the ground. A pergola, awning, or similar structure having more than a minimal area and which has the effect of a roof structure shall be considered a roof for the purpose of calculating building area.

9) Correct the definition of "Floor Area" by replacing the word "or" with the word "and" so the first sentence of the definition will read as follows:

Floor area shall mean the sum of the areas of the floor or floors of all principal and accessory buildings measured between the inside faces of exterior walls or from the centerline of walls common to two (2) structures or uses.

10) Subsection 22-7.32 should be amended as follows:

22-7.32 Lots Bordering on a River. A yard of a lot fronting on a river or other navigable waterway may be designated as a front yard if the water frontage conforms to the

minimum lot frontage of the zone district.

a. If the yard is so designated then the minimum required lot frontage shall be fifty (50%) percent of the required lot frontage of the zone district. In any subdivision, the road frontage reduction permitted by this provision may only be applied to one (1) lot.

b. Yard restrictions shall be subject to subsection 22-7.7b. References in subsection 22-7.7b to multiple frontages on roads shall also apply to multiple frontages on a road and on a river or other navigable waterway. Lots which have a river frontage and a road frontage which intersect shall be treated as a corner lot.

c. Accessory buildings shall conform to subsection 22-7.8.

11) The definition of Lot Area should cross reference subsection 22-7.13, Riparian Grants.

12) The inscribed circle necessary to meet minimum lot shape requirements shall be unencumbered by: 1) freshwater wetlands or required buffer/transition areas; 2) saltwater (tidal) wetlands; 3) any portion of a stream, lagoon or watercourse having a width of eight (8) feet or more top of bank to top of bank and 4) any portion of a pond with a total water surface area of 5,000 square feet or more.

13) Lot Coverage Definition should be amended to add: 1) any portion of a stream, lagoon or watercourse within the limits of a tract which has a width of eight (8) feet or more top of bank to top of bank, and 2) any portion of a pond within the limits of tract, which pond has a total water surface area of 5,000 square feet or more.

5.4 Overnight Parking Regulations

Regulations require residents to remove parked cars from the street during certain times of the year. Small residential lots have a limited amount of space to provide for off street

parking. Some residents have taken to parking vehicles on the front yards of their property.

The Land Use Ordinance provides design standards for residential and commercial off street parking in Subsection 22-9.2, Improvement Standards. These standards are used for applicants seeking site plan and/or subdivision approvals. The general zoning provisions found in Chapter 22-7 should reiterate the standards found in Subsection 22-9.2 and state that all off street residential parking will conform to the general design standards found in Subsection 22-9.2. The general zone provisions should state that parking is permitted only in the driveway. Driveway standards should be established to limit the construction of driveways in the front yard area. For detached garages, the maximum driveway width should be limited to twelve (12) feet in the front yard area. For attached garages or no garages, driveways should be restricted to the greater of the width of the garage door opening plus two (2) feet or for joint driveways, the maximum width in the front yard should be 17 feet. For joint driveways, the maximum width in the front yard should be 17 feet. This width may be maintained for the entire length of the driveway from the garage to the curb. Two driveways should be permitted per lot in the R-1, R-2 and R-3 zones. One per lot should be permitted in the R-4, R-5 and R-6 zones.

5.5 Garage Requirements

Garages are required accessory uses or structures in each residential zone district. Properties in the larger residential zone districts (R-1, R-2, R-3) are required to provide a minimum of two garage spaces and a maximum of five (5) spaces. In the R-4, R-5, and R-6 zone districts, a minimum of one garage space and a maximum of three (3) garage spaces is required. Subchapter 7-26 provides general zoning provisions pertaining to garages and stables. The subchapter should be supplemented to limit the removal of

existing garages in all residential zone districts by requiring at least two (2) existing garage spaces to be restricted from either conversion or removal.

In the smaller residential districts there is limited space for garages and storage within garages. It is recommended that a minimum size of 300 square feet be established for one car attached and detached garages in the R-4, R-5 and R-6 zone districts. In order to improve the appearance of dwelling units, garages in the R-1, R-2 and R-3 zone districts should be required to face side or rear lot lines. Garage doors should not be visible from street frontages except where screened by portions of the principal structure (ie. courtyard design or detached garages at the rear of the property facing the principal structure). This types of requirements would almost always be practical in the R-1, R-2 and R-3 zone districts, but often very difficult in the R-4, R-5 and R-6 districts. However, as an incentive for detached garages in the R-4, R-5 and R-6 zone districts, a credit equal to the lesser of fifty percent (50%) of the garage floor area or 150 square feet for maximum floor area and maximum building and lot coverage should be considered.

5.6 Affordable Housing

Rumson Borough does not currently have Substantive Certification from the Council on Affordable Housing (COAH). The Borough should consider updating the current housing plan once the new affordable housing numbers are issued by COAH. COAH's "third round" housing numbers are expected to be released sometime within the next year.

5.7 Companion or Accessory Units

Additional study on the issue of companion or accessory units should be performed concurrently with updating the housing plan element of the master plan (See Section F.)

5.8 Orientation of Residential Dwellings.

It is not apparent that any additional regulations are required to address issues relating to design or orientation except for those recommendations that appear in Section 5.3. of this report.

5.9 Tree Preservation Ordinance

On June, 2002, the Borough Council approved a Tree Preservation Ordinance. The purpose of the Tree Preservation Ordinance (TPO) is to prevent clear cutting of trees through the Borough, and to restrict the removal of other trees, thereby maintaining the beauty and character of the Borough of Rumson, preventing erosion, controlling actions that would substantially change drainage patterns, and restricting any action that could create a hazard to persons or property. The TPO is consistent with the intent of the Monmouth County Scenic Corridor Plan to preserve the scenic quality of roadways by preserving trees throughout Rumson. Before trees can be removed, the applicant is required to secure a Tree Protection Permit from the Borough.

5.10 Fences, Walls, Hedges and Sight Triangles

Existing land use regulations should clarify standards relating to fences, walls, hedges and sight triangles. The definition of "wall" should be either established separately from or included within the definition of fence. "Wall", for the purposes of Chapter 22-7.25, is essentially a type of closed or solid fence made of masonry or some similar building materials. The following are recommended changes to current regulations:

- 1) The definition for "Hedge Row" should be added to the definition section of the land use ordinance. (Subsection 22-2.4)

Hedge Row: a boundary, or part of a boundary which comprises a row of bushes or trees growing closely together, which may be managed through cutting or pruning,

to maintain a more or less dense, linear barrier.

- 2) Fences and walls either erected, substantially reconstructed, or replaced and hedgerows should be regulated as follows:
 - a) Fences, hedge rows and walls shall adhere to the height standards found in Table 5.10-1.
 - b) Height of fences shall be measured from the ground at the fence line to the highest element of the fence excluding any decorative post cap. Except in minimum clear sight areas, decorative post caps may exceed the permitted height of the highest element of the fence by 1/6th of the permitted height.
 - c) Height of walls shall be measured to the top of the wall from the ground elevation at the face of the wall, except if the face of the wall is within two (2) feet of a property line, the height shall be measured from the lower of the ground elevation at the face of the wall or the ground elevation on the adjoining property. Except in clear sight areas, measurements for walls shall exclude decorative wall elements similar to post caps on fences, which may exceed the permitted height of the highest element of the wall by up to 1/6th the permitted height.
 - d) In any business zone, open fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line in accordance with a site plan approved by the Municipal Agency.
 - e) On park, recreation or school properties, open fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.

TABLE 5.10-1
Height Restrictions
Hedge Rows, Open Fences, Non-open Fences and Walls

	Clear Sight Area	R-1, R-2, R-3 Zone Districts Outside of Clear Sight Area	All Other Zone Districts Outside of Clear Sight Area
Hedge Rows	30"	Not Regulated	Not Regulated
Open Fences	30"	6' (72") anywhere except 36" in required river setback per 22-7.32	36" in required front yard or between principal structure and street 36" in required river setback per 22-7.32 6' (72") elsewhere
Non-open Fences and Walls	30"	36" in required front yard or between principal structure and street. 36" in required river setback per 22-7.32 6' (72") elsewhere	36" in required front yard or between principal structure and street. 36" in required river setback per 22-7.32 6' (72") elsewhere

- f) Fences or walls exceeding the maximum height allowed are permitted if they are specifically required or approved by the Municipal Agency or required by another provision of this chapter or other municipal or State regulations.
-
- 3) All fences, walls and hedge rows must be erected or installed within the property lines, and no fences, walls and hedge rows shall be erected so as to encroach upon a public right of way. The centerline of fences or the face of walls may be within two (2) feet of a property line or must be at least fifteen (15) feet from property lines, except when approved by the Municipal Agency, or within buffers around refuse areas or when used for dog runs, garden enclosures or similar normal residential accessory uses. Hedge rows shall be located so that foliage, at full maturity, shall not extend into the public right-of-way.
 - 4) Barbed wire, razor wire, canvas or cloth fence and fencing construction is prohibited in all zones.
 - 5) All supporting members of a fence shall be located inside of the fence and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of that tract of land on the property upon which the fence is erected.
 - 6) The width of supporting members, columns or pillars for an open fence can not exceed either two (2) feet or 1/10 of the length of open fencing between support members, whichever is less.
 - 7) Entrances to private driveways
 - a) Remotely controlled security gates are allowed on private drives and driveways, but

such gates shall not impede fire or emergency access. Security gate systems shall be set back to provide a queuing area of at least thirty-five (35) feet clear of the curb line or sidewalk.

- b) Height of decorative driveway entrance structures may exceed the maximum permitted fence height by 1/6th of the permitted height. For instance, a maximum fence height of six (6) feet would allow for a decorative entrance structure of seven (7) feet in height. Columns or pillars as a component of any ornamental entrance structure may have a width and depth up to of thirty-six (36) inches. Non-open fence and walls may be utilized as an element of a decorative driveway entrance structure for a maximum on each side of the driveway equal to the permitted maximum fence height. No decorative driveway entrance shall impede fire or emergency access.
- 8) Tennis court fences, baseball and softball backstops and spectator protective fencing are exempt from the requirements established within this report provided they are not located within any required yard area. Located within any required yard area, they are subject to the height limitations of the particular zone district.
- 9) Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- 10) No hedges or screen plantings over three (3) feet in height shall be permitted within fifty (50) feet of any waterway; however, this section shall not be construed to prohibit the planting of shade or ornamental trees either individually or in small groups.
- 11) Existing land use regulations should clarify standards for sight triangles.

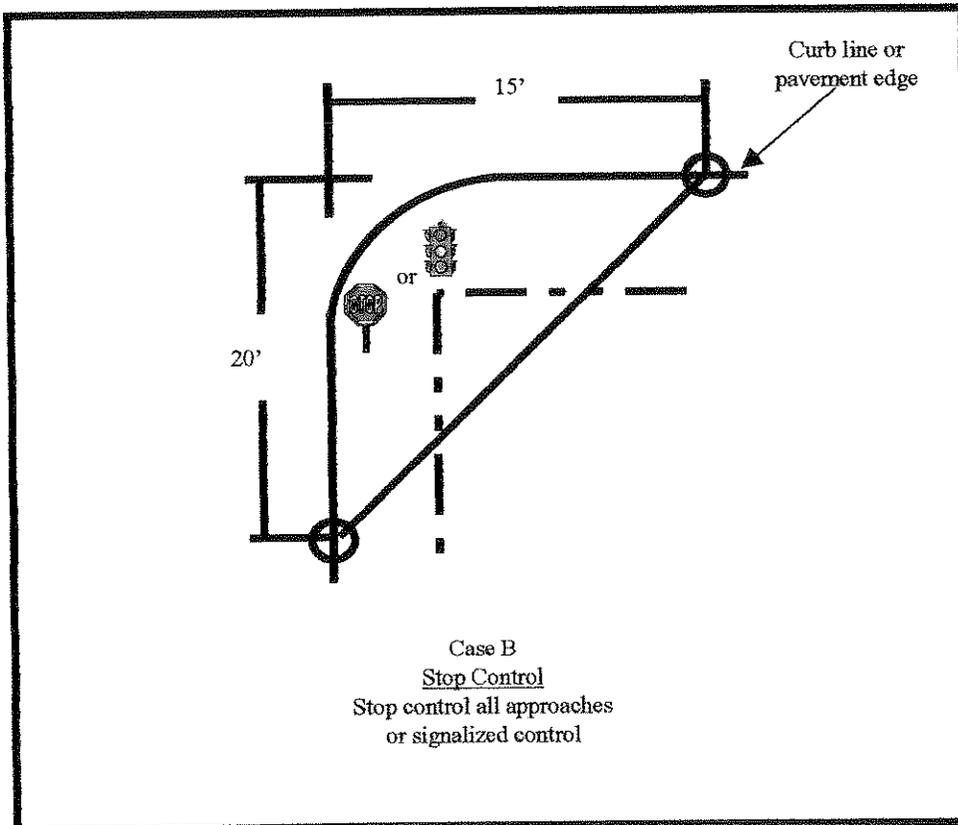
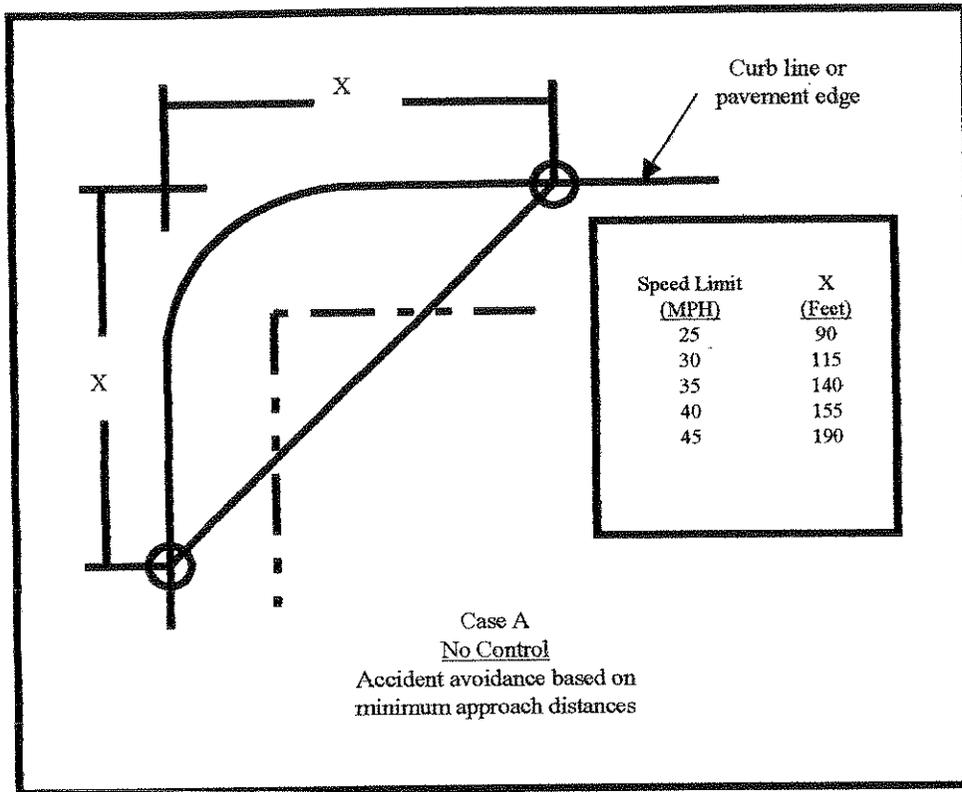
- a) Subsection 22-7.5, Sight Triangle at Intersections, should be amended as follows:

22-7.5, Minimum Clear Sight at Intersections. Unless more stringent regulations are required by site plan or subdivision approval, or by other provisions of this Chapter, no hedge, wall, fence, screening strip, landscape improvement, structure nor any other obstruction to vision, between all points between thirty (30) inches and (84) inches above the centerline of the intersecting streets, other than a pole, post, tree trunk or similar vertical obstruction, not exceeding eighteen (18) inches in diameter, shall be permitted within the triangular clear sight area formed by the intersecting street right-of-way lines and the line which connects the sight points, determined from Exhibits 11 and 12, Case A, B, C1 or C2, as applicable, located on the cartway, curb line or pavement edge of each intersecting street. (Exhibit 9-9 in the Rumson Borough Land Use Ordinance, Sight Triangles, should be replaced with Exhibit 11 and Exhibit 12.)

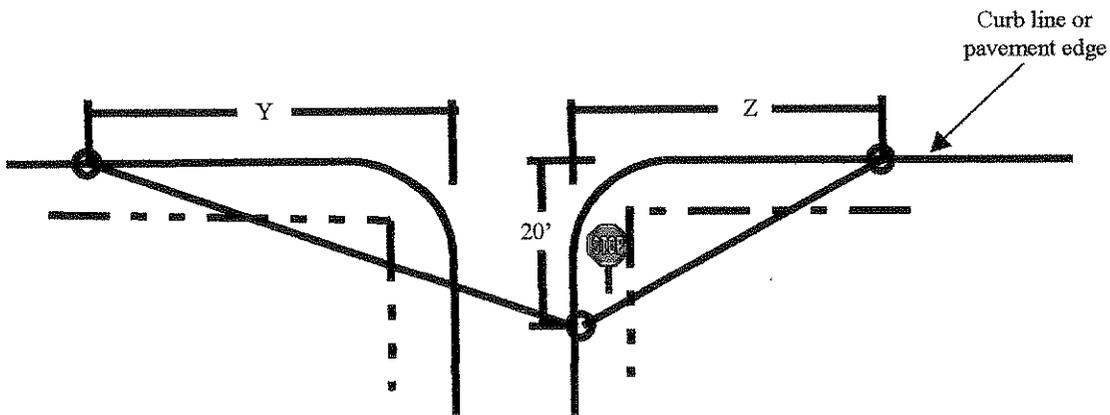
- b) Subsection 22-9, c,2, (f) should be amended as follows:

(f) Sight Triangles. Sight triangle easements shall be required and shall include the area on each street corner between the intersecting street right-of-way lines and the line which connects the sight points located on the cartway, curb line or pavement edge of each intersecting street. Any obstruction to vision or clear sight, other than a pole, post, tree trunk or similar vertical obstruction, not exceeding eighteen (18) inches in diameter, across the sight easement area between all points between thirty (30) inches and eighty-four (84) inches above the centerlines of the intersecting streets is prohibited; and a public right of entry shall be reserved for the purpose of removing, at the expense of the property owner, any obstruction to clear

EXHIBIT 11 SIGHT TRIANGLE STANDARDS CASE A and B



**EXHIBIT 12
SIGHT TRIANGLE STANDARDS
CASE C1 and C2**



Case C1

Stop control on minor approach
No control on through street

Safe traffic movement
based on minimum
approach and departure distances

*Applies to all site plan/subdivision application approvals after * and obstructions to sight created after * and to all properties on Collector Roads, as identified in the Master Plan, having speed limits greater than 35 MPH.*

Speed Limit (MPH)	Y (Feet)	Z (Feet)
25	150	125
30	190	155
35	225	180
40	265	205
45	300	230

Case C2

Stop control on minor approach
No control on through street

Accident avoidance based on
minimum approach distances

Applies where Case C-1 is not applicable

Speed Limit (MPH)	Y (Feet)	Z (Feet)
25	80	60
30	95	75
35	115	90
40	130	105
45	150	120

* Date of adoption of amendment

Note: Refer to subsection 22-9.c.2.f. If pavement width exceeds 34' or if there are multiple lanes in one direction or if the intersecting streets are skewed, site specific engineering analysis is required to determine appropriate sight triangle.

site. The sight points on the cartway, curb line or pavement edge, shall be determined from Exhibit 9-9, (Exhibit 11 or 12) Case A, B, or C1, as applicable, unless: 1) the requirements of the Residential Site Improvement Standard (RSIS) control, or 2) the Borough Engineer determines that unusual site conditions, which may include, but are not limited to, skewed intersection angles or severe vertical or horizontal profiles, require detailed site specific engineering analysis.

5.11 Grading and Erosion Control Measures.

Subchapter 7.27, Soil Removal and Fill, should be expanded to address the issues of grading and erosion control measures. The following should be added to 7.27:

- a) Presently, a grading permit is required if soil is removed from or more than 100 cubic yards of fill is added to a property. A permit should also be required if grading (without soil removal or addition) changes elevation and/or the regraded area exceeds a certain amount. Table 5.11-1 recommends standards requiring grading permits for grading or regrading a lot.

**TABLE 5.11-1
Criteria to Require a Grading Permit**

	RI & R2 Zone Districts	All Other Zone Districts
Removing soil from a property	Any removal	Any removal
Fill with soil from outside a property	100 cubic yards	50 cubic yards
Soil disturbance	10,000 square feet	3,000 square feet
Height (change in elevation)	2'	1'

- b) Wherever grading is to occur, necessary soil erosion prevention and protection consistent with industry best practices should be implemented to ensure work is undertaken without impacts to the existing infrastructure and surrounding properties. As a minimum, a silt fence or barrier of equivalent or better protection must be installed around the limit of disturbance whenever there is a potential to impact an adjacent property or public infrastructure.
- c) The Construction Official may seek the advice from other Officials for advice in determining how best to address an erosion problem.

5.12 Corner Lots

The definition of corner lot should be expanded to include situations where roads and rivers intersect and where a single continuous roadway forms the geometric appearance of a corner lot. The current definition of corner lot should be modified to read as follows:

LOT, CORNER shall mean 1) any lot at the junction of and fronting on two (2) or more intersecting streets except any lot which does not have the geometrical appearance of a corner lot including, but not limited to, a lot located on a continuous route, although the street names may change, which has an angle of deviation less than 45 degrees or; 2) any lot at the junction of and fronting on an intersecting street and a navigable waterway or; 3) any lot with a continuous street frontage that has the geometrical appearance of a corner lot including, but not limited to, a lot with sidelines (or the projected sidelines) which have an interior angle greater than 45 degrees and a lot with front lot lines (or the projection of front lot lines or the tangent of front lot lines at the intersection of side lines) which have an interior angle less than 135 degrees.

5.13 Nonconforming Lots, Uses, Buildings and Structures

Subsection 22-7.3, Nonconforming Uses, Buildings and Structures should be amended so that any lot upon which a non-conforming use or structure is located may not be reduced in size. The heading and outline numbering of Subsection 22-7.3 should also be modified to reflect consistency within the section and with the Borough's Land Development Regulations. Subsection 22-7.3 should be modified as follows:

Please note: underline is wording that should be added to existing text and ~~strike through~~ is wording that should be deleted from existing text.

22-7. Nonconforming Lots, Uses, Buildings and Structures.

a. Continuation of Non Conforming Lots, Uses, Buildings and Structures. Except as otherwise provided in this chapter the lawful use of the land or a building existing at the date of the adoption of this chapter may be continued although such lot, use, ~~or building or structure~~ does not conform to the regulations specified by this chapter for the zone in which such ~~land~~ lot, use, or building or structure is located; provide however, that:

- ~~1.~~ a. No nonconforming lot shall be further reduced in size. ~~Any lot upon which a nonconforming use or structure is located shall not be reduced in size nor shall any lot already nonconforming be made more nonconforming in any manner.~~
- ~~2.~~ b. ~~No nonconforming building or structure shall be enlarged, extended or increased unless such enlargement is conforming.~~
- ~~3.~~ c. ~~No nonconforming use may be expanded.~~

b. ~~d.~~ Abandonment of Nonconforming Use. (the remainder of this section is unchanged)

c. ~~e.~~ Restoration of a Nonconforming Structure. (the remainder of this section is unchanged)

d. ~~f.~~ Certification of Pre-Existing Nonconforming Uses, Buildings and Structures. (the remainder of this section is unchanged)

e. ~~g.~~ *Alterations and Additions.* (This section should address additions relating to nonconforming buildings and structures. A sentence should be added to the end of this section stating that physical expansion of a structure or the intensification of a use associated with a nonconforming building or structure would be considered an addition. Further more, these types of additions to nonconforming buildings and structures would not be permitted.)

f. ~~h.~~ *Nonconforming Lots, Buildings and Structures.*

~~1. A nonconforming lot may not be used for any purpose unless:~~

~~1.~~ (a) The proposed use and all existing uses is/are permitted principal or accessory uses(s).

~~2.~~ (b) The lot conforms to the minimum lot area requirements of this chapter.

~~3.~~ (c) Other than minimum lot area, the lot conformed to the zoning standards in effect immediately prior to the adoption of this chapter.

2. A nonconforming building or structure may not be enlarged, extended, increased in height (the remainder of this section is unchanged)

3. Principal or accessory buildings or structures may not be constructed on nonconforming lots and/or on lots which contain a nonconforming principal buildings or structure unless:

~~(1)~~ (a) Existing and proposed buildings or structures will be used for a permitted principal or accessory use.

~~(2)~~ (b) The lot conforms to the minimum lot area requirement of this chapter.

~~(3)~~ (c) Other than lot area, the lot conforms to the zoning standards in effect immediately prior to the adoption of this chapter.

~~(4)~~ (d) The new structure or buildings conform to all requirements of this chapter and will not result in the creation of any nonconformity related to the lot and the aggregate of all buildings or structures.

g. *i. Prior Approved Construction. (the remainder of this section is unchanged)*

h. *j. District Changes. (the remainder of this section is unchanged)*

6.0 RECOMMENDATIONS ON REDEVELOPMENT PLANS

There are no locations at this time for which the Planning Board recommends incorporation of an adopted redevelopment plan nor is there a need at this time for any Master Plan or regulatory revision to effectuate a redevelopment plan.