

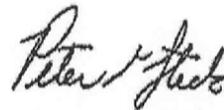
Peter G. Steck

Community Planning Consultant
P. O. Box 306, 80 Maplewood Avenue, Maplewood, New Jersey 07040
(973) 762-6568
Fax 762-5457
Steckplan@AOL.COM

REEXAMINATION OF THE MASTER PLAN
AND DEVELOPMENT REGULATIONS
TOWNSHIP OF MILLBURN
ESSEX COUNTY, NEW JERSEY

**Millburn Township Planning Board
Municipal Building
375 Millburn Avenue
Millburn, New Jersey 07041-1379**

**Adopted:
December 18, 2002**



Peter G. Steck, P.P., AICP
New Jersey License No. 1776

WHEREAS, The Municipal Land Use Law requires planning boards to reexamine their master plans and the municipal development regulations at least every six years; and,

WHEREAS, The last reexamination report was prepared in 1994; and,

WHEREAS, The Millburn Township Planning Board has prepared a new reexamination report with the assistance of planning consultant Peter G. Steck which has been the subject of discussion at two Planning Board meetings;

NOW THEREFORE BE IT RESOLVED, that the Millburn Township Planning Board hereby adopts the December 18, 2002 Reexamination of the Master Plan and Development Regulations.

BE IT FURTHER RESOLVED, that the Planning Board Secretary be directed to send a copy of the adopted report with this resolution to the Essex County Planning Board and to the municipal clerks of each adjoining municipality.

I, Helen S. Merle, Secretary/Clerk to the Planning Board of the Township of Millburn, in the County of Essex, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Board at a regular meeting held on the 18th day of December, 2002.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 19th day of December, 2002.



Helen S. Merle
Secretary/Clerk

MILLBURN PLANNING BOARD MEMBERSHIP – 2002

Perry Nelson, Chairman
W. MacDonald Snow, Jr., Vice Chair
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Thomas McDermott, Mayor

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Kenneth L. Leiby, Jr. (Alternate #1)
James Dixon (Alternate #2)

INTRODUCTION

Municipal planning and zoning in New Jersey is controlled by the Municipal Land Use Law [N.J.S.A.40:55D-1 et seq.] which describes the powers and responsibilities of planning boards, boards of adjustment and governing bodies. One of the responsibilities of a planning board is the preparation of a reexamination report. A reexamination report is a review of municipal land development policies as expressed in the master plan and as instituted in its development ordinances. The intent of the reexamination report is to encourage timely revisions to the master plan and to the development ordinances. This document constitutes the Millburn Township Planning Board's reexamination report in accordance with the state statute, N.J.S.A.40:55D-89.

CONTENTS OF THE REEXAMINATION REPORT

The mandatory contents of a reexamination report are found in Article 11 of the Municipal Land Use Law which is reproduced in Appendix A. The reexamination report is required to state:

- a. The major problems and objectives relating to land development in Millburn at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to 1994.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The last reexamination report was prepared in May of 1994. The report referenced information contained in the 1991 Millburn Master Plan and consequently consisted of three pages that are reproduced in Appendix B. As noted above in the state statute, this prior reexamination report is the starting point for documenting changes which have occurred over the past few years.

PROBLEMS AND OBJECTIVES IN 1994

As a source for documentation of past problems and objectives, the 1994 Reexamination Report referenced the Master Plan adopted on February 27, 1991. The following problems were excerpted from the 1991 plan:

PROBLEMS IN 1994

1. The adjacent garden apartment zoning in West Orange was characterized as being incompatible with Millburn's R-4 Zone. However, the zoning reflected the existing development pattern. The 1991 plan observed that no direct road connections existed between the single-family homes and the adjoining apartments [Page 1]
2. The Union Township business zoning along the East Branch of the Rahway River was viewed as potentially incompatible with the residential zoning in Millburn. However, the vegetated corridor that flanked the river was viewed as mitigating this incompatibility. [Page 2]
3. Abutting lands in Florham Park owned by the New Jersey – American Water Company and the City of East Orange, were noted as being part of a regional water supply system. The 1991 Master Plan called for significant care in the development of these lands to assure that the aquifer is not compromised. [Page 3]
4. The application of published recreational standards for the northern three-fourths of Millburn Township (Census Tracts 200 and 201) revealed an adequate supply of active recreational but a shortfall of passive recreational land in the amount of 23.6 acres. [Page 6]
5. The application of recreational standards for the southern fourth of Millburn Township (Census Tracts 202 and 203) revealed a shortage of both active and passive recreational lands owing to the higher concentration of population in this sector. [Page 7]
6. In its assessment of community facilities, the 1991 Master Plan noted that none of the public schools in the Township met the recommended site size standards as established by the New Jersey Department of Education. At that time it was observed that the schools were under-capacity and that the enrollment had steadily decreased since 1971. The 1991 plan observed that even with a slight increase in enrollment sufficient building capacity existed throughout the school system. [Page 8]

7. Based on a broad analysis of the downtown, the 1991 Master Plan concluded that a significant shortfall of parking existed and that an increase in supply equal to one-third of the existing total was needed. The Plan suggested that a more detailed analysis by a qualified traffic engineer should be considered because additions to the parking supply appeared to require the development of parking structures. [Page 9]

OBJECTIVES IN 1994

The February 27, 1991 Master Plan listed the following goals and objectives in the Land Use Plan element:

- a. To coordinate and integrate appropriate land uses that will promote the character of the township as a small suburb of the highest quality and that will preserve the quality of life that makes this community desirable.
- b. To protect the character of established neighborhoods.
- c. To promote the opportunities for higher quality retail commercial activity in the central business district and the Glenwood business area.
- d. To maintain a pedestrian scale in the central business district and the Glenwood business area.
- e. To provide for park and recreation area in adequate amounts to meet the needs of township residents.
- f. To prohibit development of areas inappropriate for development, such as flood plains, water reserves, wetlands and other environmentally sensitive areas.
- g. To provide for the continuing educational and cultural needs of the community, including recognition of the role of the Paper Mill Playhouse.
- h. To recognize and encourage the preservation of areas and sites of historic interest.

CHANGES IN PROBLEMS AND OBJECTIVES SINCE 1994

The following changes to problems recognized in the 1994 Reexamination Report are noted:

1. Since 1994 and more particularly within the last 5 years there has been significant development activity in the surrounding area. The activity has consisted generally of infill development and with some major new development in Florham Park. The lands across the Passaic River in Florham Township have been zoned and developed for multi-family residential use. This development as well as additional townhouse development in the Township of Livingston has noticeably increased the traffic volume on Passaic Avenue. Passaic Avenue is one of the Passaic River crossings leading to Millburn Township.

2. Aside from the changes in Florham Park and Livingston, there have been no significant changes in land use at the borders of Millburn Township. The Saks Fifth Avenue Department Store on the southeast side of Millburn Avenue has remained vacant for an extended period of time. All of the building and the bulk of the land are within the Township of Springfield. There has been no redevelopment activity because of litigation and land use applications regarding reuse of this property.
3. There have been no additions to the acreage of public open space in the Township since 1994. However, improvements to certain athletic fields have been instituted to accommodate the increased usage.
4. Within Millburn Township the development activity since 1994 has largely involved single-family homes. There has been negligible activity in the industrial sector, and commercial activity has focused on renovations to accommodate new tenants. The Short Hills Mall was expanded in the early 1990's. In the residential sector the past five years have witnessed substantial residential construction association with additions and replacement of single-family dwellings. Since 1995 there have been approximately 60 demolitions of single-family dwellings to make way for new single-family construction. In most cases this activity amounted to a one-for-one replacement of dwelling units. All of this replacement activity occurred outside of the Short Hills Park and Wyoming Historic Districts. Also of note is that all of the replacement homes have exceeded a market value of \$1,000,000 with the majority exceeding a value of \$2,000,000.
5. As recommended in the 1991 Master Plan, a parking survey of the downtown was completed by McDonough and Rae Associates.
6. Significant changes have occurred with respect to the public school enrollment in the Township. The 1991 Master Plan viewed the school sites as being undersized based on New Jersey Department of Education acreage standards, but noted that there was little opportunity for land accretions. The school buildings themselves were considered adequate. In fact, the facilities were considered underutilized owing to the trend of decreasing enrollments. The 1991 Master Plan referenced a high of 4,261 students in 1971 declining steadily to a low of 2,312 students in 1990. This trend has since been reversed. Over the last five years, the public school enrollment has steadily increased to approximately the same level as in 1991 as shown below in Table I. These totals do not include pre-school students which total 62 students in the current school year.

TABLE I
MILLBURN SCHOOL DISTRICT – GRADES K TO 12

1998-1999 School Year	3,290 Students
1999-2000 School Year	3,543 Students
2000-2001 School Year	3,704 Students
2001-2001 School Year	3,960 Students
2002-2003 School Year	4,209 Students

7. With the dramatic reversal in public school enrollments has come a program of school building expansion. Expansions have occurred at Millburn High School and the Hartshorn, Deerfield, Wyoming and Glenwood Schools. The South Mountain School has been reactivated as a public school and has also been expanded.
8. Although the total population level in Millburn has remained relatively stable, there has been a noticeable shift in age groups. The year 2000 U. S. Census has documented a 6.1% increase in population over the last decade. However, during the last decade the 5 to 14 year old age bracket has increased from 11.5% of the resident population to 17.6%. These changes are noted in Tables II and III below.

**TABLE II
POPULATION CHANGE BY REGION: 1980 to 2000**

	U. S. Census Year		
	1980	1990 (% change)	2000 (% change)
Millburn Township	19,543	18,630 (-4.7%)	19,765 (+6.1%)
Essex County	851,304	778,206 (-8.6%)	793,683 (+2.0%)
State of New Jersey	7,365,011	7,730,188 (+5.0%)	8,414,350 (+8.9%)

**TABLE III
MILLBURN POPULATION DISTRIBUTION BY AGE COHORT**

Age	1980 U. S. Census		1990 U. S. Census		2000 U. S. Census	
Under 5	845	4.3%	1,152	6.2%	1,720	8.7%
5 – 14	2,821	14.4%	2,145	11.5%	3,474	17.6%
15 – 24	2,575	13.2%	2,032	10.9%	1,406	7.1%
25 – 34	2,000	10.2%	2,341	12.6%	1,791	9.1%
35 – 44	2,612	13.4%	2,991	16.1%	3,825	19.3%
45 – 54	2,844	14.6%	2,698	14.5%	3,145	15.9%
55 – 64	2,638	13.5%	2,138	11.5%	1,823	9.2%
65 and +	3,208	16.4%	3,133	16.8%	2,581	13.1%
Total	19,543	100.0%	18,630	100.1%	19,765	100.0%

9. Following adoption of the 1991 Master Plan, the Township has periodically amended its Development Regulations and Zoning Ordinance to address concerns raised by the 1991 plan and new issues that have arisen. The changes can be characterized as minor modifications which are intended to reinforce the integrity of the established zones. Table IV itemizes the ordinance changes adopted since 1991.

**TABLE IV-A
AMENDMENTS TO THE DEVELOPMENT REGULATIONS
AND ZONING ORDINANCE**

Ord. No.	Adoption Date	Description of Regulation
2203	9/12/02	Ordinance to amend Section 606.2 of the Millburn Development Regulations Ordinance Regulating detached Garages in Residential Zones R-3 and R-4. Prohibits garage doors from facing toward the street.
2197	3/5/02	Ordinance to Amend the Development Regulations and Zoning Ordinance by Replacing Article 7 (Flood Damage Prevention).
2194	9/12/01	Ordinance Amending Section 516.11(e) of the Zoning Ordinance of the Township of Millburn Relating to Parking in Residential Front Yards. Parking not permitted on grass areas.
2185	5/1/01	Amend Zoning – Retail Service Use
2175	10/3/00	Amend Zoning Ordinance – Expiration of Variances.
2172	10/3/00	Amend Zoning Ordinance Section 606.2 – Garage Setbacks.
2170	6/27/2000	Amend Zoning Section 526 – Street Graphics Ban in Residential Zones. Prohibits contractor signs.
2167	10/19/1999	Rezone Lots 2-4 in Block 4301 from Conservation Zone to R-6 Residential Zone. Eliminates split lot zone situation on Passaic Avenue.
2155	4/13/1999	Amend Subsections 410.3, 510.1 & 510.2 of Zoning Ordinance relating to fences and walls. Fenced prohibited from front yard areas.
2151A	3/16/1999	Amending Section 510 entitled “Fences & Walls” of the Zoning Ordinance.
2149	12/03/1998	Amend Zoning , B-4 Permitted Uses, First Floor, add Local Newspaper Offices as permitted use.
2143	7/7/1998	Amend Zoning Map – Pingry School – C-4 Zone to R-4 Zone.
2132	12/16/1997	Amend & Supplement Sections 301 & 606.7(b) of Development Regulations & Zoning Ordinance. Ambulatory care permitted in I-1 Zone.
2123	6/17/97	Amend Section 702 of Article 7, “Flood Damage Protection”
2121	4/29/97	Amend Subsection 606.2(e)(3)(f) – Regulating Dish Antennae and Satellites. Permits 18” diameter dishes.

Note: Table IV continued on following page.

**TABLE IV-B
AMENDMENTS TO THE DEVELOPMENT REGULATIONS
AND ZONING ORDINANCE -CONTINUED**

Ord. No.	Adoption Date	Description of Regulation
2104	5/28/1996	Amend Section 602 of the Development Regulations relating to the 1994 Zoning Map and to Restore R-4 Designation to certain lands.
2103	10/01/1996	Amend Sections 301, 516 & 606 relating to the B-2 and B-3 Business Districts (Stop & Shop). Defines changes of use and tenancy.
2084	10/10/1995	Amend Sections 419.1 of Development Regulations Ordinance to provide enforcement of conditions to development approvals.
2082	9/5/1995	Amend Sections 301, 414, 516, 526 & 606 – Development Regulations and Zoning Ordinance.
2077	7/11/1995	Amend Sections 301, 512, 515 & 606 of the Development Regulations and Zoning Ordinance.
2057	8/2/1994	Amend Sections 602 & 606.1 – Adopting a new Zoning Map and renaming the Conservation C District, AA – The Conservation-Recreation- C District.
2037	12/07/1993	Amendment to Section 606.6(d) relating to Conditional Uses in the Highway Business B-2 Zone & Neighborhood Business B-3 Zone. Restaurants permitted as a conditional use.
2036	12/7/1993	Add new Section 301.44(d) relating to Site Plans for Single-Use and Multi-Use Buildings
2032	9/21/1993	New regulations relating to awnings in Section 526.1 and 526.9(a).
2031	10/5/1993	Amend with certain definitions in Section 301 and certain uses allowed in the Business Districts relating to Restaurants.
2029	6/15/1993	Amend 606.5(b) regarding permitted use in the Regional B-1 Zones.
2020	12/22/1992	Add a new section 421 requiring payment of taxes.
1996	3/17/1992	Zoning amendment regarding Hotel definition.
1990	12/17/1991	Supplement Section 301.16, Gross Floor Area, Section 301.54 – Side Yards, Section 606.2E – A & B regulations.
1983	8/6/1991	Amend Development Regulations regarding setbacks.

CHANGES IN ASSUMPTIONS AND POLICIES SINCE 1994

Since the adoption of the 1994 Reexamination Report there have been several significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations

1. On March 1, 2001 the New Jersey State Planning Commission adopted a revised New Jersey State Development and Redevelopment Plan that included a State Plan Policy Map as shown in Appendix C. The State Plan Policy map places most of Millburn Township in a PA1 Metropolitan Planning Area with no identified or designated centers. The lands within the C Conservation-Recreation Zone in the northwestern portion of the Township are designated as an Environmentally Sensitive Planning Area on the State Plan Policy Map. In the eastern portion of the Township, South Mountain Reservation is designated as a Park and Recreation Area. These planning areas reflect the recommendations in the prior June 12, 1992 State Development and Redevelopment Plan.
2. On January 6, 1997, the Residential Site Improvement Standards were adopted. Effective on June 3, 1997, these standards supercede local site plan regulations with respect to residential subdivisions and site plans. The state promulgated standards specify public right-of-way improvements and storm water detention facility standards that are uniform throughout the state. The Residential Site Improvement Standards (RSIS) also provide parking ratios for different types of residential development. These standards also supercede local zoning standards.
3. The 1991 Master Plan reported that the estimate of fair share housing for Millburn Township was 261 housing units for the cumulative cycles running from 1987 to 1999. The 1991 Plan observed that there was an insufficient amount of suitable vacant land to address the housing needs through zoning. The 261 Mt. Laurel housing unit number remains the estimated pre-credited need for Millburn Township based on the currently published estimates by the New Jersey Council on Affordable Housing. It is anticipated that new estimates will be released based on the 2000 U. S. Census. The new U. S. Census data and new methodology may alter the magnitude of the Mt. Laurel housing responsibilities of the Township. The 1994 Reexamination Report called for the update of the Township's housing element.

RECOMMENDED MASTER PLAN CHANGES

The Millburn Township Master Plan adopted on February 27, 1991 and revised in December of 1997 has proven to be a sound planning document. However, the following recommendations are offered as an agenda for future planning studies:

1. The adequacy of active and passive open space in the Township should be reevaluated especially in light of the increasing importance placed on open space. Included in the analysis should be lands currently utilized for water supply purposes and functioning as open space.
2. Predictions for future public school enrollment in the Township should be examined to assist in planning for the needs of the educational system.
3. The traffic impacts which may result from reuse of the Saks Fifth Avenue on the southeast side of Millburn Avenue should be studied to determine if the effects of future development or reuse can be reasonably accommodated.
4. The current development regulations and master plan policies should be compared to the policies in the recently adopted New Jersey State Development and Redevelopment Plan to determine the degree of compatibility.
5. The Housing Element of the master plan should be reviewed and updated, if needed, to assure that it represents current policy considerations.
6. The Historic Preservation Element of the master plan and the historic district regulations should be reviewed with respect to the past approvals and denials to determine if any modifications are warranted to better protect historic areas.
7. Variance approvals that are conditioned upon the securing of municipal parking permits for public lots should be monitored. A mechanism should be developed to verify that parking permits are actually secured and that such off-site parking is an effective remedy.
8. There should be continuing master plan focus on the downtown business district. The "Downtown Millburn Master Plan" by Buckhurst, Fish and Jacquemart dated November, 2000 should be analyzed to determine if it is appropriate for the Planning Board's master plan to reference, incorporate or otherwise recognize the policies and observations advanced by that document. Additionally, regulations should be explored which better assure a healthy mix of goods and services in the downtown.

9. The parking needs of downtown businesses deserve continued attention. Additionally, traffic circulation in the downtown should be viewed with the goal of business promotion and not only with the traditional goal of facilitating through-traffic.
10. The open space inventory should be updated to reflect current conditions and the increased importance of open space in the Township's mix of land uses.

RECOMMENDED DEVELOPMENT REGULATION CHANGES

Items to be studied and potentially to result in amendments to the Millburn Township Development Regulations and Zoning Ordinance include the following:

1. The setbacks and other bulk standards in the residential zones should be analyzed in light of the recent trend for the demolition and construction of larger replacement dwellings. Protections should be explored which better assure that replacement dwellings and additions do not unreasonably disrupt the established character of a neighborhood in terms of size, spacing, vegetation removal and impervious coverage. The dimensional standards should also be analyzed to assure that builders are not forced into contorted designs in adhering to the standards. Specifically, the effect of the 32 foot dwelling height limit should be analyzed to determine if it produces inappropriate building proportions.
2. Regulations concerning the use and improvement of residential backyard areas should be examined. Consideration should be given to further limiting the proportion of a backyard area that can be covered by impervious surfaces. Backyard recreational improvements that accommodate team sports should be evaluated as potentially not constituting permitted accessory uses.
3. The Zoning Ordinance should be reviewed with respect to allowing medical offices in one or more zones. Specifically, the OR-2 Office Research District should be considered as a zone which might be appropriate for medical offices.
4. Section 301.44(c) mandates site plan approval for replacement uses which need additional parking or which generate an increase in traffic of 10 percent or more. The practicality of this section should be evaluated. Potentially, this provision may need to be eliminated so that all changes of use require site plan review unless they meet the definition of a change in tenancy.
5. There should be greater specificity in the parking standards set forth in Section 516.10. Uses within broad categories should be separated into subcategories. Specific standards should be considered for personal service uses as a separate category.

6. Tree removal regulations should be reviewed especially in light of the current trend for large dwelling additions and replacements.
7. The fee structure for applications to the Planning Board and Board of Adjustment should be examined. Higher fees should be considered for major subdivisions.
8. Training sessions should be made available for members of the Planning Board and Board of Adjustment to better assure that decisions are founded on acceptable planning rationales.
9. The Township of Millburn has initiated a program to recycle electronic components. The success of this effort should be monitored to determine if ordinance changes are warranted.
10. The Planning Board should monitor the proposed Municipal Stormwater Regulation Program advanced by the New Jersey Department of Environmental Protection which would promote stormwater infiltration to the groundwater.

REDEVELOPMENT PLAN RECOMMENDATIONS

The Township of Millburn does not anticipate the designation of any areas as "areas in need of redevelopment" nor does it anticipate the adoption of a redevelopment plan pursuant to the Local Redevelopment and Housing Law, N.J.S.A.40A:12A et seq.

**PORTION OF THE MUNICIPAL LAND USE LAW
CHAPTER 291, LAWS OF N. J. 1975**

Article 11

Periodic Reexamination of Municipal Plans and Regulations

40:55D-89 Periodic examination.

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every six years from the previous reexamination.

The reexamination shall state:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
 - b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
 - c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
 - d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
 - e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et 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.
- L.1975,c.291,s.76; amended 1980, c.146, s.6; 1985, c.516, s.18; 1987, c.102, s.29; 1992, c.79, s.50; 2001, c.342, s.9.

40:55d-89.1 Rebuttable presumption.

The absence of the adoption by the planning board of a reexamination report pursuant to section 76 of P.L. 1975, c. 291 (C. 40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable. L. 1985, c. 516, s. 19.

REEXAMINATION REPORT

Township of Millburn
Essex County, New Jersey
May 1994

Prepared By:
Queale & Lynch, Inc.
John J. Lynch, PP#19, AICP

INTRODUCTION

The Municipal Land Use Law (:MLUL) requires municipalities to reexamine their master plans at least every six years. The purpose of this requirement is to have regular reviews of current information and changing conditions in the interest of keeping long-range planning as up to date as possible.

In C. 40:55D-89 of the MLUL, the following language is set forth:

"The governing body shall, at least every 6 years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which shall be sent to the county planning board and the municipal clerks of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every six years from the previous reexamination."

Millburn prepared a comprehensive Master Plan which was adopted by the Planning Board on September 28, 1977. Subsequent to that date, and based on the concepts set forth in the Master Plan, the Township Committee adopted a zoning ordinance on January 30, 1979, effectuating the Land Use element of the Master Plan. On December 18, 1984, a comprehensive Development Regulations and Zoning Ordinance was adopted by the Township Committee, also related to the Land Use element of the Master Plan, and it has been periodically updated and amended since its adoption. Another update of the Master Plan took place in June, 1985, with an amendment in early 1987 to adopt the Housing Element, as required under the Fair Housing Act and the Municipal Land Use Law. The Master Plan was further amended with the adoption of an Historic Preservation Plan Element reflecting the provisions of amendments to the Municipal Land Use Law. The most recent comprehensive update to the Master Plan was adopted by the Planning Board on February 27, 1991. This reexamination report is prepared in order to meet the periodic reexamination requirements of the Municipal Land Use Law.

The Planning Board is not required to hold a hearing on the reexamination report. It must simply prepare the report, adopt it by resolution, and submit it to the County Planning Board and the municipal clerks of adjoining municipalities.

The statute requires consideration of five topics within the reexamination report. Those areas are identified as follows along with the response statements.

C.40:55D-89a.

This provision of the MLUL reads as follows:

"a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report."

Detailed information on the problems and objectives facing the township at the time of the adoption of the Master Plan is available in the published 1991 Master Plan, not only in the summarized background reports but in the plan elements as well.

C.40:55D-89b.

This provision of the MLUL reads as follows:

"b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date."

Many of the problems and objectives continue as stated in the 1991 Master Plan.

Traffic continues to be a major local concern, particularly the parking problems in the central business district. In that area, there is an apparent shortage of parking spaces and there is a need to accommodate shoppers, employees, and rail commuters.

Mass transit, both rail and bus, are increasing in importance because of the general increase in automobile traffic apparently occurring in the area.

Efforts are continuing to coordinate local environmental protection efforts with the goals and objectives of the State Development and Redevelopment Plan.

In all other respects, the problems and objectives outlined in the 1991 Master Plan continue as identified both in the Plan and in the explanation provided herein in the response to paragraph 89a.

C.40:55D-89c.

This provision of the :MLUL reads as follows:

"c. The extent to which there have been significant changes in the assumptions. Policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions. Circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives."

Since the adoption of the Master Plan in 1991, The New Jersey Council on Affordable Housing has adopted updated rules and regulations which provide affordable housing allocations to municipalities which cover the period 1987-1999. Since the Housing Plan element of the Master Plan is one of the required elements and is to serve as a foundation for zoning, consideration will be given to updating the Housing Plan element along with a possible filing of the Plan with the Council on Affordable Housing for substantive certification.

C.40:55D-89d.

This provision of the MLUL reads as follows:

- "d. The specific changes recommended for the master plan or development regulations if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared."

With a recently completed update of the Master Plan, little is needed in order to keep the plan and development regulations up to date. The following specific actions are recommended to be taken at this time:

1. Update the Housing Plan element of the Master Plan in order to respond to the recently adopted housing allocations released by the Council on Affordable Housing.
2. Continue to work on ordinance amendments not only to implement changes recommended in the 1991 Master Plan, but to improve ordinance standards and to reflect any changes in the Municipal Land Use Law.

C.40:55D-89e.

This provision of the MLUL reads as follows:

- "e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality."

This provision does not apply since there are no redevelopment areas in the Millburn and none are proposed in the recently adopted Master Plan.

STATE PLAN POLICY MAP

