

2014 Master Plan Reexamination Report

**Borough of Hopatcong
Sussex County, New Jersey**



Borough of Hopatcong Land Use Board

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The original of this document was signed and sealed
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Introduction

The New Jersey Municipal Land Use Law (MLUL)(N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zonings restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

1. The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. 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.
4. 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.
5. The recommendations of the Land Use 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 current Borough of Hopatcong Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on June 17, 1997. A Master Plan Reexamination Report was last adopted on October 7, 2008. Subsequent to the adoption of the 2008 Reexamination Report, the following planning activities have taken place:

- Consolidation of the Planning Board and Zoning Board into a single Land Use Board in August 2011
- Adoption of an amendment to the Future Land Use Recommendations in October 2011.
- Adoption of an Open Space & Recreation Plan Update in May 2011
- Adoption of the Highlands Environmental Resource Inventory in April 2013

Since the time of adoption of the last amendment to the Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the Highlands Water Protection and Planning Act ("Highlands Act" N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council ("Highlands Council") on July 17, 2008, which became effective on September 8, 2008; c) the requirement of the Highlands Act that municipal Master Plans and

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regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located with the Highlands Preservation Area and the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area

It is the intent of this Report to consider and provide recommendations concerning land use and zoning issues in the Borough which have arisen during the past several years since the adoption of the 2008 Reexamination Report.

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1. Major Land Development Problems and Objectives

The major problems and objectives relating to land development in the Borough at the time of the adoption of the last reexamination report have not substantially changed. The following represents the objectives detailed in the 2008 Reexamination Report:

- Land Use
 - a. Provide adequate opportunity for non-residential development.
 - b. Pursue sources of funding for housing rehabilitation.
 - c. Evaluate the commercial services available to the residents of the Borough.
- Circulation
 - a. Review current policies with respect to construction on unimproved roads.
 - b. Adopt appropriate standards governing road construction.
 - c. Evaluate the road network with regard to needed improvements and pursue funding for that work.
- Public Utilities
 - a. Continue the effort to provide sanitary sewer facilities within the Borough.
 - b. Upgrade and extend the potable water system in the Borough and pursue funding in connection with that effort.
 - c. Encourage and devise a septic management program within the Borough.
- Recreation and Open Space
 - a. Require recreation areas and the retention of open space in new developments.
 - b. Pursue recreation funding.
 - c. Evaluate current recreation facilities.
 - d. Establish green belts and large tracts of open space.
- Environmental Protection
 - a. Adopt the use of constraint based zoning.
 - b. Determine if existing zoning is consistent with the existing character of the land.
 - c. Protect the natural features and resources of the community.

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2. Extent of Reduction/Increase in Problems & Objectives

The following summarizes the extent to which each of the problems and objectives listed in Section 1, have been reduced or have increased subsequent to the date of the last reexamination report:

- Land Use
 - a. Provide adequate opportunity for non-residential development.
 - b. Pursue sources of funding for housing rehabilitation.
 - c. Evaluate the commercial services available to the residents of the Borough.

The Borough has taken a proactive approach to increase the commercial development along River Styx Road through the development of a Sustainable Economic Development Plan for the River Styx Road Main Street commercial corridor. This is to address the commercial services available to residents, as well as providing new opportunities for non-residential development within the Borough. The Plan primarily targets specific "disturbed" areas for development through the implementation of a Form Based Code approach. The Form Based Code is also expanded to an underdeveloped parcel of land along Ithanell Road. The development of this property for residential use will further support the River Styx Main Street Complete Streets concept.

An affordable housing rehabilitation program is now in place that offers up to \$15,000 in a low interest deferred payment loan to qualified low and moderate income single family home owners for home renovations. The loans are intended to help low and moderate income families in the Borough bring their homes into compliance with building codes and rehabilitation standards.

The Borough wishes to allow mixed-uses in all commercial zones to further complement Complete Streets. The mixing of uses would complement the full utilization of the commercial properties. The commercial zones within the Borough are generally limited in size and surrounded by residential uses. The basin zoning regulations within each zone would remain in place. Parking requirements and other site improvements should be regulated through incorporation of New Jersey's Residential Site Improvement Standards (RSIS)

These are all ongoing issues that remain valid objectives for the Borough.

- Circulation
 - a. Review current policies with respect to construction on unimproved roads.
 - b. Adopt appropriate standards governing road construction.
 - c. Evaluate the road network with regard to needed improvements and pursue funding for that work.

The Borough has adopted a complete streets policy in 2012 to provide increased pedestrian access and bicycle lanes on Borough streets. The Borough is coordinating its complete

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streets policy with Sussex County since several major roadways in the Borough including River Styx Road are under County jurisdiction.

Although the Borough has standards governing road construction, the existing road network should be reviewed and funding for any improvements should be pursued.

- Public Utilities
 - a. Continue the effort to provide sanitary sewer facilities within the Borough.
 - b. Upgrade and extend the potable water system in the Borough and pursue funding in connection with that effort.
 - c. Encourage and devise a septic management program within the Borough.

Bond ordinances have been passed by the Borough Council in April of 2012 (Ordinance #2012-08), and April of 2013 (Ordinance #2013-08) to provide funding for water utility improvements in the Borough.

The Borough has recently updated its storm sewer ordinance (Ordinance #17-2011). The purpose of the ordinance is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal storm sewer system operated by the Borough.

Increasing the capacity and location of the sanitary sewer infrastructure remains a priority goal for the Borough to address failing septic systems and to promote economic development opportunities.

The Borough's current sewer allocation is limited and is not sufficient for the total build-out of the proposed River Styx Road Form Based Code Overlay Area. Sewer allocation is currently allocated to properties with existing sewer service and to vacant properties with existing municipal sewer infrastructure fronting the property.

To the extent sewer capacity is limited, the River Styx Road Form Based Code Overlay Area should be a priority.

These are ongoing issues that remain valid objectives for the Borough.

- Recreation and Open Space
 - a. Require recreation areas and the retention of open space in new developments.
 - b. Pursue recreation funding.
 - c. Evaluate current recreation facilities.
 - d. Establish green belts and large tracts of open space.

The Borough adopted an Open Space and Recreation Plan (OSRP) Element in May 2011 to address the issues listed above. The OSRP Element identifies potential sources of funding to implement recreation projects and pursues the development of a series of greenbelts connecting open space in the Borough to other trail and greenbelt systems in neighboring communities.

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The Borough has recently received \$1,148,750 in a grant from the County Open Space Trust Fund. These funds will be used to preserve open space and farmland within the Borough.

A proposed Tri-Community Trail among Byram, Stanhope, and Hopatcong is currently underway. This trail link will connect existing trails among the three municipalities, and provide further recreation opportunities for residents.

While these remain ongoing issues and valid objectives, the 2011 Open Space and Recreation Plan Element has addressed each of these issues.

- Environmental Protection

- a. Adopt the use of constraint based zoning.
- b. Determine if existing zoning is consistent with the existing character of the land.
- c. Protect the natural features and resources of the community.

The Borough Environmental Commission adopted a Highlands Environmental Resource Inventory (ERI) on April 24, 2013. The ERI identified all the natural and cultural resources within the Borough, and serves as the basis for establishing mechanisms to protect these resources.

The Borough is also currently undertaking an Intra-municipal Transfer of Development Rights (TDR) feasibility study which will assist with the implementation of open space and environmental protection goals.

These are ongoing issues that remain valid objectives for the Borough.

3. Significant Changes in Assumptions, Policies, Objectives

Since the reexamination of the Borough's Master Plan in 2008, there have been significant changes in the assumptions, policies, and objectives that must be addressed in the Borough's Master Plan. These include but are not limited to incorporating a variety of Highlands Resource protections and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the Borough.

- New Jersey Highlands
 - Portions of the Borough of Hopatcong fall within both the Preservation Area and the Planning Area of the Highlands. Approximately 1/3 of the Borough is within the Preservation Area (2,615 acres), and the rest of the Borough (5,333 acres) is within the less restrictive Planning Area. The Borough petitioned for Highlands Plan Conformance and the petition was approved by the Highlands Council on September 20, 2012 (Resolution 2012-22).
 - The Borough has also requested as a part of its Petition for Plan Conformance that portions of the Borough be designated as a Highlands center.
- Infrastructure
 - The Borough wishes to extend necessary water and sewer infrastructure into areas planned for infrastructure service.
- 2010 Census Data, and 2011 American Community Survey (ACS) data are now available which updates the 2000 Census data which were used to prepare the 2008 Reexamination Report. The following section outlines statistics and trends in the population, employment, and housing characteristics in the Borough of Hopatcong:

As of the 2010 Census, the population in Hopatcong was 15,147 persons, which represented a net decrease of 741 persons from the 2000 Census (15,888 persons). Approximately 9.6% of the Borough's population is school-aged children (ages 5 to 17). 9.8% of the Borough's population is age 65 and older. The largest age cohort is the 45 to 54 age range with less than a fifth (18.1%) of the Borough's population. However, the median age is 40.2 years old.

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2010 Population by Age		
Age Range	Number	Percentage
Age 0-4	875	5.8%
Age 5-9	852	5.6%
Age 10-14	990	6.5%
Age 15-19	1,037	6.8%
Age 20-24	825	5.4%
Age 25-34	1,825	12.0%
Age 35-44	2,413	15.9%
Age 45-54	2,747	18.1%
Age 55-64	2,094	13.8%
Age 65-74	997	6.6%
Age 75 and over	492	3.2%
Total	15147	100.0%

Hopatcong has 5,653 households with an average size of 2.68 persons per household. The 2010 Census data shows that a 2-person household is the most frequent household size, making up over a third (33.1% or 1,870 households) of all households in the Borough. The second highest household size is a 1-person house hold with 21.0% or 1,187 households.

72.7% or 4,112 households are family households in the Borough, meaning the household consists of a householder and one or more other people related to the households by birth, marriage, or adoption. The remaining 28.3% of all households or 1,541 are non-family households. 77.0% of the 1,187 non-family households live alone, leaving the remaining 23.0% or 354 households living with one or more persons of no relation. It should be noted that 31.9% or 1,804 family households have one or more children under the age of 18 living in the home. On the contrary, 68.1% or 3,849 family households have no children under the age of 18 living in the home. The average family size is 3.13 persons.

The remaining 28.3% (of all households) or 1,541 are non-family households. 77.0% or 1,187 non-family households live alone, leaving the remaining 23.0% or 354 households living with one or more persons of no relation.

2010 Households by Household Size		
Household	Number	Percentage
1-person	1,187	21.0%
2-person	1,870	33.1%
3-person	1,061	18.8%
4-person	937	16.6%
5-person	402	7.1%
6-person	144	2.5%
7 or more person	52	0.9%
Total	5653	100.0%

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The estimated 2011 average household income is \$97,631. The estimated 2011 median household income is \$89,032. However, the largest income range is the \$75,000 to \$99,999 bracket with 18.8% or 1,119 households. The smallest income range is the Less than \$15,000 bracket, which consists of only 2.8% or 167 households.

2007-2011 Estimated Household Income		
Income	Number	Percentage
Less than \$15,000	167	2.8%
\$15,000-\$24,999	304	5.1%
\$25,000-\$34,999	291	4.9%
\$35,000 - \$49,999	639	10.8%
\$50,000 - \$74,999	1,012	17.0%
\$75,000 - \$99,999	1,119	18.8%
\$100,000 - \$124,999	1,064	17.9%
\$125,000 - \$149,999	623	10.5%
\$150,000 - \$199,999	394	6.6%
\$200,000 or more	330	5.6%
Total	5,943	100.0%

Of the estimated population which are employed and over the age of 16, 78.8% work for for-profit private agencies. Only 12.0% of the population works for the government (which includes local, state and federal), and 3.6% are self-employed.

2007-2011 Estimated Civilian Population by Class of Worker		
Worker Type	Number	Percentage
For Profit Private	6,447	78.0%
Non- Profit Private	493	6.0%
Local Government	459	5.6%
State Government	265	3.2%
Federal Government	266	3.2%
Self-employed	294	3.6%
Unpaid Family	42	0.5%
Total	8,266	100.0%

The table below shows the occupation of the estimated civilian employed population over the age of 16 living within the Borough. The highest percentage of civilian workers is those whose occupation is in office/administration support, which represents 15.9% or 1,352 residents. The next is sales/related, representing 1,299 or 15.3% of the estimated employed civilians. Occupations in management constitute 757 or 8.9% of civilian workers.

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2007-2011 Estimated Resident Employment by Industry		
Occupation	Number	Percentage
Management	757	8.9%
Business & Financial Operations	465	5.5%
Computer and Mathematical	187	2.2%
Architecture/Engineering	248	2.9%
Life/Physical/Social Sciences	62	0.7%
Community/Social Services	111	1.3%
Legal Occupations	102	1.2%
Education/Training/Library	414	4.9%
Arts/Entertain./Media	215	2.5%
Health Practitioners/Tech	401	4.7%
Healthcare Support	77	0.9%
Protective Service	312	3.7%
Food Prep/Serving	385	4.5%
Building/Grounds Maintenance	220	2.6%
Personal Care/Service	207	2.4%
Sales/Related	1,299	15.3%
Office/Admin. Support	1,352	15.9%
Farming, fishing, forestry	2	0.0%
Construction/Extraction	448	5.3%
Installation/Maintenance/Repair	302	3.6%
Production	366	4.3%
Transportation	465	5.5%
Material Moving	105	1.2%
Total	8,502	100.0%

The table below gives an estimate number of employees who live within the Borough. The educational services, health care and social services make up the highest percentage, 17.5% or 1,489 employees. Retail trade makes up 14.9% or 1,238 employees, and the third highest percentage of employees by sector is professional, scientific, and management; administration and waste management services which compile 14.5% or 1,235 employees. There is very little agriculture done in the Borough; an estimated 2 employees are in that sector.

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2007-2011 Estimated Number of Employees by Sector		
Sector	Number	Percentage
Agriculture	2	0.0%
Mining	22	0.3%
Construction	536	6.3%
Manufacturing	785	9.2%
Transportation & Warehouse; Public Utilities	575	6.8%
Information	258	3.0%
Wholesale Trade	244	2.9%
Retail Trade	1,238	14.6%
Finance and Insurance; Real Estate	864	10.2%
Professional, Scientific, and Management; Administration and Waste Management Services	1,235	14.5%
Educational Services; Health Care and Social Assistance	1,489	17.5%
Arts, Entertainment and Recreation; Accommodation and Food Services	529	6.2%
Public Administration	347	4.1%
Other Services	378	4.4%
Total	8502	100.0%

According to the 2010 Census, there were a total of 6,296 housing units in the Borough. 5,653 or 89.8% of the housing units are occupied and the remaining 643 or 10.2% are vacant. Of the 5,653 occupied housing units, 88.9% were owner occupied and 11.1% were renter occupied.

Nearly all the housing units in the Borough are single unit detached, according to the 2007-2011 5 year Estimates provided by the American Community Survey. This category makes up 96.5% or 6,388 housing units. Two unit housing units consist of 95 or 1.4% of the entirety. The table below also shows there are very few multi-family units/apartments within the Borough.

2007-2011 Estimated Housing Units by Type		
Unit Type	Number	Percentage
1 Unit Attached	49	0.7%
1 Unit Detached	6,388	96.5%
2 Units	95	1.4%
3 or 4 Units	20	0.3%
5 to 9 Units	13	0.2%
10 to 19 Units	56	0.8%
20 or more Units	0	0.0%
Mobile Home or Trailer	0	0.0%
Boat, RV, Van, etc	0	0.0%
Total	6,621	100.0%

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- Housing Plan
 - The Borough has not adopted a Third Round Housing Element and Fair Share Plan nor submitted a petition for substantive certification to COAH. The invalidation of COAH's "growth share" methodology has left the Borough in a position of not being able to determine its affordable housing obligation. The Borough is waiting until issues related to the methodology and municipal obligations are finalized before proceeding with an updated Housing Element and Fair Share Plan.
 - The Borough however, has entered into an agreement to transfer property at 58 Broadway to Habitat for Humanity of Sussex County, who will then transfer the property as one affordable unit to a qualified low or moderate income family.
- Environmental Resource Inventory
 - The Borough's Environmental Commission adopted an Environmental Resource Inventory (ERI) on April 24, 2013. The ERI identified all the natural and cultural resources within the Borough, and serves as the basis for establishing mechanisms to protect these resources.
- Flood Plains
 - The Federal Emergency Management Agency (FEMA) has recently updated its National Flood Insurance Rate Maps. As a result of this, the Borough has updated its Flood Insurance Management Ordinance (Chapter 124) by adopting ordinance #2011-15, and further amending that through Ordinance #2011-22. The revised flood plain ordinance provides greater restrictions on uses within flood hazard areas as described by the new FEMA maps.

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4. Specific Recommended Changes to the Master Plan

The Land Use Board recommends that specific changes to the Borough of Hopatcong Master Plan be adopted.

The following goals and objectives outlined in the 2008 Reexamination Report have now been revised to reflect current planning policy of the Borough:

- Land Use
 - a. Provide adequate opportunity for non-residential development.
 - b. Pursue sources of funding for housing rehabilitation.
 - c. Evaluate the commercial services available to the residents of the Borough.
 - d. Promote sustainable development practices through mixed-use development in designated areas.
- Circulation
 - a. Evaluate the road network with regard to needed improvements and pursue funding for that work.
 - b. Implement a Complete Streets policy when redesigning public rights of way and coordinate with the County to implement a Complete Streets policy on relevant County roadways in the Borough such as River Styx Road.
 - c. Improve Durban Road and the adjacent unimproved ROW to provide public parking for the River Styx Road development area.
- Public Utilities
 - a. Continue the effort to provide sanitary sewer facilities within the Borough.
 - b. Upgrade and extend the potable water system in the Borough and pursue funding in connection with that effort.
 - c. Encourage and devise a septic management program within the Borough.
 - d. Coordinate public sewer and water where necessary with the River Styx Road Form Based Code.
- Recreation and Open Space
 - a. Require recreation areas and the retention of open space in new developments.
 - b. Pursue recreation funding.
 - c. Evaluate current recreation facilities.
 - d. Establish green belts and large tracts of open space.
 - e. Create a public access walkway on Lake Hopatcong.
- Environmental Protection
 - a. Determine if existing zoning is consistent with the existing character of the land.
 - b. Protect the natural features and resources of the community.

The following recommendations are also proposed. In order to implement these recommendations, changes may be required to the Master Plan:

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- The Borough's Master Plan should recognize the recent efforts of the Borough to create a "Main Street" on River Styx Road through the Sustainable Economic Development Plan which is currently being developed. This Plan once finalized, should be adopted as an addendum to the Borough's Master Plan. The general purposes of the Sustainable Economic Development Plan includes provisions for greater opportunities for mixed use development while promoting sustainable practices such as walking and bicycling within the community.

5. Specific Recommended Changes to Development Regulations

It is recommended that the first phase of creating a “Main Street” along River Styx Road should be implementing revisions to the Borough Zoning Ordinance and other relevant ordinances. The subject area is generally defined by the intersection of River Styx Road and Lakeside Boulevard to the River Styx Road and Ithanell Road intersection. The specific limits of the area are outlined in the Form Based Code provided in Appendix A of this Report. The ordinance revisions should permit mixed use development as an overlay to the existing B-1 zone through a Form Based Code approach. Subsequent to implementing ordinance revisions addressing the River Styx Road corridor, the Borough should establish the final boundaries of the “Highlands Center.” This is consistent with the proposed Highlands Center designation as discussed in the 2012 Final Consistency Review and Recommendations Report, Petition for Plan Conformance.

Several other zoning revisions are proposed. It is recommended that Block 10701, Lots 2, 3, 6, 8, and Block 10601 Lots 14, 15, and 18 be considered for rezoning to all commercial. In addition, the Borough has a defined commercial corridor along Lakeside Boulevard and Brooklyn Stanhope Road. To complete the business district, Block 10601, Lot 6 should be also be zoned commercial (B-2). Currently, these lots are split zoned residential and commercial and/or all residential. It is also recommended that the B-1 zone be amended to include preexisting single family homes as permitted uses subject to compliance with the R-1 zone standards.

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6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Land Use Board makes no findings or recommendations regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.).