

1 **SECTION III**

2  
3 **LAND USE PLAN ELEMENT**  
4

5 **OVERALL POLICY STATEMENT**  
6

7 This Land Use Plan is the broad backbone of this Master Plan, and constitutes the key Element to  
8 guide the future development of Livingston. It is intended that any amendments to the Land Use  
9 Ordinance and zoning regulations will be based upon it. The basic development patterns of the  
10 Township have been established under the earlier Plans. This Master Plan is designed to ensure  
11 maintenance and stability of the positive features of Livingston’s development as a primarily  
12 single-family residential community, while also identifying and addressing changes necessary to  
13 meet current and anticipated needs and to encourage and promote balanced and desirable  
14 development and revitalization.  
15

16 **INTRODUCTION**  
17

18 The Township of Livingston is an inclusive suburban community of growingly diverse ethnic,  
19 socio-economic, religious, philosophical and political elements located in western Essex County  
20 as shown on the State Context Map (Map A). It is at the western extreme of the County and  
21 borders on Morris County with its adjacent communities of the Township of East Hanover and  
22 the Borough of Florham Park. Adjacent Essex County communities are the Borough of  
23 Roseland, the Township of West Orange, and the Township of Millburn; as shown on the  
24 Existing Land Use Map (Map B). The City of Newark is the only Essex County municipality  
25 with an area larger than that of Livingston.  
26

27 In 1669 a tract of land, which came to be called “Horseneck” and is now most of the western  
28 region of Essex County, was purchased from the Lenni Lenape Tribe of Native Americans.  
29 Development of farms accelerated in the early 1700’s. Settlers traveled west from Newark along  
30 the Colonial Road (now Route 10) and the Minnisink Path (now Northfield Road). Small hamlets  
31 sprang up throughout the Horseneck Tract. In 1812 the residents of seven hamlets petitioned the  
32 State Legislature to form a consolidated township. Livingston Township, named after former  
33 New Jersey governor William Livingston, was formally chartered in 1813. It has developed  
34 from those cross-road settlements to a primarily residential community of approximately 14  
35 square miles with limited light industry, business and office properties.  
36

37 With the exception of areas along the westerly border of the Township and in its southwesterly  
38 corner, which are each designated by the State as an Environmentally Sensitive Planning Area  
39 (PA5), the Township has been designated in the New Jersey State Development and  
40 Redevelopment Plan as a Metropolitan Planning Area (PA1).  
41

42 Communities in the Metropolitan Planning Area often have strong ties to, or are influenced by,  
43 major metropolitan centers. The New York City/City of Newark/Jersey City metropolitan region

1 largely influences the Township. Most PA1 communities are fully developed, or almost fully  
2 developed, with little land available for new development. That is clearly the development status  
3 of the Township.

4 A Metropolitan Planning Area is delineated by the following criteria:

- 5
- 6     ▪ Density of more than 1,000 people per square mile.
- 7     ▪ Existing public water and sewer systems, or physical accessibility to those systems, and  
8     access to public transit systems.
- 9     ▪ Land area greater than one square mile.
- 10    ▪ A population of not less than 25,000 people.
- 11    ▪ Areas that are totally surrounded by land areas that meet the criteria of a Metropolitan  
12    Planning Area, are geographically interrelated with the Metropolitan Planning Area, and  
13    meet the intent of this Planning Area.
- 14

15 The State Plan's intention in the Metropolitan Planning Area is to:

- 16
- 17     ▪ Provide for much of the State's future development;
- 18     ▪ Revitalize cities and towns;
- 19     ▪ Promote growth in compact forms;
- 20     ▪ Stabilize older suburbs;
- 21     ▪ Redesign areas of sprawl; and
- 22     ▪ Protect the character of existing stable communities.
- 23

24 The State Plan defines an Environmentally Sensitive Planning Area (PA5) as large contiguous  
25 land with valuable ecosystems, geological features and wildlife habitats. This includes  
26 watersheds of existing or planned potable water supply sources. A drinking water supply  
27 reservoir and a water reserve are located within the Township within the PA5 area.

28

29 State Route 10 traverses the Township in an east-west direction, and the east-west Interstate  
30 Highway 280 runs along, or slightly within, the northern boundary of Livingston.

31

32 The community is, essentially, fully developed, with minimal developable land remaining.

33

34 The Township had a Year 2000 Census population of 27,391 residents. Population has been  
35 relatively steady in the most recent decades:

36		
37	1950	9,932
38	1960	23,124
39	1970	30,127
40	1980	28,040
41	1990	26,609
42	2000	27,391.
43		

44 The Master Plan adopted in 1960 projected a 1980 population of 32,500 living in 8,550 family  
45 units, and estimated that the Township had a potential population of 47,000 in 10,057  
46 households.

47

1 Census data is of great importance in preparing a Master Plan for a community, such as  
2 Livingston, which is largely developed. The very nature of the existing population may be a  
3 predictor of change to come.  
4

5 When the 2000 census was taken, Livingston's 27,391 residents were living in 9,457 housing  
6 units, of which 8,924 (94.4%) were single-family detached houses. 25.9 percent of the  
7 population was 55 years of age or older. (About 60.0% of those residents were 65 or older.)  
8 23.6 percent of homeowners, occupying 2,198 of the housing units, had been in their homes for  
9 30 years or longer.  
10

11 The U.S. Census Bureau estimates that, as of July 1, 2007, the Township population had  
12 increased to 28,413. This Master Plan utilizes a higher estimate of 29,382 as of January 1, 2007.  
13 That estimate was derived by taking the Year 2000 number of 9,597 housing units, adding the  
14 residential certificates of occupancy issued from then through December 31, 2006, and  
15 multiplying the resultant 10,028 units by the average occupancy of 2.93 persons.  
16

17 When considering already approved development site plans for approximately 200 additional  
18 units for which construction has not yet been completed and certificates of occupancy have not  
19 yet been issued, it is clear that the potential for 10,057 households projected in the 1960 Master  
20 Plan will be exceeded and that population will grow by about 586. The residential build-out  
21 analysis at page 27 shows a potential additional population increase by Year 2014 ranging from  
22 510 to 2,154 (depending upon the types of housing built). The potential population by 2014 is in  
23 a range of from 30,478 to 31,982. (The projection in the 1960 Master Plan was 32,000 by 1980.  
24 In the 1977 Plan it was 34,548 to 35,706 after 1990.)  
25

26 The 2000 Census showed that there were 4,221 residents (15.4% of total population) 65 years of  
27 age or older. That suggests both that there are significant numbers of present and potential  
28 "empty nesters" in the Township, and that there is a potential for 1,000 or more existing  
29 residential units to be sold to new owners as "empty nesters" relocate. Such sales will produce  
30 two results: (1) new arrivals in town who will add to school population; and (2) present older  
31 residents who may prefer a different type of housing within the Township rather than leaving  
32 Livingston to find housing to support a new lifestyle. Both have implications for residential,  
33 educational and other community facilities planning.  
34

35 In addition to its residential neighborhoods, the Township has active central and general business  
36 districts. It also has office, light industrial, research, and regional retail development located  
37 primarily along State Route 10 and Eisenhower Parkway in the western and northwestern  
38 portions of the Township. Residential development consists of varying densities and sizes of

1 single-family homes, plus limited quantities of recently constructed or planned senior citizen and  
2 adult apartment housing and higher density townhouse condominium development.

3  
4 The development that has taken place since 1992 has been consistent with the Master Plan that  
5 this Master Plan replaces. The community remains primarily single-family residential in  
6 character.

7  
8 The major issues addressed in this Land Use Element are:

9  
10 **Residential**

- 11  
12
- 13  Maintaining the essentially single-family residential character of the Township.
  - 14
  - 15  Encouraging appropriate levels and variety of other types of housing that will meet  
16 identified or anticipated needs; including the needs of “empty nesters” and older  
17 residents.
  - 18
  - 19  Recognizing and meeting the Township’s affordable housing obligation. (Details will  
20 be found in Section IV - Housing Plan & Fair Share Element.)
  - 21
  - 22  Promoting cluster development to minimize negative impacts upon open space and  
23 environmentally sensitive sites subject to development.
  - 24

25  
26 **Commercial**

- 27
- 28  Promoting the viability of the Central and General Business Districts as “downtown”  
29 destinations.
  - 30
  - 31  Protecting the community from over-commercialization.
  - 32

33  
34 **Industrial**

- 35
- 36  Providing opportunities for attractive and community-enhancing alternative uses for  
37 properties in industrial areas.
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39  
40  
41 **EXISTING LAND USE**

42  
43  
44 The Existing Land Use Map (Map B) illustrates the current land use pattern. Table III-1 shows  
45 land use by categories.

46  
47 The primary use is for single-family residences. Prior to World War II, the community was  
48 more pastoral in nature and Livingston’s population was under 6,000. By 1950, the population

1 was just under 10,000. During the 1950's there was a spurt of growth, with the result that the  
2 1960 census showed a population of 23,124. By 1970, that had risen to 30,127. The 1980  
3 census showed a drop to 28,040. In 1990 the population was 26,609. By 2000, it had increased  
4 to 27,391, but was still considerably below the population in the 1970's and 1980's.

5  
6 The community has business district commercial corridors along its major roads, as well as some  
7 pockets of small retail uses surrounded by established residential neighborhoods. Its major retail  
8 and service areas are Northfield Center (around the intersection of Northfield Road and  
9 Livingston Avenue), and Livingston Center (around the intersection of Livingston Avenue and  
10 Mt. Pleasant Avenue (Route 10)). A portion of the Livingston Center area has been undergoing  
11 redevelopment after being rezoned to provide a mix of business and residential uses in a  
12 pedestrian-friendly environment. Along the western limits of the Township are a regional mall,  
13 commercial and educational facilities, a light industrial base and a few shopping centers.  
14 The Township is 8,960 acres in size.

15  
16 Single-family residences occupy, or have been approved for, 3,832.13 acres, or 42.77 per cent of  
17 the Township's land area. Two townhouse developments (Regency and Fairways) have been  
18 constructed, a third is under construction as part of the Livingston Town Center Redevelopment,  
19 and a fourth (Cedar Gate), is also under construction.

20  
21 Senior and adult apartments also have been constructed or authorized:

22  
23 "Cedar Street Commons" was the Township's first housing community generally  
24 restricted to residents 62 years of age or older and capable of independent living. It was  
25 constructed in implementation of a recommendation contained in the 1985 Master Plan.  
26 It is in the R-6 Senior Citizen Housing District established for that purpose, and consists  
27 of 168 apartments in three (3) multi-story buildings, plus twelve apartments in cottage-  
28 style buildings.

29  
30 "The Pointe" is nearing completion. It will have 200 condominium flats, in four (4)  
31 buildings, with occupancy of at least 80% of the units restricted to residents at least 55  
32 years of age. It is in the AH Adult Housing District.

33  
34 "The Enclave" is a market-rate, 3-building, similarly age restricted, complex with 146  
35 rental apartments, built pursuant to a use variance.

36  
37 "Short Hills West" will be a market-rate 60-unit independent senior living condominium  
38 flat development on East Cedar Street, south of East Northfield Road.

39  
40 After the various residential uses, the next largest land use category is a Water Resource  
41 Conservation District consisting of 1,450 acres, or 16 per cent of the Township's land area, and  
42 owned by the City of East Orange Water Commission. It is part of a reserve (including lands in  
43 Millburn Township) that serves as a regional water supply source for East Orange. Although  
44 water utility and unimproved recreational uses are permitted in this district, residential and  
45 commercial uses are prohibited. No recreational uses currently exist there.

46  
47 The third largest category of land use is public and quasi-public (semi-public) facilities. Such  
48 uses occupying some 1,374 acres or 15% of the Township's area. This includes Township

1 offices, parks and other facilities, public schools, private schools, houses of worship, hospitals  
 2 and County parks.

3  
 4 Commercial uses, including industrial, retail and office buildings, occupy 531.02 acres, or 5.93%  
 5 of the land.

6  
 7 In 1985, 909.84 acres of vacant land were identified in the Master Plan. Of those, only 83.68  
 8 acres (0.93% of total land area) remain vacant. Development of vacant land, and redevelopment  
 9 of land that was used for commercial or industrial purposes in 1985, has resulted in an 18.6%  
 10 increase in residential use of land, a 10% decrease in commercial land use, and a 40% decrease  
 11 in industrial land use. 92 acres within the Township became part of the County park system.

12  
 13  
 14 Table III-1  
 15 EXISTING LAND USE INVENTORY  
 16

USE	ACRES	PERCENT of TOTAL
RESIDENTIAL	<b>3841.33</b>	<b>42.87%</b>
COMMERCIAL	<b>458.39</b>	<b>5.12%</b>
INDUSTRIAL	<b>72.63</b>	<b>0.81%</b>
PUBLIC	<b>1183.94</b>	<b>13.21%</b>
Township	495.32	5.53%
County	523.84	5.85%
State	4.21	0.05%
Post Office	2.22	0.02%
Board of Education	158.35	1.77%
SEMI-PUBLIC	<b>2327.51</b>	<b>25.98%</b>
Hospital	65.06	0.73%
NJ-American Water Company	229.57	2.56%
East Orange Water Reserve	1464.68	16.35%
Other Utilities	118.24	1.32%
Other Semi-Public	449.96	5.02%
FARMLAND	<b>6.87</b>	<b>0.08%</b>
VACANT	<b>107.72</b>	<b>1.20%</b>
VACANT WITH APPROVALS	<b>145.92</b>	<b>1.63%</b>
	<b>8144.31 *</b>	<b>90.9% *</b>

17  
 18 \* Highways and streets not included.  
 19  
 20  
 21

22 **BUILD-OUT ANALYSIS**

23  
 24 The potential further development of undeveloped land, and developed land having a potential  
 25 for further development, is represented by those projects already approved but not yet built plus  
 26 that vacant land for which no development approval has yet been obtained. (Possible  
 27 redevelopment or replacement of presently fully developed properties does not enter into this

1 Build-Out Analysis.) In preparing the analysis, lands subject to environmental constraints,  
2 which indisputably would preclude development, were not included.

3  
4 The Build-Out Analysis permits projection of theoretical further growth and attendant effects  
5 upon utilities, services, etc. The Build-Out Analysis is presented at page 27 of this Land Use  
6 Plan Element.

7  
8 Recommendations with respect to land use are reflected in the Land Use Plan Map (Map C).  
9 This Land Use Plan and the Land Use Plan Map taken together constitute the Land Use Plan  
10 Element. It is Livingston's general guide for developing detailed land use proposals, ordinances  
11 and regulations. There currently are 23 land use classifications, or zoning districts, which  
12 establish type, location, extent and intensity of land development. This Land Use Plan Element  
13 recommends establishing eight (8) additional land use classifications, for a total of 31.

14  
15 There have been instances of decades of change in a residential neighborhood with the result that  
16 the current zoning for that neighborhood is more restrictive than the standards actually applied.  
17 Variances approved at the times of specific site plan approvals, or by Zoning Board of  
18 Adjustment over time, caused such changes. In such cases, re-zoning to conform to reality may  
19 be appropriate and, if so, is addressed in this Land Use Plan Element.

## 20 21 22 **General Descriptions of Districts and Recommendations for Change.**

### 23 24 **WRC Water Resource Conservation District**

25 This District encompasses all of the East Orange Water Reserve that is within the Township. It was  
26 established to restrict development of environmentally sensitive lands and lands vital to the preservation  
27 of regional water supplies. (The Water Reserve had previously been in an R-1 Residence District.)  
28 Permitted uses in the WRC District are water utility facilities and such park and outdoor recreational uses  
29 as involve essentially unimproved land and are incidental to the natural openness of the land.

30 **Recommendation:** This zoning should be also applied to the 229.53-acre New  
31 Jersey American Water Company reservoir property now  
32 in the R-1 Residence District.

### 33 34 **R-1 Residence District.**

35  
36 This district is designed for single-family detached homes on lots not smaller than 35,250 square  
37 feet. However, non-residential properties in the Township that are zoned R-1 include New Jersey  
38 American Water Company property, the Cedar Hills Golf & Country Club property, and the St.  
39 Barnabas Medical Center complex on Old Short Hills Road. In the easterly portion of the  
40 Township adjacent to the Township of West Orange, properties zoned R-1 have been developed,  
41 or have been the subject of development approvals, with most residences built there of sizes and  
42 setbacks consistent with the lower R-2 District requirements. That departure from the norm is  
43 due to development with open-space or residential cluster options being approved. These  
44 properties are in the neighborhoods known as "Laurel Hills", "BelAir" and "BelAir Woods".  
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**Recommendation:** The 229.53-acre New Jersey American Water Company reservoir site should be rezoned from R-1 Residence to WRC Water Resource Conservation District.

**Recommendation:** Publicly-owned open-space within the R-1 District should be rezoned to a new land use classification: OSGU- Open Space Governmental Use.

**Recommendation:** Three neighborhoods in the R-1 District and east of Laurel Avenue and Shrewsbury Drive (The first known as Laurel Hills, the second as BelAir, and the third as BelAir Woods) should be rezoned from R-1 to R-2. Where the open space zoning or cluster options were utilized in those neighborhoods, lands that constitute open space under management by an open space organization approved by the Township Council should be separately rezoned to a new land use classification: OS-P Open Space Preservation in order to preserve their open space status.

**Recommendation:** The Chestnut Hill neighborhood also should be rezoned from R-1 to R-2 to reflect the reality of the construction that has taken place in it.

**Recommendation:** The Cedar Hill Golf & Country Club site consists of 146.58 acres, of which approximately 42 acres (30%) lie within the Flood Hazard Area of the Passaic River. The site should be rezoned from R-1 to a new land use classification: OSGC - Open Space Golf Course, with permitted alternative use as an Inclusionary Planned Residential Development offering a mix of densities, housing types, and lot sizes, with preserved open space. Not less than 25% of the housing units should be affordable units on-site.

All wetlands and flood hazard areas within the site should be preserved as open space and not be considered developable land in determining permitted density. If the Inclusionary Planned Residential Development alternative is implemented, not less than 50 % of the total present acreage of the golf & country club (excluding wetlands and flood hazard area) should be preserved as open space which, together with the wetlands and flood hazard area, shall, with Township approval, be deeded to the Township or to an approved open space organization and then further rezoned to the OS-GU or OS-P District as appropriate.

**Recommendation:** The residential properties in the R-1 Residence District that are south of South Orange Avenue and are along Passaic Avenue or on streets connecting with Passaic Avenue should be rezoned from R-1 to R-3.



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2           **Recommendation:** Rezone the St. Barnabas Medical Center complex on Old Short  
3 Hills Road from R-1 to a new “H Hospital/Healthcare District” as  
4 described on page III-19.  
5

6  
7 **R-2 Residence District.**  
8

9 This district is designed for single-family detached homes on lots not smaller than 25,000 square  
10 feet. As indicated above, there are neighborhoods currently zoned R-1 that are proposed to be  
11 rezoned as R-2.  
12

13 On the southerly side of Route 10, west of Walnut Street and east of the B-2 District, there are  
14 properties in a portion of the R-2 District with single-family homes that front on the heavily  
15 traveled east-bound Route 10, where a recently constructed deceleration lane brings traffic closer  
16 to them. By virtue of location and the increased commercialization of the nearby properties these  
17 lots should be rezoned to permit executive, administrative and professional buildings, or  
18 affordable housing, of appropriate scale. Further to the south of Route 10, a portion of the R-2  
19 District is bounded by the present PB-1 District that is on the westerly side of Eisenhower  
20 Parkway, by Walnut Street, by Old Road and by Eisenhower Parkway at its intersection with  
21 Walnut Street. The area includes public utility rights-of-way, wetlands, some homes built on lots  
22 and with setbacks that litigation permitted to be less than required by R-2 district requirements,  
23 as well as undeveloped lands zoned R-2.  
24

25           **Recommendation:** The properties on the southerly side of Route 10 between  
26 Walnut Street and the present retail stores on Lot 16 in  
27 Block 6001 should be allowed alternative uses by remaining R-2,  
28 but with overlay zoning to permit construction of affordable  
29 housing or executive, administrative or professional office  
30 buildings on lots with a minimum area of 45,000 square feet, with  
31 appropriate protection against isolation of single lots.  
32

33           **Recommendation:** A comprehensive analysis of the best permitted uses of Lots 35, 37  
34 & 42 in Block 5900 should be conducted. These properties total  
35 19.95 acres. Lot 42’s approximately 9.7 acres are classified as  
36 wetlands and, although presently zoned P-B1, are undevelopable  
37 for such use because of the wetlands. Lots 35 and 37 are presently  
38 zoned R-2.  
39

40           The lot zoned P-B1 should be evaluated for rezoning to a new  
41 Open Space district for preservation and passive recreation or  
42 nature education.  
43

44           The two lots zoned R-2 should be evaluated for (i) retention of that  
45 zoning, or (ii) for designation and acquisition for public use, or (iii)  
46 for rezoning as an Inclusionary Planned Residential Development  
47 offering a mix of housing types and lot sizes with preserved open  
48 space and with not less than 25% of the housing units meeting low

1 and middle income affordable housing standards. Not less than  
2 20% of the present R-2 acreage (excluding wetlands and flood  
3 hazard areas) should be preserved and zoned as open space in any  
4 residential development and should not be considered developable  
5 land in determining permitted density. If the P-B1 properties are  
6 not rezoned as open space, they should not be considered in  
7 determining permitted density for any residential development.  
8

9 **Recommendation:** Open space and cluster options similar to those available in  
10 the R-1 district should be made available in the R-2 District.  
11

12 **Recommendation:** Publicly-owned open space within the R-2 District should  
13 be re-designated as OSGU- Open Space Governmental Use.  
14

### 15 **R-3 Residence District**

16  
17 This district is designed for single-family detached houses with a minimum lot size of 15,000  
18 square feet. Three areas of the Township are zoned R-3. The smallest consists of a number of  
19 the lots on the westerly side of Old Short Hills Road from a point south of the B-1 District, at the  
20 intersection of that road and East Northfield Road, to the northerly boundary of the St. Barnabas  
21 Hospital property just south of the intersection of Old Short Hills Road and East Cedar Street.  
22 Some lots in this area are developed non-conforming uses. Other lots in the area are no longer  
23 R-3, because rezoned R-5C as part of settlement of Mt. Laurel litigation.  
24

25 The next largest area zoned R-3 is in the central portion of the Township. It has an irregular  
26 hour-glass shape, with Hillside Avenue approximating the easterly boundary of the upper half  
27 and the westerly boundary of the lower half.  
28

29 The third, and largest, area zoned R-3 is in the eastern portion of the Township. It runs north  
30 from the southerly side of East Northfield Road northward to a point south of Scarsdale Drive.  
31 There are considerable variations in front yard and side yard setbacks in the R-3 district because  
32 the smaller size of the lots has resulted in the grant of numerous variances from setback  
33 requirements. These variances have a degree of consistency to them that have modified the  
34 neighborhood appearance.  
35

36 **Recommendation:** Those properties in this area that have non-conforming uses, or  
37 should be developed differently than now permitted, should be  
38 considered for rezoning to reflect their current uses or their most  
39 likely future uses.  
40

41 **Recommendation:** The district setback requirements should be adjusted to  
42 better reflect existing conditions in the neighborhoods and  
43 thus reduce the need for variances.  
44

45 **Recommendation:** Wherever the predominance of lots in a neighborhood is  
46 below the minimum lot size for the R-3 District, consideration  
47 should be given to rezoning.  
48

1  
2 **R-4 Residence District.**  
3

4 This district is designed for single-family houses on lots with a minimum area of 9,375 square  
5 feet. There are five separate areas zoned R-4. They are the oldest residential districts in the  
6 Township. The smallest is adjacent to the eastern border, and is on Herbert Terrace, north of the  
7 intersection of Old Short Hills Road and East Northfield Road.  
8

9 The next area is north of East Hobart Gap Road and has Burnet Street as its north-south axis. The  
10 third is centered upon Beaufort Avenue in the northwest quadrant of the Township. The fourth  
11 centers on North Livingston Avenue. The fifth, and largest, area fills most of the central triangle  
12 formed by South Livingston Avenue, West Mt. Pleasant Avenue and West Northfield Road.  
13

14 As in the R-3 District, the small lots have led to frequent variance grants from the Zoning Board  
15 of Adjustment. These variances have a degree of consistency to them which have modified the  
16 neighborhood appearance.  
17

18 **Recommendation:** As in the R-3 District, the R-4 District setback requirements  
19 should be adjusted to better reflect existing conditions in the  
20 neighborhoods, so as to reduce the need for variances, and  
21 consideration should be given to rezoning.  
22

23 There is a group of seven (7) lots in the R-4 District centered on Beaufort Avenue that lie  
24 between the P-B2 District and Eisenhower Parkway north of the Route 10 traffic circle (Block  
25 600, Lots 2 through 8) This segment of the R-4 District has restricted vehicular access. Its  
26 qualities as a residential area are negatively impacted by its proximity to the B-1, P-B2 and D-S2  
27 Districts, as well as by the high traffic volumes of Eisenhower Parkway and the Traffic Circle.  
28 Nevertheless, merger of the lots to permit larger homes might be attractive to a developer; but it  
29 would be inconsistent with the way in which other properties near the Traffic Circle have  
30 developed. Development of the properties as a strip mall would be undesirable from a planning  
31 perspective. The site could be developed as affordable housing. Alternatively, office use would  
32 be compatible with permitted uses in the adjacent P-B2 District and would result in traffic flows  
33 preferable to traffic flows associated with retail locations. Similar considerations apply to Block  
34 6001, Lots 15 through 24 on the eastbound side of Route 10 west of Walnut Street.  
35  
36

37 **Recommendation:** Block 600, Lots 2 through 8, and Block 6001, Lots 15 through 24  
38 should be rezoned to retain the R-4 zoning but provide an overlay  
39 district to permit, on lots of not less than 45,000 square feet and  
40 with a single vehicle access at the street frontage, (1) affordable  
41 housing or (2) P-B District office building construction.  
42 Appropriate protections against isolating single lots should be  
43 included.  
44

45 In Block 107, Lots 14 and 15 either contain, or have received variances permitting, construction  
46 of professional office buildings in the R-4 District and fronting on the northbound side of  
47 Eisenhower Parkway.  
48

1 On the southbound side of Eisenhower Parkway, in Block 100, Lots 44 - 48, there are an office  
2 building for executive, administrative or professional offices, a self- storage facility, a Knights of  
3 Columbus building and picnic grove as non-conforming uses, and some Essex County property.  
4 All of the foregoing are uses permitted in the CI Commercial Industrial District.

5  
6 **Recommendation:** Block 107, Lots 14 and 15, and Block 100, Lots 44 through 48,  
7 should be rezoned to the CI Commercial Industrial District.  
8  
9

## 10 **R-5 Districts.**

11  
12 There are five (5) separate areas zoned in the R-5 District. All were established to implement  
13 provisions of the Housing Element and Fair Share Plan for the Township and court-approved Mt.  
14 Laurel Development Agreements.  
15

### 16 **R-5A Residence District.**

17  
18 This district is located between the property of the Cedar Hill Golf & Country Club and  
19 Route 10. It is zoned for both market-rate townhouses and affordable rental units. A  
20 complex called The Fairways has been constructed as a gated community of 174 luxury  
21 townhouses. The district also contains 32 affordable rental units.  
22

### 23 **R-5B Residence District.**

24  
25 This district is located southwest of the intersection of South Orange Avenue and Passaic  
26 Avenue. It is zoned for a gated community of market-rate townhouses and multifamily  
27 buildings; all of which are condominiums. A 265-unit complex called “Regency Club”  
28 has been constructed.  
29

### 30 **R-5C Residence District**

31  
32 This district is located on portions of the easterly and westerly sides of East Cedar Street,  
33 between E. Northfield Road and Old Short Hills Road. On the easterly side it is zoned  
34 for townhouses and multi-family units with nine (9) affordable housing units on site or  
35 funded under a Regional Contribution Agreement. Alternative permitted uses are those  
36 in the B District (subject to specific limitations) or churches or houses of worship; all  
37 subject to the regional contribution agreement. On the westerly side it is zoned for  
38 townhouses and multi-family units with two (2) affordable housing units on site or  
39 funded. There are B District and church and house of worship alternatives (subject to  
40 specific limitations.) A single applicant has obtained Planning Board approval for  
41 construction of a total of 52 market-rate condominium townhouses on the two locations  
42 with a Regional Contribution Agreement for the affordable units.  
43

### 44 **R-5D Residence District.**

45  
46 This district is on the westerly side of East Cedar Street south of the R-5C District. It is  
47 zoned for two uses. The first is a single-building, for use as an independent senior  
48 housing facility not to exceed 60 units, with an affordable housing obligation for 11 units

1 by RCA. The second is a professional building not to exceed 50,000 square feet of gross  
2 floor area.

3  
4 **R-5E Residence District.**  
5

6 This district is on the northerly side of West Northfield Road, west of Hillside Avenue. It  
7 is a former quarry which has been designated for uses permitted in the R-4 Residence  
8 District, excluding conditional uses and home office uses, and with a requirement of  
9 funding of low and moderate income affordable housing under a Regional Contribution  
10 Agreement. Construction is underway.  
11

12  
13 **R-6 Senior Citizen Housing District.**  
14

15 This district was established under the 1985 Master Plan and is designated for, and limited to,  
16 housing for seniors capable of independent living. The development in this district, known as  
17 Cedar Commons and completed in 1996, is located on the southerly side of East Cedar Street  
18 between South Livingston Avenue and Shrewsbury Drive. It contains 156 rental apartments in  
19 three (3) multi-story buildings, plus twelve (12) units in cottage-style buildings. Thirty-three  
20 (33) of the units are affordable housing.  
21

22  
23 **AH Adult Housing District.**  
24

25 This district is designated for two uses on adjacent lots: one an assisted living facility, and the  
26 other a condominium adult housing community consisting of a building or group of buildings  
27 with dwelling units of which not less than 80% are restricted to primary residents at least 55  
28 years of age. The AH District is located on the easterly side of Eisenhower Parkway, south of  
29 Dorsa Avenue. Site plan approval has been granted for the adult housing community, known as  
30 The Pointe, with 200 condominium apartments in four (4) multi-story buildings. Construction is  
31 almost complete.  
32

33 **Recommendation.** The market for assisted living facilities has deteriorated. However,  
34 there should be a growing need for such facilities as the population  
35 ages. If that need does not develop, overlay zoning to permit an  
36 alternate of inclusionary age-restricted senior citizen residential  
37 use with a significant affordable housing component should be  
38 considered.  
39

40  
41 **LTC Livingston Town Center Redevelopment Planned District.**  
42

43 The Livingston Town Center Redevelopment Plan was adopted by ordinance in 2003, and covers  
44 an area immediately to the northeast of the intersection of Mt. Pleasant Avenue and Livingston  
45 Avenue. It consists of 13.917 acres of lands formerly in the B and R-4 Districts, has three sub-  
46 districts, and was established to create a pedestrian-friendly “downtown” area of commercial and

1 residential uses. Specific architectural and other design standards are established. Construction  
2 is underway.

3  
4 **Recommendation:** The three elements of the LTC Livingston Town Center  
5 Redevelopment Area should be designated as the following  
6 districts:

7  
8  
9  
10 **LTC - MU Mixed Use District.** (Proposed)

11  
12 This is the southern-most portion of the LTC District. It is zoned for a mix of one  
13 and two-story buildings with commercial uses subject to specific limitations, and  
14 a multi-story building with a parking structure wrapped by more limited  
15 commercial uses, seven (7) townhouses and twenty-four (24) loft and flat  
16 residential units. This portion also contains public use open space.

17  
18 **LTC –TH Townhouse Residential District.** (Proposed)

19  
20 This district is designed for not more than 70 townhouses and mandated common  
21 public use open spaces.

22  
23 **LTC - SF Single-Family Residence District.** (Proposed)

24  
25 This district is designed for not more than 17 single-family detached homes and  
26 one (1) ritual bath of any faith. Common public open space and public pedestrian  
27 paths to adjacent neighborhoods are mandated.

28  
29 **B Central Business District.**

30  
31 The B Central Business District is the core commercial zone of the Township, and is divided into  
32 two widely-separated areas, each centered along Livingston Avenue. In the southern side of the  
33 Township, the B District is centered upon the intersection of Northfield Road and Livingston  
34 Avenue. In the northern side of the Township, it is centered upon the intersection of Route 10  
35 (Mt. Pleasant Avenue) and Livingston Avenue except for those parcels at the intersection that are  
36 in the Livingston Town Center Redevelopment.

37  
38 The B District is designed for, and limited to, retail sales and service businesses and professional  
39 offices. Many properties reflect actions by owners to take advantage of a subsequently repealed  
40 ordinance provision that allowed extending business parking into contiguous residence zone  
41 properties. Such creeping expansion of the B District into residence districts is no longer  
42 permitted. On some residentially zoned properties adjacent to the B District, owners have taken  
43 advantage of Transition zoning to engage in business activities within buildings formerly single-  
44 family residences. An example is found on the westerly side of North Livingston Avenue, north  
45 of West Mt. Pleasant Avenue, where the B and the R-4 districts meet within Lot 8 of Block  
46 1409. Lots to the north of Lot 8, although in the R-4 district, contain houses used for business  
47 purposes under Transition zoning.

48

1           **Recommendation:** To further the objective of promoting a pedestrian-friendly  
2 environment in this district, no parking should be permitted in the  
3 front setbacks, all occupancies should be required to have their  
4 primary entrances on the street frontage, and all buildings on a  
5 block should have common front yard setbacks.  
6

7           **Recommendation:** Encourage and provide incentives for linking parking areas of  
8 adjacent properties, elimination or reduction of the number of  
9 driveways on main streets, and creation of driveways on side  
10 streets. Adequate protection against excessive traffic through  
11 residential neighborhoods should be provided.  
12

13           **Recommendation:** Subject to appropriate setback, buffering and architectural  
14 requirements, permit the construction of customer parking  
15 structures not to exceed twenty (20) feet in height and located  
16 in rear parking areas as an accessory building. Overnight or longer-  
17 term parking should be prohibited.  
18

19           **Recommendation:** Subject to appropriate setback, buffering and architectural  
20 requirements, permit retail buildings to be constructed with a  
21 second-story customer parking facility over shops or restaurants.  
22 Over-night or longer-term parking should be prohibited.  
23

24           **Recommendation:** In this district the Township should be open to the  
25 possibility of development of appropriately scaled and  
26 located parcels which could provide residential units of  
27 limited height above retail and service businesses so as to  
28 add residential vitality to the downtown. Such buildings,  
29 particularly at “gateways” to the community, should be elevator-  
30 served if more than two (2) stories. The presence of residential  
31 units could reduce the use of automobiles for shopping trips.  
32

33           **Recommendation:** If the recommendation that Transition zoning be repealed  
34 is implemented, then extend the B District further  
35 northward on the westerly side of North Livingston Avenue  
36 from Lot 8 in Block 1409 to include all those properties whose  
37 owners have taken advantage of Transition zoning, or to the last lot  
38 south of Beverly Road.  
39

#### 40 41 **B-1 General Business District.** 42

43 This designation applies to ten (10) widely-separated areas of differing sizes. It permits any use  
44 allowed in the B District plus theaters, newspaper offices, small printing establishments, public  
45 garages and filling stations. Five (5) of the B-1 District areas about B District areas. The balance  
46 are small pockets within residential areas.  
47

1 As in the B District, many properties reflect actions by owners to take advantage of a  
2 subsequently repealed ordinance provision that allowed extending business parking into  
3 contiguous residence zone properties. As indicated, some of the B-1 District areas are extremely  
4 small and may be considered non-conforming pockets in residential districts. Such pockets are  
5 not susceptible to significant improvement

6  
7 **Recommendation:** Identify specific small B-1 District pockets within  
8 residential districts and change the permitted uses to only  
9 those which exist or to include others which are most  
10 compatible with those already present in such locations,  
11 and rezone the properties as a B-N Neighborhood Business  
12 District.

13  
14  
15 **B-2 Highway Business District.**

16  
17 This district is designed to allow most business uses permitted in the B-1 District, plus motels.  
18 However, auto sales, public garages and filling stations are prohibited. It is in two areas along  
19 Route 10 west of the Traffic Circle. The first area is centered on the northerly side of Route 10  
20 and Eisenhower Parkway, running west from the D-S2 district to the C-I district. The second  
21 area is on the southerly side of Route 10 from a point opposite about midway between Microlab  
22 Road and Regent Street westward to Okner Parkway.

23  
24 **Recommendation:** No longer permit motels.

25  
26  
27 **B-N Neighborhood Business District. (Proposed)**

28  
29 This proposed district would consist of certain small B-1 pockets within residence districts.  
30 Permitted uses would be limited to those that are most compatible with residential  
31 neighborhoods; such as small bakeries, food retail or take-out shops; candy or stationer shops; or  
32 small professional offices. Second-story uses would be limited to such offices or to residential  
33 use. Other uses, if prohibited in any other district, would be prohibited in this district.

34  
35  
36 **P-B Professional Building District.**

37  
38 Designed for executive, administrative and professional offices, this district is located on the  
39 easterly side of South Livingston Avenue south of West Oakwood Avenue. It contains an office  
40 building and a nursing home.

41  
42 **Recommendation:** Extend this district to the west to include the currently non-  
43 conforming medical office building, on the southwest corner of  
44 South Livingston Avenue and Belmont Drive, which is now in the  
45 R-4 district.



1 **P-B1 Professional Building District.**

2  
3 The designed uses are the same as for the P-B District; however, building height and setback  
4 requirements differ, and there is a minimum lot size requirement of nine (9) acres. The P-B1  
5 zone is on the westerly side of Eisenhower Parkway to the south of the Traffic Circle and is  
6 undeveloped. There are significant wetlands.

7  
8 **Recommendation:** As much of this property as possible should be preserved as  
9 open space through Township ownership or by obtaining of  
10 easements.

11  
12 **P-B2 Professional Office Building.**

13  
14 The designed uses are the same as for the P-B District. The height and setback requirements  
15 differ from those in the P-B and P-B1 districts and there is a provision for mandatory open space.  
16 The P-B2 District is a single lot on the northerly side of Route 10, east of the Traffic Circle.  
17 Portions of this district also abut Beaufort Avenue and Eisenhower Parkway.

18  
19 Between the bulk of this district and the right-of-ways of Eisenhower Parkway and Beaufort  
20 Avenue are a portion of the B-1 District that contains a restaurant and its parking, and segments  
21 of the R-4 District containing 12 homes. Eight of the residential lots are only 50 feet wide.  
22 Others range up to 157 feet wide. All are from 136 to 316 feet in depth. One of the homes, at 76  
23 Beaufort Avenue, is the Phoebe Beach House which was built in 1730 and is designated an  
24 historic site by this Master Plan. Seven (7) lots in this segment of the R-4 District have restricted  
25 vehicular access, and its qualities as a residential area are negatively affected by its immediate  
26 proximity to the B-1, PB-2 and D-S2 districts as well as to the high traffic volume of Eisenhower  
27 Parkway and the Traffic Circle. Merger of lots to permit larger homes might be attractive to a  
28 property owner, but would be inconsistent with the development of other properties near the  
29 traffic circle. An alternative might be merger of lots to establish an office building or retail use.  
30 However, the nature of the site would likely result in retail use being a strip mall; which is  
31 undesirable from a planning perspective. Office use would be more consistent with the  
32 permitted use in the adjacent P-B2 District and would result in traffic flows preferable to that  
33 generated by retail locations. Affordable housing would also be appropriate.

34  
35 The PB-2 District presently contains a major Class A office building. Such office buildings tend  
36 to generate a need for nearby hotel and conference facilities.

37  
38 **Recommendation:** A parking structure should be permitted as an accessory building,  
39 and a luxury hotel, with or without conference facilities, should be  
40 added as a permitted use, in the PB-2 District.

41  
42 **Recommendation:** Block 600, Lots 2 through 8 should be rezoned, retaining the R-4  
43 zoning but establishing an overlay to (1) permit PB or PB-2  
44 District building construction on lots of not less than 45,000 square  
45 feet and with single vehicle access at the street frontage, or (2)  
46 affordable housing. Appropriate protections against isolating single  
47 lots should be included.

1  
2 **D-S Designed Shopping Center District.**  
3

4 This district encompasses the Livingston Mall. A small expansion of the building to  
5 accommodate a Barnes & Noble bookstore has been approved by the Planning Board. However,  
6 the entire mall has a tired appearance. The district includes an underutilized “tear drop” section  
7 of approximately 7 acres.  
8

9 **Recommendation:** Expand the D-S District to include the segment of the R-L  
10 Research Laboratory District which lies between this district and  
11 Eisenhower Parkway and is used for Mall parking.  
12

13 **Recommendation:** Encourage the Mall operator to make major façade and entrance  
14 Improvements, to provide additional landscaping as well as  
15 pedestrian ways through the parking area, and to create a long-term  
16 development plan for the property.  
17

18 **Recommendation:** Explore alternatives for the underutilized “tear drop” segment  
19 of the district, that could include replacement of impervious cover  
20 with park-like landscaping, and broader potential improvements  
21 for the entire district within the context of a new planned  
22 development district.  
23  
24

25 **D-S2 Designed Shopping Center District.**  
26

27 This district encompasses the “Village at Livingston” shopping center off the Livingston Circle  
28 and northwestward of the intersection of Route 10 (West Mt. Pleasant Avenue) and Eisenhower  
29 Parkway.  
30  
31

32 **R-L Research Laboratory District.**  
33

34 This district is designed for (a) executive and administrative offices, (b) scientific or research  
35 facilities or laboratories, including accessory incidental pilot plants; (c) private primary and  
36 secondary schools, including certain accessory facilities; (d) ambulatory care facilities; (e) long  
37 term acute care facilities; (f) continuing care facilities; (g) financial institutions other than banks;  
38 and (h) computer and data processing centers. The district covers lands on four sides of the  
39 intersection of South Orange Avenue and Eisenhower Parkway. When the R-5B District was  
40 established, it resulted in the creation of a remainder of the R-L District that is located between  
41 the R-5B District and a narrow strip on Passaic Avenue which is in the R-1 District. Under a use  
42 variance, that remainder and an abutting part of the R-1 District have been developed as a long-  
43 term care and assisted living facility operated by CareOne.  
44

45 **Recommendation.** Add the segment utilized for parking and circulation by the  
46 Livingston Mall to the D-S District.  
47

48 **Recommendation:** Incorporate all the property occupied by CareOne into the

1 R-L District.

2  
3 **Recommendation:** Upon completion of above recommendations, rename the  
4 District.

5  
6  
7 **R-L2 Research Laboratory District.**

8  
9 This office and research laboratory district is primarily located on the western side of  
10 Eisenhower Parkway between the D-S2 District and Naylor Avenue and on the eastern side of  
11 Eisenhower north of Dorsa Avenue. A small segment is located on the easterly side of  
12 Eisenhower Parkway between the AH District and the R-4 District. Many uses are non-  
13 conforming.

14  
15 **Recommendation:** Examine whether any portions of this district and other abutting  
16 districts should be merged or re-zoned to the CI Industrial  
17 Commercial District, or whether the permitted uses should change.

18  
19  
20 **CI Commercial Industrial District.**

21  
22 This is the most-recently established non-residential district. Created in 1996, it is located on the  
23 westerly fringe of the Township and to the north of Route 10, beginning at the end of the B2  
24 District and running west to the Passaic River and north to properties abutting Industrial  
25 Parkway. The district is designed to permit productive use of properties previously devoted to  
26 light industries that have left the community. It has resulted in: construction of stores for major  
27 retailers Old Navy, Circuit City, Borders and Linens ‘n Things; the conversion of a motel into a  
28 larger luxury hotel; the conversion of industrial buildings to: a junior college, a high school for  
29 special needs students, several child care centers, and corporate offices. Construction of new  
30 Township athletic fields in the District has been completed

31  
32  
33 **I Limited Industrial District.**

34  
35 This district in the northwestern portion of the Township abuts the C-I and R-L2 districts and, to  
36 its north, a portion of the R-2 District. Permitted uses are business and professional offices,  
37 research laboratories and limited industrial and manufacturing uses. A portion of this district is  
38 Essex County parkland.

39  
40 **Recommendation:** Compare current uses in the district to the permitted uses and  
41 determine whether adjustments should be made either to permitted  
42 uses.

43  
44  
45 **H Hospital/Healthcare District (Proposed)**

46

1 St. Barnabas Medical Center is a major healthcare provider and employer in the Township. Its  
2 primary facilities are on property abutting Old Short Hills Road and are in an R-1 District.  
3 Therefore, its construction and all improvements have required the grant of variances.  
4

5 **Recommendation:** Establish a new Hospital Healthcare District encompassing the St.  
6 Barnabas property to provide for protection of the integrity of  
7 health care facilities and to provide for potential expansion.  
8 Permitted principal uses would be medical and surgical hospitals.  
9 Permitted accessory uses to a hospital would be hospital related-  
10 facilities and services; including but not limited to research,  
11 laboratories, pharmacies, emergency rooms, food preparation and  
12 service facilities, gift shops, florist shops, snack shops and  
13 restaurants, counseling services, out-patient facilities,  
14 administrative offices, medical and dental offices and clinics, child  
15 care facilities, parking lots and structures, landing pads for medical  
16 helicopters, education and training related to the permitted uses,  
17 emergency power generation, laundries and waste treatment  
18 facilities for laundry and waste generated on-site, and radio and  
19 telecommunications facilities related to dispatch and control of  
20 medical transportation services. Principal uses shall not include  
21 facilities solely or primarily for mental health patients or for  
22 treatment of addictions.  
23

24 **Recommendation:** St. Barnabas Medical Center is invited to submit a long-range  
25 facilities concept plan which can be taken into consideration as the  
26 Board establishes dimensional requirements for the new district  
27 that will provide a proper balance between the anticipated needs of  
28 the medical center and maintaining an appropriate buffer for  
29 adjacent residence districts.  
30

31  
32 **OS-GC Open Space – Golf Course (Proposed)**  
33

34 **Recommendation:** The Cedar Hill Golf & Country Club site consists of 146.58 acres,  
35 approximately 42 acres (30%) of which lie within the Flood Hazard  
36 Area of the Passaic River. The site should be rezoned from R-1 to  
37 a new land use classification: OSGC - Open Space Golf Course,  
38 with permitted alternative use as an Inclusive Planned Residential  
39 Development offering a mix of densities, housing types, and lot  
40 sizes, with preserved open space. Not less than 25% of the housing  
41 units shall be affordable units on-site.  
42

43 All wetlands and flood hazard areas within the site should be preserved as open space. If the  
44 Inclusive Planned Residential Development alternative is implemented, not less than 50 % of  
45 the total present acreage of the golf & country club (excluding wetlands and flood hazard  
46 area) should be preserved as open space which together with the wetlands and flood hazard area  
47 shall, with Township approval, be deeded to the Township or to an approved open space  
48 organization and then further rezoned to the OS-GU or OS-P District as appropriate. The

1 wetlands and flood hazard areas shall not be considered developable land in determining  
2 permitted density.

3  
4  
5 **OS-GU Open Space - Governmental Use District** (Proposed)  
6

7 Many properties are owned by governmental agencies, or under governmental control by lease or  
8 easement, and identified in the Parks and Recreation Plan Element or in the Open Space and  
9 Conservation Plan Element as to be preserved in their natural state or used for active or passive  
10 recreational purposes. Their status should be identified and protected through specific zoning.

11 **Recommendation:** A new OS-GU Open Space Governmental Use District should be  
12 established for all such properties.  
13

14 **OS-P Open Space - Preservation District.** (Proposed)  
15

16 Parcels of land are, or may be, preserved as open space through the use of residential cluster  
17 options or other land use concepts or by agreed upon conditions in the course of subdivision or  
18 site plan approval. Such preserved open space, even when owned and maintained by an open  
19 space organization or when deeded to the Township, remains a part of the zoning district in  
20 which the developed property of which it is part is located.  
21

22 **Recommendation:** A new OS-P Open Space - Preservation District should be  
23 established to include all preserved open space that remains in  
24 private ownership. (That which is deeded to the Township should  
25 be rezoned to the proposed OS-GU Open Space - Governmental  
26 Use District.)  
27

28  
29 **Historic Properties.** Certain buildings or sites, by their very nature, should be designated as  
30 Historic. They are identified in Section XI - Historic Preservation Plan Element.  
31  
32  
33  
34

35 **GENERAL LAND USE RECOMMENDATIONS**  
36

37 **Commercial Building Design Standards.**

38 Retail, office and other commercial structures in the B, B-1 or P-B zoning districts along  
39 Livingston Avenue, Mt. Pleasant Avenue and Northfield Road should be designed and oriented  
40 in furtherance of the Master Plan objective of presenting a welcoming and pleasing visual  
41 environment and of encouraging design of pedestrian-friendly business districts.  
42

43 **Recommendation:** The architecture of new commercial buildings, and the facades of  
44 renovated commercial buildings, which face Livingston Town  
45 Center should be consistent with and related to the architecture of  
46 the Livingston Town Center.  
47

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**Conditional Uses**

Some permitted or conditional uses may no longer be appropriate for particular districts or for the Township as a whole. There may be others that should be added. There may also be situations in which the differences in such uses permitted in one zoning district as compared to another zoning district with otherwise identical provisions are no longer appropriate. Existing facilities that are conditional uses may be so well established and appropriate to their locations that they might be re-designated as permitted uses at those locations.

**Recommendation:** Review all permitted and conditional uses.

**Conformance to State Standards**

By statute, regulation or court ruling the State of New Jersey has established many standards and requirements that supersede Township ordinances and zoning regulations. Examples are the Residential Site Improvement Standards, family daycare homes, and community residences.

**Recommendation:** Review Township ordinances and zoning regulations for compliance/conformance with State standards and requirements and amend them as necessary. Where appropriate, incorporate the State standards and requirements by reference.

**Front Porches.**

One design feature of both traditional rural/suburban and urban areas that promotes interface between house occupants and passing neighbors, and promotes a sense of neighborhood community, is the open front porch.

**Recommendation:** Attached sun decks and patios of limited sizes are now permitted to extend a specific distance into residential rear yards without need for a variance. Residential front yard setback requirements should be reviewed and a determination made as to whether there are zoning districts or particular conditions for which roofed open porches should be permitted to extend into the front yard without need for a variance. However, if they are permitted, it should be upon binding condition that they never be screened, or otherwise enclosed, or be converted into interior space.

**Permitted and Prohibited Uses**

Permitted and prohibited uses should reflect current and anticipated community needs.

**Recommendation:** Review the use provisions in the various non-residential districts for possible rationalization and simplification. Where feasible, list those expressly permitted and prohibit all others.

**Recommendation:** Review standards applicable to retail businesses, restaurants

1 and other commercial uses for possible changes in regard to  
2 setbacks, parking, landscaping, signage, outdoor dining and sales  
3 displays that would promote or enhance a pedestrian-friendly  
4 downtown atmosphere.  
5

### 6 7 **Public Capital Projects**

8 Execution of public capital projects is exempt from Planning Board and Zoning Board site plan  
9 approval, but should serve as an example to the community.  
10

11 **Recommendation:** The Township government and its departments, the Board  
12 of Education, and other public bodies engaged in capital projects  
13 within the Township, should voluntarily follow the parking  
14 requirements applicable to like private developments and also  
15 follow the tree protection, preservation and replacement  
16 requirements of the Trees Ordinance codified as Code of Township  
17 of Livingston § 170-53 et. seq.  
18

19 **Recommendation:** The Planning Board and the Township Council having recognized,  
20 in the Livingston Center Redevelopment Plan, that the architecture  
21 of the Civic Center Municipal Complex buildings, especially the  
22 Town Hall and the High School, have an architectural style that  
23 contributes to the identity of the community; expansion, renovation  
24 or replacement of Civic Center Municipal Complex buildings in  
25 and around the Oval should be in that same architectural style.  
26

27 **Recommendation:** Effective modernization or replacement of facilities in the Civic  
28 Center Municipal Complex can best be achieved through  
29 coordination and joint planning and development by the Township  
30 and the Board of Education. Needs of the over-all community  
31 should be jointly analyzed so that modernization efforts or  
32 replacement of outmoded or inadequate facilities within the Civic  
33 Center is accomplished through construction of complementary  
34 and shared facilities that will be best-suited to the long-term needs  
35 of all Livingston residents.  
36  
37

### 38 **Setbacks**

39 The majority of variance requests received by the Zoning Board of Adjustment in regard to  
40 properties in the R-4 and R-3 Residence Districts relate to setback requirements. A tabulation of  
41 variance actions taken by the Board of Zoning Adjustment in 2001 through 2005 is presented in  
42 Table III-2.  
43

44 These variance requests generally entailed either horizontal expansions of the homes or vertical  
45 additions. Often the vertical additions are above a ground level portion of the home which pre-  
46 existed the established setbacks for the zone and so the existing setback is non-conforming. In  
47 such instances, a variance is required even though the building footprint does not change.  
48

Table III-2  
Zoning Board Residential Variance Actions

Type of Application	2001 Granted (Denied)	2002 Granted (Denied)	2003 Granted (Denied)	2004 Granted (Denied)	2005 Granted (Denied)
<b>R-4 Zone</b>					
Minimum Side Yard or Aggregate Side Yard Setback	17	15	20 (1)	30	2
Minimum Rear Yard Setback	10	4	6	11	4
Minimum Front Yard Setback	7	7	9	23	11
Minimum Pool Setback or Area	2	1		1	1
Minimum Accessory Setback	2	2	1	1 (2)	
Minimum Side Street Setback	4	1	2	1	
Maximum Fence Height				1	
<b>R-3 Zone</b>					
Minimum Side Yard or Aggregate Side Yard Setback	6	4	6	6	9
Minimum Rear Yard Setback	2	5	3	4	3
Minimum Front Yard Setback	2	4	9	5	4
Minimum Pool Setback or Area		2			1
Minimum Accessory Setback				(1)	
Minimum Side Street Setback			2		
Maximum Fence Height					
<b>R-2 Zone</b>					
Minimum Side Yard or Aggregate Side Yard Setback	4	2	1	2	
Minimum Rear Yard Setback	2	1	2		4
Minimum Front Yard Setback	3	1	4	1	3
Minimum Pool Setback or Area					
Minimum Accessory Setback					
Minimum Side Street Setback				1	
Maximum Fence Height					
<b>R-1 Zone</b>					
Minimum Side Yard or Aggregate Side Yard Setback	3		2	2	
Minimum Rear Yard Setback	3	1	2	4	2
Minimum Front Yard Setback	3		1	2	
Minimum Pool Setback or Area			1		
Minimum Accessory Setback					
Minimum Side Street Setback				1	
Maximum Fence Height			(1)		

**Recommendation:** Review the appropriateness of existing setback requirements in all residential districts with primary focus on R-4 and R-3 zones.

**Recommendation:** Consideration should be given to permitting vertical additions, that do not increase the footprint, to be built without a variance if specific FAR or other ratios and height standards are not exceeded.

**Split Lots**

Zone District lines sometimes run through a lot, with the result that the lot straddles two districts. This will often necessitate the consideration of variances in order that the lot can be developed.

**Recommendation:** Adjust district boundary lines to reduce or eliminate split lots.

**Recommendation:** If split lots cannot be, or are not, fully eliminated, amend the Land Use Ordinance to establish requirements and guidelines governing how a lot that is in more than one zoning district must be developed under the standards of just one of those districts.



1 **Swimming pools.**

2 All residence districts have common setback requirements for swimming pools.

3  
4 **Recommendation:** The aesthetic, environmental, safety and other aspects of  
5 setbacks for swimming pools should be examined to  
6 determine whether uniformity is appropriate or whether  
7 differing requirements might be appropriate for different  
8 zoning districts.  
9

10  
11 **Teardowns, Rebuilds or Expansions.**

12 Because of the rising value of land in the Township there is a developing trend of buying  
13 properties with the intent of tearing down existing homes and building larger ones. This may be  
14 true both when the lot is of normal size for the zoning district and when the lot is unusually deep.  
15 Another approach is to enlarge an existing home with or without first removing some portion of  
16 it. The larger homes resulting from teardown, rebuild or expansion may so greatly exceed the  
17 size of their immediate neighbors and others in the neighborhood as to alter the appearance of  
18 that neighborhood and to adversely affect the visual environment of the zoning district.  
19 Affordability of housing in the Township may ultimately be negatively impacted. In 2006 the  
20 Township enacted an ordinance to control house sizes as recommended by the June 2005 Master  
21 Plan Amendment.

22  
23 **Recommendation:** Implementation and effect of the new ordinance should be  
24 monitored on an annual basis so that fact-based determinations can  
25 be made as to whether further amendments are required.  
26

27 **Transition Lots**

28 A use permitted in the B, B-1 or B-2 districts may now expand as much as 200 feet into an  
29 immediately contiguous R district lot, or 200 feet into a commonly-owned R district lot having a  
30 side yard adjacent to the B, B-1 or B-2 side yard. The effect is to expose homes further than 200  
31 feet from the business zone to the risk that the businesses uses will encroach upon them.

32  
33 **Recommendation:** Eliminate transition zoning.  
34  
35

36 **Township Boundaries**

37 Township boundaries have changed from time to time. Some anomalies remain and should be  
38 examined, including:

- 39
- 40 • Warren Road where seven (7) homes on a portion of the western side of that street are in  
41 Livingston. Under an inter-governmental agreement they are served by West Orange.  
42
  - 43 • Old Short Hills Road, where the properties on the easterly side of the street are in West  
44 Orange except for portions of their front yards.  
45
  - 46 • Interstate 280 cuts some Livingston lots to its north off from the rest of the Township,  
47 and cuts some Roseland lots to its south off from Roseland.

1  
2  
3       **Recommendation:** Adjust the boundary between Livingston and West Orange  
4 so that the municipal boundary runs along the rear property  
5 lines of seven (7) residential lots on Warren Road.  
6

7       **Recommendation:** Adjust the boundary between Livingston and West Orange  
8 along Old Short Hills Road so that it is either at the easterly  
9 curb line or in the center of the carriageway.  
10

11       **Recommendation:** Transfer Livingston Block 2300, Lots 1-7 that are north of IS 280  
12 to Roseland in return for those portions of Roseland that are south  
13 of IS 280, between Livingston Avenue and Laurel Avenue.  
14

15  
16 **Vacant or Redeveloped Land**

17 The Township is substantially fully developed and has relatively little open space remaining.  
18

19       **Recommendation:** The residential cluster and open space zoning concepts should  
20 be made applicable to development or redevelopment of any parcel  
21 of two (2) or more acres for residential use. In addition, all  
22 wetlands, flood hazard areas and steep slopes on such parcels  
23 should be preserved as green open space. The preserved space  
24 should be contiguous land forming a separate lot or separate lots;  
25 but land required for stormwater management facilities need not be  
26 contiguous to other preserved space. The preserved land either  
27 should be maintained by an approved open space organization and  
28 zoned OS-P or be deeded to the Township and zoned OS-GU.  
29  
30

31 **Variations and Non-Conforming Uses**

32 There are areas where pre-existing non-conforming uses and variances that have been granted  
33 create marked differences between the applicable zoning and the uses in place. An example is  
34 the triangular area bounded by East Northfield Road, East Cedar Street and Old Short Hills  
35 Road. All of the properties are in Tax Block 7600. Lots 1, 2, 3 and 4 are in the B-1 Zone. Lot 4  
36 contained a gas station that was a non-conforming use but was removed in recent years. Lot 5  
37 contains a small medical office that may have been originally constructed as a single-family  
38 home. Part of Lot 5 is in the R-1 Zone and part is in the R-3 Zone. The line separating the two  
39 zones passes through a corner of the building. Lot 6 is also in both the R-1 and R-3 Zones, but  
40 contains a large condominium medical office building. Lot 7 is in the R-1 and R-3 Zones and  
41 contains a single-family residence, an apple orchard, a cider mill and its associated retail store.  
42 Lots 8-11 and 15 are in the R-5D Zone. Lots 12 and 13 are in the R-1 Zone, but contain a  
43 funeral home permitted by variance. Lot 16 is in the R-1 Zone, is undeveloped and in common  
44 ownership with the lots that are in the R-5D Zone.  
45

46       **Recommendation:** Discrete areas with significant disparities between  
47 permitted uses and actual uses, due to variances or non-  
48 conforming uses, should be re-zoned to bring the actual

1 uses to permitted status when consistent with good  
2 planning.  
3

#### 4 **BUILD-OUT ANALYSIS**

5

6 The foreseeable future development of the Township has two elements: the clearly measurable  
7 and that which is potential. Development already approved by the Planning Board or the Zoning  
8 Board of Adjustment is clearly measurable. The potential development is development that could  
9 take place on vacant land, but has not yet been approved. Together the two elements constitute  
10 Livingston's Build-out Potential. The possible expansion of use of presently developed and  
11 primarily non-residential sites for more of their present use is not included in the Build-out  
12 Potential.  
13

14 Table III-1, Existing Land Use Inventory, on page 6 of this Section III, identifies developable  
15 land with development approval granted, whether or not construction has been completed or  
16 started, as well as land with potential for development that is not yet approved. Vacant lands  
17 identified in the Open Space and Recreation Plan Elements or the Historic Sites Plan Element are  
18 not included in the Build-Out Potential. If a vacant site has environmental conditions which  
19 would limit the degree to which that site can be developed, the limits were taken into  
20 consideration in calculating the developable land. Vacant and underutilized properties are shown  
21 on the Vacant and Underutilized Land Map (Map D).  
22

23 The analysis which produces the Build-Out Potential leads to determination of the theoretical  
24 additional development of the Township based upon the existing zoning. It assumes that each  
25 developable site would be developed, by 2014, to the maximum permitted by the zoning and the  
26 environmental constraints. Although it produces the number of additional housing units that  
27 could be built, it is not a reliable predictor of what will actually be built or of what the actual  
28 future population of the Township will be.  
29

#### 30 **Residential Build-Out Potential.**

31 Approximately 58 remaining undeveloped but developable acres zoned single-family residential  
32 could produce approximately 174 new residential units, by 2014, using the average town-wide  
33 density of 3 per acre. At the current average of 2.93 persons per household, a population growth  
34 of 510 would result. However, if multi-family development at an average density of 11 units/acre  
35 were allowed, the growth would be 1,914 persons. There also is a parcel of 6.68 acres zoned for  
36 an assisted living facility with up to 120 units with no more than 2 persons per unit (240  
37 persons). If developed, that would bring the population growth projection to 2,154 persons  
38

#### 39 **Non-residential Build-Out Potential.**

40 Approximately 19 undeveloped but developable vacant acres are zoned for non-residential use  
41 and could produce approximately 290,000 square feet of additional non-residential uses applying  
42 an average Floor Area Ratio (FAR) of 35%. FAR means the sum of the area of all floors of  
43 buildings or structures compared to the total area of the site.

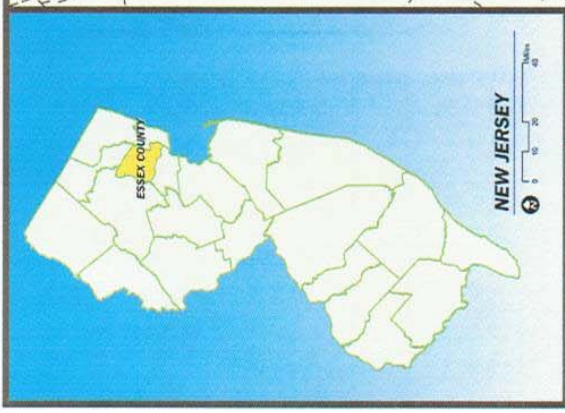
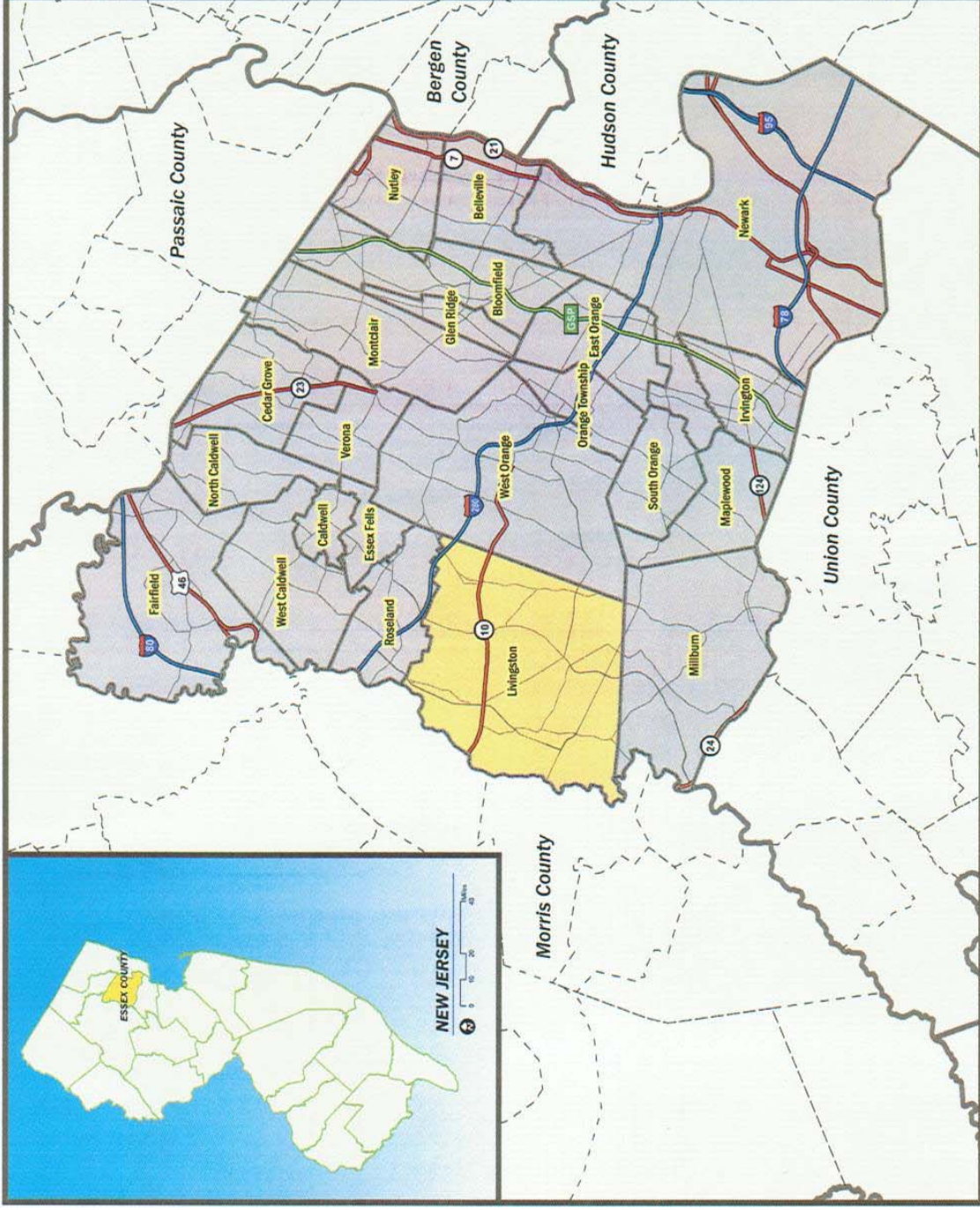
**MAP A: LOCATION MAP**

NOVEMBER 19, 2007



SOURCE: NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 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.

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**MAP B: EXISTING  
 LAND USE**

NOVEMBER 19, 2007



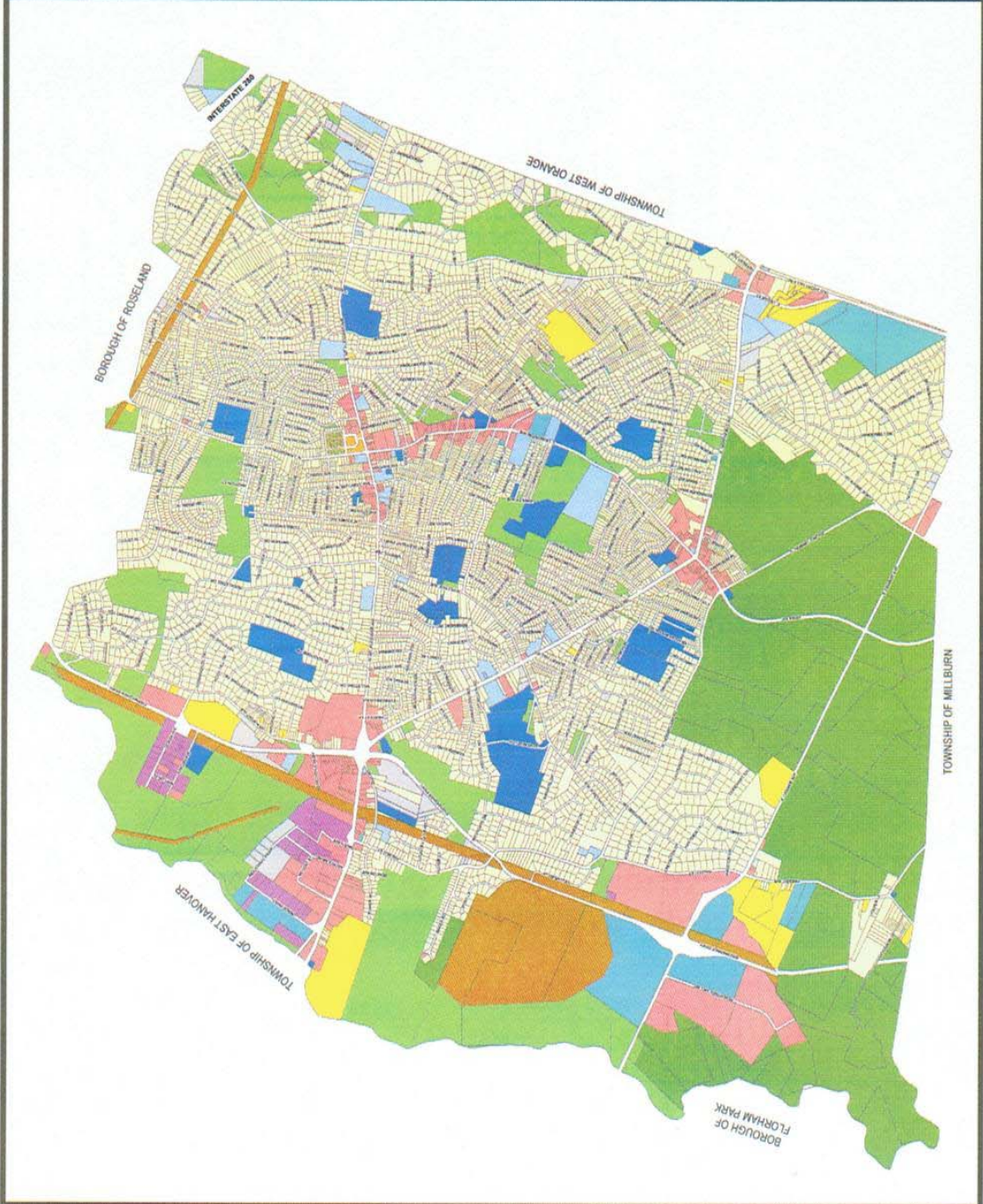
**LAND USE CATEGORIES**

- RESIDENTIAL - SINGLE-FAMILY
- RESIDENTIAL - MULTI-FAMILY
- COMMERCIAL
- MIXED-USE
- INDUSTRIAL
- INSTITUTIONAL
- PUBLIC
- SEMI-PUBLIC
- PARKS/OPEN SPACE/RECREATION
- CONSERVATION AREAS
- UTILITY
- VACANT/FARMLAND

**DETAILS - LAND USE CATEGORIES**

'INSTITUTIONAL USES' INCLUDE PRIVATE SCHOOLS, HOSPITALS, NURSING HOMES, AND ASSISTED LIVING FACILITIES.  
 'PUBLIC USES' INCLUDE MUNICIPALLY-OWNED BUILDINGS, INCLUDING PUBLIC SCHOOLS, TOWN HALLS, AND LIBRARIES.  
 'SEMI-PUBLIC USES' INCLUDE HOUSES OF WORSHIP, GYMNASIUMS, AND COMMUNITY CENTERS.  
 'CONSERVATION AREAS' INCLUDE THE EAST ORANGE WATER RESERVE.

SOURCE: BASE MAP PREPARED BY KUPPER ASSOCIATES IN 2002 AND MODIFIED BY H2M ASSOCIATES, INC.





**MAP C: LAND USE PLAN**

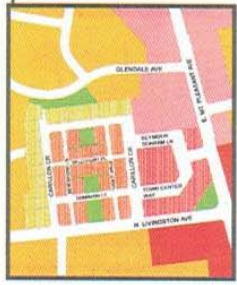
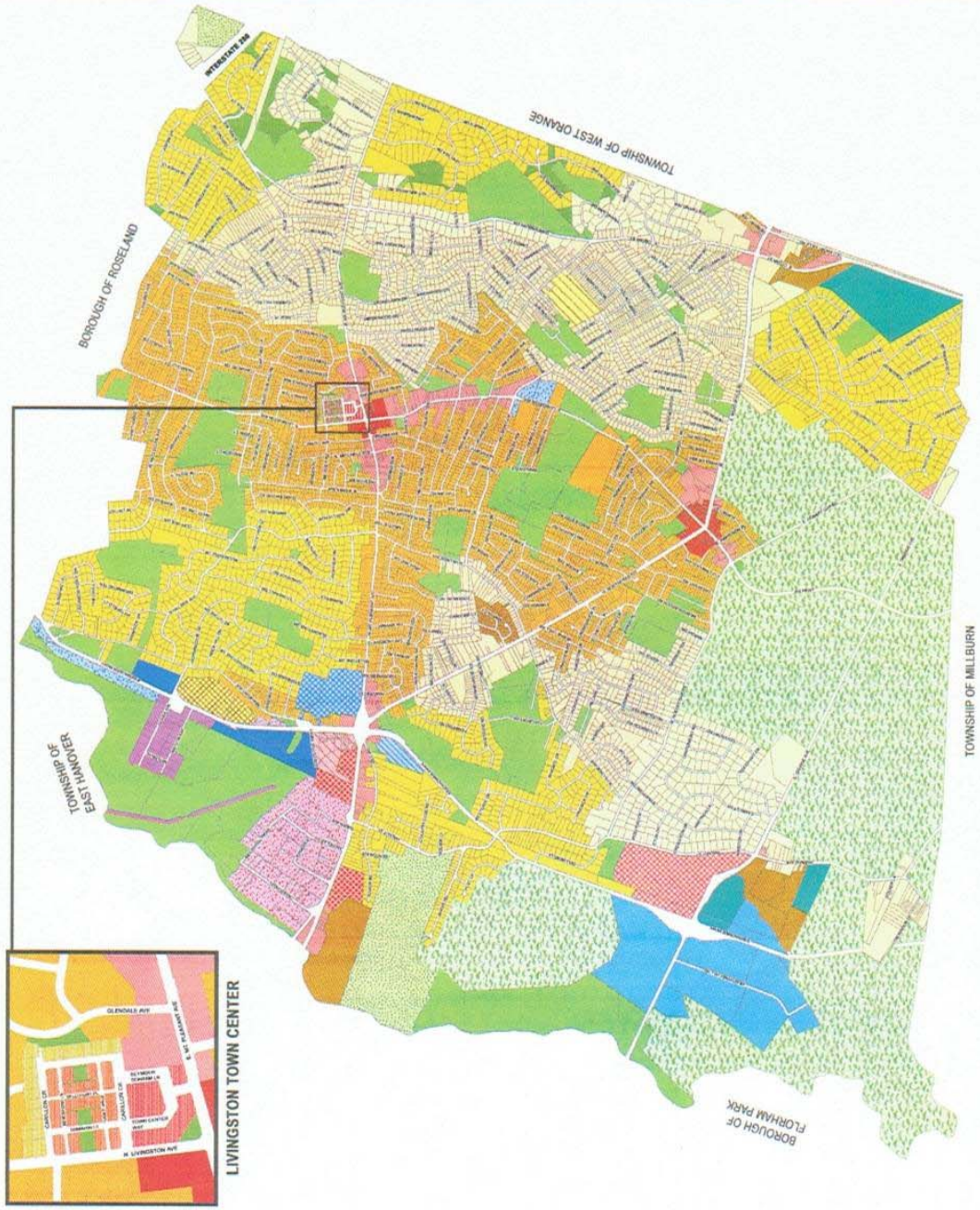
NOVEMBER 19, 2007



**LAND USE CATEGORIES**

- R-1: RESIDENTIAL
- R-2: RESIDENTIAL
- R-3: RESIDENTIAL
- R-4: RESIDENTIAL
- R-5: TOWNHOUSES
- R-6: SENIOR CITIZEN HOUSING
- AH: ADULT HOUSING
- LIVINGSTON TOWN CENTER (LTC)
- LTC-MU: MIXED USE
- LTC-TH: TOWNHOUSE RESIDENTIAL
- LTC-SF: SINGLE-FAMILY RESIDENTIAL
- B: CENTRAL BUSINESS
- B-1: GENERAL BUSINESS
- B-2: HIGHWAY BUSINESS
- BN: NEIGHBORHOOD BUSINESS
- P-B: PROFESSIONAL BUILDING
- P-B1: PROFESSIONAL BUILDING
- P-B2: PROFESSIONAL OFFICE
- DS: DESIGNATED SHOPPING
- DS2: DESIGNATED SHOPPING
- RL: RESEARCH LABORATORY
- RL2: RESEARCH LABORATORY
- CI: COMMERCIAL INDUSTRIAL
- I: LIMITED INDUSTRIAL
- H: HOSPITAL/HEALTHCARE
- OS-CC: OPEN SPACE - GOLF COURSE
- OSGU: OPEN SPACE - GOVERNMENTAL USE
- OSP: OPEN SPACE - PRESERVATION ORGANIZATION
- WRC: WATER RESOURCE CONSERVATION

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TOWNSHIP OF LIVINGSTON

ESSEX COUNTY, NEW JERSEY

# MAP D: VACANT LAND

NOVEMBER 19, 2007



PRIVATELY OWNED VACANT LAND



SOURCE: BASE MAP PREPARED BY KUPPER ASSOCIATES IN 2002 AND MODIFIED BY H2M ASSOCIATES, INC. PROPERTY DATA FROM THE 2006 LIVINGSTON TAX DATA.



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