

Member Op-Ed



Ray Arroyo, Mayor, Borough of Westwood

Trenton's Troubling Trajectory: Everything that's wrong with ADUs as-of-right

Some would say “the war on the suburbs” is an incendiary phrase, coined by reactionaries, resistant to “progress.” But critics of the relentless pressure for Trenton to preempt local zoning and impose urban residential densities on every town in New Jersey, would likely agree with the inflammatory description. Three legislative initiatives—the Stranded Asset, Residential Site Improvement Standards (RSIS), and Accessory Dwelling Unit (ADU) bills—are transformative initiatives that imprudently override local zoning.

They threaten to undermine the most attractive and enduring qualities of small, mature towns like Westwood: the nearly perfect balance of modest personal space, privacy, a range of residential options at various price points, easy accessibility to goods and services, safe streets, and stable populations. The towns of the Pascack Valley are like planets discovered in that narrow galactic golden zone, optimal for supporting life. And just as these planets are scarce, preserving the essence of our small towns means preserving the equally scarce resource of a fully developed community space.

In 2019 a deadly novel coronavirus began thriving in the tight living quarters in our urban centers. Young parents wearing M95 masks waited in line, 6 feet apart, for an elevator that would carry one family at a time to their apartments. The pandemic-fueled urban flight towards the protection that our single-family homes provided. Here, they could greet neighbors from the safety of their porches which, by local zoning codes, were set back 22 feet from the curb line. Westwood's planners had mastered “social distancing” before that was even a thing.

The negative space between people (population density) and between those people and the structures they live amongst (height limitations, rear, front and side yard setbacks), are not quantified for property tax assessment; but they are an indivisible component of the immense value of both private and public open spaces. Covid-19 highlighted the health and welfare aspects of small-town vs. urban residential densities as a public health relief valve. Yet the trajectory of the legislative initiatives cited above would override the local planning that has preserved this housing option.



Westwood train station, taken by police officer Chris Horst.

Senate Committee Substitute for Senate Bills 2347 & 1106 essentially eliminate Single Family Home (SFH) and 2-Family Home (2FH) zoning in the State of New Jersey. In recent years California, Oregon, and Connecticut have legalized ADUs. Minneapolis Minnesota was the first major city to specifically prohibit the SFH zone. Builders can acquire and combine properties to build residential apartment buildings, as well as mixed use commercial/residential developments in formerly quiet, lightly trafficked, tree-lined, and lawn-rich neighborhoods.

ADU Allowances

New Jersey's proposed legislation would allow every residential property owner in the state's SFH and 2FH zones to add a second stand-alone or attached dwelling unit on the lot. Current local zoning controls regarding on-site parking, building coverage or impervious coverage limits could not be a bar to the ADUs construction even if the lot were non-conforming (undersized) in terms of lot area or (over) on coverage.

The maximum footprint of a stand-alone ADU is limited to “a square footage that is not in excess of 60% of the lot's buildable area.” In Westwood's single-family zone, total

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building, and impervious lot coverage is 40% of the lot size. However, “buildable area” may now only be limited by the 5-foot rear and side yard setbacks specifically stated as limits in the bill.

The potential loss of significant pervious coverage in flood prone, fully developed towns featuring aged storm-water infrastructure and degraded drainage basins is an easily foreseeable consequence of this legislation.

Currently, if every Westwood SFH lot were built out in compliance with zoning (75' x 100', 22% maximum building coverage, 40% maximum pervious coverage), 371 acres of open soil in the zone's aggregate front, side, and rear yards would remain. One inch of rain falling evenly across one acre of land drops 27,154 gallons of water. Across 371 R1 acres, that's 10,074,134 gallons of water percolating into the pervious soil surrounding the homes, recharging the aquifer, and not overwhelming our aged storm drains and eroded, silt choked water ways.

To visualize: that volume is more than 15 Olympic swimming pools. Or 1,250 standard, 8,000-gallon oil tanker trucks.

The ADU legislation doesn't speak to the flooding implications of losing significant acres of trees and yards in these zones.

Finally, although the justification often cited for promoting ADUs is to help downsizing seniors on fixed incomes age in place and on their properties, SCS for S-2347 and S-1106 prohibits any municipality from requiring the deed restrictions



by Westwood Heritage Society

Veterans Park bandstand by Chris Horst.



Drone's-eye view of part of the R1 zone, taken by Louis Tristan.

on ADUs that would qualify them towards the towns' Affordable Housing obligation. Therefore, whatever added density these ADUs would bring to the neighborhoods would be further compounded by the FHA Round 4 prospective need numbers, which might further curtail local government's ability to preserve the runoff-mitigating lawns and yards extant in our SFH and 2 FH home zones.

Princeton has adopted an ADU ordinance with no deed restrictions limiting leaseholders to the income eligible, and rents tethered to very low-, low-, and moderate-income earnings. These units can be sold at the same upscale market rates as the principal dwelling units.

One such detached ADU, subject to a recent landmark legal battle in Princeton, is a 1,400-square-foot, two-bedroom home, listed at \$849,000 and sold for \$865,000. This belies the pitch that ADUs provide affordable shelter for grandparents, financially struggling family members, or low-wage community members looking to stay in their communities on fixed incomes.

Providing an income stream of market-rate rents and a potentially sub-dividable asset to well-off individual homeowners may further enrich these property owners, increase the assessed value of their properties, and make them more attractive to private equity investment firms. But that does little to alleviate housing costs.

SCS for S-2347 and S-1106 is likely the first step towards developing multi-family apartment buildings in formerly single-family neighborhoods. Many progressive planners view the private lawns, yards, and

modest privacy that a single family enjoys on a 75' x 100' lot as a selfish obstacle to addressing a public need for shelter.

So, if you like your small town (and the local zoning controls that support it), you will only keep it if your legislators stop treating housing units like abstract widgets in a narrow, supply-and-demand paradigm, increasing supply to reduce unit price by inserting them haphazardly into our fully developed communities. Homes are not toasters, and communities are not a collection of appliance garages. Local context is everything.

Governor Murphy correctly acknowledged as much in proclaiming April 6-12 as New Jersey Architecture Week. His comments on architecture apply equally to the profound impact that local land use planning, the physical arrangement of uses and forms, has on our residents' physical and mental well-being. “Architecture is more than just about buildings. It influences (our) daily lives...safety and quality of life. Architects (like local planners) respond to community needs with designs that are efficient, accessible and environmentally responsible, ensuring public welfare and safety...”

Land use decisions that so intimately impact our daily lives ought to be left to residents, their duly elected officials, and the professional architects, planners, and engineers who have successfully designed our mature Pascack Valley towns, keeping them vibrant and attractive through thoughtfully managed, incremental growth.

Only a proponent of NOBY-ism (No Back Yards-for anyone) would dismiss that assertion as NIMBY-ism. 🇺🇸