

**WASHINGTON TOWNSHIP  
MASTER PLAN AMENDMENT TO THE  
LAND USE AND HOUSING ELEMENT**

*The planning board may prepare, and after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare. Municipal Land Use Law 40:55d-28*

## **I. HISTORY**

### **The Planned Village District and 2007 Master Plan Re-Examination**

The purpose of this Master Plan Amendment is to address those recommendations that may be addressed at the present time in the 2007 Master Plan Re-Examination and to clarify and address the Township's plan and vision for the presently existing Planned Village District.

#### **A. Planned Village District History**

In 1991, the governing body adopted Ordinances #91/8 and #91/9, which amended Sections 123 and 124 of the Ordinance to include the district of R-80/PD (Planned Development) for Block 65, Lot 2 and Block 65, Lots 3, 3.01 and 3.02, known as the "Adamo parcel." The new regulations were the result of a court settlement.

The 1994 Master Plan Update recommended that the commercial uses on Route 31 south of the Borough encompass a larger area in order to accommodate future demand for retail services as the population grows in the Washington Township area. It was noted at that time that the zoning should continue to be permitted, although the list of permitted uses should be reviewed and revised as necessary to reflect recent changes in retail marketing techniques. It also states that, "additional growth should include commercial and industrial ratables."

The 1998 Master Plan Reexamination Report found that the Cotton Group, now Asbury Farms, LLC, a New Jersey partnership, had purchased the property. The Cotton Group proposed a Planned Village consisting of a variety of housing types, 340,000 square feet of commercial uses, a hotel and golf course with clubhouse, and other ancillary uses. The underlying concept of commercial development intensity permitted for the PVD is based on the permitted square footage; residential

density is based on the total number of dwelling units. This approach is grounded, in part, on the fact that the planned nature of the PVD requires that drainage and amenities are integrated as a symbiotic unit and are not distinct within each overlay development field. In other words, facilities in one development field of the PVD may be supported by facilities in another development field.

The 1998 Reexamination recommended that the 1994 Master Plan Update be amended "so as to incorporate a recommendation for the establishment of a Planned Village District . . . The intent of the Planned Village District is to create a planned residential community with a mixed-use village center which emphasizes pedestrian circulation, attractive civic spaces, squares, greens and parks with a sense of community and neighborhood identity."

In March of 1998, the Washington Township Committee amended the Township Zoning Ordinance, in accordance with the Reexamination, to create the Planned Village District ("PVD"). The initial PVD concept addressed in §123-13.2.A(1) exhibited mixed-use diversity in the four overlay development fields:

1. Conservation/Open Space
2. Neighborhood Residential
3. Village Core Commercial
4. Non-Village Commercial

A subsequent 2001 Master Plan Re-examination Report and Amendment documented a change in municipal assumptions regarding the need for central sewer systems, treatment facilities, the carrying capacity of septic systems, and nitrate levels in groundwater which were incorporated in changes in the zoning district regulations.

In 2005 and 2006, ordinances were adopted by the Township Committee to provide for townhouses, which are use-controlled as being age-restricted. In addition, the original PVD ordinance provided at §123-13.2.B(3)(d) that "no single commercial use, establishment or tenancy shall occupy a floor area exceeding 30,000 square feet." In 2006, the Washington Township Committee adopted Ordinance R2006-17 which amended §123-13.2.B(3)(d) of the zoning ordinance, by modifying the

30,000 square foot limitation for a single commercial use, establishment or tenancy, by creating an exception for “a single grocery store not to exceed 70,000 square feet.”

The PVD ordinance was again modified by ordinance 08-12 adopted by the Washington Township Committee in July of 2008 which further amended §123-13.2.B(3)(d) to allow the single 70,000 square foot grocery store “which single use, at this maximum size, is permitted in both the village core area and the non-village commercial area.”

Based on the prevailing zoning, significant portions of the Planned Village District (PVD) were approved by the Washington Township Land Use Board and developed. The original concept of the 'Village' atmosphere has been implemented in the residential area and substantially-implemented in the conservation components by development of a nested residential community and the open landscape of a golf course with clubhouse. Final major subdivision and site plan approval has been granted which completes the residential component of the District. In addition, approvals were granted for the development of a less than 70,000 square foot supermarket/grocery store that has been substantially completed.

Despite the development that has taken place to date, on April 29, 2009, Ordinances 2006-17 and 08-12 were declared invalid by order of the Honorable John J. Coyle, Jr., J.S.C. Any site plan approvals or variances stemming from those Ordinances were likewise deemed invalid by order of the court. Accordingly, the approvals granted by the Washington Township Land Use Board for the substantially completed supermarket/grocery store constructed within the Planned Village District were deemed invalid by order of the Court in light of the invalidation of the ordinances.

The invalidation of the Township's ordinances and approvals necessitates the revisiting of the Master Plan to establish the Township's updated and clarified vision for the Planned Village District.

#### B. 2007 Master Plan Re-examination Report

The 2007 Master Plan Re-examination Report provided recommendations based on the changes in assumptions that had been modified over time relating to land development and the need

for improved clarity in landscaping, environmental regulations, and unified standards for development applications among other subjects.

This 2009 Master Plan Amendment to the Land Use and Housing Element addresses those elements of the 2007 Re-examination Report which can be addressed at this time. It is noted that pursuant to Governor Jon S. Corzine's Executive Order #114, the Council on Affordable Housing and the Highlands Council entered into a Memorandum of Understanding. The Memorandum of Understanding provides in part that the Highlands Council will establish growth projections for 2004-2018 which will be utilized for the purpose of projecting municipal growth share obligations for municipalities that conform to the Regional Master Plan.

On November 12, 2008, the Council on Affordable Housing granted a waiver from the December 31, 2008 petition deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009. COAH also issued a scarce resource order for all municipalities in the Highlands Region under COAH's jurisdiction in order to preserve scarce land, water, and sewer resources and dedicate these resources on a priority basis for the production of affordable housing until such time as the municipality receives substantive certification from COAH or demonstrates that a scarce resource order is not necessary. The Township of Washington filed the requisite Notice of Intent and duly adopted the appropriate resolution notifying COAH of its intent to petition COAH no later than December 8, 2009 and is currently proceeding with Planning Review to determine the interest of the Township in adopting the Highlands Regional Master Plan.

Accordingly, this Master Plan Amendment will address those recommendations offered in the 2007 Re-examination Report that do not pertain to these COAH-Highlands subjects. The Amendment to the Land Use and Housing Elements of the Master Plan pertains to other aspects noted in the 2007 Re-examination Report as well as current approaches toward establishing a sustainable community in a changing environment.

## **II. MASTER PLAN OBJECTIVES, PRINCIPLES, ASSUMPTIONS, POLICIES AND STANDARDS**

The Master Plan Amendment endorses the following:

- To advance the purposes of the Municipal Land Use Law as contained in 40:55D-2.
- To provide for housing, retail, industrial, agricultural, and open space uses.
- To establish a development mix that will not result in an undue burden upon Township residents.
- To retain the rural atmosphere of the Township while allowing for growth and development, including enhanced non-residential corridor opportunities.
- To protect the historic resources of the Township.
- To be steward of the unique environmental features of the Township, including steep slopes, wetlands, stream courses, prime agricultural soils, aquifer recharge areas, ground water supply and threatened and endangered vegetation and wildlife habitat, and scenic vistas.
- To plan so that new development does not overload existing or planned infrastructure, including municipal services, schools, roadways, water supply and wastewater treatment systems.
- To provide appropriate areas to encourage commercial and industrial development to enhance the Township's tax ratable base.
- To dissuade, where feasible, strip commercial development which has intensive use of signage designed to attract the traveling public.
- To control traffic flow and improve safety by supporting the limitation to points of access, especially along Routes 31 and 57 east of Washington Borough.
- To provide adequate recreation facilities for Township residents of all ages.
- To plan for development in appropriate areas so that new development does not adversely affect ground and surface water quality.

- To encourage the preservation of farmland and open space while maintaining the equity of property owners.

### **III. LAND USE PLAN ELEMENT**

#### **The Planned Village District**

##### **A. Amendments to Vision of the PVD**

The Land Use Board recognizes the changes which have occurred along the Route 31 corridor and finds that the introduction of signalized intersections, intersection improvements and intensified development interest along the Route 31 corridor has heightened the desire for investment. An equally-important consideration is that the PVD district responded to the 1994 Master Plan Update which stated, "Residential use in these areas is inappropriate due to the high traffic volumes and associated noise levels on Route 31 and Route 57 east of Washington Borough. The important response includes a separation of residential homes from the highway."

The Planned Village District encourages mixed-use development consisting of residential, commercial, office, recreational, civic and related uses, which can be potentially integrated into the same structure. The PVD requires innovative design and planning in order to encourage an environment which offers amenities to the PVD community as well as to the general public.

1. The PVD has Village Development Objectives which focus on the village aspects of the residential community and a distinct commercial core which is to serve the residential community and also to be responsive to similar needs of the traveling public;

2. The PVD has Village Development Objectives to create a planned residential community which emphasizes pedestrian circulation, attractive civic spaces, squares, greens and parks, with a special sense of community and neighborhood identity. This has been heralded by Warren County as a laudible example of Smart Growth design;

*There are several modern examples of Smart Growth within Warren County, including:*

- *compact, mixed use development at Panther Valley in Allamuchy;*

- *grid street system, alleys, and sidewalks at Hawk Pointe in Washington Township;*
- *proposed Brownfield redevelopment at Ingersoll Rand in Phillipsburg;*
- *transit service in Hackettstown and Phillipsburg.*

*These examples highlight the potential benefits that can accrue from smart growth. For example, in addition to improving the quality of life for residents, it provides choices for residents in terms of housing and transportation. Smart growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. It can help to preserve valued resources such as open space, farmland and scenic areas and can protect natural resources such as our water supply.*

(Warren County, New Jersey,  
December 2004, Revised October 2005, Strategic Growth Plan)

3. The PVD has the Village Development Objective to reduce dependence upon the automobile by providing a mixture of housing types, provide convenient shopping, access to businesses, offices, and recreational opportunities which are generally located in or in close proximity to the residential community. Many of these services are best provided in a distinct commercial center which is within reasonable walking and biking distance, but which will not infringe on the quiet lifestyle created for the residential community;

4. The PVD has the Village Development Objective to encourage compatible architectural styles and themes through the entire PVD, despite the distinct differences in usage which one building may have over another, and between one development field over another;

5. The PVD has the Village Development Objective to encourage the provision of village housing through a greater diversity of housing types and smaller lot sizes;

6. The PVD has the Village Development Objective to encourage a more attractive visual environment along the street, with street trees, dispersed parking spaces, where appropriate, and the sharing of parking, wherever feasible, to reduce the impervious coverage devoted to parking;

7. The PVD has the Village Development Objective to encourage the preservation and protection of environmentally-sensitive open space;

8. The PVD has the Village Development Objective to encourage a variety of usable civic places;

9. The PVD has the Village Development Objective to recognize that a human-scale village residential character requires narrower streets and pavement widths, smaller lot sizes, and provisions for pedestrian and bicycle pathways;

10. The PVD has the Village Development Objective to offer provisions in the commercial core area, including the opportunity for on-street parking, minimal setbacks, shared parking, public spaces and a mix of services and uses within a single building or groups of buildings.

## B. Vision

The Board has re-evaluated the original Village approach toward the area along the Route 31 corridor and believes that the highway activity on Route 31 creates a consumer draw which should be serviced. The commercial area of the PVD should not be for the exclusive use of the existing residential component of the PVD. To the contrary, the traveling public should be accommodated along with the consumers that reside within the PVD. This is not to say that preference should be given to the highway consumer. Access to the commercial area of the PVD should not be direct from the highway. Pedestrian-scale sidewalks and small vest-pocket park areas in the commercial core should still be made available to residents of the PVD. Permitted commercial uses along the highway corridor of the PVD should principally be those permitted both in the old Village Core Commercial and Non-Village Commercial areas, which should now be called the Commercial Core.

The Board also notes that the nature of a "supermarket" has changed in the last ten years. A supermarket is no longer a "grocery store." Supermarkets have grown in size to accommodate new departments and items that allow them to stay vital and timely and enhance sales. Supermarkets now contain pharmacies, health and beauty care items, departments for natural and organic products, prepared meals, and private label (store brand) items, which have become important for cash-strapped

consumers in difficult times. Thus, small grocery stores have now become large supermarkets, to improve customer perceptions on convenience, cleanliness, fresh perishables, price and selection.

The final residential component of Hawk Pointe was granted final major subdivision and final site plan approval by the Land Use Board in 2007. It includes a COAH component.

The Board has considered the PVD residential fields and believes that the residential community (existing and proposed, totaling 205 residences, 10 of which are affordable units) is in appropriate scale for the PVD area. The influence of the state highway frontage, serpentine loop road, and clubhouse offer a definition line between the commercial and the residential neighborhood. The resulting available area along the highway and outside the residential community is suitable for a commercial build-out of 215,000 square feet. While there exists a distinction between residential and non-residential uses, there should remain a strong link between them. There should be no independent access into the commercial area directly from the state highway; and there should be no need for commercial-oriented delivery traffic to drive through the residential community to reach its delivery destination. Patrons coming from the highway seeking commercial services should not need to travel through the residential community to get to the commercial center. Shared parking within the commercial area should be a continued approach toward the effective utilization of land. These design approaches clarify the intent to provide an integrated design for PVD, yet recognize the influences of an active state highway with commercial frontage, an interior quiescent residential community, and the desire to appropriately accommodate the needs of both.

In order to implement the above-referenced objectives, the PVD should be divided into three (3) separate Overlay Development fields. One purpose of the re-defined overlay development fields is to segregate the residential component from the non-residential component. The previous Village Core Area permitted both uses in this field.

It is recommended that the PVD be re-defined into three overlay development fields:

- Conservation/Open Space
- Neighborhood Residential
- Commercial Core

Those regulations previously adopted by Council in Ordinance 2006-17 should be re-introduced for adoption.

### C. Recommended Uses

1. Conservation/Open Space – No change is proposed from the terms found in the existing ordinance and approvals granted to this area, with the exception that there should be a deed restriction imposed on this overlay development field which preserves the openness of the land.

2. Neighborhood Residential – No change is proposed from the terms found in the existing Ordinance and terms of prior Board approvals granted to this newly-defined area.

3. Commercial Core – Regulations are recommended as follows:

a. Permitted Principal uses within the Commercial Core Area such as:

(1) Churches, places of worship

(2) Community Center, not-for-profit club and activities of quasi-public social or fraternal character, conducted essentially within a building or buildings

(3) Postal office, fire and police station, library

(4) Retail and services. Grocery stores and supermarkets, meat markets, produce stores, farmers market, delicatessens, bakeries, pharmacies with drive thru facilities, furniture stores, antiques and collectibles, art dealers and galleries, jewelry stores, luggage and leather works, optic stores, tile and bathroom stores, video stores, sporting goods shops, gift shops, hobby shops, bookstores, hardware stores, shoe stores, packaged liquor stores, stationery stores, fabric stores, florists, pet stores, computer stores, appliance stores, record and audio shops, music stores, bike stores, camera and photo supply stores, and convenience stores, barber and beauty shops, tailors, dry cleaning shops with no on-site dry cleaning and laundering operations, appliance repair shops, shoe repair shops, retail postal service, copy center, internet cafes, upholstery shop, financial establishments with drive thru facilities, assisted living and nursing facilities, rehabilitation centers, aerobic and fitness gymnasium, movie theater, restaurant, including drive thru facilities, tavern, dance studio, arts and crafts studio and shop, day care facilities, golf clubhouse, golf training facilities, provided that there is

no similar use elsewhere within the PVD District, hotel, motel, assisted living, and conference center including accessory and subordinate food and beverage operation and meeting rooms, garden supply stores with screening, retail sports equipment stores, sports apparel stores, financial establishments including drive thru facilities, miniature golf, interior golf driving range, batting cages, tennis, racquetball, arcade games, billiards. Professional services including such uses as medical offices and clinics, medical emergency and out patient services, real estate, insurance and other professional offices.

(5) A medi-clinic could also be associated with the pharmacy with Planning Board approval, if adequate parking is available.

(6) In addition to the diverse services offered in a modern supermarket, the supermarket may have integrated into the building a drive-thru service for the pharmacy.

b. Permitted Accessory Uses, such as:

(1) Signs, as provided in the ordinance;

(2) Temporary construction trailers as may be approved by the Land Use Board based on an established need;

(3) Utility facilities;

(4) Off-street parking and loading areas;

(5) Off-street parking and loading areas;

(6) Flagpoles;

(7) Kiosks, and sidewalk cafes;

(8) Offices which support a principally-permitted use.

c. Building Area in the Commercial Core

(1) A maximum total of 215,000 square feet may be developed within the Commercial Core.

(2) No single commercial use, establishment or tenancy should occupy a floor area exceeding 30,000 square feet, except for a single grocery store or supermarket which may not exceed 70,000 square feet.

(3) The architectural styles and themes utilized within the commercial core area should be reflective of the characteristics of a residential component of the PVD and must have a commonality or compatibility of theme which includes color, building materials, context and texture.

d. *Area and Yard Requirements*

(1) Bulk, Minimum/Maximum Tract Requirements for the PVD

Tract intensities for residential and non-residential uses as found in the current Ordinance regulations and also found in Ordinance 2006-17 are favorably recommended.

(2) A total of 205 dwelling units is the maximum number of units to be constructed in the confines of the PVD. This number includes affordable housing units.

(3) A maximum total of 215,000 square feet may be constructed in the Commercial Core.

(4) Non-residential buildings should not exceed thirty-five (35') feet in height and two and one half (2-1/2) stories, except for rooftop solar assemblies which may exceed this height which limit should be shielded.

## **IV. HOUSING**

It is recommended that the residential uses, and the townhouse-stacked type development, previously approved by the Board, be incorporated into the area of the abutting Neighborhood Residential Overlay Development Field. Maximum Building Height for residential buildings should remain as currently provided in the Ordinance.

## **V. CIRCULATION**

A. State Highway Route 31, South of Route 57

The 1994 Master Plan discussion regarding Roadway Improvements suggested service roads flank each side of Route 31 from Asbury Anderson Road to the north. These service roads were to provide continuous travel from Asbury Anderson Road on the west to South Lincoln Avenue and on the east from Asbury Anderson Road to north of the PVD. The intersection improvement was to improve

poor alignment and provide increased safety through signalization at South Lincoln Avenue. At the time of the 1994 Master Plan, the associated lands were vacant. Since that time, development plans have been submitted and include restaurants, automotive dealerships, trailer sales and service establishments, self-storage facilities, and other commercial uses on a large-lot scale.

As proposed in the 1994 Master Plan update, the Circulation Element emphasized moving traffic quickly and also provided for through-traffic within the Township over sometimes new proposed Township service roads. The preference was to use service roads rather than directing this traffic onto state and county roads. By redirecting both Township-generated and through-traffic away from Township roads and toward state and county roads there will be a reduction of traffic, noise, speeding problems, and air pollution on existing and future rural Township roads. The traffic will be directed onto corridors that are designed to handle greater volumes as opposed to locally-maintained municipal roads. The change in policy, to shift the traffic burden onto state and county roads as opposed to township roads, was suggested in the 2007 Master Plan Re-examination Report.

The concept of the continuous service roadway on the east of Route 31 is not favored because there have already been approvals with the NJDOT for access in accordance with the Highway Access Code. Also, what could have been a series of smaller lots along Route 31, with several requested business and several access points has actually developed into large-lot development patterns. This reality has reduced the concern.

Some traffic improvements were envisioned as part of subdivision and site plan approvals, which eventually received sufficient warrants for NJDOT to approve the traffic plan. Signalized intersection improvements are currently underway. Additionally, a full-service easterly service road is seen as an intrusion on the residential community. The automobile dealership, also in the path of the 1994 proposed service road, has adequate commercial exposure from the state highway. A service road would expose the rear of abutting lots which are not seen as desirable for the utilization of these residentially-zoned lands. The westerly service roadway from South Lincoln Avenue to Rymon Road is viewed as having potential merit. The improvements to the intersection alignment may stimulate investment; however, this should be analyzed further and in conjunction with Highlands Plan

Conformance. As will be discussed below, the sewer service component for commercial development on the westerly side of Route 31 is currently not available. If services became available, new strategies would be warranted.

#### B. Municipal Roads

It is recommended that Circulation Plan Element VIII in the 1994 Master Plan Update be re-evaluated after the Highlands Plan Conformance is secured.

#### C. Commercial Parking

1. Parking spaces should be modified to be 9' x 18', except as otherwise controlled in Section 123-21.A(6).

2. Parallel parking on interior roadways should be a minimum of 8' x 24'.

3. Ordinance Section 123.13.2G(1) should be amended to read: All parking shall be in accordance with Section 123-21, with the exception that where it is clearly shown to the approving authority that parking can be shared by more than one principal use, a reduction in the total amount of shared parking for such adjacent principal uses may be permitted based on a peak demand parking analysis.

### **VI. TOPOGRAPHY**

Washington Township has adopted regulations to deal with the wide variety of topographic characteristics which exist in the Township. It is recommended that the Steep Slope Ordinance be modified to encourage development on the lesser-sloped areas, and a reasonable contiguous area of lesser slopes should be considered as part of the evaluation.

### **VII. SOILS AND GEOLOGY**

In the limestone formation areas, a testing procedure to determine nitrate levels in the pre- and post-development of major site plans and minor and major subdivisions should be established. The pre-testing for nitrates may be needed to determine the background levels of the site and add the effect

of development to background nitrate level. If calculations prove unfavorable for effective nitrate dilution, then special treatment for nitrates should be required.

## **VIII. DRAINAGE**

### **A. Sink Holes**

In order to deal with sink holes resulting from construction (both residential and commercial), best management practices should be developed with emphasis on minimizing disturbance of the existing soil. There should be an effort to disperse runoff overland without creating erosion. In developing best management practices for residential development, the proposed right-of-way may need to be increased to 60 feet rather than the 40 feet provided for in the RSIS regulations. This consideration is in response to the unique geological nature at certain areas of the Township. The added right-of-way width would allow for roadside swales having almost flat sides to collect and convey the runoff from the roadway and off road. This enhanced right-of-way should be achieved by outright dedication or by easement, so long as the objectives are achieved. Preference is for this area to be designed as an easement. Ordinances to address this should be developed in conjunction with Plan Conformance.

### **B. Flood Fields**

Instead of the conventional concept of 'detention basins,' it is suggested that 'flood fields' be considered. Flood fields are natural remedies to the need for flood retention areas. Rather than smaller, deep pockets to store rainwater, the Land Use Board envisions a shallow, but large area to retain residual stormwater. This is viewed as particularly appropriate in an area which has an environmental construction constraint of karst.

### **C. Limestone Areas**

Limestone areas throughout the Township need assessment. This is a critical issue which will avert disastrous circumstances in the future as densities increase. The Township already has a specialist for karst, which is a policy that is continued to be endorsed.

Professional directives will be developed through the Highlands Plan Conformance process to deal with the above-cited parameters and other areas of environmental concern.

## **IX. UTILITY SERVICE**

A new Wastewater Management Plan should be prepared and submitted by the Township in conjunction with the Highlands Plan Conformance process. This is similar in nature to the statements made in this Master Plan regarding the ongoing Highlands acceptance program and the still-unknown COAH obligations.

### **A. Public Water Supply**

The 1994 Master Plan showed the public water supply area which has been greatly expanded. The Route 31 corridor is served by public water.

### **B. Public Sewer Service**

Public sewer is available on portions of the easterly side of Route 31, south of Route 57. The westerly side of Route 31 still is not served, which affects the intensity of potential commercial development and interest for substantial investment. The plan which serves the PVD (approximately 317 acres) has a treatment capacity of 82,000 gpd. The plant currently operates at approximately 27,000 gpd.

## **X. COMMUNITY FACILITIES**

There are no modifications proposed in the Master Plan Amendment with the exception that the Municipal Complex has now relocated to 211 Route 31 North, Washington Township.

## **XI. RECREATION PLAN**

There are no modifications proposed in the Master Plan Amendment.

## **XII. CONSERVATION PLAN**

### **A. Recommended Conservation Easement Restrictions**

The following is offered to aid in the understanding of what activities may or may not occur in conservation easements:

*For Conservation Easements, Individual, Private Ownership or Homeowners' Association.*

The following should be noted on the plat and applicable deeds:

Within the conservation easement area, the following terms and conditions should apply, it being the intention that the conservation easement should be preserved in its natural and existing state in perpetuity except as specifically noted herein:

1. Property owners should not change any features of the natural landscape or general topography of the conservation easement area nor remove any trees, shrubs, or other vegetation.

2. No trees, shrubs or vegetation of any kind should be removed or destroyed from within the easement area. No topsoil, rocks, minerals or other materials should be excavated or removed from the conservation easement area, nor should any fill or other material be deposited in the conservation easement area. No re-grading of the conservation easement should be permitted unless specifically approved by the Township and other agencies having jurisdiction.

3. No trash, yard waste or any other materials may be deposited within the conservation easement area. The conservation easement area should not be used for the storage of materials.

4. No signs, other than 'Conservation Easement - No Trespassing' signs, should be located on the conservation easement area.

5. No building or other structures should be located within the conservation easement area.

6. No driveways or parking or storage of motor vehicles or equipment should be allowed in the conservation easement area.

7. No drainage of any wetland areas is permitted. The wetlands and transition areas are protected under the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13: 9B-1 et. seq.)

8. It is expressly acknowledged hereby that Washington Township does not and will not in the

future have any obligation to maintain any grass or other improvements in and about the said easement. Washington Township does not now and will not in the future have any obligation to clean up debris or garbage in or about the easement. All maintenance should be and should remain the obligation of the owners of the land upon which the stormwater facilities are located, it being specifically intended that this easement should run with the land and be binding upon all property owners and their successors and assigns.

9. Washington Township should have the right, but not the duty, to enter upon the easement with vehicles and equipment, at any time and without prior notice to the property owner, in order to exercise its rights with respect to said easement. Washington Township will replace and/or restore the grade of any property and any landscaping disturbed in connection with the exercise of its rights pursuant hereto. Upon completion of any work, Washington Township should remove, or should cause to be removed, all materials, tools, equipment, building supplies and debris from the easement and surrounding areas.

10. The governing body should develop a penalty procedure.

#### B. Recommended Drainage Easement Restrictions

It is recommended that the following restrictions should be noted on applicable plans and applicable deeds resulting from Board actions:

1. Washington Township is given a continuous and perpetual right-of-way and easement through, over, upon, under, in, across, and along the described easement for one or more pipes, swales, ditches or other drainage facilities, and all necessary surface and subsurface appurtenances (collectively, the 'facilities'). Washington Township should have the perpetual right to reconstruct, operate, maintain, inspect, protect and repair such stormwater facilities and all necessary surface and subsurface appurtenances within said easement, the perpetual right to do all that may be necessary for the reconstruction, replacement, extension, improvement, betterment, maintenance, inspection, protection, operation and use of such stormwater facilities and all necessary surface and subsurface appurtenances as a part of such stormwater facilities. Washington Township should have all

reasonable incidental right to protect and preserve install lines and appurtenances such as the right to subjacent lateral support, the right to construct and maintain rip rap at places where such protection may be required to protect installed lines and appurtenances from erosion, the right to construct and maintain requisite surface and subsurface appurtenances. Washington Township should also have the right to take any reasonable action that may be necessary to protect installed stormwater facilities lines from infiltration.

2. Washington Township, its agents, representatives, employees or any person or entity designated by it should also have the right, but not the duty, of entry and re-entry in and upon the land in the easement areas for the purpose of installing, constructing, and maintaining the related improvements as may be required by the Township of Washington, County of Warren, or State of New Jersey, or any agency thereof.

3. No structure of any type other than the drainage facilities as shown on the plans approved by the Land Use Board of Washington Township should be erected. Drainage facilities may not be altered in any way without prior written permission by Washington Township.

4. No topsoil, sand, gravel or material of any kind may be excavated or removed from within the limits of the easement unless approved by Washington Township. No fill of any kind should be permitted within the limits of the easement unless approved by Washington Township.

5. No trash, waste material or refuse of any kind should be permitted within the limits of the easement. No storage of any materials should be permitted within the limits of the easement.

6. The owner of the property should maintain the drainage easement by keeping vegetation in the manner necessary so that the stormwater has free flow through the entire drainage easement area.

7. No trees, shrubs or vegetation of any kind should be deposited, removed or destroyed from within the easement area. No topsoil, rocks, minerals or other materials should be excavated or removed from the conservation easement area, nor should any fill or other material be deposited in the conservation easement area.

8. No building or other structures should be located within the drainage easement area.

9. No driveways or parking or storage of motor vehicles or equipment should be allowed in the conservation easement area.

10. No drainage of any wetland areas is permitted. The wetlands and transition areas are protected under the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13: 9B-1 et. seq.)

11. In the event that any property owner or Homeowners' Association fails to properly maintain, inspect and/or repair any portion of stormwater facilities within the easement area and continues to fail or refuse to do so after written notice from Washington Township, Washington Township should have the right, but not the duty, seven (7) days after delivery of such notice, to enter upon the easement to perform any and all work determined by the Township in its sole discretion to be necessary to protect the public health, safety, and welfare and the costs thereof should be paid by the property owner within thirty (30) days after submission of a statement thereof and, if not paid, such amounts should become a municipal lien upon the property after certification to the taxing authority.

#### C. Recommended Landscaping Plan Requirements

1. A landscaping plan should be submitted with each site plan or subdivision application. The plan should identify existing and proposed trees, shrubs, bushes, plant material, groundcover and natural features such as boulders and rock outcroppings. It should show where species are or will be located. When existing natural growth is proposed to remain, the applicant should include, in the plans, proposed methods to protect the existing trees and growth during and after construction. These should include fences, berms, curbing, tree walls and similar devices. It is not the intention to have the developer locate every tree on the site. Those trees greater than 12" dbh (deciduous) or 8" dbh (non-deciduous) that are in any areas of disturbance should be located on the site plan.

2. The landscaping plan should be incorporated into a site map showing the following:

- a. Scale and North arrow.
- b. Location of all existing and proposed buildings and improvements.
- c. Proposed grading changes.

d. Location of all existing trees greater than 12" dbh deciduous or 8" dbh non-deciduous, and the size and species of each. The site map should also show similar trees on adjacent lots, if those trees are within 10 feet of the property line.

e. Which trees will be removed; where replacement trees will be planted and the size and species of each.

#### D. Recommended Landscaping Design/Detail Requirements

1. At planting, deciduous trees should have a minimum caliper of 2-1/2 inches. Ornamental and evergreen trees should be at least 6 feet in height. Shrubs should be at least 2 in height. All landscape plants should be typical full specimens which conform to the American Association of Nurserymen Standards.

2. All plants should be maintained at least one and one-half times the planting height unless otherwise noted on the plans.

3. Street trees should be provided for all streets and should be planted in accordance with the standards set forth below:

a. Spacing between trees should be determined based upon species and the proposed street location. In general, street trees should be between 50 feet on center.

b. Street trees should have a minimum caliper of 2-1/2 inches. Within sight easements, a single deciduous tree may be permitted only with site-specific approval of the Township Engineer. Such trees, including those at driveways, should be of such a size as to enable them to be immediately pruned up to 7 feet branching height.

c. Species selection should be in accordance with this chapter, unless alternative species are approved by the municipal engineer or municipal planner.

4. Entrances to sites deserve special landscaping treatment.

5. Existing large trees designed be saved should not have the grade varied around the trees by more than 6 inches.

## 6. Landscape Maintenance

a. Debris and weed control. This task should include the removal of all undesirable litter, debris and weeds. The objective of this subsection's task is to provide a neat, orderly, well-maintained appearance. Any objects or plants which create a health or safety hazard or an unnatural visual nuisance should be removed immediately.

b. Mulching. All planting beds with existing or specified organic mulch should be maintained with a minimum 2-inch depth of shredded bark mulch or an equivalent. To maintain this level, new mulch should be applied each spring as needed. Areas with decorative stone or other materials should be maintained with a neat appearance and at such a level that no weeds, bare ground or soil are exposed. No mulch should touch the plant trunk.

c. Plantings. Landscape maintenance should include the reseeding or replanting of landscape areas which are damaged, destroyed or failing due to insects, disease, weather or physical damage. All landscaped areas which are damaged, destroyed or are failing, as described above, should be replaced during the next planting season.

### E. Landscaping Requirements for All Zones

1. Trees should not be removed from an area within 25 feet of the edge of any stream, including seasonal or intermittent streams.

2. Landscaping trees. Landscaping trees within the property should be planted at a rate of not less than 3 trees per 5,000 square feet of disturbed lot area. At least 50% of all the species should be selected from the deciduous shade trees list and the balance may be selected from the landscaping trees list.

3. Shrubbery. In addition to the above, shrubbery should be planted at a ratio of not less than 10 shrubs per 5,000 square feet of impervious area. Shrubbery should be taken from the evergreen species list-medium sized. Variety is required to prevent the future die-out of large numbers of evergreens, in case a disease kills off a particular tree species.

4. Buffer planting adjacent to residential zones. Evergreen species should be planted in double rows in a zigzag fashion along the buffer line to provide a dense screen upon three years of growth. When evergreens are placed along distances of greater than 100 feet of a buffer line, two or more species or cultivars of evergreens should be provided in staggered rows. When evergreens are being placed distances of less than 100 feet along a buffer line, one or two species or cultivars of evergreens should be provided in staggered rows. Buffer planting should be in addition to other required landscaping.

5. Foundation planting. In addition, foundation landscaping .located within 5 feet of the foundation. should be provided at a rate of 10 shrubs per 20 linear feet of foundation. Species should be selected from the foundation planting list.

6. Provisions for parking lot landscaping.

a. One shade tree measuring a minimum caliper of 2-1/2 inches should be provided for every 10 parking spaces in the vicinity of the parking lot. The preservation or relocation of existing trees is encouraged to meet this requirement. This planting is in addition to trees required for landscape, buffers or street tree planting.

b. A curbed planting island of at least 4 feet in width should be placed at the end of each row of parking spaces along an internal traffic aisle.

c. A maximum of 20 parking spaces should be permitted in a row without a curbed planting island.

d. Landscaping should be selected so that the mature height will not cause concerns of obstructing vision.

7. Trees damaged after approval. Any tree greater than 12" dbh deciduous or 8" non-deciduous as designated on the tree site plan as a tree to be preserved that is determined by the Engineer to have been damaged in any manner during demolition, construction, grading or landscaping activities, including trees likely to die because of root disturbances or changes in drainage, should be replaced by the developer and planted at locations agreed upon by the Township Engineer, according to the formula of one 2-1/2" caliper tree for each tree removed.

a. Trees should be straight, balled and burlapped, nursery-grown, free of all wounds or other damage and meeting ANLA (American Nursery and Landscape Association) standards.

b. Where feasible, street trees should be installed 3 feet inside the property line so that the trees will not interfere with overhead utility lines and sidewalks. Shade tree easements should be provided for installation and maintenance purposes where determined by the Township Engineer to be necessary.

8. Tree replacement for residential subdivision and single or two-family use. Any development plan that is submitted to the Land Use Board for application related to a subdivision or other application for development for a single-family or two-family use should be required to replace trees that are greater than 8 inches dbh if non-deciduous, 12 inches dbh if deciduous. Replacement trees will be selected from the deciduous and non-deciduous listing for trees as found in the Township Land Use Ordinance. The caliper of such replacement trees should be 2-1/2 inch caliper for deciduous trees and 1-1/2 caliper for non-deciduous trees. In the event that the developer and the Township Planner concur that not all the trees will fit properly on the site, the developer should be required to plant the remaining required trees on municipally owned property.

#### F. Landscaping in Buffers

##### 1. Front yard buffers for non-residential developments along Route 31 and Route 57

a. Landscaped front yard buffer areas separating the parking and/or building from the traveled way should be provided for all nonresidential uses. Front yard landscaping, in alternating groups 10' wide, measured perpendicular to the highway, and in 30' grouping length, should be shown on the landscape plan and planted with grasses, shrubs, deciduous trees and evergreens or constructed of berms, boulders, mounds or combinations which will enhance the appearance of the site. Front yard landscaping along these corridors should require a minimum of eight shrubs for every 30 feet of frontage. If a landscaped berm is provided, the berm should be at least 2 feet higher than the finish elevation of the parking lot and planting requirements may be reduced to 5 shrubs for every 30 feet of frontage. Front yard landscaping may be waived by the Board where existing natural growth is

found to be sufficient to meet the objectives of this section and where year-round leaf display is achieved. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials should be permitted in the landscaped front yard. Access driveways, utilities, fences and security structures may be permitted. Species selection should be in accordance with this chapter.

b. Front yard landscaping should not interfere with any required traffic site distances as established by the Township Engineer and should not preclude a driver's view of signage on a commercial site.

Commercial uses should provide the following buffers where there is no intervening roadway:

Adjacent to single-family districts – 50' width as measured from the property line into the subject site.

Adjacent to multi-family districts – 50' in width as measured from the property line into the subject site

Buffers are not applied where there is an intervening roadway separating districts.

2. Landscaping in all transition buffers (non-residential and multi-family zones abutting a single-family residential zone where there is no intervening roadway).

a. Design of transition buffers. Arrangement of plantings in buffer areas should provide maximum protection to adjacent residential properties. Planting arrangements include planting in double parallel or double serpentine rows. A minimum of 25' wide buffer should be planted along the common line between these zones.

3. Transition buffer planting specifications. At least 3 plants should be provided for every 10 feet of length along the single-family residential line. All plantings should be installed according to accepted horticultural standards. The buffers should be planted with evergreens and deciduous trees as follows, subject to approval or modification of the Board:

a. The transition buffer should be planted with masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs. No less than 75% of the plants should be evergreen trees with a minimum installed height of 6 feet. A fence or wall may also be required within the transition buffer if a solid screening would not be achieved in three years of plant growth. Said fence

should not exceed a 6-foot height in the side or rear yard and not exceed a 4-foot height in the front yard. The fencing should be an attractive fence which is compatible with the neighborhood. Stockade fencing should not be used.

b. More than one type of evergreen species should be used.

c. Where a fence is required, plantings should be placed along the outside perimeter of the fence (facing the residential side) but not closer than 5 feet to the fence. A solid fence should not be used as the sole treatment mechanism in transition buffer areas.

#### G. Acceptable Deciduous Shade Trees (includes street trees)

A listing of acceptable species may be found in Appendix B. Acceptable species and cultivars of major, deciduous shade trees should include those listed, but it is noted that indigenous species should be preferred over non-indigenous selections.

### **XIII. RECOMMENDED BULK REQUIREMENT AND ZONING CLARIFICATION**

1. Definition of Corner Lot: Corner lots should have two front yards, one side and one rear yard. The rear yard should be opposite the narrower lot width.

2. Lot 3.03, Block 65 should be corrected on the zoning map to show that it lies in the VR, Valley Residential district.

3. Amendment to the Definition of a Parking Space: Delete the reference to parking space sizes and reference Ordinance Section 123-21 instead. Add the provision that *parallel parking shall be permitted* to this definition.

4. Modify Section 123-21.B(2) to include the provision for banked parking. Banked parking may be permitted based on a peak demand parking analysis; however, the area devoted to parking must be made available and reserved for possible later use.

5. Modify Section 123-21.B(2) to include a provision for Mixed Uses Parking that a reduction in the total amount of parking for principal uses may be permitted to be shared based on a peak demand parking analysis.

6. Add the following provision: All permitted pharmacy uses should include the provision that drive-thru pharmacy facilities are also permitted.

#### **XIV. ECONOMIC PLAN**

The environmental controls recommended in this Master Plan Amendment will have an initial cost effect on the efforts needed to designate and maintain environmentally-sensitive areas and drainage facilities. Although these efforts will have a fiscal obligation, the benefits in assuring high water quality and wildlife habitats are considered to be sufficiently important to warrant specific attention. Regulations to assure these standards are required in the Highlands Preservation area. The Township Land Use Board supports responsible land stewardship in the Highlands Planning area but there is also recognized that sometimes excessive regulations can place a chilling effect on investment which may choke back the Township's ability to maintain critical municipal services.

#### **XV. FARMLAND PRESERVATION PLAN**

Farmland preservation and strategies to protect the farming industry will be the subject of a future Master Plan amendment dealing with regulations and strategies developed through the Highlands Plan Conformance process.

#### **XVI. ENVIRONMENTAL IMPACT STATEMENT**

An Environmental Impact Statement should be prepared and submitted to the Secretary of the Land Use Board as part of development submissions for major subdivisions and site plans. The information required for the EIS should deal with appropriate aspects, in concert with the magnitude of the project. A description of the educational background, New Jersey state certifications and experience and involvement in Warren County in the past five years (resumes) of the principal preparers of the EIS should form part of the document. It is not intended to have the EIS recite boiler-plate data which addresses a subject not applicable to the effects of the application. The EIS should address only real impacts related to the application. (Waivers could be granted where deemed appropriate.)

The EIS may consider, where pertinent to the proposed project, the following items:

1. The Proposed Project

Describe, with suitable sketches and plans, the proposed project. This section should simply and briefly summarize, rather than duplicate, the site plan and building plan.

2. Existing Conditions of the Site and Affected Off-Site Areas

The applicant should describe the environmental features of the property. The applicant may utilize resource information available from the Township. Generally, an inventory will consider pertinent issues that may include the air quality, topography, surface groundwater, vegetation, wildlife, archaeological and historical features and traffic. The location of trees, species and diameter at breast height (dbh) of 12 inches for deciduous trees and 8 inches dbh for non-deciduous trees in the area of disturbance, and 50 around the disturbed area, should be shown on plan.

3. Wastewater Management

Estimate the expected flow of sewage, process water and/or other wastewater expected from the proposed development. If any flow is expected, discuss:

a. If disposal is on site, relation to topography, soils and underlying geology, including karst. Indicate distance to the nearest private/public water distribution line and include results of percolation tests and soil logs.

b. If disposal is to an existing private facility or to a new public facility, identification of the plant and location of existing collection point to which the proposed project would be connected, and document evidence that the expected flows from the proposed facility can be accepted and can be treated adequately by the private or public facility. Superfund contamination sites should be fully evaluated.

4. Water Supply

If the water is to be supplied from an existing private or public facility, identification and location of the facility and location of existing distribution point to which the proposed project would be connected.

## 5. Surface Drainage

Estimate the average rate and quality of stormwater runoff and identify the receiving body or bodies for such runoff from the site under original natural conditions and from the site during and after construction if the proposed project were implemented. Discuss the reasons for any increase or decrease in the anticipated velocity of runoff if the project were implemented and any plans for on-site retention or other techniques that are proposed for use to minimize peak storm flows and resultant downstream flooding. The boundaries of the floodplain for the stream should be provided on a map.

## 6. Solid Waste Recycling and Disposal

Estimate the volume of solid wastes, by type, expected to be generated from the proposed project during construction and operation and describe plans for recycling, collection, transportation and disposal of these materials. Discuss the recycling plan for the proposed project and its implementation.

## 7. Air Quality

Any source of air pollutants, including odors which will be emitted during or after construction.

## 8. Traffic

Describe the number of cars to be expected and the traffic pattern, including peak traffic, and how it relates to existing traffic patterns on adjacent roadways.

## 9. Freshwater Wetlands

An applicant should provide a map and statement specifying the total area of the freshwater wetlands to be affected and what measures may be necessary to mitigate any adverse effects.

## 10. Adverse Impacts Which Cannot Be Avoided.

The EIS should contain a summary list with discussion of the potential adverse environmental impacts which cannot be avoided should the proposed project be implemented. Short-term impacts should be distinguished from long-term impacts. Reversible impacts should be distinguished from irreversible impacts. Any impacts on critical areas, such as streams, floodways, wetlands, slopes, areas of high-water table, water quality, air quality, noise, and increased traffic should be discussed.

## 11. Environmentally-Protective Measures

The EIS should contain a listing of all environmentally protective measures which will be used should the proposed project be implemented. These are measures which will avoid or minimize adverse effects on the natural and man-made environment of the site and region during the construction and operation of the facility.

## 12. Alternatives

The EIS should discuss and evaluate alternative designs studied in coming to the final proposal, including the no-build alternative.

## **XVII. SIGNAGE**

All non-residential developments seeking signage should provide a sign package, including theme, with the application.

Lighting for signage should be extinguished one hour after the close of business. ATM signage is exempt at the location of the machine since this is regulated by the state.

## **XVIII. SUSTAINABLE BUILDING STANDARDS**

The Washington Land Use Board is made aware that the American Planning Association (APA) is developing recommendations for 'green communities' and that these recommendations will include model ordinances for green designs in residential neighborhoods as well as commercial and industrial developments. These recommendations are anticipated to be available by early 2008 at which time the Land Use Board will evaluate the publications and propose specific regulations which will enhance the concept of 'green communities' in Washington Township. This timeframe will likely dovetail with other key government publications, including DEP, COAH and Highlands regulations. An updated Master Plan would be envisioned as a response to wide-sweeping changes which are to amend current regulations. A subcommittee should be established to consider sustainable building strategies.

#### A. Adoption of Codes by Reference

"Leadership in Energy and Environmental Design Rating System for New Construction and Major Renovations (LEED — NC)," Version 2.1, March 14, 2003, and "Leadership in Energy and Environmental Design — EB Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance," Version 2, updated July 2005, are acceptable standards. As of this printing, there are emerging alternative standards and guidelines which will be reviewed by the Land Use Board. Other sources to be considered include "Green Building Guidelines," as published by the National Association of Home Builders.

#### B. Washington Township Facility Projects and Buildings

1. The Land Use Board supports the use of Green building practices and adopts the use of the USGBC's Leadership in Energy Design (LEED) Rating System for the design and construction of new buildings and major renovations and additions to Township funded facility projects.

2. The Land Use Board recommends that the Township incorporate life-cycle and total cost accounting in the design, construction and maintenance of all future Township-owned and municipally-financed buildings.

3. The Land Use Board endorses a policy that Township funded facility projects and Township-owned facilities meet a minimum LEED Silver rating, where fiscally feasible.

4. The Land Use Board recommends that the Township Committee adopt ordinances which would encourage the concept of 'green communities' once the findings of the Land Use Board subcommittee are issued.

#### C. New Development Projects

1. The Township of Washington Land Use Board encourages developers to adopt the LEED Rating System. To encourage projects to achieve formal LEED certification from the USGBC, the Washington Township Land Use Board would encourage the governing body to establish an incentive program, such as a slightly larger building than would normally be allowed if the project receives official LEED certification from the USGBC at one of the four LEED award levels. The incentive allowed would

vary depending on the project and on the LEED award sought. The use of the program could be incorporated in development agreements entered with the Township governing body.

Developers which would want the LEED incentive developer to submit the following information to the Township for:

a. Name of the LEED accredited professional working on the project. Each project should include a LEED accredited professional as part of the project team. This team member advises the project team on LEED issues and ensures that the specific LEED credits for the project are achieved.

b. LEED scorecard. A LEED scorecard should be submitted as part of its plan. The scorecard should be accompanied by an explanation of how each credit will be achieved or why the credit cannot be achieved for the project. Prior to issuance of specific permits, reports should be submitted outlining progress on achieving LEEDS credits. A specific number of LEED credits will be negotiated and included in the project.

c. Construction waste management plan. Prepare and implement a construction waste management plan. The plan should outline where waste will be sent for recycling, reuse, reprocessing or disposal. Letter from each of the recipient facilities should be included.

d. Energy star. For multi-family residential projects, appliances and fixtures should meet United States EPA's energy star standards. Projects should include energy star compliant clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas) and exit signs. To enhance energy efficiency further, the project should also choose and install two of the following energy star components: programmable thermostats (the residential units); residential light fixtures; windows and doors; and HVAC systems.

2. Developers applying for the Building Density Incentive Program should register their projects with the USGBC. Proof of registration should be submitted to the Township, followed by quarterly updates that identify the progress of the project and points achieved. Projects should be certified by the USGBC at the agreed upon level.

3. Renewable Energy Systems should be afforded relief from impervious coverage and building height restrictions.

## **XIX. CHECKLISTS AND APPLICATION FORMS**

All applications for site plans and major subdivisions should include the following six photographs, in color:

- 1 photograph facing property from the street
- 2 photographs right of property
- 2 photographs left of property
- 1 photograph showing rear yard of the property

In addition, new checklists and application forms are recommended. These are found in the Master Plan Amendment to the Land Use and Housing Element Appendices, Volume II. Checklist requirements may be added and/or modified by Ordinance, as deemed necessary by the Board and its professionals.

## **XX. RELATIONSHIP TO CONTIGUOUS MUNICIPALITIES – REGIONAL PLANNING**

This Master Plan amendment is consistent with contiguous municipalities:

Washington Township is bounded by eight municipalities, with the Borough of Washington being located within and bounded on all sides by Washington Township. The focus of this analysis is with the recognition that the PVD principal permitted uses remain substantially the same as previously envisioned and that the larger building size recommended is specifically for a supermarket, not the “big box” retail use which is often associated with a regional consumer base.

### **A. White Township**

Along the northerly municipal boundary of Washington Township is White Township. The zoning along the White Township boundary line is residential (R-1 Single Family Cluster) for the entire length of the municipal boundary.

In Washington Township, the zoning along the municipal boundary line is residential MR (Residential Mountain). In both White Township and Washington Township the common-line zoning is residential. Since the zoning in both Townships is residential, the uses are compatible. State Route 31 terminates at its intersection with State Route 46 at the Buttsville section of White Township. The

proposed Master Plan amendment change in the Washington Township PVD (Planned Village District) will not affect the residential atmosphere of White Township.

#### B. Oxford Township

The zoning along the Oxford municipal boundary line with Washington Township is residential. The area adjacent to the boundary line zone is primarily R-120 zone with a small portion in the R-10 zone. The corresponding zoning in Washington Township is MR (Mountain Residential). There are no impacts of the proposed changes to the Oxford Township Land Use by implementation of the Master Plan amendment.

#### C. Mansfield Township

Mansfield Township is located along the easterly boundary of Washington Township. The zoning in Mansfield is Residential A and R-2 (Single Family). Also along the municipal boundary line are two other zones, I (Industrial) and Professional Office (PO), collectively identified as the I/PO zone on the zoning map in some locations.

In Washington Township, the zoning along the boundary line of these residential zones is the MR (Mountain Residential) district which complements the residential zones in Mansfield Township. The PI (Planned Industrial) district in Washington Township is adjacent to the I/PO zone in Mansfield Township. These are also compatible land uses which will not be affected by this Master Plan amendment. Opposite the I zone in Mansfield, between Route 57 and the railroad, is the Washington Township OR (Office Research) zone which is also a compatible land use pattern.

#### D. Lebanon Township

The municipal boundary line between Lebanon Township and Washington Township is interrupted by the Musconetcong River, which limits the number of roads that connects the two townships.

The zoning in Lebanon Township is primarily residential along the Musconetcong River, with an area of two neighborhood business (B-1) zones. The Musconetcong River provides a planning barrier between the two municipalities which throttles the effect of the zoning on each Township where a roadway does not pierce the two zones. Most of the area in Lebanon Township is located in the RC

(Resource Conservation) zone. There is no effect of the VR (Valley Residential) zone on the residential quality of life in Lebanon Township.

State Route 31 provides the principal access to the Township for both municipalities. The re-designation of policies and vision for the PVD will not affect Lebanon.

#### E. Hampton Borough

The boundary line between Hampton Borough and Washington Township is also defined by the Musconetcong River. The Borough zoning is primarily residential and HC (Highway Commercial) on both sides of State Route 31 for a limited distance. The R2 residential zone is east of the HC zone with the RR-3 residential zone to the west of State Route 31.

In Washington Township, the zoning on the north side of the Musconetcong River is VR (Valley Residential) with OR (Office Research) sandwiched between the Musconetcong River and Route 31. Route 31 provides direct access to Washington Township from Hampton Borough. The Musconetcong River provides a planning barrier between the two municipalities. The action of amending the Master Plan with the vision and standards for the PVD site does not affect compatibility of land uses with Hampton Borough.

#### F. Bethlehem Township

The municipal boundary line between Bethlehem Township and Washington Township is also defined by the Musconetcong River. The zoning in Bethlehem Township is AR (Agricultural Residential) and in Washington Township the zoning is VR (Valley Residential).

The length of the common boundary is approximately 200 ft. There is no significant planning interconnection between the Bethlehem Township border and the Washington Township border.

#### G. Franklin Township

The Franklin municipal boundary line which is coincident with Washington Township line runs from the Musconetcong River on the south to the boundary line with White Township on the north. The zoning along the boundary line of Franklin Township is RC (Rural Conservation) and IP (Industrial Park).

In Washington Township, the residential districts of MR (Mountain Residential) and VR (Valley Residential) complement the rural conservation zone. Washington Township's non-residential districts of OR (Office Research), GC (General Commercial) and ED (Educational Use), complement the corresponding commercial zones in Franklin Township.

The revisions recommended in the Master Plan Amendment do not impact any portion of Franklin Township.

#### H. Washington Borough

Washington Borough is a designated state "Center" and is totally surrounded by Washington Township. The zoning along the northerly boundary line in the Borough is R-1, R-2 and R-4 and an I (Industrial) zone which is located between State Route 31 and the railroad right-of-way. The corresponding Township's zoning along the northerly boundary line in the Township is VR (Valley Residential), R-20 and R-40 (Single Family Residential) and MR (Mountain Residential) and HC (Highway Commercial). In both the Township and the Borough, the zoning is compatible. The main differences are in the size of the residential lots. Larger lot areas are located in the Township and smaller lots are located in the Borough.

Along the Borough's easterly border, lie the R-1, R-2 (Residential) and B-1 (Business) zones. Washington Township zoning is MR (Residential), R-20 (Residential) and the GC (Commercial) zone.

A portion of the B-1 zone is adjacent to the Township's MR zone, north of Route 57. It is recommended that a buffer or other visual barrier be considered by Washington Borough and Washington Township when this area comes to the Borough or Township for development consideration. All other corresponding zoning is complementary.

Along the southerly boundary line of the Borough, the zoning is R-1, R-2 and R-6 (Residential), B1 (Highway Business) and I (Industrial). The Township zoning along this southerly boundary line is R-10, R-20 (Residential) VR (Valley Residential). The R-10 zone is opposite to the I (Industrial) and B-1 (Highway Business) zones which is a long term existing historic condition which is not unknown to exist in established centers and the envisions.

The zoning along the westerly boundary line in the Borough is R-1 (Residential), B1 (Highway Business), PL (Public Lands) and R-6 (Attached Single Family). The corresponding zoning in the Township along this boundary line is R- 20 (Residential), GC (General Commercial), MR (Mountain Residential) and R-20 (Residential). The GC district and the B1 zone are complementary to each other.

Similarly, the residential zones are also complementary. The proposed Master Plan amendment will not affect these land uses.

#### I. Harmony Township

There is a roadway connection between Harmony Township and Washington Township. Zoning in Harmony along the common line with Washington Township is AR-300 (Residential). The corresponding zoning in Washington Township is MR (Mountain Residential). These are complementary uses. The proposed Master plan amendment will not affect these uses.

### **XXI. RELATIONSHIP TO THE COUNTY**

This Master Plan amendment is consistent with that of the most recent vision of Warren County.

The most recent Warren County Master Plan was published in 1979, so it is 30 years old. The latest Planning Vision is found in the "Warren County Strategic Growth Plan," which was published in December 2004, revised October 2005. This document provides results of public surveys, data and guidance for the development of land, including development goals published in the State Nitrate Dilution Model information. Reference to this document is made in the Master Plan.

### **XXII. RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

This Master Plan amendment is consistent with the State Development and Redevelopment Plan.

Classified as Rural/Environmentally-Sensitive, the PVD lies within Planning Area 4B of the Highlands Planning Area. As such, the State Development and Redevelopment Plan provides descriptions and policies that are noted as particularly appropriate for this site.

## A. Rural Planning Area (PA4)

### 1. General

The Rural Planning Area, including its sub-area, the Rural/Environmentally-Sensitive Planning Area, comprise much of the countryside of New Jersey, where large masses of cultivated or open land surround rural Regional, Town, Village and Hamlet Centers, and distinguish other sparse residential, commercial and industrial sites from typical suburban development.

### 2. Intent

In the Rural Planning Area, the State Plan's intention is to:

- Revitalize cities and towns;
- Accommodate growth in Centers;
- Protect the character of existing, stable communities;
- Confine programmed sewers and public water services to Centers.

New development in the Rural Planning Area should be encouraged in well-defined Centers located and designed to achieve the area's Policy Objectives. Development should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on rural features. Public water, wastewater, and other capital intensive infrastructure should be provided only in Centers.

The Environs should be protected from the impacts of Center development and should be maintained as open land, either in cultivation or a natural state. Greenbelts and other conservation techniques are recommended to serve as buffers between or to mark the edge of Centers, which are delineated by Center boundaries. Existing and new Centers should absorb the growth otherwise projected for the Environs. The Rural Planning Area includes a sub-area for Rural/Environmentally-Sensitive lands. This sub-area identifies productive farmland that also contains valuable ecosystems or wildlife habitats.

### 3. Policy Objectives

**Land Use:** Enhance economic and agricultural viability and rural character by guiding development and redevelopment into Centers. In the Environs, maintain and enhance agricultural

uses, and preserve agricultural and other lands to form large contiguous areas and greenbelts around Centers. Development should use creative land use and design techniques to ensure that it does not conflict with agricultural operations, does not exceed the capacity of natural and built systems and protects areas where public investments in farmland preservation have been made. Development in the Environs should maintain or enhance the character of the area.

4. Natural Resource Conservation: Minimize potential conflicts between development, agricultural practices and sensitive environmental resources, and promote agricultural management practices and other agricultural conservation techniques to protect soil and water resources. Protect and preserve large, contiguous tracts and corridors of recreation, forest and other open space land that protect natural systems and natural resources.

5. Agriculture and Farmland Preservation: Give priority to the Rural Planning Area for farmland preservation funding to preserve lands around Centers and maintain and enhance large contiguous areas of farmland and open space.

6. Recreation: Provide maximum active and passive recreational and tourism opportunities at the neighborhood and local levels by targeting the acquisition and development of neighborhood and municipal parkland within Centers. Provide regional recreation and tourism opportunities by targeting parkland acquisitions and improvements that enhance large contiguous open space systems and by facilitating alternative recreational and tourism uses of farmland.

The PVD site already has public water and sewers. In light of the objective, Washington Township should explore the Route 31 corridor south of Route 57 as a Center with the OSG during the Plan Endorsement and Highlands Plan Conformance process.

## B. Highlands Regional Master Plan

The Goals, Policies and Objectives of the Highland Regional Master Plan provide the substantive standards and direction for implementing the goals and requirements of the Highlands Act, and are used as the basis for the implementation programs. Goals are defined as broad statements of intent, with Policies providing a more detailed statement of direction. Objectives in turn, provide the

specific, substantive requirements that will be used to measure implementation progress and plan conformance. Many will be used in complying with the Highlands Plan Conformance standards and guidance developed by the Highlands Council. Others will be used in the development of long-term programs for improvements recommended in the RMP, action by governmental and nongovernmental partners, and non-regulatory efforts of the Highlands Council to improve the Highlands Region. The sequence of the Goals, Policies, and Objectives address a wide variety of natural resources, including forests, Highlands Open Waters and Riparian Areas, steep slopes, Critical Habitat, land preservation and stewardship, carbonate rock topography, and lake management, with particular focus on water resources available, protection of water resources quantity, and water quality.

The RMP addresses the sustainability of agricultural resources and focuses on the recognition and management of historical, cultural, archaeological, and scenic resources. Part of the RMP addresses transportation, including transit systems. Landowner equity issues are addressed, including the Highlands Transfer Development Rights (TDR) Program and Highlands Act exemptions and waivers. The RMP addresses sustainable economic development, air quality and local participation, respectively. As mentioned previously, the Township is in both the protection and Planning areas of the Highlands.

The following strategies in the Highlands Region are applicable, as noted in the State Development and Redevelopment Plan:

#### Planning and Implementation Strategies

- Establish an intergovernmental planning initiative, inclusive of public participation, to:
  - ✓ identify and address the existing and prospective conditions, opportunities, and challenges of the Highlands Region;
  - ✓ secure the protection of water quality and water supply, natural resources, open space, unique landscape and community character;
  - ✓ promote sustainable economic development;
  - ✓ encourage redevelopment, especially in existing urban areas.

## **XXIII. RELATIONSHIP TO THE COUNTY WASTE MANAGEMENT PLAN**

This Master Plan amendment to the Land Use Plan is consistent with the Warren County Waste Management Plan. Washington Township Solid Waste Management Plan

The August 7, 2007 Warren County Solid Waste Management Plan was prepared, which includes and discusses Washington Township's methods and procedures for solid waste management. Washington Township is a member of the Warren County's solid waste program.

Washington Township's program is to have private contractors for residential, industrial, and commercial collection services. The cost of the collection services are paid for by the individual user to the hauler directly.

All material collected in the Township is brought to the disposal central facility located in Oxford Township. All users in Washington Township are responsible to ensure that the refuse is source-separated from the waste stream and recycled. With the cooperation of all households, business and industry, schools, government buildings, and other institutions, 50% is the County goal.

Washington Township households pay a curbside recycling fee as a component of their overall solid waste collection fee. According to the County Solid Waste Management Plan, Washington Township, "utilizes compartmentalized trailers provided by the Pollution Control Financing Authority (PCFA) on rotating weekends. Materials collected in the trailers are brought to the Warren County Recycling Center." This procedure can be used in lieu of curbside pickup.

This approach approval is viewed as environmentally responsible and is therefore endorsed for continuation.

The Township of Washington utilized private haulers for both solid waste and recyclable material which services is paid for by the individual utilizing the service.

### **Development and Redevelopment Plan and Appendix**

Appendix 5 of the document confirms that the PVD favorably meets the Municipal Smart Growth Audit. The Master Plan Amendment is compatible with this document.