A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF WEST DEPTFORD MEMORIALIZING ADOPTION OF GENERAL REEXAMINATION OF THE MASTER PLAN REPORT AS ADDENDUM TO THE MASTER PLAN OF THE TOWNSHIP OF WEST DEPTFORD

RESOLUTION NO.: 2019-10

WHEREAS, the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-89, provides that each municipality within the State of New Jersey shall periodically re-examine its Master Plan polices and assumptions, zoning restrictions, and site plan and subdivision regulations, and prepare and adopt by resolution a report on the findings of such reexamination; and

WHEREAS, the Planning Board of the Township of West Deptford (the "Board") had jurisdiction to review and adopt a Master Plan Reexamination Report pursuant to the MLUL, N.J.S.A. 40:55D-89; and

WHEREAS, the Board last adopted a Reexamination of the Township's Mast Plan in May 2009; and

WHEREAS, at the direction of the Township and Board, the Board Planner, Joseph M. Petrongolo, LLA, RLA, PP, of Remington & Vernick Engineers, Inc., prepared the "General Reexamination of the Master Plan West Deptford Township Gloucester County, New Jersey, dated November 6, 2019" (the "2019 Reexamination Report"), incorporated by reference herein; and

WHEREAS, on November 26, 2019, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, and in accordance with all associated requirements of the MLUL, the Board held a public hearing on the 2019 Reexamination Report to consider same as an amendment and/or addendum to the Master Plan of the Township of West Deptford pursuant to N.J.S.A. 40:55D-10-(a); and,

WHEREAS, the 2019 Reexamination Report addresses the major problems and objectives relating to land development in the Township of West Deptford, the extent to which such problems and objectives have been reduced or have been increased, the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan, any specific changes recommended for the master plan, and any recommendation of the Board concerning the incorporation of redevelopment plans; and

WHEREAS, the 2019 Reexamination Report further recommended the following specific actions be taken by the Township and Board relating to the Master Plan, among other things: (i) adoption of a Green Buildings and Environmental Sustainability Plan Element; (ii) preparation and adoption of a new Housing Plan element; (iii) preparation and adoption of a new Master Plan; and (iv) comprehensive revisions and rewrites to Township Land Development Ordinances; and

WHEREAS, the Board discussed the 2019 Reexamination Report and the Board Professionals offered recommendations; the 2019 Reexamination Report was opened to the public

for comment, and any members of the public wishing to comment were given the opportunity to do so; and

WHEREAS, the Board determined, after reexamination of the Master Plan, receipt of public comment, and public deliberation regarding same, that the Master Plan of the Township of West Deptford should be amended to incorporate the recommendations, reflections, findings, and conclusions as set forth in the 2019 Reexamination Report; and

WHEREAS, the Board has determined that the adoption and implementation of the recommendations contained in the 2019 Reexamination Report is in the public interest, protects public health and safety, and promotes the Township's general welfare; and

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of West Deptford, that after re-examining the Master Plan and reviewing the 2019 Reexamination Report, and after considering the testimony relative thereto and the testimony of members of the public, if any, the Board made the following Findings of Fact and Conclusions:

1. The 2019 Reexamination Report has been prepared in accordance with the requirements of N.J.S.A. 40:55D-89.

2. The 2019 Reexamination Report reflects that the assumptions, policies, and objectives forming the basis of the 2009 Master Plan Reexamination Report have changed significantly.

3. The Board concludes that the Master Plan remains a viable and relevant instrument, which is in need of proactive adjustments to meet changing conditions.

4. The Board further concludes that portions of the Master Plan need varying degrees of adjustment, as detailed in the 2019 Reexamination Report.

5. For the foregoing reasons, the Board has determined that the 2019 Reexamination Report dated November 6, 2019, incorporated by reference herein, should be adopted as an amendment and/or addendum to the Master Plan of the Township of West Deptford, and that the document carry the date of the day so adopted.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the 2019 Reexamination Report shall be forwarded to the Gloucester County Planning Board and the Municipal Clerks of the municipalities adjacent to the Township of West Deptford as provided by law; and

BE IT FURTHER RESOLVED, that the Secretary shall forward a copy of this Resolution and the 2019 Reexamination Report to the Mayor and Council of the Township of West Deptford.

ATTEST:

ERIC AGREN, BOARD SECRETARY

WEST DEPTFORD TOWNSHIP
PLANNING BOARD:

PHIL ZIMM, BOARD CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 26th day of November 2019 represents a true and correct copy of a resolution adopted by the Planning Board of the Township of West Deptford consistent with its decision at a meeting held on the 26th day of November 2019.

CAMILLE ATKINSON, RECORDING SECRETARY

GENERAL REEXAMINATION OF THE MASTER PLAN

WEST DEPTFORD TOWNSHIP

Gloucester County, New Jersey

November 6, 2019
Adopted by the Township Planning Board: 11-26, 2019
(Resolution # 2019-10)

Prepared By:

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I INTRODUCTION

West Deptford Township is a suburb of Philadelphia, Pennsylvania, located in the Philadelphia-Camden-Wilmington (PA-NJ-DE-MD) Metropolitan Statistical Area (MSA) with over 6 million people. According to the U.S. Census, in 2010, the Township had a population of 21,677, representing a 11.9% increase from 2000. West Deptford has easy access to I-295, the New Jersey Turnpike and other major state highways.

Pursuant to Section 40:55D-89 of the Municipal Land Use Law, at least once every ten years municipal master plans and development regulations are to be reexamined for the purpose of determining continued viability and the need for amendments. Consideration should be given to the emergence of land use issues and external influences, such as statutory mandates, which might impact the underlying basis of the master plan. The reexamination is intended to result in the articulation of planning policy issues which need to be addressed to ensure that the municipality's preeminent planning policy document, which serves as the foundation for development regulation, has continued applicability. Failure to undertake the periodic reexamination constitutes, under the law, a rebuttable presumption that the development regulations are no longer reasonable.

In accordance with the above citation, the reexamination is to address:

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

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

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

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

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality. (L. 1975, c. 291, s. 76; amended 1980, c. 146, s. 6; 1985, c. 516, s. 18; 1987, c. 102, s. 29; 1992, c. 79, s. 50.)

The West Deptford Township Reexamination adopted May 18, 2009, and herein examined, consists of the following: 1) Introduction, 2) A review of major problems and objectives at the time of the last reexamination report, 3) the extent to which such problems and objectives have been reduced or increased, 4) the extent to which there has been changes in assumptions and objectives, 5) Specific Recommendations, and 5) Redevelopment Plans.

The West Deptford Township Master Plan consists of separately adopted elements: a land use plan and a housing and fair share plan. From a historic perspective, the present land use plan element was adopted May 22, 1986, and was last reexamined in 1994. Since that time, the land use plan element was revised three times: first, in 1989, to review and propose land use designations as well as revisions to the zone plan for consistency one with the other; second, in 2001, to give notice of the reservation of four separate land tracts for open space preservation, and then again in 2003, so to address impacts on open space preservation and infrastructure resulting from the designation of the RiverWinds Redevelopment Area and establishment of the Mixed-Use zoning classification at the intersection of Grove-Thorofare Road and Woodbury-Swedesboro Road.

As to the housing element fair share plan, the initial plan element was adopted September 2, 1988 and has been superseded by the current version being adopted November 2006.

With respect to arrangement, this reexamination addresses in the same sequence the concerns of subsections "a "through "e" of the above mentioned Land Use Law citation.

II. REEXAMINATION REPORT FINDINGS

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

The statutory charge for this aspect of the reexamination is to identify problems and objectives indicated in the master plan. Issues deduced through an analysis of the 2009 Master Plan Reexamination are outlined below:

1. Major problems as identified in the 2009 Reexamination Report. This reexamination made clear that the overarching theme from the perspective of problems facing the Township at that time related to the enhancement of quality of life to the optimum extent feasible while concurrently accommodating growth. Specific circumstances exacerbating the balancing of quality of life and accommodation of growth were noted, as well as, recommendations which either were being proposed or, in the alternative, had already been implemented. These circumstances involved:

   (1) The 2001 revision to the West Deptford Master Plan stressed density reduction through the downzoning of certain parcels. West Deptford cited open space preservation and limiting infrastructure impact as a basis for limiting future density.

   (2) Increased vacancy as indicated in the 2007 American Community Survey (ACS) three-year estimate. This 2007 estimate revealed the number of vacant houses in the Township at 895, or 10.1% of all housing units in the Township. This number was almost three times higher than vacancy rates (3.0% in 1990 and 3.5% in 2000) indicated in previous census counts.

   (3) Outdated zoning regulations continue to advance development patterns inconsistent with the existing development

2. Objectives as identified in the 2009 Reexamination Report. The reexamination report carried forward the community objectives of the 1986 land use plan element. Additional objects were introduced with the adoption of the 1994 Reexamination and are indicated below. Several of those objectives/considerations were in effect a restatement of existing objectives; however, 5 of the 9 represented newly proposed objectives.

   Community objectives of the 1986 Land Use Plan Element Include:

   (1) To maintain, protect and encourage attractive residential neighborhoods with adequate community facilities and services;

(2) To develop a pattern of land use relationships which is logical, efficient and harmonious, and which precludes or minimizes conflicts and frictions between different types of activity;

(3) To strengthen the tax base which will enable the Township to maintain a high level of community services and education without undue tax burden on any one segment of the community;

(4) To provide for a street and transportation system which will promote the safe, convenient, and efficient movement of people and goods;

(5) To provide and conserve adequate open areas for school, recreation, and other public facility requirements within areas of existing and future residential development;

(6) To protect areas with special aesthetic, scenic, or other natural qualities and features, such as, stream valleys, slopes and woods, for purposes of visual amenity, recreation, adequate drainage, soil stabilization, and protection of the natural environment including water and agricultural resources;

(7) To protect and enhance the visual environment by requiring new uses to comply with design, locational and environmental standards which will ensure a pattern of quality development, and which will protect areas and buildings of historical and cultural significance; and

(8) To achieve community goals and objectives with due consideration to minimizing future Township operating and capital expenditures.

Objectives/Considerations introduced with adoption of the 1994 reexamination are as below; what would represent a newly proposed objective as opposed to simply a restatement is so indicated:

(1) Provide for a range of housing types (new);

(2) Attract sufficient non-residential uses to minimize taxes;

(3) Insure that the placement of various uses do not negatively impact others;

(4) Furnish for all age levels an adequate supply of recreational facilities and open space (new);

(5) Assure that utilities and other services keep pace with development (new);

(6) Safeguard the environment through local controls and monitoring in addition to requirements of other agencies;

(7) Encourage efficient design of developments and improvements to transportation systems by other levels of government so as to serve the local community as well (new);

(8) Impose, within permissible limits, standards which will result in an attractive as well as efficient community;

(9) Balance land use to result in a Township where residents can live comfortably, work productively and play enthusiastically (new).

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

1. **Major problems existing at the time of the 2009 Reexamination Report.**

(1) Density continues to be a concern within the Township. The Township wishes to explore options such as: Increased open space preservation, limiting infrastructure improvements and zoning changes.

(2) The current 2017 American Community Survey (ACS) five-year estimate indicates 550 vacant housing units or 6% of all housing units. While this number is smaller than indicated in the 2007 estimate, it is double the % indicated in 1990 census.

(3) Development regulations continue to be outdated necessitating continual improvement. The Township understands that substantial updates to the West Deptford Township Zoning Ordinance are needed. This update will, if necessary, include the rezoning of property and Zoning Map updates.

2. **Objectives from the 2009 Reexamination Report.**

The objectives as indicated in the 2009 Master Plan Reexamination Report are as follows and for those that remain viable, the Township should continue to seek methods for full implementation. Our comments regarding the continued applicability of these objectives *are in italics.*

Community objectives of the 1986 Land Use Plan Element Include:

(1) To maintain, protect and encourage attractive residential neighborhoods with adequate community facilities and services; *This goal is still applicable.*

(2) To develop a pattern of land use relationships which is logical, efficient and harmonious, and which precludes or minimizes conflicts and frictions between different types of activity; *This goal is still applicable.*

(3) To strengthen the tax base which will enable the Township to maintain a high level of community services and education without undue tax burden on any one segment of the community; *This goal is still applicable.*

(4) To provide for a street and transportation system which will promote the safe, convenient, and efficient movement of people and goods; *This goal is still applicable.*

(5) To provide and conserve adequate open areas for school, recreation, and other public facility requirements within areas of existing and future residential development; *This goal is still applicable.*

(6) To protect areas with special aesthetic, scenic, or other natural qualities and features, such as, stream valleys, slopes and woods, for purposes of visual amenity, recreation, adequate drainage, soil stabilization, and protection of the natural environment including water and agricultural resources; *This goal is still applicable.*

(7) To protect and enhance the visual environment by requiring new uses to comply with design, locational and environmental standards which will ensure a pattern of quality development, and which will protect areas and buildings of historical and cultural significance; and *This goal is still applicable.*

(8) To achieve community goals and objectives with due consideration to minimizing future Township operating and capital expenditures. *This goal is still applicable.*

Objectives/Considerations introduced with adoption of the 1994 reexamination are as below:

(1) Provide for a range of housing types; *This goal is still applicable.*

(2) Attract sufficient non-residential uses to minimize taxes; *This goal is still applicable.*

(3) Ensure that the placement of various uses do not negatively impact others; *This goal is still applicable.*

(4) Furnish for all age levels an adequate supply of recreational facilities and open space; *This goal is still applicable.*

(5) Assure that utilities and other services keep pace with development; *This goal is still applicable.*

(6) Safeguard the environment through local controls and monitoring in addition to requirements of other agencies; *This goal is still applicable.*

(7) Encourage efficient design of developments and improvements to transportation systems by other levels of government so as to serve the local community as well; *This goal is still applicable.*

(8) Impose, within permissible limits, standards which will result in an attractive as well as efficient community; *This goal is still applicable.*

(9) Balance land use to result in a Township where residents can live comfortably, work productively and play enthusiastically. *This goal is still applicable.*

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

The current master plan is comprised of a housing element/fair share plan, adopted in 2006, and a land use plan element, adopted in 1986 with further revisions adopted in 1989, 2001 and 2003. As noted earlier, this reexamination document is the latest in a trend of documents which provide guidance for growth and development in West Deptford. Previous documents did not mention assumptions or policies forming the basis for the master plan or development regulations.

Local

1. Approval of Redevelopment Areas

Since the 2009 Reexamination Report, no new redevelopment areas have been adopted.

2. Census Analysis

The 2013-2017 American Community Survey (ACS) estimate reveals that since the 1990 Census (see Figure 1), the Township has seen 12% population growth, and 19% growth in housing units. While owner-occupancy rates have stayed relatively stable, since 1990, vacancy has increase 138%. While the ACS is just an estimate, these trends are something the Township should continually monitor.

Figure 1: Population and Housing Changes

	1990	2000	2017 Estimate	1990-2017 % Change
Persons	19,380	19,368	21,677	12%
Households	7,407	7,719	8,550	15%
Median Housing Value		$178,750*	$212,900	19%**
Housing Units	7,638	7,999	9,100	19%
Owner-Occupied	5,174 (69.9%)	5,396 (69.9%)	6,025 (66.2%)	16%
Renter-Occupied	2,233 (30.1%)	2,323 (30.1%)	2,525 (27.7%)	13%
Vacant	231 (3.0%)	280 (3.5%)	550 (6.0%)	138%
Persons per Owner-Occupied unit	2.60	2.49	2.48	-5%

Source: 1990 Census, 2000 Census, 2011-2016 American Community Survey
* Adjusted for inflation. Indicated in 2018 dollars.
** % change is indicated from 2000-2016

Figure 2: 2010 Land Use by Acres

Land Use	Acres	%
Single Family	1,599.50	14%
Multi Family	380.50	3%
Industrial	1,189.60	10%
Transportation	867.80	8%
Utility	63.00	1%
Commercial	226.40	2%
Community Services	110.10	1%
Military	-	0%
Recreation	557.90	5%
Agriculture	989.80	9%
Mining	-	0%
Wooded	2,293.60	20%
Vacant	1,402.00	12%
Water	1,730.80	15%
Total	11,411.00	

Source: DVRPC Data and Forecasts

As indicated in Figure 2 above, large sections of the Township are classified as either wooded, vacant or water. With only 2% of land classified as commercial, it is of little surprise that the Township desires additional commercial ratables.

Figure 3: Building Permits Issued

Year	2010	2011	2012	2013	2014	2015	2016	2017	Avg.
Building Permits Issued	8	2	1	5	13	6	3	1	5

Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data, and Housing Units Authorized by Building Permits for New Construction

The number of housing units authorized by building permits is one of many economic indicators used nationally. In fact, the housing market is a sector that is considered an early indicator to changing economic conditions. Building permit data gathered from the New Jersey Department of Community Affairs (DCA) illustrates that since 2010, as might be expected in a nearly built out community, permit activity has held relatively constant.

DVRPC, State

Delaware Valley Regional Planning Commission

- Federal law requires that Metropolitan Planning Organizations update their long range plans every four years. Connections 2045 and related documents were published in December 2017.

- The Transportation Improvement Program (TIP) is an agreed-upon list of specific priority projects required for the region to receive and spend federal transportation funds. It lists all projects that intend to use federal funds, along with non-federally funded projects that are regionally significant. In addition to the more traditional highway and public transit projects, TIPs can also include bicycle, pedestrian, and freight-related projects. The FY 2018-2021 TIP identifies a no projects within the Township.

State

- In 2004, five (5) years after the end of the Second Round Substantive Rules of the New Jersey Council on Affordable Housing in 1999, the New Jersey Council on Affordable Housing (COAH) adopted the first version of the Third Round Substantive Rules. After legal challenges to COAH regulations, a 2010 Appellate Division decision directed COAH to use a methodology similar to those used in the Second Round (certain Third Round Substantive Rules were affirmed). In 2014, COAH finally approved draft Third Round Substantive Rules but deadlocked 3-3 in voting. As a result of COAH failing to adopt new regulations, additional litigation ultimately led to the Supreme Court's 2015 ruling now known as

Mt. Laurel IV (which transferred review and approval responsibility from COAH to designated Mt. Laurel trial judges).

As such, if municipalities wish to be protected from exclusionary zoning lawsuits, they must now apply to the Court. At present, most municipalities are either in litigation to determine their exact affordable housing obligation or have agreed with participating parties on a suitable obligation.

- On January 18, 2010, New Jersey enacted a law which allowed residents suffering from certain debilitating and life-threatening illnesses to use and possess medical marijuana with a doctor's recommendation. New Jersey is the 14th state to permit the use of marijuana for medical purposes.

- On April 22, 2010, New Jersey enacted a law which exempted solar panels from impervious surface or impervious cover designations. It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover or agricultural impervious cover and requires stormwater management plans and ordinances shall not be construed to prohibit solar panels to be constructed and installed on a site.

- On May 5, 2011, New Jersey enacted a law prohibiting the application of the judicially created Time of Decision rule to "applications for development". Specifically, the Time of Application Law provides "those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development".

- While the State Planning Act requires that the State Planning Commission to adopt a State Development & Redevelopment Plan every three (3) years, the last adopted State Plan was in 2001. On November 14, 2011 a Draft Final Plan was approved, but after nearly a year of public meetings, on November 19th, 2012, the State Planning Commission voted to postpone its vote on adoption of the State Strategic Plan in order to allow for additional comments on the revised Plan and to consider whether and how to address issues related to rebuilding after Hurricane Sandy.

- On August 7, 2013, New Jersey enacted a law implementing numerous changes to the Municipal Land Use Law with the stated purpose of "enabling municipalities the flexibility to offer alternatives to traditional development through the use of equitable and effective planning tools, including clustering, transferring development rights and lot size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space and historic sites".

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

1. **Green Buildings and Environmental Sustainability Plan Element.** In 2008, N.J.S.A. 40:55D-28 (MLUL) was amended to provide for two new optional plan elements, the Educational Facilities Plan Element and the Green Buildings and Environmental Sustainability Plan Element. The purpose of the Green Buildings and Environmental Sustainability Plan Element is to promote the efficient use of natural resources, the use of renewable energy systems, and to consider the impact of buildings on the local, regional, and global environment. As such, the Township should consider the adoption of a Green Buildings and Environmental Sustainability Plan Element that will form a foundation for future regulations regarding renewable energy, passive solar design, sustainable practices and the construction of green buildings. Additionally, inclusion of this optional plan will permit the Township to participate in the Sustainable Jersey[1] certification program and obtain access to certain competitive grants.

2. **Housing Plan Element.** Prepare a new Housing Plan Element and Fair Share Plan in compliance with New Jersey regulation.

3. **Master Plan Recommendations.** As noted earlier herein, the current master plan consists of a housing element/fair share plan, dating to November 2006, and a land use plan element with community objectives as a part thereof, dating to 1986, which was updated in 1989 with further revisions in 2001 and 2003. This reexamination report recommends that a new master plan be prepared. This recommendation is made as, in the first instance, the land use plan element is now 33 years old, and, in the second, the existing housing element/fair share plan does not reflect current regulations. At such time as a new master plan is prepared, the master plan should be expanded to include, apart from the land use plan element and the housing element/fair share plan, a stormwater management plan as well as a separate element setting forth the goals, principles, policies, and assumptions underpinning the master plan; this aspect of the master plan being required under Section 40:55D-28 of the Land Use Law. Also, additional objectives were adopted under the first general reexamination (1994); these took the form of logical extensions of, restatements of, or newly proposed ideas. The language of the original and later enumerated objectives should be merged and refined in those instances where they are found to have continued viability.

4. **Development Regulations Recommendations.** Pursuant to Section 40:55D-70.1 of the Land Use Law, under which the board of adjustment is to recommend amendments to the zoning ordinance as a result of consideration of variance requests emanating from the annual report of decisions. Current development

[1] An organization that provides tools, training and financial incentives to support communities pursuing sustainability programs.

regulations allow for ease of administration but do not otherwise meet the needs of the Township. Changes as suggested below should however be considered:

(i) Comprehensive Ordinance Rewrite. The Township has experienced numerous issues, involving the need to grant variances and waivers, as it relates to the Township Zoning Ordinance (Chapter 166) and Land Subdivision and Development Ordinance (Chapter 143). Consideration should be given to either a complete rewrite or, at a minimum, substantial amendments. Ordinance revisions should include but not be limited to Chapters 102, 141, 142, 143, and 166. While the 2009 Reexamination recommended that consideration be given to extending the time frame on temporary banners, this recommendation is no longer desired. Additional revisions which were either previously stated for consideration in the 2009 Reexamination or which have developed in importance since that time include:

a) Sign Ordinance. Sign regulations should be examined for continued viability and updated as necessary. In addition, a strict reading of the ordinance suggests that LED signs are not permitted, regulations should be considered.

b) Yard Exceptions. Under Section 166-36.A, permission is established for the construction of two accessory structures, one of which may be up to 600 square feet, the other may be up to 400 square feet. Presumably, the intent of the ordinance provision is to allow the construction of a detached garage and also another structure perhaps for outdoor storage having a lesser floor area. To alleviate the circumstance where a property owner claims the right to have two structures with neither one being a detached garage, consideration should be given to amending the ordinance to clearly indicate that the larger of the two permitted structures is to be a detached garage.

c) Parking. Section 166-33, which sets forth parking requirements, should be updated to reflect the requirements of the New Jersey Residential Site Improvement Standards N.J.A.C.5:21-1 et seq. Existing parking ratios should also be studied to determine whether existing requirements remain appropriate. General requirements established under Section 166-33.B should be enhanced with strategies that enable a reduction in impervious coverage dedicated to parking area pavement such as shared parking, off-site parking, and on-site reserved or phantom parking, where areas for possible future need remain in a natural state until such time as development is found to be necessary at the discretion of the Township.

d) Cluster Development. The option for cluster development provided for under Section 166-40 permits provided the assemblage of fifty (50) acres in the R-1 Rural Residence District or in combination with the R-2 Residence District, a lot area reduction from 20,000 square feet to 12,500 square feet and a lot width reduction from 100 feet to 80 feet and strives for an open space preservation of twenty percent (20%). Consideration should be given to requiring as a first step for this type of development the submission of a by-right plan which would depict the number of parcels that could be developed without the grant of zoning relief so to establish the maximum number of parcels that then could be developed under the cluster option. This type of approach would result in a greater open space setaside than is now achievable under the current ordinance construction.

e) Applicability of the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5-321-1 et seq. Consideration should be given to extending R.S.I.S. applicability to nonresidential development to allow in particular for street design consistency relative to pavement specifications, sidewalk and curbing.

f) Site Plan. A definition for the term "major site plan" should be added to Section 143-4. Under Section 143-20, plan detail requirements are provided for submission of a site plan; however, no distinction is made for major versus minor site plan submission. This section of the ordinance should be updated to establish plan detail requirements for each type of site plan submission.

g) Tree Compensation. The Township has no regulations regarding the protection, removal or compensation of trees. Regulations should be considered so that when development occurs, the Township has a mechanism to revegetate and compensate for tree loss.

h) Performance Guarantees. Ordinances should be updated to comply with revisions to state bonding requirements.

i) Stormwater Infrastructure. Ordinances should be updated to comply with State and County regulations.

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

1975, c. 291, s. 76; amended 1980, c. 146, s. 6; 1985, c. 516, s. 18; 1987, c. 102, s. 29; 1992, c. 79, s. 50.)

There is presently one area that the Township Council has declared to be in need of redevelopment pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq.

The RiverWinds Redevelopment Area comprised of Lots 1.11, 2, 3, 3.01, 3.02, 3.04, 7, 7.01, 7.02, and 8 of Block 328. Significant redevelopment has taken place as envisioned by the redevelopment plan for the area; however, the plan has not been fully implemented as the hotel/conference center and golf clubhouse has not as yet been constructed. With respect to the charge of this aspect of the reexamination, the regulations established under the redevelopment plan are so specific to this large scale multi-faceted project and given little likelihood of the development being replicated elsewhere in the Township, it is not necessary to incorporate aspects of the redevelopment plan into the existing development regulations already established.

Pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq., where redevelopment plans have been adopted which supersede existing development recommendations, the zoning map is to delineate all such areas. The existing Township Zoning Map depicts zoning classifications but does not delineate the boundaries of the declared redevelopment zones for which superseding redevelopment plans have been adopted. The Zoning Map should be so amended to avoid any possible defect relating to the Township's redevelopment initiatives.

As to additional sites which should be considered for potential eligibility for redevelopment declaration, this report notes the blighting influence of the long term vacant, severely deteriorated, warehouse at 271 Jessup Road (Block 352, Lot 2.13). Here an area in need of redevelopment declaration may well enhance the development attractiveness of the site and thereby aid restoration of the site to a more fully productive condition.

Further, additional areas may be deemed in need of redevelopment or rehabilitation given the applicability of certain criteria and undertaking of appropriate procedures outlined in the Local Redevelopment and Housing Law. If the study area is deemed an area in need of redevelopment or rehabilitation, this would then permit the preparation and execution of a redevelopment plan, and – should the plan call for such action – the acquisition of buildings and land through condemnation, the leasing or selling of property without public bidding, and allow the area to qualify for financial incentives.