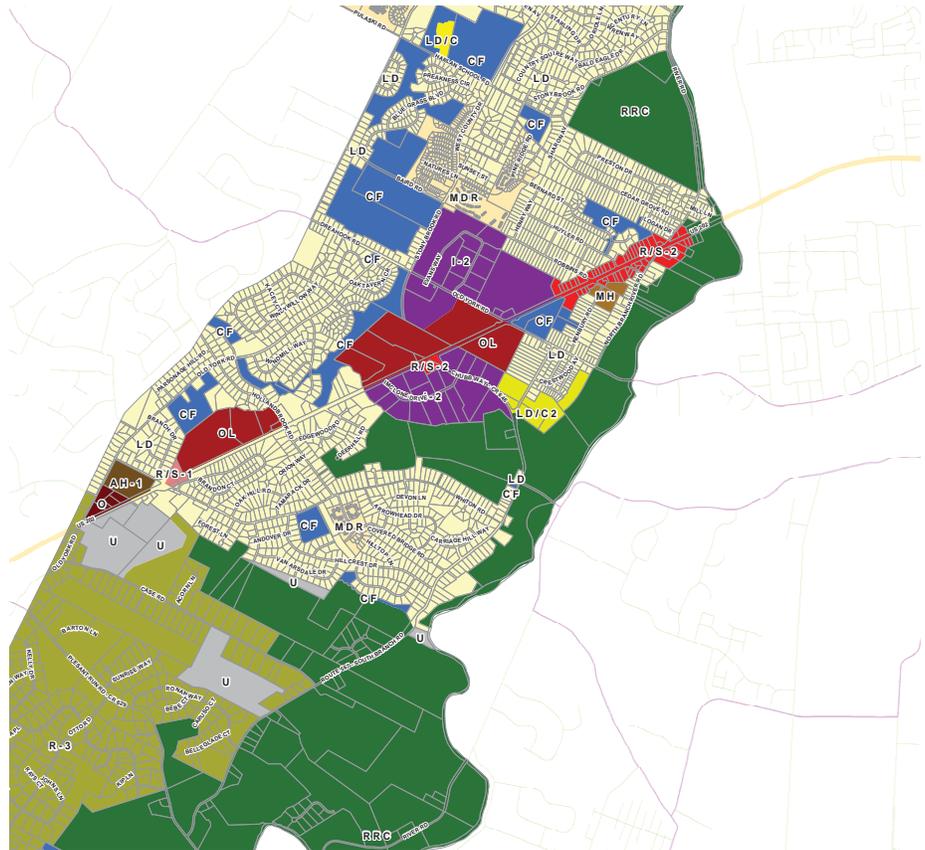




2014 Reexamination Report

Branchburg Township Master Plan

Somerset County, NJ



October 28, 2014



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Jeffrey B. Lehrer, Esq., Attorney
Michael F. Sullivan, ASLA, AICP, Township Planner

October 28, 2014



2014 Reexamination Report Branchburg Township Master Plan

Somerset County, NJ

Prepared pursuant to *N.J.S.A. 40:55D-89* of
the New Jersey Municipal Land Use Law

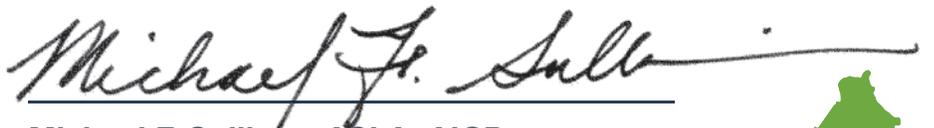
Adopted by the Planning Board of the
Township of Branchburg
October 28, 2014

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
Tel: 609 883 8383
Fax: 609 883 4044

Prepared By:



Michael F. Sullivan, ASLA, AICP

New Jersey Professional Planning License No. 5153

October 28, 2014



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October 28, 2014



I. INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Township Committee, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law *N.J.S.A. 40:55D-1 et seq.*, (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. Additionally, the Municipal Land Use Law now includes a waiver provision, where a municipality may waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built-out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped for additional use of the underlying land.

Five specific components are to be considered in the Reexamination Report (*N.J.S.A. 40:55D-1-89*). These are:

- 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:12A-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.¹*

A Reexamination Report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new Master Plan. Alternatively, *“if the recommendations set forth in the Reexamination Report are themselves substantially in such form as might or could be set forth as an amendment or addendum to the Master Plan, the reexamination report, if adopted in accordance with the procedures [prescribed by the MLUL for adoption of a Master Plan], may be considered to be an amendment to the Master Plan.”* New Jersey Zoning & Land Use Administration, Cox & Koenig, 2013 Edition, p. 965. This report was adopted in accordance with such procedures.

This Reexamination Report includes all of the required components pursuant to the Municipal Land Use Law. Section II herein identifies the master plan elements and reexamination reports adopted by Branchburg. Section III identifies the changes in assumptions, policies and objectives at the local, county and state levels. Section IV identifies the major problems and objectives at the time of adoption of the 2006 Reexamination Report, the extent to which they have changed and current recommendations; this section combines three components of a reexamination report for the sake of clarity and brevity. Section V provides a discussion of redevelopment planning in the Township.

¹ *N.J.S.A. 40:55D-89*

II. PRIOR PLANNING EFFORTS

Branchburg Township adopted a Master Plan in 1983 and adopted subsequent Master Plans in 1988, 1993 and 2011. The 1988 Master Plan included seven elements:

- Land Use Plan;
- Recreation and Community Facilities Plan;
- Housing Plan;
- Utilities Plan
- Conservation Plan
- Historic Preservation Plan; and
- Traffic and Circulation Plan.

Reexamination Reports addressing this Master Plan were adopted in 1993, 1999 and 2006. The 1993 Reexamination Report was adopted and included a new Land Use Element. Subsequently, the Housing Plan Element and Fair Share Plan were adopted in 1997, the Recreation Plan Element was updated in 1998 and the Historic Preservation Plan Element was updated in 1999 with another Reexamination Report adopted in August 1999. In 2004, a Farmland Preservation Plan was adopted by the Planning Board. The last Reexamination Report was adopted by the Planning Board in May 2006. The Housing Element and Fair Share Plan was adopted in 2010 in response to the third round housing obligation numbers issued by the Council on Affordable Housing (COAH). Finally, the Land Use Element was updated and adopted in December 2011.

III. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS

Several state, regional, county and local planning events have occurred subsequent to preparation of the 2006 Reexamination. The following section identifies the changes in assumptions, policies and objectives that have occurred as a result of those changes and which impact land use and planning policies in the Township of Branchburg.

SUPERSTORM SANDY

Hurricane Sandy was the deadliest and most destructive hurricane of the 2012 Atlantic Hurricane season. It made landfall on October 29, 2012 along the southern coast of New Jersey near Atlantic City. Fortunately, it was downgraded to a post-tropical cyclone with hurricane force winds prior to landfall. Superstorm Sandy forced local governments across New Jersey to reassess their emergency services. This unique event created opportunity to review emergency plans, response and infrastructure in a different light.

Future actions by Branchburg Township, as well as all New Jersey municipalities, should better account for resiliency to and mitigation of future weather events. Planning and development will be reassessed, beginning with this Reexamination Report of the Master Plan and review of the Township's zoning ordinance. As property owners will be facing increased flood insurance rates phased in over the next few years as a result of the Biggert-Waters Act, land use must be carefully addressed to assist property owners in complying with the Act's requirements. The State and its departments will be issuing numerous regulations in regards to building and construction and these regulations must be carefully compared to the Township's existing regulations to ensure compliance. The State has also awarded the NJ Institute of Technology (NJIT) a \$300,000 grant to study flood hazards; the final report is anticipated in mid-2014. The project will evaluate a range of possible remedies and associated costs to reduce the chance of flooding, from capital improvements to zoning and code changes.

2001 STATE DEVELOPMENT AND REDEVELOPMENT PLAN

In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the

Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5).

The majority of Branchburg is in the Suburban Planning Area (PA2), with the exception of the northern tip of the Township, which is located in the Environmentally Sensitive Planning Area (PA5) and the southern portion of the Township is in the Rural Planning Area (PA4).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather, a new State Plan, the State Strategic Plan: New Jersey's State Development & Redevelopment Plan, was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The Township will monitor the State's efforts toward adopting a new State Plan and respond accordingly.

AFFORDABLE HOUSING RULES & LEGISLATION – STATE LEVEL

The Council on Affordable Housing's (COAH) 2004 third round Substantive Rules were partially invalidated in a January 25, 2007 Appellate Court decision. In a unanimous decision, the Court invalidated some of COAH's key third round rules, such as the concept of "growth share", the size of each municipality's fair share obligation and the manner in which the obligation can be satisfied. COAH revised its third round rules (N.J.A.C. 5:96 [procedural rules] and 5:97 [substantive rules]), effective June 2, 2008 as well as a further rule revision

which was effective on October 20, 2008. These revised rules were intended to address the 2007 Appellate Court decision, while still relying on a revised “growth share” approach.

The 2008 COAH rules were also challenged in an Appellate Court Case. On October 8, 2010, the Appellate Court again invalidated several key provisions of COAH’s rules, including the revised “growth share” approach. The Court directed COAH to revise its third round methodology and regulations by March 8, 2011 using a methodology substantially similar to COAH’s first and second round methodologies. COAH later sought a stay from the NJ Supreme Court of the March 8, 2011 deadline imposed by the Appellate Division to prepare revised third round rules. On January 18, 2011, the NJ Supreme Court granted the stay.

Subsequently, the NJ Supreme Court granted petitions and cross-petitions to all of the various challenges to the Appellate Division’s decision. The NJ Supreme Court heard oral argument on the challenges to the Appellate Court’s ruling on November 14, 2012. On September 26, 2013, the Supreme Court upheld the Appellate Court’s ruling to invalidate COAH’s third round growth share methodology and to use methodology similar to COAH’s first and second round methodologies and invalidated all of COAH’s third round regulations.

Following a Court-issued extension of time granted for the adoption of the third round rules, COAH approved draft rules on April 30, 2014 and those rules were published in the June 2, 2014 NJ Register. The Court set the adoption schedule such that, subsequent to a comment and response period, the draft rules will be adopted on October 22, 2014 and published in the November 17, 2014 NJ Register. There is currently a lawsuit challenging the rules as not being sufficiently similar to the first and second round methodologies by which regional housing need was calculated and allocated to municipalities. Notwithstanding this challenge, the draft rules require that municipalities file housing elements and fair share plans on or before May 15, 2015.

The draft third round rules do not refer to the new construction obligations in “rounds” and what was commonly referred to as the “third round” was extended. The 2008 COAH rules define the third round obligation as the need generated between 1999 and 2018, with a delivery period between 2008 and 2018. It furthermore defined the prior round obligation as the affordable housing need generated during the first and second rounds of affordable housing between 1987 to 1993 and 1993 to 1999, respectively. In contrast, the draft rules define the unanswered prior obligation as the previously referred to prior round obligation for 1987 to 1999 and the obligation for 1999 to 2014; they define the prospective need as the affordable housing obligation for 2014 to 2024.

In addition to judicial activity, there have been a number of efforts at statewide affordable housing reform over recent years. The most significant occurred on July 17, 2008, when Governor Corzine signed P.L. 2008, c.46, known as the “Roberts Bill”, which amended the Fair Housing Act in a number of ways. Key provisions of the Roberts bill include the following:

Eliminated regional contribution agreements (“RCAs”);

Added a requirement for 13% of third round affordable housing units to be restricted to very low income households (30% or less of median income);

Established a statewide 2.5% nonresidential development fee instead of a nonresidential growth share delivery obligation for affordable housing; and

Established a requirement that development fees be committed for expenditure within four years of being received by the municipality.

These components of the Robert’s Bill are reflected in COAH’s draft third round rules.

In light of the “Roberts Bill”, on or about July 17, 2012 Governor Christie anticipated recouping \$140 million for the 2013 budget from uncommitted monies in municipal affordable housing trust funds which are four years old or older. However, on July 14, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. This process included a notice from COAH outlining the amount of funds subject to forfeiture and the basis for the calculation. The court order further permitted municipalities to contest any proposed forfeiture before the COAH Board prior to any transfer of funds. COAH has recently begun issuing resolutions determining whether municipalities have properly committed funds that are four years or older.

PERMIT EXTENSION ACT

In response to the “Great Recession”, which is defined as the period from December 2007 through June 2009, the Permit Extension Act was signed into law July 2008. It was extended twice with the most recent extension signed in September 2012. The Act extends all approvals issued on or after January 1, 2007 through December 31, 2014. There are several exceptions to the Act, such as but not limited to, federal permits, permits for development in the Meadowlands and environmentally sensitive areas (Planning Area 4B, 5 or critical environmental sites as defined by the 2001 State Development and Redevelopment Plan). As a result of this statute, the Township has 7 outstanding development approvals from several years ago which might otherwise have expired.

TIME OF APPLICATION LAW

The “Time of Application” Law was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether or not an ordinance is amended subsequent to such an application. This is a departure from previously established case law, where courts in New Jersey have consistently held that the ordinance that is in place at the “time of decision” (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

This provision has raised many concerns with municipalities. Principal among these is whether the new law will provide opportunities for developers to have their development rights “locked in” by submitting applications that are incomplete. The Township should revise the Land Use Regulations to create the definition of “application for Development” to state that the documents required for approval is defined to include “all of the required information within the relevant development application checklists unless waivers for such information have been granted by the Board having jurisdiction”. This amendment will require that a complete application be submitted by an applicant prior to “locking in” the current municipal ordinance provisions.

GREEN BUILDINGS & ENVIRONMENTAL SUSTAINABILITY PLAN ELEMENT

In August 2008, the Municipal Land Use Law was amended to include the Green Buildings and Environmental Sustainability Element in the list of permitted Master Plan Elements. The Element is permitted to address such topics as natural resources, renewable energy, impact

of buildings on the global environment, ecosystem, stormwater and optimizing climatic conditions through site and building design. The Township may wish to incorporate this newly permitted element in a future master plan since sustainability concepts have a direct relationship to the resiliency, land use and transportation policies expressed herein.

RENEWABLE ENERGY LEGISLATION

The New Jersey Legislature has been active since the 2006 Reexamination Report legislating to facilitate the production of alternative forms of energy. The following four new statutes, in particular, have changed the way alternative energy can be produced in New Jersey.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to preempt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner. Accordingly, this use may be permitted in some of the Township's larger industrial areas but may require lot consolidation in order to achieve the 20 acre minimum lot size.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Wind, Solar, and Biomass on Farms.** A law signed on January 16, 2009 restructured statutes regarding alternative energy and preserved farms, commercial farms, right to farm, and farmland assessment. In response, the State Agriculture Development Committee (SADC) adopted rules establishing an Agricultural Management Practice (an "AMP") for on-farm generation of solar energy which extends the protections of the Right to Farm Act to the generation of solar energy on commercial farms. Additionally, the Right to Farm Act was amended to permit and protect up to 10 acres or 2 megawatts (2MW) maximum production of electricity on commercial farms not subject to farmland preservation, provided the acreage of the electrical facility does not exceed a ratio of 1 acre of energy facility to 5 acres of agricultural acres, or approximately 17% of the farmland. In addition, farms developing electrical facilities not exceeding these limits will remain eligible for farmland assessment for the entire farm including the area under the electric generating facility.
- **Solar Not Considered Impervious.** On April 22, 2010 an act exempting solar panels from being considered impervious surfaces was signed into law. This bill exempts 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 that municipal stormwater management

plans and ordinances not be construed to prohibit solar panels to be constructed and installed on a site.

NJDEP WASTEWATER MANAGEMENT PLANNING REGULATIONS

Branchburg is located in the sanitary sewerage services district of the Somerset Raritan Valley Sewage Authority (SRVSA). The SRVSA operates a treatment plant in Bridgewater Township on Polhemus Lane. The treatment plant serves seven communities including Branchburg, Bridgewater, Hillsborough, Manville, Raritan, Somerville and Warren.

On May 20, 2008 the NJDEP readopted the Water Quality Management Planning Rules, effective July 7, 2008. There were two substantive changes which impact land use in Branchburg.

- Reassigned wastewater management planning responsibility from wastewater management planning agencies to the respective county Boards of Chosen Freeholders. The Somerset County Planning Board, in its role as the Wastewater Planning Entity for Somerset County completed the process of updating the Future Wastewater Service Area boundaries, which is Phase I of the process and was submitted to NJDEP in February 2012, noticed in May 2012 and a public hearing held in June 2012. The Somerset County Planning Board began work on the Phase II process in 2013, which includes an analysis of the wastewater treatment plant capacity. This process is ongoing currently. Phase III of the process requires the review of the septic area and water supply capacity and was anticipated for completion by the end of 2013.
- Prohibited sewer service in environmentally sensitive areas, defined generally as areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, wetlands, riparian zones and along Category One waterways.

WMPs were required to be submitted to NJDEP by April 7, 2008. The consequences of not meeting the deadline included withdrawal of sewer service areas. Notwithstanding, many counties did not submit WMPs by the deadline. In recognition of this, the deadline was extended by NJDEP to April 7, 2011. On January 17, 2012 Governor Christie signed legislation which again extended the effective period of existing sewer service areas and required completed portions of WMPs to be submitted to NJDEP July 15, 2012, or "for such longer time as [the NJDEP Commissioner] may determine. Also included in the legislation was a process for approval of site specific WMP amendments.

IV. MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF ADOPTION OF THE 2006 REEXAMINATION REPORT, THE EXTENT TO WHICH THEY HAVE CHANGED & CURRENT RECOMMENDATIONS

For the sake of clarity and brevity, three required components of a reexamination report have been combined into the following section.

A. 2006 REEXAMINATION REPORT OBJECTIVES

The 2006 Reexamination Report set forth the following objectives.

1. *Preserve the rural character of Branchburg's undeveloped areas recognizing the pressures of suburban development.*
2. *To provide a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township while reducing conflicts with residential uses.*
3. *To provide for the orderly, compatible in-fill development of remaining vacant parcels within the Township with particular attention paid to areas where non-residential development will occur in close proximity to existing residential uses.*
4. *To address Branchburg's affordable housing obligation.*
5. *To preserve and protect the Township's existing centers of North Branch and Neshanic Station.*
6. *To provide for the open space and community facilities of existing and future residents of the Township.*
7. *To identify and protect the Township's historic and natural resources.*
8. *To provide for the regulation of historic sites consistent with the State statutes.*

All of these objectives remain relevant and are used as guiding principles in the recommendations herein.

B. 2006 REEXAMINATION REPORT RECOMMENDATIONS AND STATUS

The 2006 Reexamination Report provided a series of recommendations. Some of these have been addressed, some are no longer relevant and some remain as potential action items. The following provides a summary of the 2006 recommendations, an evaluation of their current

relevance and current recommendations for Township planning policies and land use ordinances.

1. Vision Statement.

The 2006 Reexamination Report recommended an update of the Township's vision statement to reflect the Township's current goals and objectives by emphasizing the importance of historic buildings and districts; protecting and preserving open space and farmland; establishing density and intensity standards; preventing sprawl development with appropriate regulatory techniques; providing housing opportunities for all ages and income levels; implementing design criteria to achieve high quality development.

Addressed. The 2011 Land Use Element provided an extensive list of goals and objectives which were adopted as the updated vision statement.

2. Natural Resources Inventory/Conservation Plan.

The 2006 Reexamination Report recommended the development of a comprehensive natural resources inventory which updates the 1983 Master Plan using GIS technology and current natural resource data from NJDEP and serves as a basis for comprehensive conservation planning.

Relevant/Action Item. This recommendation to prepare an updated Natural Resources Inventory/Conservation Plan remains relevant. The Township should undertake a natural resource inventory to serve as a basis for a comprehensive conservation plan which outlines Branchburg's ambitions for the preservation, conservation and utilization of natural resources.

3. Resource Conservation Zone.

Establish a new Resource Conservation zone that combines agricultural and other open lands along the riverfront corridor (North and South Branch of the Raritan River) into a continuous low intensity/conservation zone (excluding Route 28 frontage lots).

Addressed. In 2008, the Township implemented the Raritan River Corridor (RRC) District in response to this recommendation. The RRC district's purpose is to encourage land use patterns and development practices that enhance efforts to protect dwindling wildlife habitat, retain farmland and protect and preserve opportunities for agricultural activity. Permitted uses include single family residences, commercial agriculture, public parks, churches, nursery schools and child care centers, volunteer fire companies,

first-aid or rescue squads, family day care homes and community residences. The minimum lot size for a single-family residence is six (6) acres or 1.5 acres using lot averaging. All other uses require a minimum lot size of two (2) acres.

4. Age-Restricted Housing.

Include a Planned Adult Community (PAC) district within industrial zones in close proximity to residential neighborhoods which may offer several advantages including reducing boundary conflicts and serving as transitions between residential neighborhoods and higher intensity uses.

Not Relevant/Revised Action Item. In 2009, the New Jersey Legislature enacted the Conversion Law in response to a shortage of affordable housing and oversupply of age-restricted, market-rate housing. The Conversion Law permits the conversion of a residential housing project from an age-restricted development to market-rate development under certain circumstances. Given, the downturn in the economy in 2009 and the implementation of the Conversion Law, the Township did not implement zoning for planned adult communities. Instead, the 2011 Master Plan recommended the Assisted Living Overlay Zone which would accommodate assisted living and nursing home facilities and support medical and laboratory offices for Block 7, lots 1.03, 2 and a portion of 1.01. The proposed location is near Raritan Valley Community College which provides an opportunity for the efficient placement of health care interns. The Township concluded that based upon demographic trends and in anticipation of the continued need for the “next step” in senior care, a zone district permitting such uses was warranted. In response, it is recommended in this Reexamination Report to adopt an ordinance and map change to create an ALO Zone.

5. North Branch Hamlet Extension

Engage in a visioning process that explores smart growth planning and design alternatives for the Old Route 28 area extending from the North Branch hamlet at the Raritan River to Route 22. The area provides a unique opportunity for pedestrian-friendly mixed-use neighborhoods with an attractive streetscape while reinforcing the historic center.

Addressed/Action Item. The Township completed the North Branch Vision Plan in 2009. The Vision Plan was in response to concerns of local officials and residents about increased traffic problems along the highway corridor and the impact of existing development patterns and future growth on the unique character of the area. The Vision Statement, as provided below, was developed after an extensive public outreach process including focus groups, written questionnaires, public meetings and website programs:

North Branch hamlet, a key link to the Township's past, has remained a haven from the large scale industrial, institutional and commercial developments that are just over the hill and down the road. North Branch maintains its quaint historic setting, nestled along the Raritan River as it has been for centuries, and homes here have been maintained to show off their historic character.

Since traffic along Easton Turnpike was calmed to respect the pedestrian and neighborhood boundaries, residents again enjoy the pace of life in the Hamlet. The roadway modifications that relieved traffic pressures and slowed the pace of through traffic have made North Branch more livable, and an improved quality of life has reinvigorated the residential lifestyles and values of homes in the hamlet.

Residents no longer worry about the livability of North Branch as they once did. The traffic that would have clogged local roads as new development occurred was met with new routes of travel that took traffic away from Old Route 28 toward Route 22. Instead of the large footprint industrial and office buildings that would have been out of scale with the existing historic character of North Branch, revised land use policies brought residential neighborhood expansion that has grown the hamlet (organically and outside the floodplain).

In response to the issues identified from public outreach efforts and a comprehensive existing conditions analysis, specific recommendations for short-term and long-term improvements were provided. The recommendations included detailed objectives that focused on improving connectivity, protecting the community character and ensuring sustainability. The objectives ranged from physical improvements to specific land use/zoning revisions.

The Township should concentrate on implementing the following objectives that were identified in the North Branch Vision Plan with zoning ordinance and design guideline revisions and capital improvement projects:

CONNECTIVITY

1. Install traffic-calming devices to slow the speed of traffic and deter drive-thru users.
2. Minimize future commuter-generating traffic along the corridor through rezoning.
3. Provide a continuous sidewalk connection throughout the corridor.

COMMUNITY CHARACTER

1. Increase the visibility of the North Branch village as a sense of place by using welcome signage, street lighting, tree-lined medians and creating meaningful gateways.
2. Replace incompatible industrial zoning with districts that reflect the existing conditions and resources of the area.
- 3.

SUSTAINABILITY

1. Protect the historic resources of the village.
2. Partner with regional and state entities on possible long-term solutions to flood management.
3. Protect the river corridor as an environmentally sensitive resource, scenic and recreational area.

6. RIVERWALK/ Bike and Hike Trail.

Plan for a bike and hike trail (with the financial aid in the form of a planning grant from Somerset County) spanning the length of the greenway corridor with connections between preserved open spaces and residential neighborhoods.

Addressed with additional Action Item. In 2009, a Bicycle and Pedestrian Plan was developed that created a Township-wide bicycle and pedestrian system to be implemented in phases. The Township should continue the pursuit of funding to implement the plan.

7. Scenic Resource Management Guidelines.

Develop a technique to identify and categorize scenic resources and create management strategies to prevent new development from degrading the scenic character of Branchburg.

Relevant/Action Item. The 2006 Reexamination report emphasized the need to protect attractive natural landscapes including floodplains, wooded stream valleys and expansive agricultural grasslands. The identification and categorization of the Township's scenic resources remains a goal today. The Township should develop mapping and ordinances to ensure scenic resources are protected from new development.

8. Route 22 Vision Plan.

Engage in a vision process for the Route 22 Corridor situated in the Township with a focus on the existing vacant and underutilized land which is located in a highly desirable regional location where the existing zoning that mainly permits industrial growth may not be the highest and best use or a good fit for Branchburg residents. The Township recognizes the opportunity the area presents for smarter growth strategies that depart from the single use industrial development currently zoned along Route 22.

Addressed with Additional Action Item. During the update of the Land Use Element Plan in 2011, the Planning Board organized a series of public visioning sessions and focus group meetings to review the Route 22 corridor. Concerned residents and business owners identified traffic calming and current industrial based zoning as factors that require attention within the corridor. In response, the Planning Board proposed an overlay district that will expand the uses in the corridor to include small scale industrial and well planned developments for limited retail, service, office and restaurant uses. The Planned Overlay (PO) Zone is proposed to be located on the south side of Route 22 from County Line Road to Easton Turnpike (CR 614). This area contains the largest swaths of vacant and underutilized land in the Route 22 corridor area. In response, it is recommended in this Reexamination Report to adopt an ordinance and map change to create a PO Zone.

9. Historic and Cultural Resources.

Update and refine the inventory of the Township's historic resources and highlight the Centerville, Burnt Mills, North Branch and Neshanic Station Historic Districts using GIS mapping and a searchable database. Develop an initiative to promote public awareness of the Township's historic sites and districts.

Relevant/Action Item. The goal of providing a thorough inventory of the Township's historic resources remains relevant. The Township should use current technology and data to document pertinent historic information which will enable the identification of strategies to prevent demolitions of historic structures or the insensitive infill in historic districts.

10. Ordinance Recommendations.

The following revisions to the land use ordinances were recommended in the 2006 reexamination report. The status of each ordinance is included.

- a. Design Standards (**Addressed**): Create a vocabulary of design standards focused on unifying the character of new development and redevelopment while respecting the historic sites and districts and developing an identity for the highway commercial district.
- b. Buffers (**Addressed**): Provide standards that ensure the planting requirements provide an adequate screening of new or expanded non-residential uses from nearby residential neighborhoods.
- c. Parking (**Relevant/Action Item**): Reexamine parking standards related to shopping centers and other commercial uses to ensure adequate parking is provided while considering the need to reduce unnecessary impervious areas.
- d. Tree Removal and Replacement (**Addressed**): Create standards to prevent inappropriate tree removal and require adequate replacement trees.
- e. Impact assessment (**Addressed**): Review existing regulatory tools that assess impacts of development (environmental, traffic, fiscal, etc.) to ensure the effects of development are clearly presented.
- f. Midland School (**Relevant/Future Action Item**): The Midland School, located within the CF Community Facilities zone, sought and

received use variance approval for an adult special needs residential development. Consider rezoning the Midland School property to permit an adult residential project proposed by Midland Adult Services (MAS) which would provide housing for people with disabilities. The Midland School has not, as of this point, pursued such development. At such time as the Midland School considers proceeding with this project, or should the Township consider such development in the best interests of the Township, a revision to the zoning district and requirements should be considered.

- g. Minimum Lot Area for Unsewered Lots in the LD Zone (Not **Addressed**): Based on any revisions to Branchburg's chapter of the Somerset County Wastewater Management Plan with respect to the unsewered areas, the Township should consider adjustment of the minimum lot size requirements to meet the recommended septic disposal bed densities in order to protect groundwater resources.
- h. Floor Area Ratio and Lot Coverage for Non-Residential Zones (**Relevant/Action Item**): Consider utilizing Floor Area Ratio requirements for non-residential development to ensure projects are properly scaled to the usable land area.
- i. Zoning Map (**Relevant/Action Item**): Update the Zoning Map to reflect the changes from the map entitled "Proposed Changes to the Land Use Plan and Zoning Map" after the adoption of the revised land use plan. Additional revisions to the Zone Map are required in response to the noted action items found in this section of the Reexamination Report.
- j. Historic and Cultural Resource Management (**Relevant/Action Item**): Adopt new minimum lot size requirements for the Hamlet and Village Districts to ensure infill development does not damage the existing historic character and fabric. Update the purpose section for the North Branch Hamlet District and the Neshanic Station Village Residential District.
 - k. Retail Service Zones (**Addressed**): Consider revisions to the use and bulk standards in the Retail Service Zones that will reduce the "highway strip" appearance where asphalt and vehicles dominate the streetscape by eliminating or reducing parking in the front yard and developing façade setbacks that establish an engaging streetscape. Automobile service stations with the covered and open canopy architecture add to the "highway strip" appearance and do not support the ability

to have a more traditional streetscape character and therefore should not be permitted in the Retail Service Zone 1 (RS-1). Design standards were adopted for the Retail Service Zones (RS-1 and RS-2) in 2006 (Ord. No. 2006-1033 § 2; Ord. No. 2006-1046 § 2). Automobile service stations are not permitted in the RS-1 zone, but are conditionally permitted within the RS-2 zone.

C. 2011 LAND USE PLAN ELEMENT RECOMMENDATIONS AND STATUS

The 2011 Land Use Plan Element included a series of recommendations for ordinance revision, augmenting recommendations of the 2006 Master Plan reexamination:

1. RS-2, Retail Service-2 Zone: Revised Design Standards **(Relevant/Action Item)**: Design guidelines for the RS-2 zone along Route 202 require improvement to ensure parking lots are adequately screened, buildings receive relevant architectural treatments and lighting standards receive full cutoff luminaires.
2. Industrial Zones: Alternative Energy Uses **(Relevant/Action Item)**: The New Jersey Legislature enacted a law that renewable energy facilities, those which produce electricity from solar, photovoltaic, and wind energy, is a permitted use in every industrial district of a municipality provide they are a minimum of 20 contiguous acres and held by one owner.
3. Conditional Uses in the I-1 Zone **(Relevant/Action Item)**: Lots less than three (3) acres in area which front on the south side of Route 22 and are included in the proposed Planned Overlay PO Zone should be conditionally permitted to be developed for professional offices and services such as banks, finance, insurance, real estate, legal services, engineering, surveying, architectural, accounting and public relations, medical and dental offices. It is recommended in this Reexamination Report to adopt an ordinance and zoning map change for the Planned Overlay PO zone.

4. PO-Planned Overlay Zone (**Relevant/Action Item**): During the update of the Land Use Element Plan in 2011, the Planning Board organized a series of public visioning sessions and focus group meetings to review the Route 22 corridor. Concerned residents and business owners identified traffic calming and current industrial based zoning as factors that require attention within the corridor. In response, the Planning Board proposed an overlay district that will expand the uses in the corridor to include small scale industrial and well planned developments for limited retail, service, office and restaurant uses. The Planned Overlay (PO) Zone is proposed to be located on the south side of Route 22 from County Line Road to Easton Turnpike (CR 614). This area contains the largest swaths of vacant and underutilized land in the Route 22 corridor area. In response, it is recommended in this Reexamination Report to adopt an ordinance and map change to create a PO Zone.
5. I-3 Industrial 3 Zone (**Relevant/Action Item**): A new Industrial zone was proposed in the 2011 Land Use Element Plan which would extend south of the proposed PO zone and front on Meister Avenue. The purpose of the new I-3 zone is to provide for smaller industrial lots for start-up industrial businesses and private incubator facilities. The incubator business spaces are usually designed as flexible spaces that can accommodate multiple types and size of companies which share resources and services offered by a management company. In response, it is recommended in this Reexamination Report to adopt an ordinance and map change to create a I-3 Zone.
6. ALO-Assisted Living Overlay Zone (**Relevant /Action Item**): The 2011 Land Use Plan Element of the Master Plan recommended the Assisted Living Overlay (ALO) Zone, which would accommodate assisted living and nursing home facilities and support medical and laboratory offices for Block 7, lots 1.03, 2 and a portion of 1.01. This location is near Raritan Valley Community College which will provide for the efficient placement of health care interns. The Township concluded that based upon demographic trends and in anticipation of the continued need for the “next step” in senior care, a zone district permitting such uses was warranted. This recommendation from the 2011 LUPE has been studied by the Planning Board. The Board has determined that the floor area ratio of 0.20, and a maximum permitted building height of 1 story, as recommended in 2011, are not

sufficient to provide for development of ALO uses. The Planning Board recommends that a floor area ratio of 0.35 and a maximum height of 2.5 stories be permitted as part of an ALO zone. It is recommended in this Reexamination Report to adopt an ordinance and map change to create the ALO Zone consistent with the Planning Board's most recent recommendation.

7. U-Expanded Public Utility Zone (**Addressed**): The Public Utility Zone district boundary should be updated to allow for the future expansion of the PSE&G sub-station and include Block 70, lot 29. The updated zoning map was adopted in 2013.
8. RS-1 Retail Service Zone Revisions (**Relevant/Action Item**): The existing Low Density (LD) Zone located at the intersection of Route 202 and Whiton Road should be rezoned to RS-1. The existing small lots in this area contain commercial uses or small lot residences. In an effort to decrease the existing non-conformities of reduce variance requests for changes in business use or for homeowners to convert residences to commercial uses, it is recommended that the LD zoning for Block 69, Lots 1 & 2 and Block 70, Lots 16 & 17 be changed to RS-1.
9. LD/C2, Low Density Cluster Zone (**Relevant/Action Item**): The 2011 Land Use Element Plan recommended that five (5) oversized lots (Block 67, Lots 1, 2, 3.04 and Block 68.05, Lots 6&7), which total approximately 50 acres, currently zoned for low density residential uses and are included in the township's sewer service area, should be placed in a new zone (LD/C2) that permits clustering. In order to create a transition zone between the sensitive environmental areas in the river corridor and the existing residential zone to the north of the subject area, development of the parcels should be clustered with open space required and positioned near the river corridor. It is the intent of this zone to provide for residential development at densities not to exceed those permissible in the conventional LD zone while providing for a connection to and an extension of open space into the existing open space network along the North Branch of the Raritan River. It is recommended that an ordinance and zoning map amendment be adopted to create this zone.

C. OTHER RECOMMENDATIONS

In addition to the 2011 Land Use Plan Element, additional concerns have been identified for review and action:

1. LD Zones (**Relevant/Action Item**): There are several “LD” zones, each with a basic underlying density of one (1) dwelling unit per acre, but having somewhat different requirements. The LD zones should be examined to determine if a consolidation/simplification of the zone regulations is appropriate. If determined to be appropriate, then the zone district regulations and the zoning map should be amended to reflect the changes.
2. MDR Medium Density Residential Zone (**Relevant/Action Item**): The MDR zone is fully developed and the current ordinance is not aligned with the existing conditions. This zone should be reviewed and amended to reflect the nature of the existing development.
3. Definitions (**Relevant/Action Item**): §1-2.2 should be amended to reflect new definitions required as ordinance revisions/updates are developed.
4. Affordable Housing Sites (**Relevant/Action Item**): The last Housing Plan Element/Fair Share Plan was adopted in 2010 and was sent to the Council of Affordable Housing (COAH) for a determination of substantive certification. COAH has taken no action on the plan, as the legal challenges to COAH’s regulations have persisted. While the status of COAH and affordable housing regulations remains unsettled at this time, it is anticipated that COAH will expedite adoption of new rules after the expiration of their comment response deadline in November 2014. Barring any stays by the Court, the adoption of the new regulations will necessitate the creation and adoption of a new Housing Plan Element/Fair Share Plan. As a new housing plan is in development, the integration of new affordable housing development within the existing context of neighborhoods and districts will become an acute need. In order to create informed policies with respect to the location of affordable housing, it is recommended that an examination of potential sites be undertaken, pursuant to a set of comparative criteria, that reflects broader land use policies in order to ensure thoughtful integration of affordable

- housing within Branchburg. The land use regulations and zoning designations of sites fulfilling such criteria should be amended accordingly as necessary.
5. Governmental Uses and Public Utility Facilities: **(Relevant/Action Item)**: The definition of “Governmental Uses” should be clarified to exclude “Public Utility” uses.
 6. Accessory Structures: **(Relevant/Action Item)**: The nature of accessory structures and buildings should be reviewed to ensure that permitted development of accessory uses and elements is calibrated to ensure that the size, extent, character and location of these elements are synchronized with the district character wherein they are developed.
 7. Signs **(Relevant/Action Item)**: Regulations for permanent and temporary signs, and signs on vehicles, should be reviewed and updated. Particularly, the regulations for permanent and temporary signs should be revisited to address current trends in sign utilization and violations.
 8. Wall and Fences **(Relevant/Action Item)**: The definition of “fence” should be examined and, if determined to be necessary, amended to provide better clarity. The regulation of walls and fences should be consolidated with the sections addressing accessory structures.
 9. Resource Conservation **(Relevant/Action Item)**: §5-9 contains standards for “netting out” critical lands from land available for development, but this only applies to residentially-zoned land. It is recommended that the concept of reducing development intensity for non-residential uses/districts be evaluated. Should such an approach be determined to be valid, then §5-9 should be amended to provide for calculations to “net out” critical lands for non-residential uses.
 10. Floor Area Ratio **(Relevant/Action Item)**: Floor area ratio (FAR) is not used broadly within all non-residential zones in order to regulate the intensity of land use/development. It is recommended that the concept of controlling development intensity for non-residential uses/districts with floor area ratio be evaluated. Should such an approach be determined to be valid, then those district regulations should be amended to provide for floor area ratios for non-residential uses.

V. REDEVELOPMENT PLANNING

The 2006 Reexamination Report recommended that the Township examine two areas to determine if they qualify as areas in need of redevelopment.

- Route 22 westbound extending eastward from the intersection of old Route 28.
- Route 202 within the Retail Service zone.

There are currently no areas designated as being “In Need of Redevelopment” or “Rehabilitation” (pursuant to the Local Redevelopment and Housing Law *N.J.S.A. 40:12A*). Although, market-based redevelopment has replaced a number of former motels and other uses in recent years, the Township may consider utilizing this tool to stimulate redevelopment efforts on those lands which seem unlikely to redevelopment through the instrument of private capital.