

**2006 MASTER PLAN AND DEVELOPMENT REGULATIONS
REEXAMINATION REPORT FOR
WESTAMPTON TOWNSHIP, BURLINGTON COUNTY**

Introduction

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality.

As permitted under the Municipal Land Use Law, the Township has adopted several elements of the Master Plan. Among the elements and date of adoption are:

- Goals and Objectives – November 5, 1997.
- Land Use Plan – November 5, 1997.
- Open Space and Recreation Plan – September, 2004.
- Circulation Plan – May, 2002.
- Housing Plan – November, 2005.

In addition, as required by the MLUL, a Reexamination Report was adopted on September 6, 2000.

N.J.S.A. 40:55D-89 identifies the following general areas for review in the Reexamination Report:

The reexamination report shall state:

- 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 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.

The following sections of this report address each of the categories outlined above:

Major Problems and Objectives Relating to Land Development at the Time of Adoption of the Last Reexamination Report

The major problems and objectives identified in the 2000 Reexamination Report primarily involved new State Plans and Initiatives. Efforts continued toward attempting to satisfy the COAH obligation. R.S.I.S. development standards had to be integrated into Township residential development approvals. The first review of the State Plan began to inject mandatory elements into consistency reviews. Large increases in funding for State programs, especially Green Acres and Farmland Preservation, required major changes in planning and administrative procedures at the local level.

Although progress was made in permitting age-restricted housing, primarily in relation to the COAH Rounds 1 and 2 Housing Element and Fair Share Plan, the Township still must respond to at least one additional age-restricted development. Any zoning revisions must accommodate COAH Round 3 rules and regulations.

Environmental issues continued to be areas of concern. Because of concerns with developers incorporating environmentally constrained land to inflate lot yield, ordinances were revised to require lot density to be based solely on the number of non-constrained acres. Additional reviews and revisions to address environmental concerns will be required.

Aesthetic issues also remain an area of concern. Landscaping and buffering between uses must be addressed. The sign ordinance was revised in an attempt to address aesthetic issues. Additional fine-tuning of the sign ordinance appears to be necessary.

The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased

The 2000 Reexamination Report made 17 recommendations for revisions to the Master Plan and Development Regulations. The recommendations were meant to address problems and objectives identified in the 2000 Report. The status of the 17 recommendations is as follows:

1. A Circulation Plan Element was adopted by the Land Development Board in 2002.
2. An Open Space and Recreation Plan Element was adopted by the Land Development Board in 2004.
3. Major revisions to the Historic Preservation Ordinance were adopted in March, 1999. Issues involving new designations remain. The issues involve whether incentives to owners are warranted, mandatory versus voluntary participation, etc. At this time, there is a low priority to review and propose changes to the ordinance.
4. A Housing Plan Element and Fair Share Plan was adopted by the Land Development Board in 2005. The document addressed the Township's Rounds 1 and 2 obligation established by the New Jersey Council on Affordable Housing (COAH).
5. Definitions were added for convenience store, motor vehicle service stations and a combination of the two uses.
6. Definitions were added for gross and net acres. Density in all residential zones was revised to require density based on net acres (i.e., gross acres minus environmentally impacted acres).
7. A limit to the number of motor vehicle service stations at an intersection has been added to the ordinance. Limits to the number of other uses in specific areas have not been added to the ordinance, with the exception of combination convenience store/motor vehicle service stations.
8. Age-restricted housing has been added as a conditional use in the R-1 Zone. The new R-7 Zone, the result of a court settlement, does provide age-restricted housing as a permitted use. Additional ordinance revisions may be required.
9. A provision has been added prohibiting the use of recreation vehicles as residential dwellings in all zones.
10. The fence ordinance has been modified when necessary. The most recent revision was adopted in June, 2004.
11. Although the sign ordinance has been revised, the issue of the lighting of signs (i.e., interior or back-lit versus exterior lighting) has not been addressed. This issue should be addressed concurrently with other sign ordinance revisions. Action Date: First half of 2007. **OPEN ISSUE**
12. Landscape buffer requirements were last addressed in 1998. Upgraded standards are necessary and are more fully discussed elsewhere in this report. Action Date: First half of 2007. **OPEN ISSUE**
13. Standards for co-location of wireless telecommunication antennas on existing towers have not been added to the ordinance. Standards should be developed in

- conjunction with standards for new towers, as discussed in Number 14 below.
Action Date: First half of 2008. **OPEN ISSUE**
14. Standards for new wireless telecommunication antennas/towers have not been added to the ordinance. **OPEN ISSUE**
 15. Standards for membrane structures (instant plastic garages) have not been added to the ordinance. Action Date: First half of 2008. **OPEN ISSUE**
 16. The impervious coverage standards for the I – Industrial Zone must be revised to be compliant with the current New Jersey storm water regulations. The impervious coverage standards of all other zones should be reviewed for consistency with State regulations. This review should be done concurrently with the recommended review of the Floor Area Ratio (FAR) standards discussed elsewhere in this report. Action Date: First half of 2007. **OPEN ISSUE**
 17. Expansion of residential zoning into the C – Commercial Zone along Woodlane Road adjacent to residential uses has not been addressed. Action Date: First quarter of 2007. **OPEN ISSUE**

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

The Township continues to be guided by the assumptions, policies and objectives that formed the basis for the Master Plan and Zoning, Subdivision and Site Plan Ordinances. However, there have been a number of significant planning activities and developments that have altered the assumptions, policies and objectives forming the basis for the Master Plan and development regulations as follows:

1. Since the last Reexamination Report, there has been significant activity toward satisfying the Township's Rounds 1 and 2 Council on Affordable Housing (COAH) obligation to provide affordable dwelling units. First, an inclusionary development, known as Westampton Woods and consisting of 115 townhouses, was approved. This development also provided funds for a 12-unit Regional Contribution Agreement (RCA), under which a portion of a town's housing obligation may be transferred to another town upon payment of a per-dwelling-unit fee.

The second major activity was the settlement of an affordable housing lawsuit involving the "Winner Tract". The settlement provided a new zoning district – the R-7 Zone – that permits the construction of 276 age-restricted, market-rate, single-family detached homes; 228 non-age-restricted, single-family attached homes (townhouses); 24 age-restricted, affordable rental units in one 3-story building; and 50 additional affordable units of a non-designated type on the Winner Tract. The settlement provided that at the option of both the Township and the developer, the 50 additional affordable units could be transferred to another town through an approved RCA agreement. Both parties have opted for a 50-unit RCA.

The settlement agreement also required that the Township prepare a Housing Element and Fair Share Plan that addresses the Township's Rounds 1 and 2 COAH obligation. Such a plan was prepared and adopted by the Land Development Board in late 2005. The plan was subsequently sent to the Court for review. In February, 2006, the Court gave conditional approval to the plan, with a stipulation that a new Housing Element and Fair Share Plan addressing COAH Round 3 issues be adopted by the end of 2006.

2. COAH Round 3 rules and regulations became effective in 2004. In a major departure from previous procedures, COAH no longer assigns an affordable housing obligation (a specific number of units) to each township. Rather, each township was required to project its own obligation based on past construction activity, projects approved or pending approval, and projections as to the amount and the type of construction expected until 2014.

Based on the projections, each township would owe one affordable dwelling unit for each eight units of market-rate units constructed. In addition, one affordable unit is required for every 25 new jobs created. Jobs created are based on formulas based on square footage for all non-residential uses. Although the Township did not receive conditional approval of its Rounds 1 and 2 plan until 2006, COAH rules stipulate that the projections based on construction are retroactive to January 1, 2004.

In addition to how a township's obligation is determined, there have been major revisions to most of the COAH rules. Among the changes are revisions to rules involving rental units, age-restricted units and RCA agreements. There are also additional options for addressing the COAH obligation, including increases in permitted development fees, growth share ordinances, etc. All of the Township's affordable housing ordinances must be reviewed to develop the most advantageous strategy for the Township to satisfy its COAH obligation.

3. The Township adopted an Open Space and Recreation Plan that analyzed existing large farms and vacant land for possible acquisition for open space and/or recreation purposes. The review also assigned a relative priority for acquisition to each parcel. The open space inventory is a requirement in order to participate in the State Green Acres Program that provides low-interest loans and grants for open space acquisitions. The Township has used, and continues to use, the plan and inventory in applying for Green Acres acquisition assistance.

Recent Court decisions have reinforced the importance of an adopted open space inventory. If a township seeks to acquire a property for open space through Eminent Domain, the Courts will take into consideration the presence or absence of the subject site on a township's open space inventory.

4. New storm water regulations were adopted by the State. These new regulations required each township to adopt new Storm Water Management Plans that

address groundwater recharge, storm water quantity, and storm water quality impacts by incorporating storm water design and performance standards for new major developments. In addition to addressing the design of storm water facilities, the plan also had to address long-term operation and maintenance measures for such facilities. The Township adopted a new Municipal Storm Water Management Plan in 2005 that complies with the current State requirements.

5. The second review of the State Development and Redevelopment Plan, which was originally adopted in 1992, was completed in 2004. Again, the cross-acceptance process was used to determine consistency among the State, County and Township Planning Goals and Policies. The Township was an active participant. The second Plan review continued the evolution from a purely voluntary to a more mandatory consistency review. Consistency with the State Plan is now used in COAH approvals, to set State funding priorities, and partially to determine whether State permits, especially those issued by DEP, may be issued. Plan Endorsement is now the State's prime method of ensuring consistency between plans.
6. In 2005, the Zoning Ordinance was amended to require density based on net acres of a tract of land in all residential zones. Net acres equals gross acres minus environmentally constrained acres. The amendment is in compliance with recent Court decisions.
7. A major revision to the sign ordinance was adopted in 2005. To provide for more effective aesthetic controls, the revisions dealt with sign sizes, locations and types, and the number of signs. Based on applications before the Land Development Board, additional revisions to the sign ordinance will be required to further define and refine the 2005 revisions.
8. A mandatory development fee ordinance was adopted in 2004. As permitted by COAH rules, the fee ordinance applies with limited exceptions to all new developments that are approved by the Land Development Board. The fee generates money to assist the Township in satisfying its affordable housing obligation. The fee is based on the fact that new development, at least in part, is used to establish a town's COAH obligation.

Specific Changes Recommended for the Master Plan or Development Regulations

The Land Development (Planning) Board recommends the following specific changes to the Master Plan and development regulations:

1. The Township's current Housing Element and Fair Share Plan satisfied the New Jersey Council on Affordable Housing (COAH) Rounds 1 and 2 Fair Share Housing Obligation. Round 3 COAH rules and regulations took effect in 2004. Consequently, a new Housing Element and Fair Share Plan must be prepared to

an identity and destination of its own. This item should be an ongoing effort. This issue should be a discussion item in all appropriate Land Development Board hearings. Action Date: Continuing.

14. For the first time, an attempt has been made to assign appropriate timeframes to address or begin to address each of the recommendations contained in the Reexamination Report. These are guidelines and not mandatory completion dates. The ability to undertake efforts to address the recommendations is impacted by several factors. Among the factors is the need to respond to new State initiatives, funding sources and changing priorities. Other factors include the need to respond to development applications, potential litigation, time the Land Development Board is able to devote to long-term planning issues on a monthly basis, and budgetary constraints.

In order to maintain positive momentum in addressing the recommendations, the Land Development Board should consider at least one meeting a year which is devoted exclusively to planning issues. Topics could include monitoring progress in meeting deadlines, reviewing draft ordinances and studies addressing the recommendations, and discussing newly identified problems, issues and opportunities. Action Date: Late 2006.

Recommendations Concerning the Incorporation of Adopted Redevelopment Plans into the Land Use Element

The Township has not adopted a redevelopment plan pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c.79 (C.40A:12A-1 et seq.) and, therefore, the Land Development (Planning) Board does not need to comment on its incorporation into the Land Use Plan Element.