

**TOWNSHIP
OF
JEFFERSON**

**MASTER PLAN
REEXAMINATION REPORT**

Prepared for:

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INTRODUCTION

The Township of Jefferson Planning Board has prepared this Reexamination Report to be presented to the Township Council and the residents of Jefferson to fulfill the requirements of the Municipal Land Use Law which contains the enabling legislation governing planning and zoning in New Jersey municipalities. The law provides for the periodic reexamination of a municipality's master plan and development regulations at least every six years pursuant to the provisions of N.J.S.A. 40-55D-89.

This report constitutes the Reexamination Report of the Planning Board's on-going review and reexamination of the Township's land use designations and regulations. The law requires that each municipality's Planning Board prepare a report covering the following five elements:

- The major problems and objectives relating to land development in the municipality at the time of the adopting of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- 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 reviewed with particular regard to 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 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.
- The recommendations of the Planning Board concerning the incorporation of redevelopment plans pursuant to the "*Local Redevelopment and Housing Law*," P.L. 1992, C. 79(C.40A: 12A- I 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.

REEXAMINATION REPORT

The Reexamination Report requirements are addressed, as follows:

The Major Problems and Objectives relating to Land Development in the Township at the Time of the Adoption of the last Reexamination Report.

Consistent with the Planning Board's dedicated and on-going commitment to providing the Township with comprehensive planning, the last Township Master Plan Reexamination Report was prepared and adopted by the Jefferson Township Planning Board on July 20, 2000, with a prior Reexamination Report adopted on July 14, 1998. Both reports recognized the following specific goals and objectives noted in the 1991 Master Plan Land Use Plan:

1. To recognize areas of environmental sensitivity including wetland areas, stream corridors, rock outcrops, aquifer recharge areas, steep slopes, lakes, ponds, rivers, significant vegetated areas and endangered wildlife and vegetation, and to preserve these critical resources through implementing appropriate planning and zoning policies.
2. To encourage development of housing types that will provide housing for various income levels and senior citizen housing, while at the same time respecting the environmental sensitivity of the land and its carrying capacity.
3. To encourage proper storm water management and surface drainage techniques to minimize potential flooding and to facilitate groundwater recharge.
4. To encourage the development of appropriate commercial, industrial, employment and recreational facilities to service the needs of all Township residents and to help stabilize the Township's tax base.
5. To continue to improve and upgrade the Township's housing stock, especially where substantial conversion of seasonal homes for year round use has occurred, through the strict enforcement of the Township code.
6. To continue to improve the quantity, quality and location of recreational lands and open space including both active and passive recreational facilities, as well as environmentally sensitive lands.
7. To encourage office and industrial development along the Route 15 corridor, Route 23 and in designated areas along Route 181, Berkshire Valley Road and Ridge Road, while at the same time recognizing the need to control access along those major arteries in order to promote the safe and efficient movement of through traffic.

Extent to which such problems and objectives have been reduced or have increased.

The 1991 Land Use Element identified five residential districts, each generally based on the compatibility of surrounding land uses and residential densities, as well as the carrying capacity of the land. Continued development within Jefferson Township has increased the impact of many of the problems and objectives cited in the 1991 Master Plan Land Use Plan Update, the 1998 Master Plan Reexamination Report and the 2000 Reexamination Report. This Master Plan Reexamination Reports notes that development pressure on the most sensitive areas of the Township continues to increase, resulting in a notable change to the visual and natural landscape of the community. All recent subdivision applications and developments have occurred on the most environmentally sensitive lands of the Township.

The need to protect the remaining private and quasi-public environmentally sensitive and undeveloped tracts of land has been part of a program of on-going land use discussions of the Planning Board. The Board has identified areas that need more than the standard land use controls. As a result of the Reexamination Report adopted in 2000, a significant amount of the environmentally sensitive lands of the Township have been rezoned RC-Rural Conservation. This District provides development densities of one unit per acre and environmentally sound development options that include shared driveways and a cluster option.

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 reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection and disposition and recycling of designated recyclable materials; and changes in State, county and municipal policies and objectives.

Within the last few years, and specifically within the last year, several changes in assumptions, polies and objectives have taken place at the State and local level. This has caused the Planning Board to continue the Master Plan Reexamination process. The specific changes are noted below:

- The State Development and Redevelopment Plan (SDRP) has been undergoing its mandated Reexamination. This process has recently been completed. One of the SDRP's principal goals and objectives is to concentrate most new development in areas that are either already served by sanitary sewer, potable water and fully improved roads or areas reasonably planned for such infrastructure improvements. The Stat Plan refers to these areas as centers. The SDRP recognizes the extent to which Jefferson Township contains environmentally sensitive lands by designating the entire municipality Planning Area 5 - Environmentally Sensitive.

- Consistent with the SDRP and the 2000 Reexamination Report recommendations, the Township has recently combined the RR-Rural Residential District and the C-Conservation District into one RC-Rural Conservation District that permits single family residential development on lots with a minimum area of 5 acres. This District also permits cluster development, shared driveways and provides for the protection of steep slopes, ridge lines and large specimen trees.
- In January, 2000, the Township submitted its Housing Element and Fair Share Plan to the Council on Affordable Housing seeking substantive certification. The Plan provides the mechanism for the Township to meet its fair share obligation without requesting any vacant land adjustments.
- In June, 2001 the Appellate Division of the State of New Jersey decided the case of Mount Olive Complex and Mount Olive Villages Sewer Company, Inc. and Mount Olive Villages Water Company, Inc. v. Township of Mount Olive and the Mayor and Township Council of the Township of Mount Olive and the Mount Olive Planning Board. Essentially, this case affirmed a municipality's ability to rely on the recommendations of the State Development and Redevelopment Plan with regards to residential development densities. Specifically, it found that SDRP "encourages sound land use management throughout the State, that a major goal of the State Plan is to halt suburban sprawl, characterized as a pattern of development that destroys the character of the cultural landscape, is ineffective in terms of public facilities and services and devoid of the sense of place that has long defined the character of life in New Jersey. The Court went on further to say, "we do not hesitate to conclude that a municipality may consider and rely on the State Plan in redesigning its land use regulations...Consequently, a municipality's voluntary adherence to the Stat Plan guidelines may support a determination that amendment to the zoning regulations advances the purposes of zoning defined by the MLUL."
- In June, 2001, the Township adopted Chapter 105, entitled "Soil Removal." The soil removal ordinance restricts the amount of soil that can be moved, disturbed, imported and/or exported. It is a comprehensive ordinance that requires the submission of a plan and limits tree removal and soil disturbance over a five yard period.
- On March 20, 2001 the new Water Quality Management Planning Rules, Subchapter 8 - "Septic Rules," became operative. These new septic discharge rules require that new development using septic systems must undergo the same environmental assessments as proposed new sewer service areas. This rule applies to residential developments of six or more units and commercial development discharging 2,000 gallons of wastewater or more per day into the ground.

The Planning Board, over the past few years, has identified many areas in the Zoning Ordinance that it has recommended for review and enhancement. Specifically, the Board has provided guidance and input into changes regarding permitted lot disturbance area, environmental impact statement requirements, shade tree requirements, tree preservation and soil movement. In addition, the Board has discussed the economic viability and aesthetic appeal of the non-residential areas in the Township. Many of the Board's recommendations have recently been enacted by the Township Council.

In response to the recent changes in assumptions, policies and objectives, noted above, the Planning Board has taken a look at the remaining undeveloped lands for possible incorporation into the Rural Residential District in furtherance of the following recommendation of the 1998 Master Plan Reexamination Report:

The land use and development regulation should be updated and revised to reflect the community's concern regarding appropriate development of environmentally sensitive lands, as well as the detail and standards necessary to address current planning issues.

The Specific Changes Recommended for the Master Plan or Development Regulations, if any, including Underlying Objectives, Policies and Standards or whether New Plan or Regulations should be prepared.

It is recommended that several large lots within environmentally sensitive areas, and presently zone R-40, be incorporated in the existing RC-Rural Conservation District. Review of Township maps show the parcels are the last remaining large, undeveloped and environmentally sensitive lands that generally contain large forested areas with streams, ponds and river headwaters associated with them, as well as significant ridge lines. These areas tend to be adjacent or in close proximity to the headwaters of the Rockaway River and the Musconetcong River, as well as containing large stands of Highlands forest. Development as permitted under their present zoning is not adequate to ensure appropriate development of these areas. With the changes noted above, it is the Board's position that this zoning change can now be reasonably supported by both local planning and zoning principals and by State planning initiatives and permitting requirements.

Specific sites for designation to RC-Rural Conservation are identified in Appendix A.

In addition, the Board has looked at three isolated areas for non-residential rezoning. They are as follows: