AMENDED & RESTATED
2016
MASTER PLAN
REEXAMINATION
REPORT

Prepared for

WARREN TOWNSHIP
PLANNING BOARD

By:

John T. Chadwick, IV P.P.

The original of this document was signed and sealed according to law
John T. Chadwick, IV P.P. License No. 995 **August 2016**

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TABLE OF CONTENTS

INTRODUCTION i

REEXAMINATION REPORT 1

POPULATION, GROWTH & CHARACTERISTICS 5

TABLE I 5

TABLE 2 7

GRAPH - RESIDENTIAL PERMITS 8

ECONOMIC DEVELOPMENT 9

TABLE 3 11

HOUSING 12

LAND USE AND DEVELOPMENT REGULATIONS 13

LAND INVENTORY 14

EXISTING LAND USE MAP 15

CIRCULATION 16

RECREATION AND OPEN SPACE 17

OPEN SPACE/VACANT & AGRICULTURAL LAND MAP 18

UTILITIES 19

ENVIRONMENTAL RESOURCES AND CONSTRAINTS 20

FINDINGS OF FACT 21

MASTER PLAN REEXAMINATION REPORT FINDINGS AND ASSESSMENTS 25

AMENDED AND RESTATED LAND USE PLAN AMENDMENT 33

LAND USE PLAN AMENDMENT MAP 37

INTRODUCTION

The New Jersey Municipal Land Use Law N.J.S.A. 40:55D-1 et. seq. designated each municipal planning board as that agent to prepare and adopt a Master Plan. The Master Plan is a guide to the use of lands within the municipality in a manner that protects public health and safety and promotes the general welfare; the Master Plan is not law.

The Master Plan consists of a number of Plan Elements. The focus and scope of each element are set forth in the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-28).

The Municipal Land Use Law also requires, under N.J.S.A. 40:55D-89, each municipality to reexamine its Master Plan and development regulations not less than six years from the date of previous reexamination.

This law further states under N.J.S.A. 40:55D-89.1:

> "The absence of the adoption by the planning board of a Reexamination Report pursuant to section 76 of the act (C. 40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable."

The Land Use Plan and Housing Plan Elements of the Master Plan are the foundation of the community's Zoning Ordinance. Further the law requires of between the plan and ordinance. N.J.S.A. 40:55D-62 is the specific section of the law setting forth this relationship and states as follows:

> C. 40:55D-62 Power to zone
>
> a. The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. such ordinance shall be adopted after the planning board has adopted the Land Use Plan Element and the Housing Plan Element of a Master Plan and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the Land Use Plan

> Element and the Housing Plan Element of the Master Plan or designed to effectuate such Plan Elements; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the Land Use Plan Element and the Housing Plan Element, but only by affirmative vote of a majority of the fall authorized membership of the governing body with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance.

The Land Use Plan and Zoning Plan of the Township of Warren are consistent one to the other. The Warren Township Master Plan Land Use Element was updated in 2016. Zoning amendments are in progress.

Set forth hereafter are findings of fact and policy recommendations for the reaffirmation, amendment and updating of the Master Plan of the Township.

Data contained herein and findings provide an update to the current population and employment data found in planning documents on file with the Township.

The Township of Warren Planning Board adopted the most recent Master Plan Amendment in January 2016. The January 2016 amendments are specifically referenced hereinafter.

Change of conditions and circumstances have occurred since the adoption of the 2006 Master Plan Land Use Element Amendment. The State Planning Commission continues preparation of a new plan for the Development and Redevelopment of the State. The Council on Affordable Housing (COAH) has been abolished and replaced by Superior Court Judges charged with implementing the NJ Fair Share Housing Law.

New Jersey legislature has passed the Highlands Protection Act. NJDEP has adopted new storm water management requirements requiring recharge and water quality treatment. Finally, the

aging process of the “baby boomers” continues with the attendant issues of housing need, healthcare and social services.

The most significant change since the 2006 Reexamination Report and extending to current has been the economic recession. The recession significantly altered all components of the economy and household’s well being.

The pace of residential development with the exception of the adult community in the Town Center has declined significantly in recent years. The declining rate of development is due to developable land supply and the economic malaise beginning in 2009.

REEXAMINATION REPORT

The New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) requires each municipality to reexamine its Master Plan and development regulations at least every six years. The last Reexamination Report was prepared in 2014. The law (N.J.S.A. 40:55D-89) requires that the Reexamination Report 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 be prepared."
(Source N.J.S.A. 40:55D-89).

e. Recommendations of the Planning Board concerning the incorporation of a redevelopment plan adopted pursuant to "local redevelopment and housing law" into the Land Use Plan Element of the Municipal Master Plan, and recommended changes, if any, in the local redevelopment regulations necessary to effectuate the redevelopment plans of the municipality.

The Municipal Land Use Law further states that the absence of an adopted Reexamination Report is presumptive that the community's development regulations are no longer reasonable. Simply put, the Municipal Land Use Law requires each community to recognize changing conditions, decide on a plan to address changes and update, revise and/or adopt new standards as conditions and circumstances warrant.

Problems and Objectives:

Master Plan Amendments

Various elements of the 2006 Master Plan have been amended over the past 16 years. The latest Land Use Plan Element was adopted in January 2016.

Affordable Housing Plan

The process of Affordable Housing Plan preparation and certification has been the major planning issue confronting the Municipality. The Township's first Housing Plan was granted substantive certification by COAH on 3/7/88. The Township received its second certification on January 10, 1996. The Township filed its 3rd Round Plan in December 2005. Since that date the Council on Affordable Housing has been abolished. The NJ Supreme Court has assigned implementation of the NJ Affordable Housing Law to Superior Court Judges. There is no certainty of the outcome. The current Township Affordable Housing Plan is certified and provides protection from a builder's remedy lawsuit. A builder's remedy lawsuit, if granted by a court, generally results in far greater density than zoning permitted.

Township Sponsored Housing Programs

The Township initiated a housing rehabilitation program in the late 1980's in accordance with its Affordable Housing Plan. The program provides grant funds with conditions to homeowners for rehabilitation of their properties. Funds are required to be repaid to the Township if the property is sold within six years of project completion date.

The source of program funds is from "Development Fees" and Housing Trust Funds. Funds are made available to income eligible property owners on a loan/grant basis. The program has resulted in improved housing conditions. The program is on-going and is proposed to continue. Future funding will be from Township resources, primarily from loan repayment.

Rural Character Preservation vs. Development

The preservation and protection of the steep slope, forest and stream corridors are major objectives of the adopted Master Plan of the Township. Continuing development does alter the landscape. Development is forecast to continue but not at the magnitude of the 1990's and early 2000's. The forecast for continued development pressures is based upon the following:

a. Available public sewer capacity.

b. Available public water supply.

c. Available albeit diminished supply of developable land.

d. Strong housing market.

e. Large and expanding job market.

f. Potential impact of court decision regarding the Township's fair share affordable housing obligation.

A current Zoning Ordinance is consistent with the Master Plan, subsequent amendments and its objectives of open space. The EP-250, CR-130/65, R-65 and R-20(V) zone districts provide for and encourage open space preservation as a function of flexible development regulations permitting lot size averaging and/or reduction in favor of open space dedication.

Master Plan Elements

The current Master Plan including amendments do contain all Plan Elements required by the Municipal Land Use Law. The database of Plan Elements was updated in 2015. This report is

entitled *Background Studies* and is 106 pages and available at www.warrennj.org. The Background Studies report includes the following:

- Existing Land Use
- Population
- Recreation and Community Facilities
- Utilities
- Traffic and Circulation

The Township has actively participated in the Cross Acceptance Process of the State Planning Commission. The current Land Use Plan of the Township is consistent with the draft Statewide Land Use/Policy Plan.

The Township has also participated in the Somerset County Waste Water Management Plan preparation. The final plan remains under review.

The Township Environmental Commission is assigned jurisdiction for preparation and maintenance of its Natural Resource Inventory. The Commission is assisted by Township departments and the Township Ad Hoc Green Team Committee. The Commission completed this task in 2015. The report is available at www.warrennj.org.

POPULATION, GROWTH & CHARACTERISTICS

The adopted 2001 Master Plan and subsequent amendments contain basic data and analysis of population and employment characteristics of the community. The data are based primarily upon 2000 U.S. Census of Population and Housing. Table I provides updated population statistics.

Table I

POPULATION GROWTH, 1970-2010
TOWNSHIP AND VICINITY

Town	1970	1980	1990	2000	2010
Warren	8,592	9,805	10,830	14,260	15,311
Bernards	13,305	12,920	17,199	24,580	26,652
Bridgewater	30,235	29,175	29,175	42,940	44,464
Green Brook	4,302	4,640	4,640	5,650	7,203
Somerset County	198,372	203,129	203,129	297,500	323,444

Source: U.S. Census 1970, 1980, 1990, 2000 and 2010

The Township's population grew by 10.5% from 1980 to 1990 and 41.4% from 1990 to 2010. Based upon development activity since 2010 to the present, the continued pace of new home construction forecasts population growth but at a much lesser rate as compared to the 1990-2010 period. The period 2010 through the first quarter of 2014 showed a total of 308 residential certificates of occupancy (CO's) were issued. Of this total 234 Co's were issued to two projects (Promenade and Belle Wood Acres). The Promenade project is an age restricted self contained

neighborhood in the Town Center District. Belle Wood Acres consists of 26 new single family homes near I-78/Hillcrest Road interchange.

Historically, semi-retired and retired persons emigrated from the Township. Until recently only one assisted living facility existed in the Township. Since 2006, a second assisted living facility and an age restricted apartment building providing housing designed for active adults have been approved or constructed.

In addition to the above projects, thirty five (35) town home dwellings have been approved. These units are age targeted (master bedroom on first floor). Finally a specialized apartment building (approximately 41 units) designed for autistic adults has been constructed.

The spectrum of housing opportunities has widened substantially over the past 6 to 8 year period. The growth and development of new housing includes a substantial percentage of affordable units.

The overall economic well-being of the Township resident population is healthy. The economic well being, measured by income, of residents of the Township as well as Somerset County at large, is rated as one of the highest in the State.

Population Projection

The various agencies publish population projections for Somerset County and municipalities. The North Jersey Transportation Planning Agency (NJTPA) is designated as the official forecast agency.

Warren Township population grew from 10,380 persons in 1990 to 15,311 persons in 2010 (Source: US Census). The NJTPA projection for the next 30 years is a total population of 17,450 by 2040.

Table 2

TOTAL PROJECTED POPULATION
WARREN TOWNSHIP AND VICINITY

	1990 Census	2000 Census	2010 Census	2040 Projected*
Warren	10,830	14,260	15,311	17,450
Watchung	5,110	5,610	4,895	7,300
Green Brook	4,460	5,650	7,203	8,300
Bernards	17,199	24,580	26,652	27,370
Bridgewater	32,509	42,940	44,464	47,810
Somerset County	240,279	297,500	323,444	376,600

* Source: NJTPA projection

Warren Township Construction Department and the Township Administrator's office maintain data showing the number of Certificates of Occupancy and the number of building permits issued per year. The period 2007 through March 2016 shows new construction and certificates of occupancy. A substantial portion of new construction for the period 2010-2013 reflects the new adult housing project development in the Town Center District.

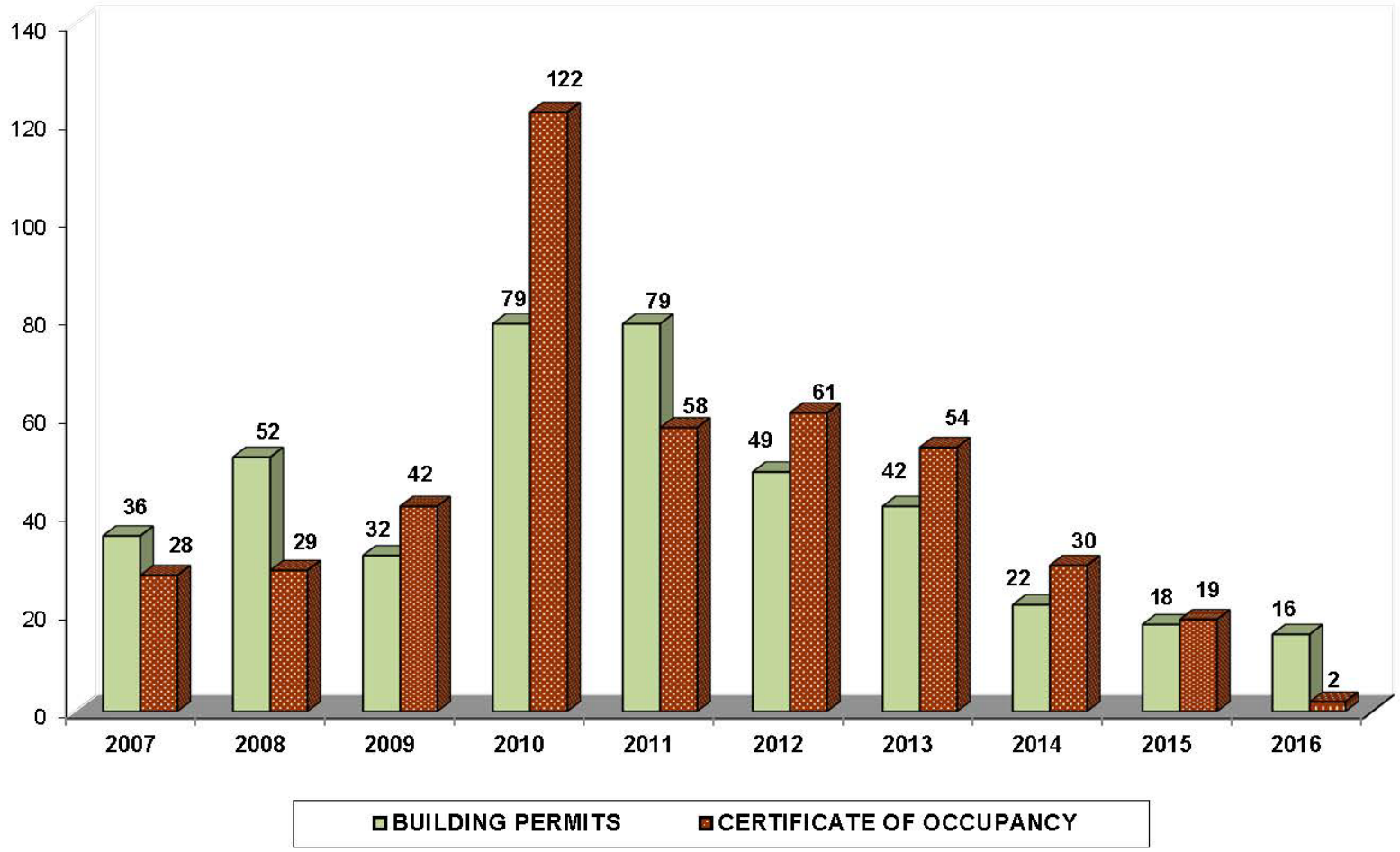
The population growth shown on the proceeding tables has resulted in demand/need for additional school capacity, recreation facilities, municipal facilities and services in general.

Reservation of Land to locate public facilities and services is essential to the comprehensive planning process. The current Open Space, Recreation and Conservation Plans include only identification of existing facilities and a projection for open space/conservation areas.

The Open Space Plan was updated in 2005 and again in 2010. A further updated plan will be developed to reflect recent acquisitions and proposed improvements.

CONSTRUCTION OFFICE

RESIDENTIAL SUMMARY OF PERMITS THROUGH MARCH 31, 2016



ECONOMIC DEVELOPMENT

Job growth is one index of economic development of a community. New Jersey Department of Labor and Industry (Covered Employment Reports) provide data as to the number of people employed in the municipality. Employment data is also maintained and forecasted by NJTPA. Table 3 shows a job growth history and projections for the Township and adjacent communities.

The table shows that considerable employment growth occurred in the community from the period 1976 to 2000. The table does include the Chubb Headquarters, Citi Group facility, Anadigics, Technology Drive complex, Independence Boulevard complex and the professional office/service growth in the Town Center Area.

Some change in the resident population to job ratio has occurred over the past eight year survey period. The lingering recession has reduced the job opportunities in the Township and vicinity; notwithstanding substantial employment opportunities in the Township and vicinity will continue to contribute to the strong regional housing market as well as support industries.

The Township Zoning Plan provides for additional economic development. The Town Center Area and the I-78/King George Road interchange continue to represent the future growth areas. Growth in the Town Center District will, to a large extent, be characterized as reconstruction/redevelopment focused upon retail and service sectors.

The most troublesome long term issue facing the Township and its region is the future economic strength of large office park and corporate headquarters facilities. The suburban office market has experienced recession and has not shown the degree of recovery other sectors of the economy have shown.

Although several of the exiting large office buildings have been gut renovated and reoccupied, the NJTPA's projected decline of total employment is the most troublesome long term

issue facing the Township and its region. The regional suburban office market has experienced recession and has not shown the degree of recovery other sectors of the economy have shown. In Warren Township major office parks have remained healthy and have seen considerable reinvestment.

The Township's Office and Industrial Zones are nearly fully developed. The Township should explore opportunities to permit expansion.

Table 3

PRIVATE SECTOR
COVERED EMPLOYMENT & PROJECTION - WARREN TOWNSHIP AND VICINITY

1986 - 2011

	1976	**1986**	**2000**	**2006**	**2011**	**Projected 2040***
Warren	4,701	8,277	15,870	12,315	11,383	14,810
Bernards	9,061	10,166	14,440	9,837	12,094	16,250
Bridgewater	12,594	20,887	35,790	31,105	29,365	52,250
Green Brook	2,824	2,329	4,240	3,652	3,067	3,980
Watchung	4,816	3,337	8,400	5,468	5,079	6,260
SOMERSET COUNTY	104,249	N/A	203,100	156,521	151,321	252,500

Source: New Jersey Department of Labor (1976, 1986, 2000, 2006, 2011)

* Projection: North Jersey Transportation Planning Agency (2040)

HOUSING

Affordable Housing:

The Township's adopted Fair Share and Housing Plan Element was granted Certification in January of 1996 by Council on Affordable Housing (COAH). The original plan was granted Substantive Certification by COAH in March of 1988.

The Township has petitioned for certification of the 3rd round plan. The plan was filed with COAH in December 2005. The courts have invalidated the 3rd round COAH rules. COAH published new 3rd round rules in July 2014 and proposed to adopt same in November 2014. The 3rd round rules have been challenged by several parties. The outcome of this litigation is uncertain.

Tenancy Housing Issues:

Owner and renter occupancy characteristics of the Township have not significantly changed over the past decade. Not withstanding, as a result of Affordable Housing Plan implementation, approximately 88 affordable rental units did become available. In addition, age restricted housing has been constructed in the Town Center and in the vicinity of the Woodland School (Lindbergh Avenue).

The Township’s rental resources are limited. Somerset County as a whole has a 1 to 3 renter to owner occupancy ratio. Warren Township has a 1 to 9 ratio (Source: U.S. Census of Housing 2010).

Small Lot Development. Several small lot older neighborhoods exist in the Township. Current zoning requires lot size and set back significantly greater than existing. Recognition of the existing neighborhood development is warranted.

LAND USE AND DEVELOPMENT REGULATIONS

Continued development potential remains but is restricted due to vacant land supply and the limited sewer capacity in the northeast portion of the Township. The limitations of sewerage treatment capacity exist only in the north eastern section of the Township. Strong regional economic trends are reflected by the corporate office park development located along Route 78, Mt. Bethel Road and the enlargement and/or new commercial structures along Mountain Boulevard.

With few exceptions, a common factor of development in the Township is environment constraints of various degrees associated with the land. Constraints include wetlands, flood boundaries, steep slopes, traffic safety impacts and stormwater run-off.

A Land Use Procedures and Zoning Ordinance were adopted in 1993 and amended from time to time to reflect adjustment to land use policy. These ordinances are comprehensive revisions and substantially implement the intent and purpose of the Land Use and Housing Plan Elements of the Warren Township Master Plan and as amended.

Ordinances are periodically reviewed. The permitted lot size reduction allowed within the CR-130/65 and R-65 zones and density bonus provisions were revised in 2001. A Planned Adult Community (PAC) zone overlay was added in 2003. The continued issue of permitted house size on existing small lots is under review.

A comparison of existing land use and lot size to the zoning plan shows a basic consistency. Notwithstanding adjustments appear warranted in several locations to better match existing lot size to zoning regulations.

LAND INVENTORY

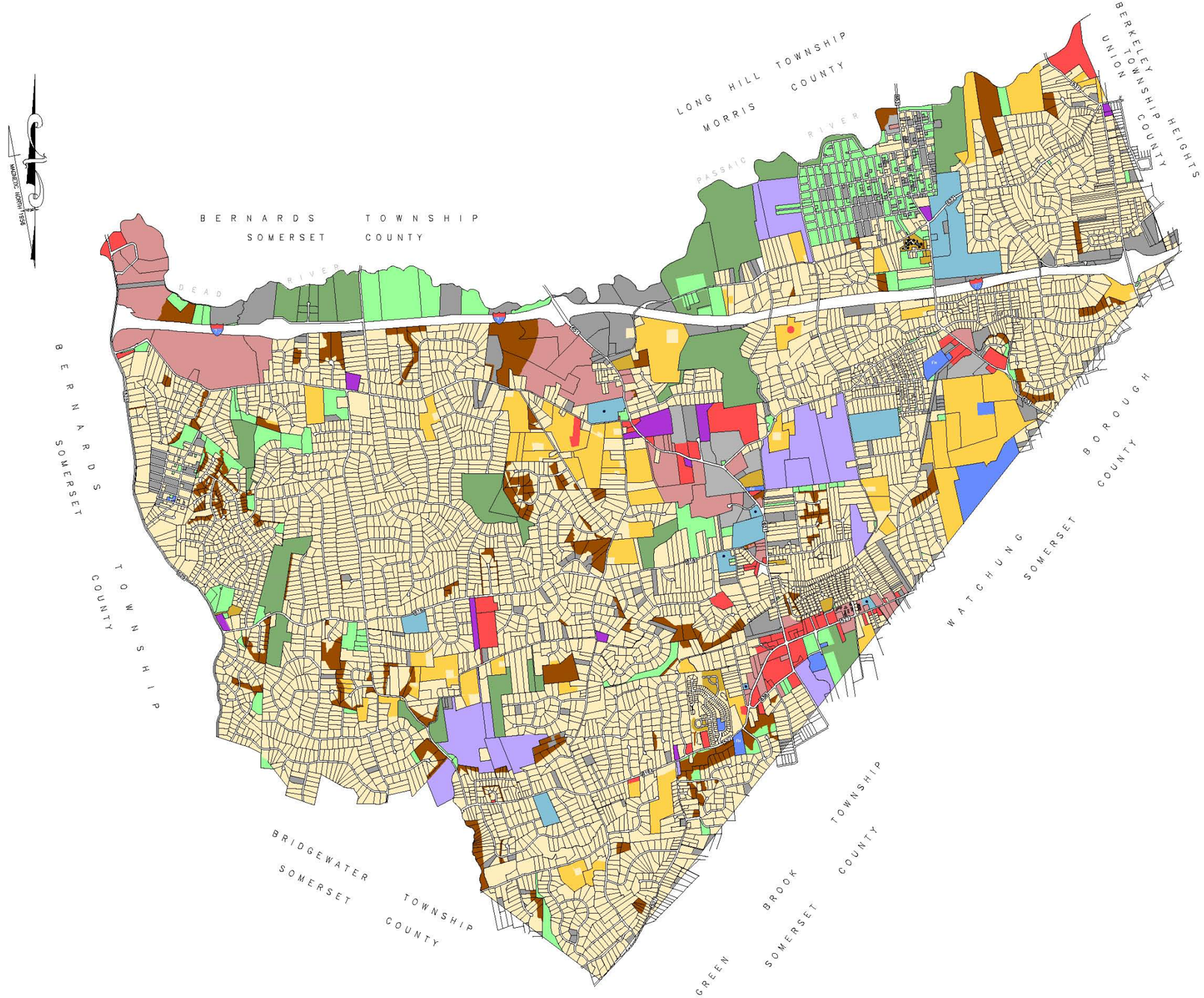
A detailed vacant land analysis was conducted in connection with preparation of the 2014 reexamination and updated Master Plan. As of January 2014 a total of 423 lots were assessed as vacant or farmland. The lots have a total of 1477.25 acres. This acreage equates to 2.3 sq. miles of land.

Since January 2014 a total of 59 permits have been issued. The vacant private land inventory has been reduced by approximately 82 acres.

The basic factors affecting the pace of development in Warren are (1) land available for development, (2) sewerage treatment capacity in the north eastern section and (3) environmental constraints. Few large tracts remain for residential development. All areas in the easterly portion of the Township are constrained in part by environmental factors and potentially public sewer capacity.

The pace of development identified in the 2006 and 2014 Reexamination Reports and described in the 2006 and 2016 Master Plans has further decreased. The majority of new development in the 1990's was located within residential zones created as a result of the Fair Housing Act and the Township's Affordable Housing Plan Certification. These developments ranged in size from 52 to 365 lots. But for the adult housing project, development in the 2000's is characterized by small 5 to 10 lot projects.

The adult housing (age restricted) project is now completed. The development contains 208 dwellings of which 42 are affordable. Approved developments include (1) Mt Bethel Village, special needs adult facility of 41 apartments/completed; (2) an adult age restricted apartment project/under construction; (3) an assisted living project/under construction; and (4) an age targeted townhome project/under construction.



LEGEND

- INTERSTATE
- COUNTY HIGHWAY
- MAJOR ROAD
- TOWNSHIP BORDER

- TWP. OWNED
- TWP. OWNED ROSI
- SOMERSET COUNTY OWNED
- TWP. SCHOOLS
- PVT. SCHOOLS
- CONSERVATION EASEMENT
- SINGLE FAMILY RESIDENTIAL
- FARM ASSESSED
- MULTI FAMILY
- OFFICE
- INDUSTRIAL
- COMMERCIAL
- QUASI PUBLIC
- PLACE OF WORSHIP
- VACANT LAND

TOWNSHIP OF WARREN – FOUNDED 1806 – SOMERSET COUNTY – NEW JERSEY

WARREN TOWNSHIP 2014 LAND USE MAP

WARREN TOWNSHIP

SOMERSET COUNTY NEW JERSEY

0 800 1600 3200 4800

GRAPHIC SCALE
1"=1600

BASE MAP PREPARED BY:
WARREN TOWNSHIP ENGINEERING DEPARTMENT
JANUARY, 2014

CIRCULATION

The 2001 Master Plan contains a functional classification/circulation plan and is referenced in all subsequent Master Plan amendments. The prior plans did not specifically address high accident and/or congestion locations.

The current Circulation Element of the Township's Master Plan neither accepts nor rejects Somerset County roadway standards. In general, the Township and Somerset County officials have agreed to mutually acceptable roadway improvement specifications for the improvement of County roadways in the Township.

The Township continues to discuss County roadway improvement specifications with the Somerset County Engineering Department. The focus of discussion is the Township's objective to preserve rural roadway characteristics yet provide for adequate and safe travel conditions.

Within the Town Center, the redesign of Mountain Boulevard has made this route more pedestrian friendly including "traffic calming" techniques. The redesign also enhances the Town Center.

The current and priority project is the Mt Bethel/King George Road corridor. The project includes signal phasing and "real time" signal timing changes to maximize traffic capacity and reduce peak hour congestion.

RECREATION AND OPEN SPACE

The New Jersey Department of Environmental Protection & Energy uses two general methods to determine the need for developed recreation in the municipalities. One is a population derived number (10 acres of municipal parks for every 1,000 citizens). The second NJDEP method is based on land area of the community. The formula states that 3% of developed and developable land in the municipality should be set-aside as Municipal Park.

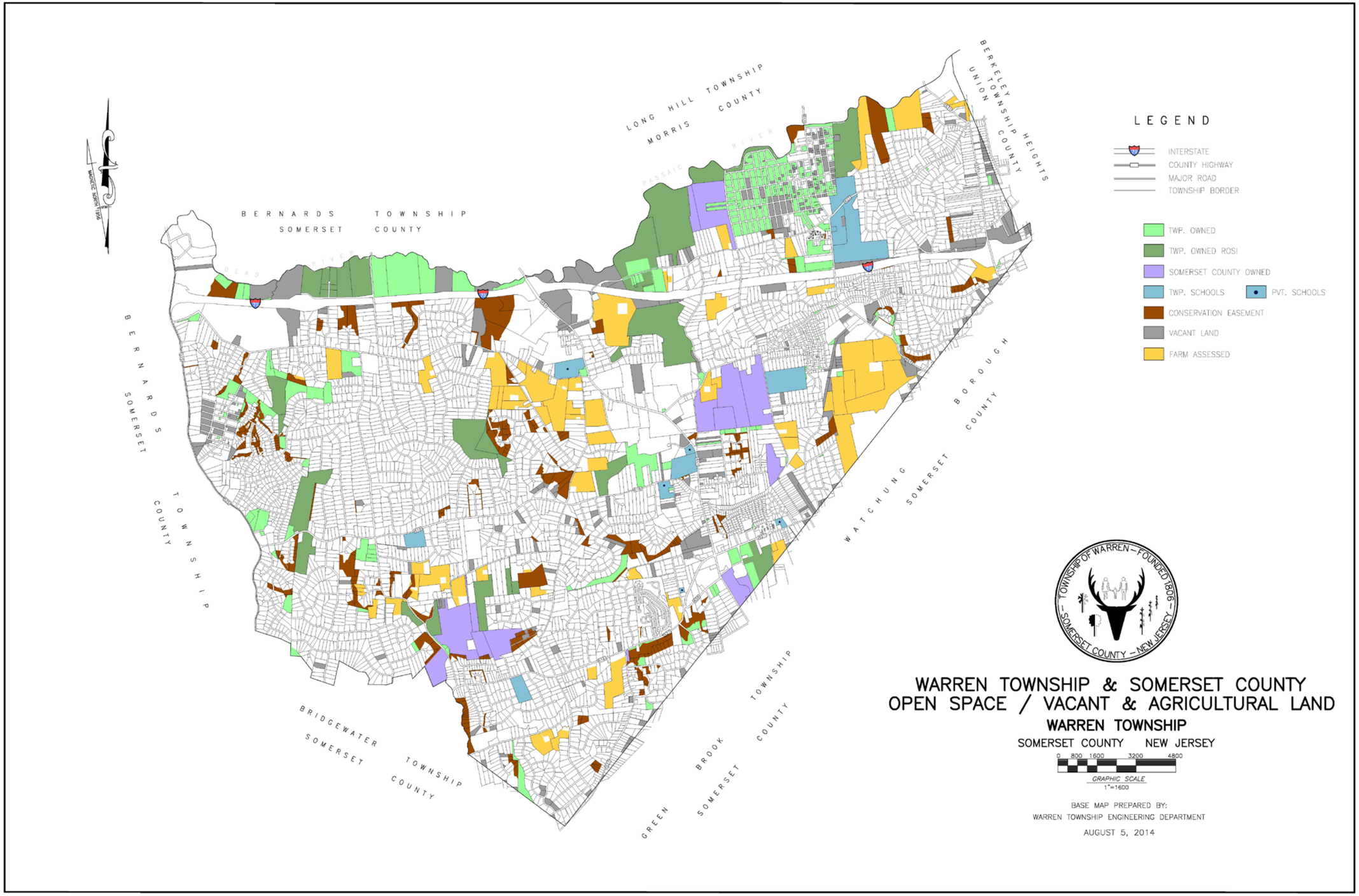
Under Method 1, Warren requires approximately 160 acres of Municipal Park land. Under Method 11, the need would be approximately 315 acres.

The 2006 and 2014 Reexamination Reports and the 2006 and 2010 Open Space Amendment incorporated and adopted the Township Recreation Commission. The Recreation Commission continuously reviews and evaluates the scope and implementation of the plan and facilities.

Since 2006 the Township has significantly expanded recreation of facilities and opportunities. Principle resources are the municipal complex and the East County Park. The Township and County have developed a very successful partnership and programs for development of facilities and activities serving all age groups. This area has been and is being developed to provide fields for various sports.

A recreation facility was developed in conjunction with the Greenwood Meadows Development. Substantial open space/recreational lands have been acquired jointly by the Township and County.

The Township Recreation Commission has a fulltime director. The commission continuously reviews concepts/proposals for creation of new facilities and services. The Wagner Farm Arboretum is an additional recreational and community gathering resource. This is a unique facility set in a rural agricultural setting. The Township owns and maintains the property.


LEGEND
INTERSTATE
COUNTY HIGHWAY
MAJOR ROAD
TOWNSHIP BORDER
TWP. OWNED
TWP. OWNED ROSI
SOMERSET COUNTY OWNED
TWP. SCHOOLS
PVT. SCHOOLS
CONSERVATION EASEMENT
VACANT LAND
FARM ASSESSED
LONG HILL TOWNSHIP
MORRIS COUNTY
BERKELEY HEIGHTS
TOWNSHIP
UNION COUNTY
BERNARDS TOWNSHIP
SOMERSET COUNTY
BERNARDS TOWNSHIP
SOMERSET COUNTY
WATCHUNG BOROUGH
SOMERSET COUNTY
BRIDGEWATER TOWNSHIP
SOMERSET COUNTY
GREEN BROOK TOWNSHIP
SOMERSET COUNTY
TOWNSHIP OF WARREN – FOUNDED 1806
SOMERSET COUNTY – NEW JERSEY
WARREN TOWNSHIP & SOMERSET COUNTY
OPEN SPACE / VACANT & AGRICULTURAL LAND
WARREN TOWNSHIP
SOMERSET COUNTY NEW JERSEY
0 800 1600 3200 4800
GRAPHIC SCALE
1"=1600
BASE MAP PREPARED BY:
WARREN TOWNSHIP ENGINEERING DEPARTMENT
AUGUST 5, 2014

UTILITIES

Since 2006 the northeastern section of the Township, which was constrained by the sanitary sewer treatment capacity has benefited from additional treatment capacity through agreements with Berkeley Heights Township. The Township Sewerage Authority consultants prepared the updated Waste Water Treatment Plan which sets forth the means and methods to address capacity constraints. The plan was accepted by the NJDEP. The plan covers the Passaic and Dead Rivers basins. An additional plan for the Middle Brook basin remains under review by the Somerset County Planning Department and NJDEP. The objective of the plan for the Middlebrook Basin as being developed by the County and NJDEP is to limit and/or preclude service to environmentally sensitive lands.

Investigation of other basic utilities (water supply and electric power) results in no known capacity constraints when compared to current land use policy. American Water Works is now the public utility franchised to provide water service to the community. No known infrastructure facilities (water tanks, pumping stations) are planned.

Not all areas of the Township are served by public water supply. The Township Board of Health has established standards for extension of waterlines to serve new residential developments. A principle issue is adequate water supply in case of a fire emergency. A second issue is ground water contamination where homes rely on well water.

Public waterlines are extended as a result of new development. Water services have also been provided to existing neighborhoods through waterline extension where ground water contamination exists.

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Substantial and significant environmental resources and constraints exist within the community. Resources and constraints are on occasion interchangeable. Wetlands constrain roadway extension and also provide water quality resource.

Passaic and Dead Rivers and the Watchung Mountain ridgelines are exceptional value resources to the community. These natural features also restrain roadway connections, utility extension and other activities associated with development of land.

Steeply sloped areas constrain and influence the pattern of development as do floodplains and wetland areas. Current development regulations do address natural and manmade environmental conditions present within the community.

NJDEP has adopted administrative regulation which increases transition areas along wetlands. Regulation also requires new development to address water quality for runoff resulting from development of land. These regulations further restrict development potential of the remaining vacant land.

The Township Environmental Commission recently completed a Natural Resource Inventory and Environmental Assessment of the Township. The report is available on line at www.warrennj.org.

FINDINGS OF FACT

As a result of the study and research, the following assessment of problems, goals and new issues are presented:

1. The Zoning Plan of the Township is substantially consistent with that of adjoining municipalities.

2. The Township's Zoning Plan is generally consistent with the Somerset County Development Guide Plan.

3. As a result of the enactment of the "State Planning Commission Act", (N.J.S.A.A.A.52:18A-196) the New Jersey State Planning Commission prepared a State Development/Redevelopment Plan. The proposed plan establishes statewide planning objectives, coordinates planning activities, and guideline planning policies. The State Planning Commission adopted the original plan on June 12, 1992. That plan has been under review and revision for more than 16 years.

4. The Township has actively participated in the cross-acceptance process advanced by the New Jersey State Planning Commission to achieve coordination and acceptance of policies and objectives of the proposed state plan. Although the latest reiterations of the State Plan have not been finalized or adopted, the Planning Area and Environmentally Critical area designations of the New Jersey Development and Redevelopment Plan are reflective of the policies and objectives of the Township Zoning Plan.

5. The 2015 Master Plan Background Studies Report does project total population. In general, the data describing population and employment were updated and support Plan amendments. Owing to the dynamics of this region and the community, ongoing updating of the database is warranted.

6. The Township has received its 2nd round COAH certification of the period 1993-1999. No zoning amendments were required.

   Although the Township prepared and adopted a Fair Share Plan in December 2005 and timely filed same with COAH for certification, due to court decisions invalidating 3rd round COAH rules, no decision has resulted.

   The Supreme Court has assigned the Fair Share Housing Law implementation to Superior Court Judges. The process of determining fair share obligation and certification of compliant Fair Share plans continues.

7. The Township adopted a revised Land Use Plan Element in 2006. The recommended revision of several locations zoned for ½ acre lots (R-20V zone district) to be rezoned for 1 acre lots (R-40) was proposed. The zoning plan has been amended to implement those recommendations.

   The Township also features several small lot, developed neighborhoods. Zoning amendment to recognize the lot size and coverage is warranted.

8. The zoning plan has further been amended to establish pre-existing nonconforming status to a substantial number of lots throughout the Township. These lots became nonconforming due to revisions of lot size and lot width regulations primarily in the 1½ acre (R-65) zone.

9. No change of permitted uses in non-residential zones has occurred since the early 1990's. The commercial districts feature a broad range of allowed retail service and professional uses. The OR zone restricts uses to basically office use. The L-I zone permits manufacturing, assembly and office uses.

   These districts require amendment to recognize the diversity of economic enterprise evolved over the last several decades.

10. The Township exhibits critical environmental conditions throughout the community. The Township did amend its Zoning Plan in the 1990's to create the CR-130/65 and EP-250 districts. The land area in these districts generally features one or more critical environmental factors. Major development projects have been located in the CR-130/65 zone. Issues of minimum lot size, density formula, encroachment upon steep slope areas and public use and access to open space warrant further review.

    Current development regulations of the community do provide for a variation of lot size for major development applications and also provide for reduced lot sizes and creation of permanent open space. The regulations implement the current Master Plan goals and objectives. These regulations have resulted in the establishment of substantial public open space and conservation areas.

11. Available developable land is becoming a scares resource in the Township. The value of land is high. This combination has resulted in proposals for undersized lots, flag lots and multiple variances. Proposals contrary to Township development standards are expected to continue.

12. A review and investigation of planning studies published by regional agencies (Somerset County, New Jersey Department of Transportation, etc.) has been made. Based upon this review, no known regional facility (new transportation routes or systems, institutions, etc.) are proposed or suggested within or about the municipality.

13. The demand for recreational facilities increases with population growth. Substantial additions to the open space recreational land inventory as well as facilities have been made. As the Township's resident population continues to increase, the scope and capacity of recreation facilities needs will increase. The Township Recreation Commission has and continues to actively address short and long term needs.

14. Road systems have a finite capacity. The existing roadways are impacted by the growth of the Township and its surrounding region. The Circulation Plan Element adopted in 1990 focused upon the functional classification of this existing system. The 1997 and 2001 Master Plans essentially readopted the 1990 plan. The plan does not include a policy and plan for alternative means and modes of travel, particularly during work-trip periods of the day. The plan does not focus upon safety/spot congestion locations. The accompanying functional classification plan shows the hierarchy of roadway function.

15. The Mt. Bethel Road corridor has been analyzed for development and redevelopment potential and traffic congestion. The findings and recommendations have progressed to the implementation stage (signal synchronization).

16. The Township Open Space Plan does include a “trailways” system. No specifications for use or priority exist. Trailways do exist in the Codington, Dealman and East Mountain Parks.

17. The Township has designated several sites as “in need of Redevelopment” and ultimately achieved goals for site redevelopment. Continued investigation and applicability of the Rehabilitation and Redevelopment Statutes has and is a planning tool employed by the Township.

MASTER PLAN REEXAMINATION REPORT
FINDINGS AND ASSESSMENTS

The Municipal Land Use Law requires the Reexamination Report pursuant to N.J.S.A. 40:55-89 to address the following:

a) The major problems and objectives relating to land development in the municipality at the time of adoption of the last Reexamination Report.

b) The extent to which problems or 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 regulation should be prepared.

e) Recommendations of the Planning Board concerning the incorporation of a Redevelopment Plan adopted pursuant to local redevelopment and housing law into the land use plan, implementation 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 Township adopted a Reexamination Report in 1988, 1992, 1996, 2000, 2006 and 2014. Subsequent to adoption of a Reexamination Report, Master Plan amendments were prepared and adopted. The last Master Plan amendment was adopted in 2016.

Major Problems and Objectives Relevant to Land Development At the time of adoption 2014 Reexamination Report

1) The diminishing amount of open space within the Township.

Open Land Becoming a Scarce Resource

The Township 1997, 2001, 2006 and 2016 Master Plans recommended specific means and methods to ensure preservation of open space, environmentally sensitive land, natural feature areas and historic sites and buildings. These recommendations flowed from prior Master Plan recommendations and have been implemented through the adoption of the December 1993 Zoning Ordinance and subsequent amendments. Further, the Township, beginning in the late 1990's aggressively pursued and acquired open space utilizing grant funds of the State and County as well as Municipal Open Space Trust funds.

Issues of lot size and steep slope protection have arisen in connection with development applications. Of greater importance is the amount of remaining developable land. The competition for use (public vs. private) will become more intense with passage of time. The Township's open space tax is one method of securing land. Flexible development standards are another.

2) The Reexamination Report recognized the existence of village and/or neighborhood areas in the community

The 1988 Reexamination Report foresaw the village/neighborhood character being eroded owing to the extent and scale of development throughout the community. Significant strides have been made towards establishment of a Town Center District. Although no specific strategy exists to reinforce existing neighborhoods (Mt. Horeb Park, Plainfield Gardens, Warrenville and Mt. Bethel neighborhood areas), the Township zoning

plan does reflect lot size and use. For the Plainfield Gardens neighborhood and one other small location revised standards reflecting lot size and building coverage are warranted.

3) The Reexamination Report recognized the adverse impacts of strip commercial development in the Town Center Area

Adverse impacts include traffic safety, pedestrian safety, unattractive and dysfunctional physical environment resulting in economic malaise. The current Master Plan provided specific recommendations for Town Center design and scale to create a safe environment for vehicles and pedestrians and to enhance the economic advantages of the Township Center location. The Zoning Ordinance implemented these recommendations. The Township zoning plan reinforces the concentrated retail/service districts.

Historically (approximately 20 years ago) an ISTEA grant provided significant funding for substantial improvements to the Town Center Area. TID funds supported Mountain Blvd redesign projects. Missing links of the sidewalk system are yet to be completed. This project should receive priority status.

4) The Reexamination Report recommended against any additional large shopping centers or corporate facilities.

The current Master Plan does not recommended any reduction of the land area assigned for commercial, office and industrial development. In fact OR districts warrant consideration of expansion due to ownership and growth potential. The Zoning and Master Plan are consistent. No change to the range and intensity of uses within non-residential zones has occurred for nearly 25 years. Review of use groups in all nonresidential zones is warranted.

5) The Reexamination Report recognized the need for timely provision for needed new community facilities.

The 1990, 1997, 2001, 2006 and 2016 Master Plans advocated provision for expanding public open space and facilities. The Zoning Ordinance provides regulations and standards to create open space as a function of land development. Township policy also advocates acquisition of land. The Township has made substantial strides in the acquisition and development of facilities.

6) The Reexamination Report recognized the adverse impact of through traffic upon residential neighborhoods

The Master Plan contains a circulation plan Element. The plan establishes a grid system. One objective is to divert through traffic from neighborhood streets.

7) The Reexamination Report recognized the character of rural residential roadways.

The Master Plan did not specifically recommend revision to design standards. The State law known as the Residential Site Improvements Standards (RSIS) sets standards for all communities in New Jersey. No conflict of policy or standards is known. The Township has as a result of RSIS interpretation established standards for cul-de-sacs serving 5 or fewer houses. The standard is consistent with RSIS standards and provides for private street ownership.

8) The Reexamination Report identified roadway improvement and needs. The recommendation of Circulation Element originally adopted in 1990 and readopted in the 1997, 2001, 2006 and 2016 Master Plans set forth specific improvement projects.

Most of the projects have been completed. The outstanding project is the Mt. Bethel Road corridor project. Final design of signal synchronization is underway..

9) The Reexamination Report recognized the need to balance various classes of land use in order to maintain fiscal stability.

The 1997 Master Plan recommended no changes of density or intensity of development. The 2001 plan proposed planned adult housing as an overlay zone within the Town Center. The proposal was adopted as zoning law. This development known as the Promenade at Warren is the first planned adult neighborhood in the Township.

In addition to the new age restricted housing, conjugate, age restricted apartment, a new assisted living and an age targeted/redevelopment project have been approved and are under construction.

A townhome project (a redevelopment site) designed as an age targeted project is intended to serve the housing need of empty nester/semi-retired households. Over the past 10 years the significant expansion of housing resources and opportunities for an aging population has been made.

The largest revenue resources are four corporate and office parks. The economic health of several of these has reflected the economic ups and downs of the past 10 year cycle. Zoning should be made more flexible and adaptive to changing economic conditions.

10) <u>The Reexamination Report recognized the need for design standards with particular regard to non-residential uses.</u>

Town Center design standards were adopted in 1993 and the overall guidelines for all non-residential zones in the Township remain in place. Review of standards and requirements is warranted particularly with regard to second floor use and occupancy.

11) <u>Extent Such Problems and Objectives Have Been Reduced or Increased Since Adoption of the 1988, 1996, 2000 and 2014 Reexamination Reports.</u>

a) <u>Development Forecast</u>

As a direct result of the Fair Housing Act requiring the municipality to increase density, the rate of housing construction increased from the early 1990's to its peak in 2001. The preceding charts show the number of homes constructed and occupied since 2001. The inventory of approved lots available for development forecasts continued home construction but at a greatly reduced pace compared to the 1990's and 2000's with the potential exception of Fair Share obligation and if rezoning is required.

b) Increased Public Service & Facility Need

Continued residential development will require expanded facilities. The Township continues to develop facilities and programs to serve the needs of the growing Township population. Expanded facilities include recreation, municipal administration facilities and police and fire protection manpower and facilities.

c) Historical Sites and Areas

The Township does host numerous historical sites and areas. The Town amended the Master Plan in 2014 to include the designation of the Mount Bethel Historic Village area as an historical district.

The inventory of historic sites and areas requires updating. The original inventory contained in the 1990 Master Plan identifies buildings that no longer exist and/or were redeveloped.

d) Increased Traffic

Growth and development within the Township and adjoining municipalities has substantially increased traffic volumes through the community. In general, the major roadways within Warren Township are County Routes. The improvement

standards of the County are not generally consistent with the Township's objective to preserve rural, low-density suburban features and characteristics.

As traffic volumes increased, roadway improvements have and will continue to be required. The Township has pro-actively placed its traffic management objectives before the county. The Township has focused upon Traffic Safety improvements i.e. intersection signals, bridge reconstruction, hazardous location reconstruction and traffic calming improvements particularly in the Town Center Area.

The priority traffic management location is the Mt. Bethel Road corridor. Its development and redevelopment coupled with regional traffic patterns requires both short and long term strategies to ensure safe and efficient traffic flow. Presently a signal synchronization program is being developed.

e. <u>The extent and scope of State and Federal regulations has significantly increased since the adoption of the 2006 and 2014 Reexamination Reports.</u>

Regulations extend to roadway design and construction (Residential Site Improvement Standards) solid waste/recycling, water supply, sanitary sewer treatment, construction code regulations, air pollution regulations, radiation standards, noise standards, storm water management, floodway regulations, water quality regulations, communication facilities and health care facilities. The aforesaid items are not intended as an exhaustive list but an example of regulation and mandatory standards placed upon each municipality.

In general, the regulations and standards mandated by state law are not accompanied by funding sources. Municipal cost of implementation may be addressed through fee ordinance or general appropriation. The need to address new

regulation and/or standards continues. The need to update and/or establish fee based services also continues.

AMENDED AND RESTATED LAND USE PLAN AMENDMENT

The Land Use Plan has been amended consistent with the Amendment to the Master Plan Land Use Element of Warren Township dated November 17, 2015, adopted by the Planning Board on February 8, 2016 by Resolution No. PB16-04A for the locations shown on the accompanying map. The facts and conclusions of the aforesaid amendment are repeated at length below..

1. Mountain View/Liberty Corner Road (TD Bank). Four lots constitute the BR-40 zone. One lot is developed for TD Bank. A second lot has approval for office use. The remaining two lots are impacted by wetlands.

   A single large lot is located to the rear of the four lots fronting Liberty Corner Road. This lot is 8.7 acres in size and is currently zoned R-65. Access is restricted to a 57 foot wide strip. No change to the land use plan is proposed.

2. This property is known as Chubb Insurance Headquarters. It is zoned CR-130/65. This plan recommends the property be included in the OR district to permit expansion of the Chubb headquarters. Currently the Chubb property (Block 8, part of Lot 2 and Block 9, Lot 1.01) has no further development potential under the FAR regulation.

3. This area is located in both the R-65 and R-40 zone. No public water or sewer services are available. The property is in single ownership. The tract (Block 12, Lot 21.01 and Block 22, Lot 1.03) was recently subdivided for three lots in consideration for vacation of paper streets. Due to lack of public services and wetland constraints the plan recommends the property be re-zoned CR-130/65.

4 & 5. This area (Ferguson Road) is zoned R-65. No sewer or water facilities are available. The properties abut the CR 130/65 zone. The plan recommends area (Block 55, Lot 19

and Block 57, part of Lots 6.02, 7.01, 8.01, 8.04, 9, 10, 11 and 12.01) be included in the CR-130/65 zone.

6. This area (Block 50, Lots 27.01-27.27 and Block 50.02, Lots 27.28-27.32, 28.01 and 28.02) is developed for 1½ acre lots. The plan recommends rezoning to R-65 from current CR130/65.
7. Area (Block 37, part of Lots 13.03 and 13.07) is a part of the site known as Citibank Headquarters. The property is restricted by conservation easement as well as agreement with adjoining property owners for no future development. The plan recommends including property in the OR district to permit expansion of existing facilities fronting King George Road. Currently no expansion is permitted under FAR rule.
8. This site (Block 85.01, Lots 1 and 2) is currently zoned OR. Development is limited to pure office use. The plan recommends inclusion of hotels, extended stay facilities, commercial recreation, restaurant, meeting space and support retail/service uses. No change of permitted development intensity (building height or coverage) is recommended.
9. The area (Block 86, part of Lots 3.01 and 4) is a part of the Passaic River flood plain. The area should be rezoned to CR-130/65. This area is a part of the Wagner Farm owned by the Township. The Township is exempt from its zone regulations.
10. This property located north of Technology Drive and fronting Mt Bethel Road is vacant with several small deteriorated structures. The site has been the focus of discussion of a number of rezoning proposals advanced by owners. The property is currently zoned for residential use.

The property is currently zoned for three acre residential lots. The property is a transition property abutting industrial, commercial and low density residential development. Three sides of the property are zoned for non-residential development. The property may assist the Township in the third round affordable housing solution. Due to the uncertainty of affordable housing requirements and fair share obligation, no change to the plan is proposed.

11. This is the Technology Drive complex. The plan recommends re-examination of the permitted uses (expansion of use groups) to assist in the re-occupancy/retrofitting of buildings to assist in their continued productive use.
12. This site consists of Forest Lodge and an AT&T warehouse. The Forest Lodge use is not specifically identified in the permitted uses within the G-I zone. Modification of permitted uses in the zone to assist in Forest Lodge continuation is recommended.
13. This site (Block 79, Lots 2, 3, 4, and 5) consists of four developed residential lots. All lots are located in the industrial district. The property should be rezoned for residential use.
14. This site (Block 78, Lots 3, 4, and 5.01) consists of preserved farmland and vacant property. The property abuts Township open-space. Rezoning to CR-130/65 is recommended.
15. This is the Plainfield Gardens neighborhood of Warren Township. Nearly all lots are 10,000 sq. ft. or less in size. The area is zoned for half acre residential use. The plan recommends zoning part of the neighborhood (Blocks 98 and 99, Block 100, Lots 1.01, 1.02, 2, 3 and 4, BlockS 107, 108 and 109, Block 110, Lots 21, 22.01, 22.02, 23, 24 and 25) to R-10 (10,000 sq. ft. lots) and making modest adjustment to FAR and lot coverage.

16. Wilshire Road neighborhood (Block 90, Lots 6-9.02, 12-15 and 18) is currently zoned R-65 (1½ acre lot size). All lots are 10,000 sq. ft. Recommend rezoning as R-10 (10,000 sq. ft. lots) and revisiting FAR in context with the Plainfield Gardens neighborhood.
17. This site (Block 90, part of Lot 1) is substantially wetland area. A portion of the site (not wetlands) is a lot fronting Mountain Boulevard (currently developed and used as a single-family home). The lot is in two zones (RBLR and R-65). This plan recommends all of the lot fronting Mountain Boulevard be included in the RBLR zone.
18. This area (Block 96, Lots 21, 22, 32, 33, 35, 43, 44 and 45) is one of the largest undeveloped portions of the Township. A substantial portion is owned and utilized as a gun club. A portion of the property (westerly side) is owned by a nonprofit entity. The property meets the standards established by the EP-250 zone district. The EP-250 zone standards were validated by Supreme Court decision. The plan recommends the majority of the area be rezoned EP-250.

It is recommended that the Township Committee adopt ordinances consistent with the foregoing.

Insert Map