

2020

PERIODIC REEXAMINATION REPORT OF THE MASTER PLAN & DEVELOPMENT REGULATIONS

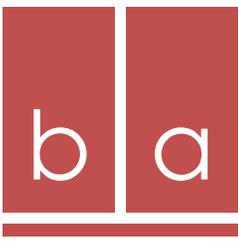
LAND USE PLAN ELEMENT AMENDMENT

Clinton Township Hunterdon County, New Jersey

March 4, 2020

Adopted March 16, 2020





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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2020

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Township of Clinton
Hunterdon County, New Jersey

Prepared for:
Township of Clinton Planning Board
BA #3541.12

The original document was appropriately signed and sealed on March 4, 2020 in accordance with the State Board of Professional Planners.

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I. INTRODUCTION

1.1 REPORT OVERVIEW

A master plan adopted by the Planning Board sets forth a municipality's land use policies, goals and objectives intended to guide development in accordance with the future vision of the community. The master plan serves as the basis for the municipality's zoning ordinance which provides the legal framework for development by establishing procedures and regulations for how property may be used and physically developed in implementing the various plan components. The Municipal Land Use Law ("MLUL") (N.J.S.A. 40:55D-1 et seq.) which defines 'master plan' as "a composite of one or more written or graphic proposals for the development of the municipality," stipulates that a zoning ordinance must be consistent with the master plan. In facilitating the harmonization of both documents, the MLUL also requires the Planning Board to conduct a reexamination of the master plan and development regulations to review the applicability of the municipality's land use policies and regulations as well as provide recommendations to address changing conditions.

The 2020 Clinton Township Reexamination Report is a continuation of the Township's tradition of comprehensive planning efforts initiated nearly 60 years ago when the municipality adopted its first comprehensive Master Plan in 1962. The Township's Master Plan has since been updated on a regular basis to address the community's evolving development issues relating to its agricultural heritage, changing development pattern over time and inclusion in the New Jersey Highlands Region, among other notable conditions. The Planning Board adopted Clinton Township's last Master Plan Reexamination Report on November 16, 2015 and Land Use Element of the Master Plan in 2006.

This document is generally consistent with the land use policies and goals of the Township's previous planning documents and has been prepared to reinforce land use issues that remain relevant, acknowledge issues that are no longer relevant and address new and emerging issues not yet considered. To this end, a number of land use recommendations are proposed pertaining to the modification of certain zone boundaries and uses, affordable housing, commercial development, redevelopment, Highlands Regional Master Plan ("RMP") and changes since the adoption of the 2015 Reexamination Report. These recommendations are generally intended to preserve and enhance the rural character of the community, protect existing residential areas, promote economic development in appropriate locations, provide affordable housing and preserve environmentally sensitive areas as detailed herein.

1.2 LEGAL REQUIREMENTS FOR PLANNING

The MLUL establishes the legal requirements and criteria for the preparation of a master plan and reexamination report. The Planning Board is responsible for the preparation of a master plan, which may be adopted and/or amended by the Board only after a public hearing. The Planning Board is also responsible for periodic reexamination of the master plan and development regulations by preparing a reexamination report. The MLUL was amended in May 2011 to require planning boards to prepare a reexamination report at least once every ten years. Previously, boards were required to prepare such a review at least once every six years.

The MLUL also identifies the required contents of a master plan and reexamination report. The statute requires that the master plan include the following:

1. A statement of objectives, principals, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.
2. A land use plan element that takes into account physical features, identifying the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance.
3. A housing plan and recycling plan prepared by the municipality.

In addition, the MLUL identifies a number of other plan elements that may be incorporated into a comprehensive master plan document, such as: circulation, open space, recreation, community facilities, and historic preservation plan elements. These elements are optional.

The master plan gives the community the legal basis to control development in the municipality. This is accomplished through the adoption of development ordinances that are designed to implement the plan's recommendations.

1.3 LEGAL REQUIREMENTS FOR REEXAMINATION REPORT

The following section details the statutory requirements of a periodic reexamination report, as prescribed in Section 40:55D-89 of the MLUL. This section of the statute mandates that the report must identify, at a minimum, the following:

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
3. 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 use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;
4. 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;
5. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," 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.

1.4 PREVIOUS PLANNING DOCUMENTS

Clinton Township has prepared and adopted a number of planning documents in developing its land use policies, goals and objectives including the following:

1962	Master Plan
1976	Master Plan
1983	Master Plan
1991/1992	Land Use Plan, Circulation Plan, Water & Sanitary Sewer Plan, Community Facilities Plan, Recreation and Open Space Plan, Conservation Plan, Historic Preservation Plan, Recycling Plan
1999	Master Plan Reexamination Report (included new Land Use Plan Element and Circulation Plan)
2000	Master Plan
2000	Housing Element and Fair Share Plan
2001	Bicycle Element included in the Circulation Plan Element
2003	Open Space and Recreation Plan
2004	Housing Element and Fair Share Plan (amended in 2005)
2005	Master Plan Reexamination Report
2005	Stormwater Management Plan
2006	Land Use Plan Element
2007	Housing Element and Fair Share Plan
2010	Housing Element and Fair Share Plan
2015	Reexamination of the Master Plan
2015	Housing Element and Fair Share Plan
2016	Beaver Brook Homestead Redevelopment Plan
2016	Housing Element and Fair Share Plan
2017	Former Municipal Building Redevelopment Plan (first adopted in 2015)
2018	Housing Element and Fair Share Plan (per settlement agreement with Fair Share Housing Center)
2018	Land Use Plan Element Amendment (adjusted for consistency with 2018 Housing Element)
2018	Open Space and Recreation Plan

II. 2015 REEXAMINATION REPORT MAJOR PROBLEMS & OBJECTIVES & EXTENT TO WHICH THEY HAVE BEEN ADDRESSED

As part of the overall master plan reexamination analysis, the Municipal Land Use Law (MLUL) requires an identification of the major problems and objectives related to land development at the time of adoption of the previous Reexamination Report as well as the extent to which those problems and objectives have reduced or increased since the adoption of the last report. Clinton Township's major land use problems and objectives identified in the Township's 2015 Reexamination Report of the Master Plan are summarized as follows:

2.1 2015 REEXAMINATION REPORT GOALS & OBJECTIVES

The Township's 2015 Reexamination Report generally affirmed the objectives cited in the Township's 2005 Reexamination Report, including the following in no particular order:

1. Preserve farmland and support farming operations in the community.
2. Protect environmentally sensitive areas through open space acquisition and development regulations.
3. Address housing needs, especially for low and moderate-income housing.
4. Address continued growth in traffic on major highway corridors and local roads while maintaining scenic character of the roadway.
5. Address demands and needs for community facilities and services.
6. Maintain a stable economy and a favorable property tax base despite limited growth in non-residential development.

Policy Statement. The above land use objectives remain relevant among the Township's guiding land use principles. It is noted that since 2015, the Township has made a number of open space acquisitions and has continued along its path of conformance in implementing the Highlands Regional Master Plan. In addition, the Township adopted its 2018 Housing Element and Fair Share Plan, reached a Settlement Agreement with Fair Share Housing Center and received substantive certification from the Superior Court in addressing its Third Round affordable housing obligation as discussed in greater detail herein. The land use recommendations and issues discussed in this report are intended to further advance the Township's land use policies, goals and objectives as set forth above and in the Township's 2006 Land Use Element.

2.2 DEVELOPMENT REGULATIONS

1. OB-1 Zone (North of Route 513/West Main Street). As recommended in the 2005 Reexamination Report, the OB-1 Zone on the west side of Route 31 and north of Route 513 was rezoned in June 2006 to the RC Zone District, a newly created district which replaced the R-1 District. The zone change of the area in question from the OB-1 Zone to the RC Zone was challenged and ultimately upheld by the Superior Court. However, the Court ruling was amended in August 2011 to require a single parcel, Block 68 Lot 3, revert back to its original OB-1 Zone designation based on a 1999 Consent Order that settled prior litigation. The amended Court ruling stipulated that the Township could seek relief from the 1999 Consent Order to allow the rezoning if the owner of Lot 3 failed to submit a complete development application for the property within a reasonable amount of time. Map 4 on page 27 depicts the area in question with surrounding zoning designations.

Policy Statement. To date, no development application has been filed for the site since the Court's 2011 ruling. In addition, the property has since changed ownership. The Township intends to work with the current property owner in rezoning the parcel back to the RC Zone as intended in the 2006 zone change. It is noted that Court approval is required to address the aforementioned litigation prior to any rezoning or ordinance adoption for the property.

2. Definition of "Height of Building". Amend the Township's definition of building height as it was originally measured to the midpoint of the roof and should be revised to measure to the highest point of the roof. This definition was changed in 2006 but excluded the R-1 and R-2 Zones. The Board subsequently recommended that the definition be further revised to include all zones.

Policy Statement. In April 2016, the definition of 'Height of Building' was amended as follows:

"The vertical distance measured from the average ground elevation of the finished grade around the building to the level of the highest point of the roof surface. Average elevation shall be the average of the highest and lowest elevations along the finished grade around the building."

3. Sexually Oriented Businesses. The Zoning Ordinance should be reviewed and revised, if necessary, in accordance with the applicable case law.

Policy Statement. This recommendation has yet to be addressed and remains valid.

4. Unclear definitions. Review and revise unclear definitions in the zoning ordinance, including those related to restaurants, fast-food restaurants and convenience stores.

Policy Statement. This recommendation has yet to be addressed and remains valid.

5. Noise control. Revise noise control standards in order to address potential conflicts between adjoining land uses.

Policy Statement. This recommendation has yet to be addressed and remains valid.

6. Wellhead Protection. Amend development regulations to incorporate the relevant findings of the wellhead protection study.

Policy Statement. This recommendation is no longer relevant as the Township has achieved conformance with the Highlands Regional Master Plan. The Township anticipates adopting its Highlands Land Use Ordinance in 2020, which includes regulations designed to protect public water resources.

7. Irrigation. Consider an ordinance to require use of on-site well water for irrigation on residential properties where public water supplies are provided.

Policy Statement. This recommendation is no longer relevant as the Township has achieved conformance with the Highlands Regional Master Plan. The Township anticipates adopting its Highlands Land Use Ordinance in 2020, which will address water allocation.

8. Conservation easements. Formulate recommendations from draft ordinance prepared by Environmental Commission to create a reasonable and enforceable ordinance.

Policy Statement. This recommendation has yet to be addressed and remains valid.

9. Recreation and Historic Preservation Standards. Review the Township's recreation and historic preservation standards for clarity and applicability.

Policy Statement. This recommendation has yet to be addressed and remains valid.

2.3 PLANNING ISSUES

1. Extension of Molasses Hill Road. An extension of Molasses Hill Road across Route 31 to the west into the ROM-1 Zone and Bundt Park is recommended to relieve traffic on Route 31 and Allerton Road.

Policy Statement. The intersection of Route 31 and Molasses Hill Road is signalized allowing for right and left-hand turning movements onto Route 31 north and south. The prospect of extending Molasses Hill Road further across Route 31 into Bundt Park has been evaluated and determined to be impractical.

2. ROM-1 Zone at Route 31 and Route 22 Intersection. It is recommended that the Township conduct a planning analysis of the ROM-1 Zone located at the intersection of Route 31 and Route 22 currently occupied by the ExxonMobil research facility given the regional prominence of this location.

Policy Statement. This recommendation is no longer valid as the ExxonMobil facility has since received Planning Board approvals for expansion. The undeveloped land on the property surrounding the research facility will likely be retained for future expansion and to provide a buffer and open space.

3. Water and Sanitary Sewer Utility Plan Element Amendment. The 2005 Reexamination Report recommended that the Master Plan Element be amended to more accurately reflect the areas served with the available capacities. The 2015 Reexamination Report recognized the Township's participation in the Highlands Regional Master Plan process which includes a Utility Service Plan as a component of the Highlands Master Plan Element and Wastewater Management Plan.

Policy Statement. Since the adoption of the 2015 Reexamination Report, several factors impacting the locations and available capacities of water and wastewater utilities for both public systems and private on-site facilities have been further evaluated. The areas of Clinton Township served by the Town of Clinton Water Department are constrained by the utility's current capacity of approximately 21,000 gallons per day (gpd) available to the several municipalities served as indicated in the Utility's October 3, 2019 quarterly report. The Town of Clinton Water Department has begun a long-term water capacity study which includes a feasibility analysis for a new public well(s) to serve areas of the Township, the time horizon for which is not known at this time. Areas of the Township reliant on private wells are now subject to more stringent NJDEP and Highlands regulations limiting the locations and extent to which water can be extracted from the ground based on a variety of environmental constraints and Highlands designations such as 'water deficit areas.'

The Clinton Township Sewerage Authority has minimal, if any, sewerage capacity available to areas of the Township served by the public wastewater system. Any capacity that was available in preceding years has been prioritized and allocated to low and moderate-income housing in addressing the Township's State-mandated affordable housing obligation. The Sewerage Authority has a limited reserve to serve properties in service areas with existing septic systems which fail and cannot be reasonably repaired or replaced up to 300 gpd. Former plans for the East Clinton Treatment Plant to serve the area of the Township in the vicinity of Route 22 have been abandoned. The locations and capacities of on-site septic systems are regulated by both NJDEP and the Highlands RMP.

The Clinton Township Council adopted its 2019 Wastewater Management Plan ("WMP") on December 11, 2019. The WMP is being submitted to Hunterdon County for endorsement and ultimately NJDEP. A draft Highlands Master Plan Element was prepared by the Township and submitted to the Highlands Council in January 2015. The Highlands Element should be updated as necessary prior to adoption of the document to reflect any changes to utilities and other land use issues.

4. Affordable Housing. At the time of adoption of the 2015 Reexamination Report the New Jersey Supreme Court's March 2015 had just prescribed a new process whereby affordable housing matters were removed from the jurisdiction of COAH and given to the trial courts. As described in greater detail herein and in the Township's 2018 Housing Element and Fair Share Plan, the Township has adopted several Housing Plan's in accordance with the new court process. Ultimately, the Township reached a settlement agreement with Fair Share Housing Center in February 2018 and received a final judgment of compliance and repose by the court for its 2018 Housing Element and Fair Share Plan giving the Township immunity from exclusionary zoning lawsuits until the end of the Third Round in July 2025.

5. Highlands Plan Conformance. The 2015 Reexamination Report identified a number of Plan Conformance task items to be completed subsequent to the Highlands Council's approval of the Township's Petition for Plan Conformance on June 18, 2015. These include several Master Plan elements, development regulations and planning studies as follows:
- A. Housing Element and Fair Share Plan. Clinton Township adopted its Third Round Housing Element and Fair Share Plan on May 7, 2018 in accordance with the process prescribed in the New Jersey Supreme Court's March 2015 'Mount Laurel IV' decision. The plan identifies existing affordable housing credits as well as proposed developments to satisfy the Township's Third Round affordable housing obligation. The individual developments are discussed in greater detail herein.
 - B. Highlands Environmental Resource Inventory (ERI). The Township prepared an Environmental Resource Inventory as a component of its June 2015 Petition for Highlands Plan Conformance. This document served as an update from the Township's 2002 Natural Resources Inventory. The 2015 Reexamination Report recommended finalizing and adopting the 2015 ERI as an amendment to the 2002 Natural Resources Inventory and as a component of the Master Plan. The recommendation has yet to be addressed and remains valid.
 - C. Highlands Master Plan Element. The 2015 Reexamination report recommended finalizing and adopting the Highlands Master Plan Element submitted with the Township's June 2015 Petition for Highlands Plan Conformance as part of Clinton Township's Master Plan. The 2015 Highlands Element should be reviewed and revised to address planning issues which have arisen since 2015.
 - D. Highlands Land Use Ordinance. A draft Highlands Land Use Ordinance was included in the Township's June 2015 Petition for Plan Conformance. The 2015 Reexamination Report recommended that the Township Council adopt the Highlands Land Use Ordinance to implement the objectives, policies and standards of the Highlands Master Plan Element. It is anticipated that the Township's Highlands Land Use Ordinance will be adopted in 2020.
 - E. Zoning Map. The Township's Zoning Map should be amended to reflect the Highlands zones and districts.
 - F. Sustainable Economic Plan Element. An economic development plan element is an optional Master Plan element, the structural components of which are set forth in the MLUL as follows:

"considers all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted." (N.J.S.A. 40:55 D-28)

The implementation schedule included in the Township's approved Petition for Highlands Plan Conformance included the adoption of a Sustainable Economic Plan Element which promotes appropriate, sustainable and environmentally compatible economic development. It is recommended that such a Master Plan Element be prepared and adopted to advance the Township's goals of maintaining a stable economy and a favorable property tax base.

G. Agricultural Retention/Farmland Preservation Plan Element. A farmland preservation plan is an optional Master Plan element required to address the following components:

- (1) An inventory of farm properties and a map illustrating significant areas of agricultural land;
- (2) A statement showing that municipal ordinances support and promote agriculture as a business; and
- (3) A plan for preserving as much farmland as possible in the short term by leveraging monies made available through the Farmland Preservation Planning Incentive Grant program which may include option agreements, installment purchases, and donations of permanent development easements, among other techniques.

The implementation schedule set forth in the Township's Petition for Highlands Plan conformance included the adoption of an Agricultural Retention/Farmland Preservation Plan Element to promote the Township's goal of preserving farmland and supporting farming operations in the community.

H. Affordable Housing Site Map Adjustment(s). It was recognized in the 2015 Reexamination Report that any new or potential affordable housing sites required to satisfy the Township's Third Round affordable housing requirement would need to be evaluated for consistency with the Highlands Regional Master Plan. In working through the affordable housing process prescribed by the New Jersey Supreme Court in its March 2015 decision, the Township reached a Settlement Agreement with Fair Share Housing Center and received substantive certification for its Third Round Housing Element and Fair Share Plan. The Township consulted with the Highlands Council staff throughout the process to address issues related to RMP Conformance. Ultimately, it was determined that several of the sites would not require any adjustment, while others would require inclusion in a Highlands Center, map adjustment or implementation of the Highlands Land Use Ordinance to facilitate the affordable housing developments in the Township's Fair Share Plan. The Township must prepare a petition for any required map adjustments, including detailed mapping and planning analysis.

- I. Highlands Center Designation Study – Annandale. The area of Annandale Village developed around the Annandale Train Station and at the intersection of Routes 78, 31 and 22, now including a park and ride bus facility, has long served as a regional center. As such, the area continues to evolve with significant interest and potential for redevelopment and investment in residential and commercial uses in recognition of the hub’s transportation connectivity. The Township endeavors to work with the Highlands Council and staff in creating an Annandale Highlands Center encompassing Annandale Village around the train station, the area of the intersection of Routes 78, 31 and 22 and the northerly portion of Route 31 in the Township. The center designation will be designed to allow for greater land use and development flexibility in this area recognized as a regional center, most of which has already been developed or disturbed. Focusing development in Annandale Center area encourages smart growth planning while relieving development pressure in other more environmentally sensitive and undeveloped areas of the Township. The Township submitted a preliminary petition for a Highlands Center designation in August 2019. The petition remains under review at the writing of this report. Map 7 on page 33 delineates the area encompassed by the proposed Annandale Highlands Center.
 - J. Stream Corridor Protection/Restoration Plan. The 2015 Reexamination Report recommended the preparation of a plan to protect and restore streams in the Township and to mitigate the impacts of future land use on its various water resources. In addition, it was recommended that implementing ordinances, such as a stream corridor ordinance, should also be adopted as needed. As the Township’s Petition for Highlands Conformance was approved by the Highlands Council in June 2015, the Township will address development impacts to streams and other environmentally sensitive features in accordance with the Highlands Regional Master Plan.
 - K. Wastewater Management Plan. The Water Quality Management Planning Rules (N.J.A.C. 7:15) adopted by the New Jersey Department of Environmental Protection (“NJDEP”) requires that all areas of New Jersey are addressed by Wastewater Management Plans (“WMP”). The Highlands Council staff is in the process of finalizing a WMP in collaboration with the Township. The Clinton Township Council endorsed its 2019 Wastewater Management Plan (“WMP”) on December 11, 2019. The WMP is being submitted to Hunterdon County for endorsement (Hunterdon County is the designated WMP agency) and ultimately to NJDEP for adoption.
 - L. Municipal Stormwater Master Plan. The Township’s 2005 Stormwater Management Report should be updated to incorporate the provisions of the Highlands Regional Plan. This recommendation has yet to be addressed and remains valid.
10. Parks and Open Space. The 2015 Reexamination Report indicated that the majority of the Township’s parkland and preserved open space was limited to residential zones with few sites located in nonresidential zones. It was recommended that the Township’s Land Use Plan be revised to create a separate land use district for parkland and open space sites and implemented through amendments to the Land Use Regulations Ordinance and Zoning Map.

Policy Statement. The Township prepared a new Open Space and Recreation Plan on December 17, 2018. The recreation and open space inventory (“ROSI”) includes several new parcels acquired by the Township for public use since the adoption of the 2015 Reexamination Report. The Township remains committed to preserving strategic lands for public purposes and in particular, parcels that contribute to larger areas of contiguous open space, environmentally sensitive areas and those along major corridors to preserve the bucolic character of the community.

11. Site Plan Review Exemptions. The Township’s land use regulations currently require site plan review or, at a minimum, an application for a waiver from site plan review for site improvements such as lighting and mechanical equipment. It was recommended in the last Reexamination Report that the land use ordinance be amended to exempt similar type development activities from site plan and waiver from site plan review and made subject to Zoning Officer Review.

Policy Statement. Clinton Township amended its Land Use Regulations Ordinance in October 2016 by Ordinance No. 1092-16 to include site plan application exemptions from the replacement of improvements including lighting, mechanical equipment and fencing. As part of its review of economic development alternatives, the Township is considering establishing a site plan waiver subcommittee and application process to promote investment and encourage business growth in the municipality.

12. References to Former R1 and R2 Zones. The Township’s land use ordinance should be amended to remove references to the former R1 and R2 zone districts.

Policy Statement. The Township’s Land Use Regulations, Chapter 165, and Zoning Map have been revised and no longer contain references to either the R1 or R2 Zones.

13. Checklist Requirements. The Township’s land use ordinance does not currently include checklist requirements for amended site plan or amended subdivisions applications. The land use ordinance should be revised to require application checklists for both types of development proposals.

Policy Statement. This has yet to be addressed and remains a valid recommendation.

14. Buffer Requirements. The 2015 Reexamination Report included a recommendation to clarify buffer requirements and address any gaps in buffer requirements to include regulations for certain types of development which do not currently have any buffer requirements such as nonresidential uses in a residential zone. The Planning Board recommended the development of a more clear and comprehensive approach in revising the Township’s buffer requirements and standards.

Policy Statement. This has yet to be addressed and remains a valid recommendation. It is noted that conformance with the Highlands regulations includes supplemental buffer requirements from environmentally sensitive resources but does not adequately address the concerns of the Planning Board. As such, further analysis is required to determine the extent to which the Township’s buffer requirements should be amended.

15. ROC District. The Research, Office and Commercial (ROC) District was originally created in the Township's 2006 Land Use Plan Element to allow for such types of development along Route 22 and the eastern municipal boundary. However, the previously proposed East Clinton Treatment Plant intended to serve the ROC district and surrounding area has been abandoned therefore limiting the development potential of the ROC Zone. The 126-acre tract that comprises most of the ROC Zone is occupied as a commercial farm with two residential structures. The remaining 4.3 acres of the zone contain another residence and additional agricultural uses. In the 2015 Reexamination Report the Planning Board recommended eliminating the ROC Zone to be replaced with a C-2 Zone or other suitable zone designation to encourage continued commercial agricultural use in the area. Map 1 on page 20 depicts the ROC Zone and surrounding development pattern.

Policy Statement. This has yet to be addressed. As discussed further in the land use recommendations section of this report, the Township intends to rezone the current ROC Zone as the Planning Board suggested in 2015.

III. CHANGES IN ASSUMPTIONS, POLICIES & OBJECTIVES

The MLUL requires reexamination reports to address “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 recycling materials, and changes in State, county and municipal policies and objectives.”

3.1 LOCAL CONDITIONS

The Township’s socioeconomic, real estate and industry trends have not changed significantly since the adoption of the 2015 Reexamination Report. In general, the Township has experienced trends consistent with those of Hunterdon County provided in the County’s 2015 Comprehensive Economic Development Strategy plan, including the following findings:

- ❖ Declining population and household growth;
- ❖ Rise in non-family households;
- ❖ Growth in age cohorts increase demand for smaller units;
- ❖ Decline in young families and families with children;
- ❖ High office vacancy rate;
- ❖ Rising median home sale and rental prices;
- ❖ Growth in healthcare and social assistance industry;
- ❖ Growth in lower wage occupations;
- ❖ Decline in corporate campuses; and
- ❖ Increased traffic congestion due to pass through traffic on Routes 78, 31 and 22.

In addition to the above, it is noted that there is a significant increase in interest in developing warehouse and distribution uses along the Route 78, 31 and 22 corridors in Hunterdon County as the advantages of this area of the State have been identified for such uses including proximity to coastal ports and interstate roadways and relatively affordable land values as compared to those in more urbanized centers.

The Township’s population has generally stabilized and experienced a decline since the 2010 Decennial Census as indicated in the 2018 5-year American Community Survey prepared by the U.S. Census Bureau which is consistent with population decline experienced throughout Hunterdon County during the same period. The table below provides an overview of the Township’s most recent population trends.

Table 1: Population Change, Clinton Township (1980-2017)

Year	Population	Change
1980	7,345	---
1990	10,816	43.3%
2000	12,957	19.8%
2010	13,478	4.0%
2018	12,957	(3.9%)

Source: U.S. Census Bureau Decennial Census 1980-2010; American Community Survey 5-Year Estimates 2014-2018.

3.2 AFFORDABLE HOUSING

At the time of adoption of the Township’s 2015 Reexamination Report, the New Jersey Supreme Court had just rendered its March 2015 (Mount Laurel IV) decision removing affordable housing issues from the jurisdiction of the Council on Affordable Housing (COAH) due to the agency’s dysfunction and placing them with the trial courts as they had been originally prior to the creation of COAH in 1985. Subsequently, the Supreme Court rendered its January 17, 2017 ‘Gap Period’ (Mount Laurel V) decision in which the Court established that municipalities had to satisfy their fair share of affordable housing obligation for the period 1999 to 2015 during which COAH was unable to adopt valid Third Round Rules and housing need numbers. Accordingly, the Third Round municipal fair share obligation is comprised of four components as follows:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Gap Present Need (1999-2015)
4. Prospective Round Obligation (2015-2025)

Initially two sets of housing need numbers were promulgated and widely discussed, including those prepared by Econsult Solutions, Inc. on behalf of the Municipal Consortium which Clinton Township is a part of, and those prepared by Dr. David Kinsey on behalf of Fair Share Housing Center (“FSHC”). A third set of numbers was prepared by Richard Reading, one of the assigned court special masters pursuant to the Ninth Revised Case Management Order regarding the declaratory judgment actions filed by Ocean County municipalities. On March 28, 2018, Judge Mary C. Jacobson issued a decision in the matter of Princeton and West Windsor Township (Mercer County Trial) which found a statewide housing need of 154,581 affordable housing units which has since become the benchmark of many negotiations between municipalities and FSHC in settling affordable housing matters.

The most recent statewide housing need numbers produced by the aforementioned entities are indicated in Table 2 below.

Table 2: Third Round Affordable Housing Need Numbers by Consultant

Consultant/Entity	Statewide Affordable Housing Need (units)
Econsult Solutions, Inc.	91,255
Dr. David Kinsey (FSHC)	322,121
Richard Reading	120,415
Mercer County Trial	158,908

As discussed in greater detail herein, the Township entered into a Settlement Agreement with Fair Share Housing Center on February 7, 2018 (the Settlement Agreement is dated February 5, 2018) which was approved as fair and reasonable by the Superior Court Order entered on April 3, 2018. The Court subsequently entered a Final Judgment of Compliance and Repose in favor of the Township on January 9, 2019, determining that the Township’s Housing Element and Fair Share Plan as well as implementing ordinances and related documents complied with the Township’s Mount Laurel constitutional obligations. The Appellate Division affirmed the Township’s judgment of compliance and repose of its Third Round Housing Element and Fair Share Plan on January 30, 2020.

3.3 LOCAL REDEVELOPMENT AND HOUSING LAW (“LRHL”)

The LRHL was amended in 2019 to specify that a municipality may determine an area to be in need of redevelopment if the area contains buildings that are used as, or were previously used as, a shopping mall, shopping plaza, or a professional office park. Certain buildings with significant vacancies for a period of at least two (2) consecutive years were also included.

Specifically, Criterion “b” was amended to read as follows:

“The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

A new Criterion “i” was also added, which reads as follows:

“Areas with buildings used, or previously used, as a shopping mall, shopping plaza, or professional office park, which buildings have been vacant or partially vacant with less than 50% occupancy, for a period of at least two years.”

3.4 ADDITIONAL POLICY CHANGES AT THE STATE LEVEL

1. Legalization of Marijuana in New Jersey

In 2010, the State of New Jersey passed the “Compassionate Use Medical Marijuana Act” which legalized the use of medicinal cannabis for individuals with medical conditions including: cancer; glaucoma; multiple sclerosis; HIV/Aids; seizure disorder; Lou Gehrig’s disease; several muscle spasms; muscular dystrophy; inflammatory bowel disease; Crohn’s disease; and any terminal illness.

The Medical Marijuana Act also established alternative treatment centers (“ATCs”). An ATC is defined as a “permitted alternative treatment center authorized to grow and provide registered qualifying patients with medical marijuana and related paraphernalia in accordance with the provisions of the Act.” ATCs are also permitted to open satellite dispensaries. The Medical Marijuana Act requires ATCs to provide the Department of Health with written verification of the municipal government body in which the ATC will be located, and evidence of compliance with local codes and ordinances are required prior to the issuance of any permit from the Department.

More recently, the New Jersey State Legislature has prepared draft legislation regarding the legalization of recreational marijuana though it has not been finalized or enacted. However, it is anticipated that the legalization of recreational marijuana will be placed on the State ballot in the November 2020 elections.

Currently, the Township's land use regulations do not recognize either medical or recreational marijuana related uses as distinct land use categories. In anticipation of what appears to be forthcoming State legislation, the Township should establish a general land use policy for medical and recreational marijuana related uses, including the growing, manufacturing, packing, shipping, wholesale and retail sale of products and consumption of marijuana in its various forms.

2. Performance Guarantees

The MLUL was amended on January 16, 2018 providing an update to performance and maintenance guarantee regulatory controls. Prior to the adoption of this amendment, municipalities were permitted to require developers to post performance guarantees to ensure that certain types of improvements were included. The amendment stipulates that municipalities may only require developers to post performance guarantees that cover improvements being dedicated to a public entity. However, municipalities may require a performance guarantee for privately owned perimeter buffer landscaping. The several types of improvements that were previously subject to performance guarantees but have since been exempted include culverts, storm sewers, erosion control and sedimentation control devices and landscaping, among other on-site improvements.

The MLUL now authorizes municipalities to require two additional types of guarantees including temporary certificate of occupancy guarantees, and safety and stabilization guarantees. The former authorizes municipalities to require developers to furnish a guarantee in favor of the municipality in an amount equal to 120% of the cost of installation of improvements which are required to be completed prior to the issuance of a permanent certificate of occupancy. The latter provides the municipality a source of funding to return property to a safe and stable condition or to implement measures to protect the public from access to an unsafe or unstable condition.

3. Statement of Strategy. On January 8, 2018, the New Jersey State Legislature adopted bill A-4540/S-2873 requiring any new land use element to incorporate a statement of strategy addressing the following issues:

- A. Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations;
- B. Storm resiliency with respect to energy supply, flood-prone areas and environmental infrastructure;
- C. Environmental sustainability.

The Township's 2020 Land Use Plan Element Amendment addresses its State-mandated statement of strategy.

4. Electric Vehicle Charging Infrastructure

Bill S-606 was signed into law by Governor Murphy on November 6, 2019 intended to encourage municipalities to plan for electric vehicle infrastructure by amending the MLUL to require the inclusion of existing and proposed locations of public electric vehicle charging infrastructure as a component of the land use element of the master plan. The new law also requires that a circulation plan element, an optional element of the master plan, to similarly identify the existing and proposed locations of public electric vehicle charging infrastructure. In addition, a green buildings and environmental plan element, also an optional master plan element, must “consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development...” Similar information is now required a part of the master plan reexamination report and any redevelopment plan. The Township should review these policy requirements accordingly and consider how it’s various master plan components should address this emerging technology.

5. Vacant and Abandoned Properties

The New Jersey Land Bank Law was signed into law on July 10, 2019. This legislation allows municipalities to designate a land bank entity to obtain vacant, abandoned and neglected properties for productive reuse purposes. It is intended to provide municipalities with a tool to revitalize and reuse properties for the public benefit.

Under the New Jersey Land Bank Law, municipalities will be allowed to designate a non-profit organization or a public entity as the municipality’s land bank entity. The public entities which a municipality may designate as a land bank entity include redevelopment entities, county improvement authorities, and departments and agencies of the municipality itself. Land bank entities will be permitted to acquire properties on its own and act as a municipality’s agent to purchase liens at a tax sale, carry out lien foreclosures, and take individual abandoned properties.

In addition, land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity's online database.

The Township presently contains a number of properties which may qualify as vacant and/or abandoned and should consider whether or not to address such properties under the provisions of the Land Bank Law.

IV. SPECIFIC CHANGES RECOMMENDED

The MLUL requires the identification of specific changes recommended for the master plan or development regulations, if any, including changes to the underlying objectives, policies and standards, or whether an entirely new master plan or development regulations should be prepared. The 2015 Reexamination Report identifies a number of recommended changes, as set forth below.

4.1 GOALS & OBJECTIVES

Clinton Township's existing master plan policies, goals and objectives set forth in its 2006 Land Use Plan Element and 2015 Reexamination Report remain relevant and are therefore reaffirmed in this 2020 Master Plan Reexamination. In addition to the goals of the MLUL, the 2006 Land Use Plan Element includes a number of goals and objectives which are too extensive to enumerate herein but fall within the following categories:

1. Land Use and Management
2. Natural Resources
3. Transportation
4. Recreation and Open Space
5. Housing
6. Cultural Resources

The Township's 2015 Reexamination Report affirmed the objectives of the 2005 Reexamination Report as listed below.

1. Preserve farmland and support farming operations in the community.
2. Protect environmentally sensitive areas through open space acquisition and development regulations.
3. Address housing needs, especially for low and moderate-income housing.
4. Address continued growth in traffic on major highway corridors and local roads while maintain scenic character of the roadway.
5. Address demands on and needs for community facilities and services.
6. Maintain a stable economy and a favorable property tax base despite limited growth in non-residential development.

It is recommended that the Township supplement its existing land use goals and objectives with specific economic development objectives as follows in no particular order:

1. Promote investment in commercial and nonresidential uses along developed areas of Route 31 north of Hibbler Road and south of Route 513 (West Main Street), as well as along the Township's Route 22 frontage.
2. Encourage cohesive commercial and mixed-use development and redevelopment in suitably zoned locations along the Township's Route 31 and 22 corridors through the assemblage of small lots, shared parking configurations and by minimizing the number of driveways on those roadways.

3. Prohibit warehouse and distribution uses particularly in the vicinity of the Route 78, 22 and 31 corridors as the Township's roadway infrastructure lacks adequate highway access to support the truck circulation and additional traffic generated by such uses.
4. Promote tourism of the Township's agricultural, historic and public recreation resources as a means of job creation, support of the local tax base and economy and preservation of such resources which contribute to the Township's rural character.
5. Promote economic development that adheres to the Township's design guidelines and functionally and aesthetically enhances its primary roadways in a manner consistent with the community's agricultural heritage.

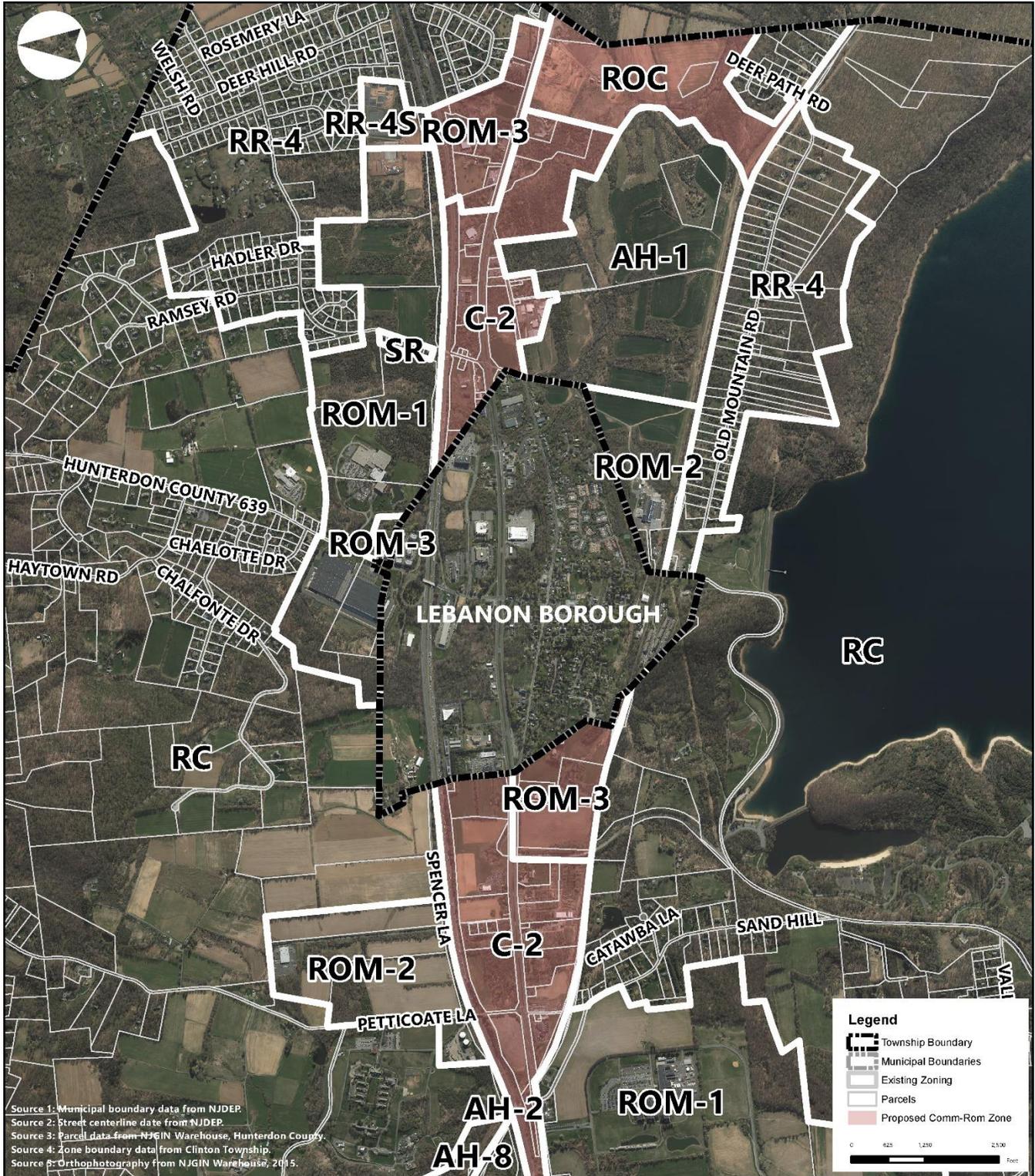
4.2 ZONING RECOMMENDATIONS

1. New Commercial – Research, Office and Manufacturing Zone

The Planning Board recommends the creation of a new zone along the Route 22 corridor that generally combines the various existing C-2 Commercial and ROM Research, Office and Manufacturing Zones. The new 'commercial – research, office and manufacturing' or 'highway commercial' zone would be designed with an emphasis on commercial development but would allow existing ROM uses to continue as permitted uses. The proposed zone change will address existing zone boundaries that were originally created to address specific issues which now seem to result in an arbitrary distribution of land uses along Route 22. Similarly, the abandonment of the proposed East Clinton Treatment Plant has led to the Township to reconsider the zoning designations in this area of the community as its land use implications have changed. It is the intent of the Township that this area be developed over time with commercial uses along the highway where similar development already exists, and as available utilities will allow. This will foster new opportunities for economic development in locations determined to be appropriate consistent with the Township's commitment to conform with the Highlands Regional Master Plan.

The proposed boundary of a new 'Comm-ROM' Zone is illustrated on Map 1 located on page 20. It encompasses the existing C-2, ROM-3 and ROC Zones along Route 22.

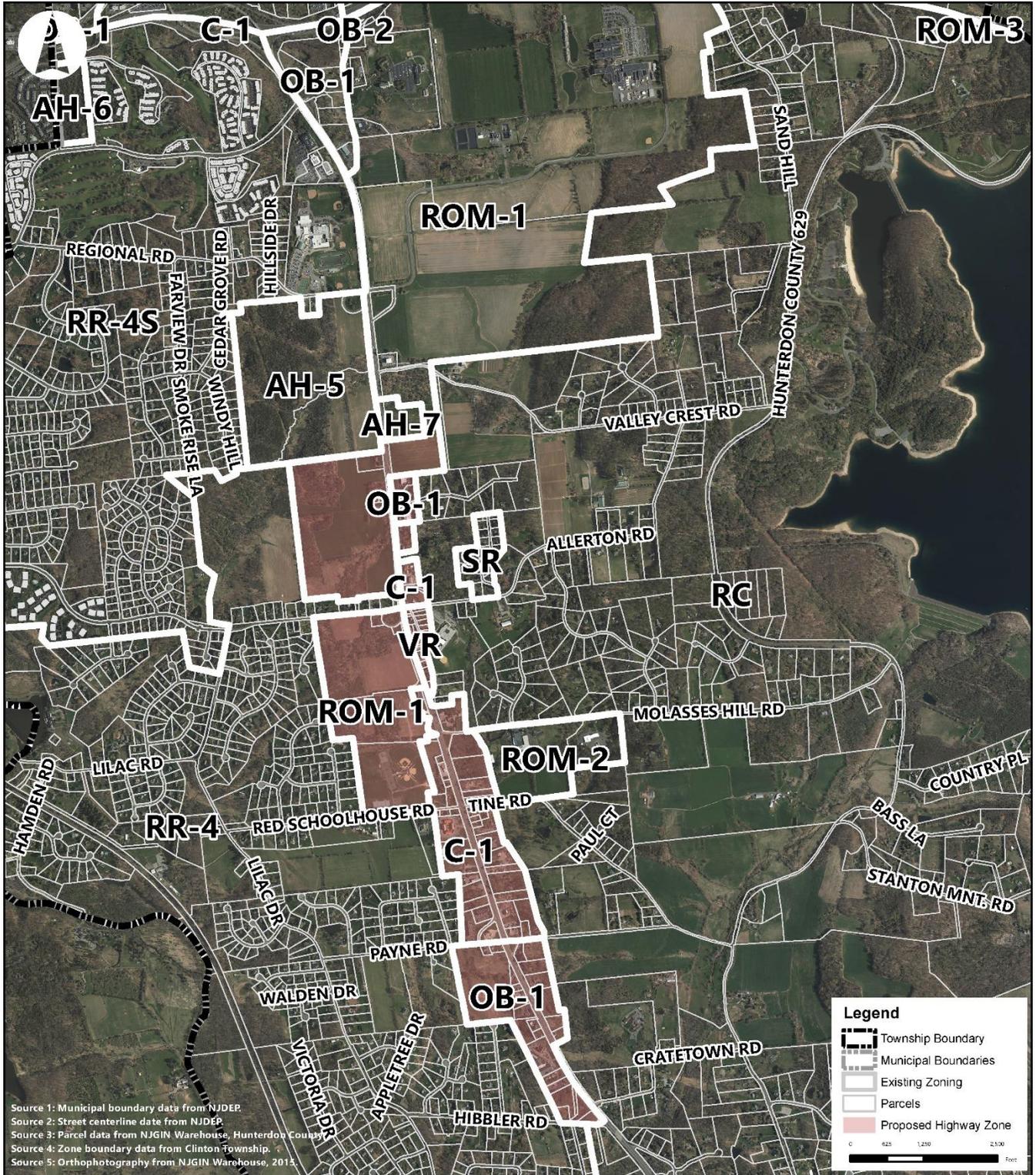
Map 1: Route 22 Corridor, Clinton Township



2. Consolidate Nonresidential Zones along Route 31 Between Regional Road and Hibbler Road

The Planning Board recommends that the Township consolidate and create a new zone along its Route 31 corridor bound by Regional Road to the north and Hibbler Road to the south. The current zoning of this stretch of highway is piecemeal with scattered ROM-1 and ROM-3, C-1, OB-1 and VR Zones which appear to have been the result of antiquated planning goals and existing uses. These zones, or a portion thereof, should be consolidated into a new zone which allows for a mix of uses currently permitted in the C-1 and OB- Zones to encourage commercial investment of sites that have already been developed or disturbed along Route 31. Such development would support the local tax base and have the potential to introduce new desirable nonresidential uses in the community. Map 2 on page 22 illustrates the subject area and zones along the Route 31 corridor.

Map 2: Route 31 Corridor, Clinton Township



3. Warehouse and Distribution Uses

The Planning Board recommends that the Township address the recent increase in developing warehouse and distribution uses along Routes 78, 22 and 31 by establishing a town-wide prohibition of such principal permitted uses. Land in Hunterdon County along Route 78 has been recognized as an alternative to other warehousing and distribution centers in New Jersey given its relative proximity to the coastal ports of entry and highway access to the west. It is the Township's intent to discourage and prohibit the development of such uses, particularly in those areas of the Township but also in general, as the Township's roadway infrastructure and access to Interstate Route 78 cannot support the truck traffic typified by such uses. In doing so, it is recommended that such targeted zones, including the C-2 and ROM-3 Zones and/or a new commercial - research, office, manufacturing zone along Route 22, be amended to specifically prohibit warehouse and distribution uses. The Township's land use definitions should be revised to define 'warehouse' and 'distribution' uses as they are not currently addressed in the ordinance.

4. Introduction of New Principal Permitted Uses

The Planning Board recommends that the Township permit new uses in such zones and locations deemed to be appropriate to allow the following:

- A. Distilleries, wineries, breweries and similar type uses as principal permitted uses.
- B. Electric vehicle (EV) charging stations and facilities as permitted accessory uses in nonresidential and multifamily zones. (Such facilities should not be permitted outdoors in single-family and townhouse developments).

5. Revisions of the C-2 Zone Floor Area Requirement

§165-163 of the Township's land use regulations permits a maximum floor area of 32,670 square feet for any building in the C-2 Commercial District. This provision was originally implemented to discourage 'big box' retail development along Route 22. The Planning Board recommends that the Township revise this provision to add an exemption for grocery stores as such uses tend to require significantly more floor area and are not considered a big box retail use. There are currently no grocery stores located in the community requiring residents in some areas to drive as much as 15 or 20 minutes to buy regular food and household necessities.

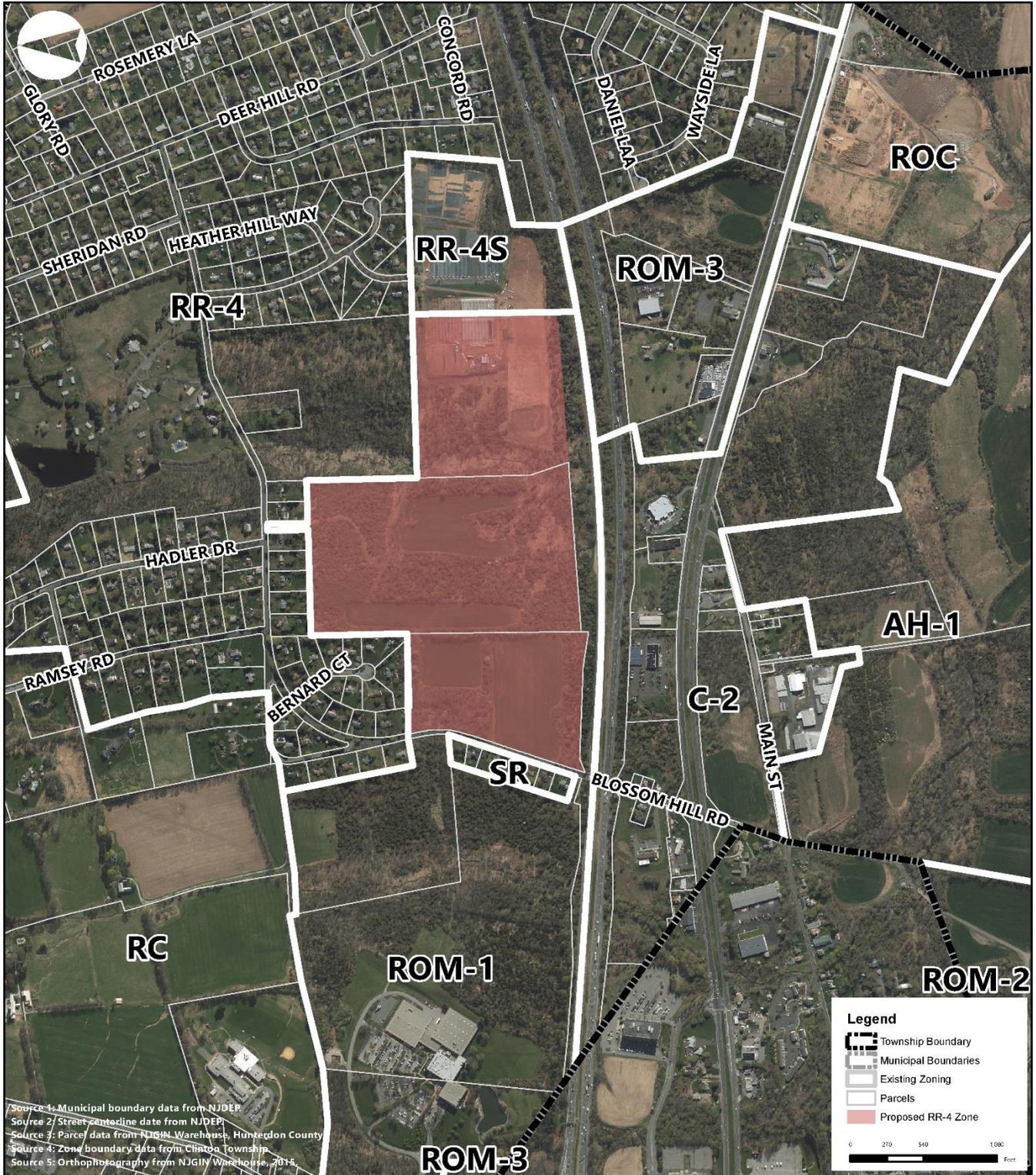
6. Amendment of the C-1 Zone to Add a Floor Area Requirement

The Planning Board also recommends that the Township amend the C-1 Commercial District to include a maximum floor area limitation as the zone does not currently have such a restriction.

7. Rezone Undeveloped Parcels from ROM-1 to RR-4 Zone North of Route 78

The Planning Board recommends that the Township rezone Block 4 Lots 20, 22 and 23 currently in the ROM-1 Research, Office and Manufacturing Zone to the adjacent RR-4 Rural Residential 4 Zone. This area is generally bound by single-family development and Route 78 to the south. The available utilities are insufficient to support the development of nonresidential uses permitted in the ROM-1 Zone. Therefore, these parcels should be rezoned to accommodate single-family development in accordance with RR-4 Zone standards which is generally consistent with adjacent single-family development. Map 3 on page 25 provides an illustration of the existing and proposed zone boundaries.

Map 3: Proposed RR-4 Zone Amendments



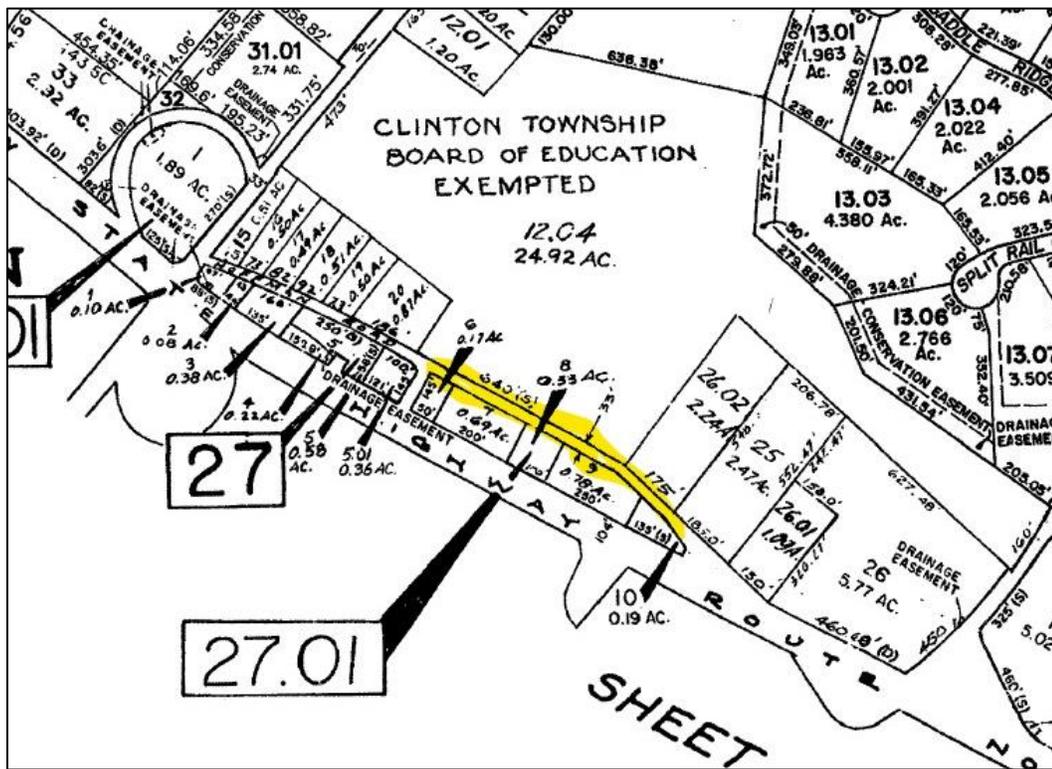
8. Rezone Block 68 Lot 3 from OB-1 to RC Zone

Block 68 Lot 3 is a 5.4-acre parcel located along the northernmost portion of Route 31 in Clinton Township at the intersection of Echo Lane. All of the parcels in the vicinity of the subject site, including Lot 3, west of Route 31 had previously been rezoned from the previous OB-1 Office Business-1 Zone designation to RC Rural Conservation. However, the rezoning was challenged in 2006 and ultimately, the court decision required the reversal of the zoning of Block 68, Lot 3 only back to OB-1 due to the fact that a prior consent order entered by the Court provided for OB-1 Zoning. The lot was sold in 2015 and the current owner wishes to develop the site for single-family use, the seemingly only viable development option of the property. However, the OB-1 zoning designation does not permit single-family development. Rezoning the lot from OB-1 to RC would not only allow single-family use of the lot but it would also be consistent with the Township's prior rezoning of the lot to the RC Zone. The Planning Board also notes that RC zoning still remains an objective for the zoning of the lot and, as already stated, will facilitate the residential development of the lot as a permitted use as desired by the current owner. Map 4 on page 27 depicts the parcel in question and its current zoning designation.

Map 4: Block 68 Lot 3 Zoning, Clinton Township



Map 6: Tax Map of Hoffman Road



10. Open Space

The Township is considering purchasing the remainder of Block 29 Lot 4 excluding the approximately 8 acres designated for a 100% affordable housing development as set forth in the Township's 2018 Housing Element and Fair Share Plan. This would allow for the preservation of roughly 32 acres of agricultural lands and open space along the Route 31 corridor in an effort to preserve this bucolic segment of the highway. The Township remains committed to making strategic open space acquisitions for lands that form large contiguous areas of open space and those lands deemed to be of significant environmental, agricultural, recreational and general public value as available funds and grants allow.

The Planning Board recommends that the Township create a new 'Municipal' (M) or 'Public' (P) Zone to encompass all of the Township's lands designated for open space and/or certain public purposes. While such information is captured on the Township's Recreation and Open Space Map, the inclusion of such information on the Zoning Map has greater implications for land use decision making and would solidify the preserved nature of such properties. Such designation may be reserved for parcels greater than a standard minimum lot area such as 5 acres.

4.3 AFFORDABLE HOUSING

In accordance with the New Jersey Supreme Court’s March 2015 (Mount Laurel IV) decision, Clinton Township reached a settlement agreement with Fair Share Housing Center on December 12, 2017 and subsequently amended the agreement on February 5, 2018. The agreement established the Township’s Third Round affordable housing obligation as follows:

Table 3: Third Round Affordable Housing Obligation, Clinton Township

Affordable Housing Requirement	Obligation (units)
Present Need (Rehabilitation Obligation)	10
Prior Round Obligation (1987-1999)	335
Prospective Need (1999-2025)	337

Source: Clinton Township February 7, 2018 Settlement Agreement with Fair Share Housing Center.

As a component of the compliance process, the Township adopted its 2018 Housing Element and Fair Share Plan on May 7, 2018 which identifies how the municipality intends to address its various Third Round affordable housing obligations. The Township’s Fair Share Plan sets forth in detail a variety of mechanisms including prior cycle credits, a previous regional contribution agreement with the City of New Brunswick, inclusionary and group home rentals and 100% affordable developments to satisfy its affordable housing obligations. The Township’s rehabilitation obligation and planned affordable housing development are summarized below.

Rehabilitation Obligation

The Township has been assigned a rehabilitation obligation of 10 units based on its March 2018 structural conditions survey of the municipality’s housing stock. Rehabilitation programs are intended to address substandard housing conditions of dwellings occupied by low and moderate-income households. Substandard units are generally those with health and safety code violations that require the replacement or repair of major building systems and structures. Ultimately, the goal of the Township’s rehabilitation program is to bring any such deficiencies into code compliance. The Township intends to work with Hunterdon County or other qualified entity in administering its rehabilitation obligation with a commitment of at least \$10,000 per unit to be funded through the Township’s development fee ordinance.

Willows at Annandale (Block 60.03 Lot 26)

The site commonly referred to as the Beaver Brook Homestead located at the intersection of Beaver Avenue and Austin Hill Road was the subject of an area in need of redevelopment designation by the Township Council on December 9, 2015, after which a redevelopment plan for the site was adopted on January 27, 2016 creating the AH-4 Affordable Housing District. The 10.65-acre parcel received final site plan approval in March 2018 for a 66-unit, 100% affordable housing development featuring a central green space, rehabilitation of the historic main house and preservation of the northerly environmentally constrained portion of the site. Development of the site was completed in 2019 with units now being occupied.

Former Municipal Building (Fox/Seals) Site (Block 53 Lot 3)

After several attempts in developing a viable redevelopment plan for the site known as the Old Municipal Building or Fox/Seals site, the Township adopted an amended redevelopment plan in August 2016. The new plan calls for the preservation of the original elements of the historic structure to be rehabilitated with 2 apartment units on the 2nd floor and a restaurant on the 1st floor, a new multifamily building consisting of 10 units fronting Center Street, affordable housing component and subdivision of the southerly portion of the parcel for community parking. A developer for the project has been selected with whom the Township entered into a redevelopment agreement on October 26, 2017. The project received preliminary site plan approval in 2018 and it is anticipated that final site plans will be submitted to the Planning Board in 2020.

Marookian Site (Block 82 Lots 4 & 4.09)

The Township-owned property commonly known as the Marookian site comprises a total of 139-acres located at the southwest corner of the Route 31 and Regional Road intersection. While most of the property is intended to remain as open space in perpetuity, a 6-acre portion at the southeast corner of the site with direct access onto Route 31 was rezoned as the AH-5 Affordable Housing District in 2018 permitting the development of an 84-unit 100% affordable housing development. The flag lot configuration of the site provides a substantial setback for the development from the Route 31 corridor thereby preserving contiguous agricultural lands, providing a buffer for residents and maintaining the rural character of the roadway. The project received preliminary site plan approval in 2018. It is anticipated the applicant will submit a final site plan application by 2020 once funding for the site is secured. The necessary water and sewer capacity have been secured for the site. The development of the 100% affordable Marookian project remains the Township's priority over other planned affordable and inclusionary developments.

LeCompte Site (Block 29 Lot 4)

The Township's Fair Share Plan includes the development of an approximately 8-acre portion of the 40-acre parcel known as the LeCompte site with frontage on Route 31. This portion of the property was rezoned in 2018 as the AH-6 Affordable Housing District to accommodate a 100% affordable development consisting of 89 units. The Township should consider purchasing the remainder of the parcel for open space along the Route 31 corridor in an effort to preserve the agricultural land and rural character of this area of the Township. The court has granted a durational adjustment for the site given the lack of available water capacity to serve the development. The necessary sewer capacity has been secured for the development. A Highlands Regional Master Plan map adjustment is required to place the property within an existing community zone in recognition of the development surrounding the site.

108 Alton Place (Block 79.07 Lot 1)

The AH-7 Zone was created in 2018 to permit the development of a 140-unit inclusionary project on the approximately 16-acre site located at 108 Alton Place. The development will include an affordable housing component consisting of 28 units. The site is situated between two existing townhouse development and immediately north of the Beaver Brook Country Club. The site is located in a developed area of the community, with limited environmental constraints and good access to regional roadways including Routes 31, 22 and 78. A durational adjustment for the site was approved by the court given the lack of available sewer and water capacity to accommodate the development.

Headley Farm Estate (Block 46 Lots 33 and 33.01)

The Headley Farm Estate is a 155-acre tract located immediately north of the Annandale Train Station. The property received site plan approval by the Planning Board in 2009 for a 21-unit single-family subdivision which never came to fruition due to changes in the local housing market. The AH-8 Zone was created in 2018 as a component of the Township's February 2018 settlement agreement with Fair Share Housing Center which permits the development of 400-unit inclusionary development, including 104 units of affordable housing. The Township intends to include the site in its petition to the Highlands Council for a Highlands Center designation around the Annandale Village area. The site received a durational adjustment from the court given the lack of available sewer and water to accommodate the development.

4.4 HIGHLANDS REGIONAL MASTER PLAN

Clinton Township anticipates completing and implementing the following items related in relation to the municipality's commitment to conformance with the Highlands Regional Master Plan including the following:

1. Review of municipal infrastructure constraints to support the proposed Highlands Center and other planning initiatives;
2. Petition for Annandale Highlands Center (see Map 7 on page 33);
3. Map Adjustment/RMP update as required for the Marookian, LeCompte and 108 Alton Place affordable housing developments; and
4. Adoption of Highlands Land Use Ordinance in 2020.

Map 7: Proposed Highlands Center Boundary, Clinton Township



4.5 CIRCULATION PLAN ELEMENT

A Circulation Plan Element is an optional component of the Master Plan. In accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-28b, a circulation plan element shall show “the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail.”

Clinton Township’s last Circulation Plan Element was prepared in 1999. The Planning Board has concluded that the now over 20-year old Circulation Plan Element sets forth many aspirational planning goals and policies which are no longer valid and, in part, due to the decrease in available funding for some of those projects. Since 1999, development in and around the Township has increased along with traffic particularly along the highways and regional roadways that traverse the community. Located at the crossroads of Routes 78, 22 and 31, Clinton Township remains a sought-after location for development. As noted in the 1999 Circulation Plan Element, Clinton Township continues to be challenged in achieving a balance of maintaining and creating land use policies that promote development in appropriate locations while discouraging over development and preserving its rural character. The Planning Board recommends the preparation of a new circulation plan element to address the changes in goals, assumptions and policies that have occurred since the adoption of the 1999 Plan. The Township will continue to review emerging safety and traffic issues as they arise and be proactive in developing strategies to address them.

The Planning Board recommends the following traffic and circulation improvements:

1. Electric Vehicle Charging Stations. In accordance with Bill S-606 signed into law on November 6, 2019, circulation plan elements are required to identify the existing and proposed locations of public electric vehicle charging infrastructure. As the technology and regulatory requirements for electric vehicle charging infrastructure are relatively new and continue to evolve, the Township has yet to install any charging facilities on public property. The Planning Board recommends that the Township amend its Land Use Regulations Ordinance to allow electric vehicle (EV) charging stations and facilities as permitted accessory uses in nonresidential and multifamily zones. (Such facilities should not be permitted outdoors in single-family and townhouse developments). The Township should evaluate the appropriate measures and locations for the installation of such infrastructure and the Planning Board should amend the Circulation Plan Element accordingly.
2. Intersection of Petticoat Lane and Route 22. Because of planned future projects which will generate substantial additional traffic at this intersection, the Planning Board recommends that the Township petition NJDOT to widen Petticoat Lane at the signalized intersection with Route 22 as part of the approval process for these projects. This would allow for multiple turning lanes to alleviate peak hour traffic on Petticoat Lane heading toward Route 22. Similar regional roadway connections to Routes 31 and 22 (for example Route 31 and Regional Road) should be evaluated for potential improvements to create safer conditions and mitigate traffic on those roads subject to NJDOT approval.

3. Bikeways. In an effort to promote multimodal transportation alternatives, the Township should consider installing bikeways or bike lanes along appropriate roadways of adequate width and safety that provide connections between amenities and sites of significance within the community. Such bikeways may also connect to any existing or proposed bike trails or off-road tracks that have become popular destinations.

V. RECOMMENDATIONS CONCERNING REDEVELOPMENT PLANS

The MLUL requires reexamination reports to include *"recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the 'Local Redevelopment and Housing Law' (LRHL)."* The LRHL sets forth the statutory framework for municipalities to designate "areas in need of redevelopment," prepare and adopt redevelopment plans and facilitate the improvement of those redevelopment areas accordingly. The Township's 2015 Reexamination Report provided an overview of the redevelopment potential of four sites as discussed below. No other redevelopment sites are contemplated at the writing of this report.

5.1 EXISTING AND PROPOSED REDEVELOPMENT AREAS

1. Former Municipal Building (Fox/Seals) Redevelopment Area

At the time of the last Reexamination Report, a non-condemnation redevelopment plan had been prepared for Block 53 Lot 3 in the Village of Annandale which was approved by the Planning Board on Jun1 1, 2015 and adopted by the Council on August 12, 2015. The redevelopment plan for the approximately one-acre site called for the rehabilitation of the existing historic structure for multifamily housing including an affordable housing component. A Request for Proposals was issued by the Township in 2016 for which no proposals were received. An amended redevelopment plan was then prepared for the site, dated March 10, 2017, which included the preservation of the original components of the historic building to accommodate a restaurant on the first floor with apartments on the second floor and a new 10-unit multifamily building fronting Center Street. In both iterations of the redevelopment plan, the southerly portion of the site is to be subdivided for use as a municipal parking lot.

A redevelopment agreement has been executed between the Township and selected redeveloper of the site. Preliminary site plan approval for the project was granted by the Planning Board on October 15, 2018. The Township anticipates receiving the final site plans for the project in 2020.

2. Beaver Brook Homestead Redevelopment Area

Following an investigation of Block 60.03 Lot 26, the former Beaver Brook Homestead Site was designated an area in need of redevelopment on December 9, 2015. A redevelopment plan for the 10.65-acre site, revised December 21, 2015, was adopted by the Township Council on January 27, 2016. The plan was designed to facilitate the development of a 66-unit 100% affordable development including the preservation of the existing historic main house on the property and provision of on-site amenities. Final site plan approval was granted by the Planning Board on March 19, 2018. Site development was completed in 2019 with units now being occupied.

3. Old Allerton Road

The 2015 Reexamination Report recommended the Township consider the utilization of its non-condemnation redevelopment powers to develop the area generally bound by Route 78 to the north, Old Allerton Road to the south and east and Route 31 to the west. This area includes the historic McCloughan Mansion and Runkle House and surrounding parcels identified as Block 58 Lots 4, 5, 6, 7, 7.01, 9 and 10 in Township tax records encompassed in the OB-1 Office Building District. The McCloughan Mansion was purchased by a private entity in 2017 and is being rehabilitated for residential use. While the Township continues to acknowledge the redevelopment potential of this area of the Township with great regional access as visibility, it does not at this time wish to pursue a formal “area in need of redevelopment” designation. However, the Township intends to encourage investment in this area through more conventional means of zoning and consider development proposals for comprehensive retail or mixed-use development which may include a food market. Given the presence of environmental constraints, roadway access and general configuration of this area, the Township discourages piecemeal development of the Old Allerton Road area and rather aims to see the area developed in a holistic manner with parcels being assembled to create larger development sites.

4. Grayrock Road

In the 2015 Reexamination Report, the Planning Board recommended the Township consider authorizing a preliminary area in need of redevelopment investigation for Block 77.10 Lots 2, 3 and 4, which includes the Old Caldwell Realty site containing a vacant office building and historic dwelling with frontages on Grayrock Road and Center St. south of Route 31. The Township recognizes the redevelopment potential of this area as its current development pattern and zoning designation within the OB-2 Office Building-2 Zone.

5. Kullman Site (Block 7 Lot 33)

The 66.2-acre property commonly known as the Kullman site is located in the ROM-2 Research, Office and Manufacturing 2 Zone with access on Commercial Drive connecting to both Cherry Street and Main Street within walking distance to the Lebanon Train Station. Two additional parcels of the site located in Lebanon Borough total another 21.8 acres resulting in a total site area of 88 acres. The site is currently developed with a mix of industrial and office uses with undeveloped, environmentally constrained areas of the property. Surrounding land uses consist of residential uses and the South Branch of the Rockaway Creek to the north, open space to the east, rail corridor to the south and utilities to the west. The site is currently served by public water via the Town of Clinton Water and Sewer Department and currently relies on a septic sewer system(s). As it is anticipated the property has or is changing ownership, the Township should consider the redevelopment potential of the site and whether to pursue an area in need of redevelopment investigation.

VI. LAND USE PLAN ELEMENT AMENDMENT

6.1 PURPOSE AND SCOPE

The Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-62a, requires every municipality with a zoning ordinance to adopt a master plan containing, at a minimum, a land use plan element and housing plan element. This 2020 Amendment to Clinton Township's 2006 Land Use Plan Element of the Master Plan was prepared to implement the land use goals, objectives and policies recommended in the Township's 2020 Reexamination Report of the Master Plan and Development Regulations contained in this document. In addition, this Land Use Plan Element Amendment provides an update to the Township's 2018 Housing Element and Fair Share Plan and 2018 Land Use Plan Element Amendment.

6.2 GOALS AND OBJECTIVES

This 2020 Land Use Plan Element Amendment affirms the land use goals and objectives of Clinton Township's 2006 Land Use Plan Element of the Master Plan and 2018 Land Use Plan Element Amendment. In addition, this Land Use Plan Amendment sets forth the following goals and objectives established in no particular order:

1. Promote investment in commercial and nonresidential uses along developed areas of Route 31 north of Hibbler Road and south of Route 513 (West Main Street) and along the Township's Route 22 frontage.
2. Encourage cohesive commercial and mixed-use development and redevelopment in suitably zoned locations along the Township's Route 31 and 22 corridors through the assemblage of small lots, shared parking configurations and by minimizing the number of driveways on those roadways to reduce the number of vehicular conflict points and preserve the established rural character along those roadways.
3. Prohibit warehouse and distribution uses particularly in the vicinity of the Route 78, 22 and 31 corridors as the Township's roadway infrastructure lacks adequate highway access to support the truck circulation and additional traffic generated by such uses.
4. Promote tourism of the Township's agricultural, historic and public recreation resources as a means of job creation, support of the local tax base and economy and preservation of such resources which contribute to the Township's rural character.
5. Promote economic development that adheres to the Township's design guidelines and functionally and aesthetically enhances its primary roadways in a manner consistent with the community's agricultural heritage.

6.3 LAND USE PLAN

The following amendments are hereby incorporated into Clinton Township's Land Use Plan Element of the Master Plan:

1. Rezone Block 68 Lot 3. The Township intends to work with the current owner of Block 68 Lot 3 to revert its current zoning designation within the OB-1 Office Building District back to the RC Rural Conservation Zone. As noted in the Township's 2020 Reexamination Report, the site was the subject of a 1999 Consent Order that was amended in 2011 regarding the zoning change of the property that was challenged by the property owner at the time. Upon receipt of Court approval addressing the stipulations of the Court Order, the Township will rezone the property to be incorporated within the surrounding RC zone so that it may be developed as a single-family dwelling which is a permitted use in the zone and as so proposed by the current property owner.
2. New Commercial – Research, Office and Manufacturing Zone. As illustrated on the map on page 20 of this document, the Planning Board recommends that the Township create a new zone encompassing the existing C-2, ROM-3 and ROC Zones located along Route 22. The new zone will generally include a combination of permitted uses currently included in the C-2 and ROM-3 Zones. Bulk requirements for the zone will be updated to provide an appropriate balance of development rights, buffers from other uses and preservation of the Township's rural character. This zone change is intended to promote land use consistency along the Township's Route 22 corridor, address antiquated zone designations and provide greater zoning flexibility in encouraging economic development in this area of the Township.
3. Consolidate Nonresidential Zones along Route 31 Between Regional Road and Hibbler Road. The Planning Board recommends that the Township create a new highway zone district along its Route 31 frontage between Hibbler Road and Regional Road. The new zone will encompass the parcels with frontage on this area of the Route 31 corridor. The zone change is intended to consolidate the existing piecemeal zoning designation to promote greater development consistency along the corridor, address antiquated zoning designations and encourage cohesive nonresidential development. This area of Route 31 and the current zone designations are shown on the map on page 22 of this document.
4. Rezone Block 4 Lots 20, 22 and 23. The Planning Board recommends that the Township rezone Block 4 Lots 20, 22 and 23 currently located in the ROM-1 Research, Office and Manufacturing Zone to the RR-4 Rural Residential 4 Zone which exists adjacent to the parcels in question. This area is generally bound by single-family residential development and no longer has the potential to develop as nonresidential uses as prescribed by the ROM-1 Zone given the lack of sufficient water and sewer infrastructure to serve the area. The map provided on page 25 of this document highlights the parcels and indicates the existing zoning designations.

5. Redevelopment of Properties Along Grayrock Road. The Township has identified the redevelopment potential of Block 77.10 Lots 2, 3 and 4 which includes vacant buildings and property. It has been determined that the current OB-2 Office Building-2 District is no longer suitable given the lack of demand for office space and surplus of such space in the area. The properties located at the major regional crossroads of Routes 31, 22 and 78 and local roads has the potential to be developed for commercial or mixed commercial and residential uses. The Township intends to conduct an 'area in need of redevelopment' investigation in determining whether to designate the properties as such in accordance with the Local Redevelopment and Housing Law (LRHL). Upon such determination, the Township may prepare a redevelopment plan for the site which would include specific use and bulk zoning parameters.
6. Redevelopment of Block 7 Lot 33. It is assumed that Block 7 Lot 33, commonly known as the Kullman site, has or will change ownership in the near future which may include a proposal to redevelop the 88-acre site currently developed with a mix of industrial and office uses and partially located in Lebanon Borough. Redevelopment of the property should be consistent with the surrounding residential uses and take advantage of its proximity within walking distance to the Lebanon Train Station. The Township anticipates conducting an 'area in need of redevelopment' investigation for the site in determining whether to designate the property as such in accordance with the Local Redevelopment and Housing Law, after which a redevelopment plan can be developed for the site. The redevelopment potential of the property is supported by its current public water service by the Town of Clinton Water and Sewer Department. At this time, it relies on an on-site septic sewer system.
7. Highlands Land Use Ordinance. The Township anticipates the adoption of its Highlands Land Use Ordinance in Spring 2020 as part of the Township's conformance with the Highlands Regional Master Plan ("RMP") in both the planning and preservation areas. The draft Highlands Land Use Ordinance is based on the model ordinance prepared by the Highlands Council and has been modified to address such issues as residential septic densities and regulations for cluster development. The cluster development provisions are necessary to ensure several of the Township's affordable housing projects identified in its 2018 Housing Element and Fair Share Plan are consistent with the Highlands RMP and can be approved accordingly. These projects include the 100% affordable developments at the Marookian (Block 82 Lots 4 and 4.09) and LeCompte (Block 29 Lot 4) sites on Route 31. Adoption of the Highlands Land Use Ordinance will also transfer the Highlands RMP review process for development projects from the Highlands Council staff, as is the current process, to within the jurisdiction of the Township.
8. Highlands Center Designation. In August 2019, Clinton Township submitted its petition to the Highlands Council to designate the area around the Annandale Train Station as a Highlands Center, the benefits of which include greater flexibility from the Highlands RMP standards such as septic densities and impervious coverage. With the creation of a Highlands center, the Township will be able to develop its own development criteria for the area in question. The center is being proposed as a mechanism to promote economic development in this developed area of the Township and allow for the development of the Headley Farm Estate which is a required component of the Township's 2018 Housing Element and Fair Share Plan. Focusing development in this area of the Township around the train station and intersection of Routes 78, 22 and 31 will alleviate development pressures in less developed areas of the Township and in more environmentally sensitive areas. A map of the proposed Annandale Highlands Center area is provided on page 33 of this document.

9. Statement of Strategy. On January 8, 2018, the New Jersey State Legislature adopted bill A-4540/S-2873 requiring any new land use element to incorporate a statement of strategy addressing the following issues:

A. Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations;

The Planning Board recommends that the Township amend its Land Use Regulations Ordinance to allow for electric vehicle charging stations as a permitted accessory use in nonresidential and multifamily zones. Such facilities shall not be permitted outdoors in single-family and townhouse developments. To date, as the technology is relatively new and continues to evolve, there are no existing public electric vehicle charging stations in the Township. The Planning Board recommends that the Township evaluate the feasibility of installing charging stations on public property including the appropriate locations for such infrastructure. Such facilities shall not be permitted outdoors in single-family and townhouse developments. The Township's prohibition of vehicle related uses should be revised to exempt electric vehicle charging stations.

B. Storm resiliency with respect to energy supply, flood-prone areas and environmental infrastructure;

Located in the Highlands Region, Clinton Township is not subject to coastal flooding. However, the Township should continue its longstanding tradition of protecting environmentally sensitive areas and features, including flood-prone areas which is indicative of the Township's conformance with the Highlands Regional Master Plan. The Township should continue to coordinate with local utility companies in developing emergency response protocols and delivering quality service.

C. Environmental sustainability.

The Township should continue to address environmental sustainability through its conformance with the Highlands Regional Master Plan in both the Highlands Preservation and Planning Areas. The Township's current land use regulations pertaining to solar panels have encouraged and continue to promote the installation of several large-scale solar panel arrays in the community.

10. Warehouse and Distribution Uses. The Planning Board recommends that the Township amend its Land Use Regulations Ordinance to specifically prohibit warehouse and distribution uses to address the increased pressures to develop such uses particularly in the vicinity of the Township's Route 78, 22 and 31 corridors. As discussed in the Township's 2020 Reexamination Report, the municipality's existing roadway infrastructure and highway access cannot adequately support the truck circulation and traffic generated by warehouse and distribution uses. In addition, the Land Use Regulations Ordinance should be amended to include definitions for 'warehouse' and 'distribution' uses.

11. Distilleries, Wineries and Breweries. The Planning Board recommends that the Township amend its Land Use Regulations Ordinance to allow distilleries, wineries, breweries and similar type uses as principal permitted uses in zones and locations deemed to be appropriate. The Planning Board believes that the most likely zones and locations would be those nonresidential zones situated along Routes 22 and 31.

12. Maximum Floor Area Requirement. The C-2 Commercial Zone currently restricts floor area to a maximum of 32,670 square feet intended to discourage the development of 'big box' retail stores. The Planning Board reaffirms this policy and recommends that the Township amend the Land Use Regulations Ordinance to expand this provision to the C-1 Zone which currently does not include a floor area limitation. Such floor area limitations should also be included in the new commercial zones along Routes 22 and 31. However, grocery stores should be exempt to some degree from the floor area limitation as the Township recognizes the need to provide such use with convenient access for its residents.

13. Additional Land Use Plan Map and Zoning Map Amendments. As recommended in the Township's 2020 Reexamination Report, the Planning Board hereby amends its Land Use Plan with the intention to similarly amend the Township Zoning Map as follows:
 - Highlands Areas. The Township should amend its Zoning Map to indicate the boundaries of the Highlands Planning and Preservation Areas.

 - Public Property. The Township should create a new public or municipal zone which will encompass Township owned property and other public property as determined to be appropriate. Part of the intent of this zoning change will be to highlight land that has been preserved for conservation purposes and public uses.