Reexamination Report
TOWNSHIP OF UNION

PLANNING BOARD
TOWNSHIP OF UNION
HUNTERDON COUNTY, NEW JERSEY

FEBRUARY 2006

Reexamination Report
TOWNSHIP OF UNION

Prepared pursuant to Article 3 (*N.J.S.A.* 40:55D-28)
of the New Jersey Municipal Land Use Law

Adopted by the Union Township Planning Board

Adopted February 7, 2006

◆ ◆ ◆

Prepared By:

Carl E. Hintz, PP, AICP, CLA, ASLA
New Jersey Professional Planning License No. 1217

Elizabeth K. McManus, PP
New Jersey Professional Planning License No. 33LI00591500

CLARKE CATON HINTZ
A Professional Corporation
400 Sullivan Way
Trenton, New Jersey 08628

A signed and sealed original is on file with the Township Clerk's office

TOWNSHIP OF UNION
140 PERRYVILLE ROAD
HAMPTON, NJ 08827

PLANNING BOARD

John R. Scott – Chairman
John Grossi, Jr. – Vice Chairman
William F. Bischoff, Jr.
Richard Brandt
Roy Lukasik
Joseph Martin
Matthew Mulhall
Bruce Rossi – Mayor
Thomas J. Rosol
Glenn W. Roth

◆ ◆ ◆

Carl E. Hintz, PP, AICP, CLA, ASLA (Clarke Caton Hintz) – Municipal Planner
Robert C. Bogart, PE (Maser Consulting) – Municipal Engineer
Peter Jost, Esq. – Township Attorney
William Sutphen, Esq. Planning Board Attorney
Vincent W. Uhl (Uhl, Baron, Rana & Associates) – Municipal Hydrogeologist
Stephen Souza, PhD (Princeton Hydro) – Municipal Environmental Consultant
Grace A. Kocher – Planning Board Secretary

INTRODUCTION

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

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map constitute the primary law governing the use of land at the local level. A zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted master plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. The state land use law requires that the Planning Board conduct a Reexamination at least every six years. Five specific topics are to be considered in the Reexamination Report[1]. These are:

a. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*

b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*

c. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.*

d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and*

[1] New Jersey. 1975. Chapter 55D. The Municipal Land Use Law, *N.J.S.A.* 40:55D-1 et. seq.

recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.[2]

PLANNING HISTORY

In the past, the Planning Board has prepared various documents to guide development in the Township. In 1984 John Madden completed a Comprehensive Master Plan. This document was later the subject of Reexamination Reports adopted in 1990 and 1994, both of which were completed by Carter Van Dyke Associates. Most recently, Carter Van Dyke Associates completed a Comprehensive Master Plan that was adopted in August 1999. This Master Plan is not a rewrite of the 1984 Comprehensive Master Plan but instead includes those elements of the 1984 Plan that were still applicable, updates to particular Master Plan Elements where necessary, and new elements. It includes the following:

- Section 1 Population Characteristics, prepared by Carter Van Dyke Associates, adopted August 1999.
- Section 2 Housing Element and Fair Share Plan, prepared by Carter Van Dyke Associates, adopted June 1996 and updated August 1999.
- Section A3 Existing Land Use, prepared by Carter Van Dyke Associates, adopted August 1999.
- Section A4 Regional Consideration in the Land Use, prepared by Carter Van Dyke Associates, adopted August 1999.
- Section A5 Conservation, prepared by John Madden, Matthew J. Mulhall, and Carter Van Dyke, adopted September 1984 and updated August 1999.
- Section A6 Parks and Recreation, prepared by Carter Van Dyke Associates, Inc., adopted December 1991 and updated August 1999.
- Section A7 Community Facilities, prepared by John Madden, adopted September 1984 and updated August 1999.
- Section A8 Groundwater Evaluation, prepared by Matthew J. Mulhall, adopted August 1999
- Section A9 Wastewater Evaluation, prepared by Robert C. Bogart & Associates, adopted September 1998
- Section A10 Economic Development, prepared by John Madden, adopted 1984
- Section A11 Traffic and Circulation Analysis, prepared by John Madden, adopted September 1984
- Section B1 Land Use Plan Element, prepared by Carter Van Dyke Associates, Inc., adopted April 2000
- Section B2 Housing Element and Fair Share Plan, prepared by Carter Van Dyke Associates, Inc., adopted June 1996 and updated August 1999

2 *N.J.S.A.* 40:55D-89

- Section B3 Circulation Plan Element, prepared by John Madden, adopted September 1984 and updated August 1999.
- Section B4 Community Facilities Plan Element, prepared by Carter Van Dyke Associates, Inc., adopted August 1999
- Section B-5 Wastewater Evaluation, prepared by Robert C. Bogart & Associates, adopted September 1998
- Section B6 Parks and Recreation, prepared by Carter Van Dyke Associates, Inc., adopted December 1991 and updated August 1999
- Section B7 Conservation Plan Element, prepared by Carter Van Dyke Associates, adopted September 1984 and updated April 2000
- Section B8 Energy Plan Element, prepared by John Madden, adopted September 1984

In addition to the 1999 Comprehensive Master Plan, in October 2003 the Township adopted a Natural Resource Inventory, prepared by Princeton Hydro, and a Land Use Amendment, completed by Clarke Caton Hintz, was adopted in December 2004. This 2004 document provides an updated analysis of population and household data based on the 2000 US Census and provides updated information on the Township's environmental factors. It also recommends, in part based on the recommendations of the Spruce Run Initiative and the Highland Council, that the WM Watershed Management zone district be expanded and permit less intense uses, that the LI Light Industrial and SC Special Commercial zone districts be eliminated, with the VC Village Commercial and PO Professional Office zone districts incorporating those lands, and that the Q Quarry zone district be slightly modified, recognizing quarried lands. The upcoming Highlands Master Plan is anticipated to provide additional guidance to the Township and will require a review of the Township's planning policies since much of the municipality is in the Highlands Preservation Area.

Most recently, the Township adopted a third round Housing Element and Fair Share Plan on November 22, 2005. This plan will satisfy the Township's growth share obligation, which was calculated to be 66 units. The Township expects to receive substantive certification from the Council on Affordable Housing later in 2006.

Major Problems and Objectives at the Time of the Adoption of the 1999 Comprehensive Master Plan and the Extent to which They have Changed

The 1999 Comprehensive Master Plan states that the overall goal of the Union Township Master Plan is "preservation of this community's agricultural, environmental and rural cultural heritage and visual amenities, while considering in a planned manner, the inevitable pressures of suburban development." This goal continues to represent the Township's land use philosophy and planning policies. Additionally, the Plan provides four goals for a Future Land Use Plan:

1. A greater mixture of residential, commercial and industrial uses along the Interstate 78 corridor.
2. A community center in the Perryville area. Instead of a mixed use Town Center, as was originally proposed in the Master Plan of 1984, the Perryville area would permit medium density residential development and some limited community shopping at the intersection of CR 625 and I-78. Community facilities would be encouraged to locate within the Perryville area. The adjacent Town of Clinton would remain the community commercial and cultural center.
3. Permanently preserved farmland and low density cluster residential development will continue to be considered on critical environmental an agricultural areas generally south of the Lehigh railroad. An aggressive purchase of development rights program should keep the majority of this area preserved for agricultural use.
4. Lower density residential development is proposed where applicable throughout the Township to address the critical groundwater quality and quantity limitations.

These four goals remain relevant to the Township and shall continue as guiding land use policy. It is recommended that the Township's other Master Plan documents be evaluated for consistency with the policies stated below.

The 1999 Master Plan also provides specific policies and proposals on the below listed topics. However, two zones no longer relevant to the municipality are the Light Industrial and Special Commercial districts, whose lands are changed to the VC Village Commercial and PO Professional Office zone districts.

Farmland Preservation

The Master Plan proposes to preserve farmland by "assisting the agricultural economy through positive municipal policies", "discouraging development pressures in prime agricultural areas", and by "encouraging innovative measures to preserve farmland and rural landscape features". The Master Plan proposed several techniques to accomplish these goals, including support for right-to-farm measures, permission to farm operators to conduct alternative economic opportunities in exchange for deed restricting their land from future development, promotion of residential clustering, purchase of development rights, and establishment of a farmer's market.

The Township continues to strongly support farmland preservation efforts, and finds that the above techniques remain highly appropriate.

Historic Preservation

The Township's Historic Preservation Policy is to "preserve the historic architectural and rural cultural heritage of Union Township". The Township proposed the following methods to accomplish this, develop

a historic register, implement design standards for areas with a concentration of historically significant features, purchase historic resources, cluster development away from historic resources, purchase the development rights of historic parcels, utilize the site plan review process to protect historic resources, require landscape buffering within the Perryville Historic District, and preserve cultural landscapes within the Rural Historic District, such as hedgerows, fences, and out buildings. Additionally, the Master Plan recommends establishment of a Historic Commission or Committee.

These techniques remain relevant to the Township's goal of historic preservation.

Rural Heritage Preservation

To preserve the rural visual character of the Township, the Master Plan proposed nine techniques addressing design issues ranging from architectural compatibility to landscape buffers. These design techniques remain highly applicable to land use decisions currently facing the Township.

Community Center

The Master Plan revised the previous goal to establish a town center between the villages of Perryville and Jutland to preserving the small village commercial center in the Perryville vicinity. The small commercial center was proposed to consist of retail and office uses to serve the community, but not to compete with the nearby Town of Clinton. The Township remains committed to preserving the community center in the Perryville Area and has implemented the Village Commercial and Professional Office zone districts in support of the concept.

Office Retail and Service Sector

The Master Plan states that the Township encourages future industrial and office developments so long as they are appropriately located and designed for a rural township. The document further states that this should be done by "reserving land suitable for industrial and office uses in relation to topography, good drainage, access to arterial and primary roadways...", "requiring design standards for industrial and office structures and parking areas which are compatible with the Township's rural appearance and scale" and "requiring a mix of retail and accessory services in large development to serve the needs of employees". Additionally, the Master Plan states lands south of I-78 are more appropriate for large scale developments due to the larger parcel sizes, regional accessibility, visual exposure, suitable terrain, and potential for utility service. Such large scale developments are encouraged to have a retail component on the site to, primarily, serve the office building employees. As per the 2004 Land Use Amendment, which recommended replacement of the Light Industrial zone district with the Village Commercial zone district.

Retail commercial land uses are encouraged along I-78. However, commercial land uses along Route 173 require greater design coordination due to the number of small lots. The 1999 Master Plan recommends creating a lot by lot design plan for lands along Route 173.

Housing

The Master Plan states that the Housing Policy is to "provide for a balance of housing styles, types and sizes to match changing socio-economic demands and the relative community and environmental impacts of various residential units". The Township's permitted residential uses include single family detached units; however, multi-family affordable rental units are planned on the Milligan Site and the Hoffman Park site. Furthermore, the Township has petitioned the Council on Affordable Housing for third round substantive certification, which expected to be received later in 2006. The Township is exploring options for meeting all socio-economic housing needs of the population.

Total deletion of Housing-Elderly section.

Changes in Assumptions, Policies and Objectives at the Local, County and State Levels

Cross-Acceptance and the 2004 Preliminary State Plan

The State Planning Act requires that the State Plan undergo revision and readoption at least once every three years. The Act also created a statewide planning process called "Cross-Acceptance" which requires government entities at all levels and the public to participate in the development of the State Plan and its periodic revision. A third round of Cross Acceptance process was triggered in April 2004, when the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan.

Under the 2004 Preliminary State Plan, the statewide goals, strategies and policies as outlined in the 2001 State Plan remain fundamentally the same. However, the 2004 Plan proposes to reorganize the Plan to consolidate the goal statements and background sections for the existing eight goals under one statement and background section and to relocate policies and strategies under a specific goal. The State Plan Policy Map also remains fundamentally the same under the 2004 Preliminary Plan.

The Preliminary Policy Map proposes to remove the Planning Area 2 (Suburban Planning Area) designation along much of the I-78 corridor and replace it with Planning Area 5 (Environmentally Sensitive Planning Area). This proposal includes the lands of the Milligan Site, which at the time was an inclusionary site planned for 292 units on the 102 acre tract, and the Lookout Pointe site, also planned for inclusionary housing. As a result, Union Township submitted a Cross-acceptance report requesting that the State Planning Commission not adopt a State Plan Map that is inconsistent with the designation of the Milligan Site and Lookout Pointe as Planning Area 2. Since the submittal of the Cross-acceptance Report the Township has purchased the Milligan site and plans to utilize it for a minimum of 36

municipally sponsored affordable rental units, with the remaining land to be preserved as open space. This current plan for the site is no longer in conflict with the proposal to designate the site as Planning Area 5.

RECOMMENDATIONS

The Township should continue to work with the New Jersey Office on Smart Growth (OSG), the New Jersey Highlands Council and the Association of New Jersey Environmental Commissions (ANJEC) to further goals common to the respective organizations and the Township. Furthermore, the Township's planning policies should remain in substantial compliance with those of the above organizations.

REDEVELOPMENT PLAN

The Township has no redevelopment areas; however, they may be considered in the future.