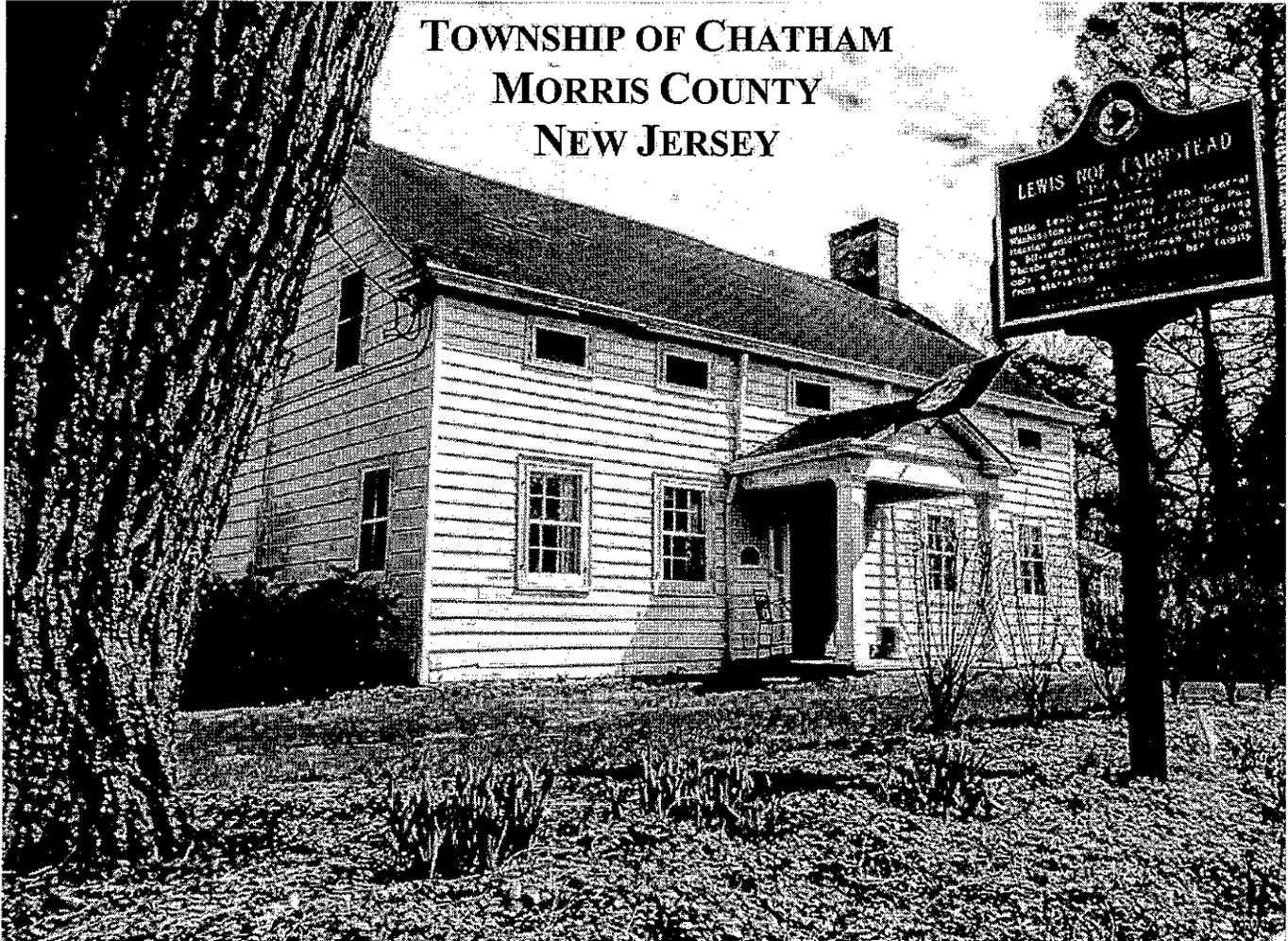


MASTER PLAN PERIODIC REEXAMINATION REPORT



Adopted March 20, 2017 by:

Chatham Township Planning Board

Prepared in consultation with:

Banisch Associates, Inc.
Flemington, NJ

The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

INTRODUCTION

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

“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.”

The Township of Chatham Planning Board adopted the most recent Periodic Reexamination on December 4, 2006. Prior that that, a reexamination report was completed in 1994. In addition, the Township of Chatham Planning Board last adopted Land Use Plan on January 10, 2011.

The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below:

- 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,” 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.

C. 40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”

The 2006 *Master Plan Reexamination* recalled the 13 specific objectives identified in the 1999 *Master Plan*, which as outlined below.

1. *Monitoring and participating in regional planning activities that can impact local planning and development.*
2. *Coordinating local planning efforts with neighboring municipalities to assure maximum compatibility especially along common municipal boundaries.*
3. *Using demography to recognize and plan for the needs of local residents.*
4. *Maintaining a reasonable balance of housing types for all segments of the population.*
5. *Offering flexibility in development techniques.*
6. *Protecting the existing residential character of the community from non-residential intrusions.*
7. *Promoting pedestrian and bicycle use to reduce traffic and facilitate safe and enjoyable walking and cycling.*
8. *Maintaining a basic system of existing roads and planning for future transportation needs.*
9. *Preserving land in appropriate locations to meet future community facility, recreational, and open space needs by:*
 - *promoting greater sensitivity to environmental concerns by recognizing wetland, steep slope and floodplain constraints.*
 - *offering greater protection to the Great Swamp National Wildlife Refuge and other public lands, not only through careful control of development in the watershed, but also through acquisition of additional lands adjoining the public lands.*
 - *preserving other vacant lands, recognizing that they are limited and, once developed, are lost forever.*
10. *Protecting the Passaic River, the Loantaka Brook and Black Brook and the Great Swamp National Wildlife Refuge.*
11. *Preserving local heritage by protecting historic buildings and other landmarks for the cultural benefit of present and future generations.*
12. *Encouraging the continuation of remaining agricultural activity.*

13. *Creating a planning and development environment that will promote fiscally sound municipal government affordable to all residents.*

C. 40:55D-89b “The extent to which such problems and objectives have been reduced or have increased subsequent to such date”.

The 2006 Master Plan Reexamination recalled the 1999 Master Plan, which identified 13 specific objectives as outlined below.

1. *Monitoring and participating in regional planning activities that can impact local planning and development.*

Chatham Township actively participated in the Cross Acceptance process with Morris County that led to the re-adoption of the State Development and Redevelopment Plan. The Township also supports regional planning through its participation with the Borough of Madison, Chatham Borough, Morris Township, Florham Park, and some Union County and Essex County municipalities on the “SEAMLESS” planning group to examine long- and short-term planning issues affecting the south-east Morris county area. Chatham Township also has responded to the Mount Laurel IV decision reaffirming the constitutional obligation of every town to provide for affordable housing.

2. *Coordinating local planning efforts with neighboring municipalities to assure maximum compatibility especially along common municipal boundaries.*

Generally, the Township’s zone plan is believed to be compatible with the plans of the adjoining municipalities, as follows:

- The Great Swamp and the Passaic River and its floodplain are natural features that divide Chatham Township from its neighbors to the south and west, minimizing chances for land use incompatibilities in these areas.
- The subdivided neighborhoods that dominate southern and eastern Chatham Township adjoin similar neighborhoods in Chatham Borough and Madison, making for a seamless neighborhood character.
- The rural northern portions of the Township are surrounded by similarly rural environs in Madison and Harding, with the exception of Giralda Farms in Madison, where an office campus adjoins the Giralda Farms open space in Chatham Township.

3. *Using demography to recognize and plan for the needs of local residents.*

The Master Plan adopted in 1999 envisioned the ultimate residential build-out for the Township to be approximately 11,000. Nearly approaching this estimate with a 2010 population of 10,452, the Township had an estimated 2015 population of 10,569, representing an annual increase of 23 persons/year. The 2008 Housing Element provided a summary of demographic and housing characteristics as required by law, which will be updated in the new housing element to be

adopted pursuant to the Declaratory Judgment action filed in 2014. As part of the new Housing Element and Fair Share Plan (HEFSP) to be submitted to the Court, the demographic, economic and housing analysis, required by statute for a housing element, were updated in 2015, using the most recent available information.

According to the 2013 American Community Survey, nearly 2/3 of Chatham Township residents were over 35 years of age, and 30% of the population is over 55. The racial composition of the Township in 2015 was over 90% white, with Asians making up 8% and small numbers of African Americans and Latinos. According to the American Community Survey, in 2013 Chatham Township had 4,188 housing units, of which 69.9% were one-family, detached dwellings, and 1,259 units were found in attached or multi-family structures. The Township had a relatively low percentage of renter-occupied units, 15.4%, compared to 24.1% in Morris County and 34.4% in the State.

The 2010 Census documented household size in occupied housing units by tenure, and found that renter-occupied units generally housed smaller households, with 80.7% of renter-occupied units having 2 persons or fewer compared to 49.7% of owner-occupied units. The Township's average household size for owner-occupied units (2.64%) was essentially the same as that of the County, but the Township's average household size for renter-occupied was considerably lower than that of the County and State, as seen in the table below.

Average Household Size for Occupied Units for Township, County, and State 2010

Jurisdiction	All Occupied Units	Owner-occupied units	Renter-occupied units
Chatham Township	2.64	2.83	1.81
Morris County	2.68	2.83	2.21
New Jersey	2.68	2.79	2.47

The 2013 median residential housing value was \$739,700, with 73% of the Township's housing stock valued at \$500,000 to \$1,000,000 or more. In 2009-2013, the majority (82.5%) of renter-occupied units rented for more than \$1,500 per month and the median contract rent was \$1,920.

The analysis of demographic characteristics found that in 2010 the Township had 10,452 residents (366 more residents than in 2000) and there were 600 more females than males. At 43.3 years, the median age of Township residents in 2010 was 2 years older than for Morris County and more than 4 years older than the State median age. There were 9,006 persons (86.2%) in family households (where a householder lives with one or more relatives) and 1,339 persons (12.8%) in non-family households (a householder living alone or with non-relatives) and 107 persons (1.0%) living in group quarters.

The Township's 2013 per capita income (\$83,162) and median household income (\$135,759) were substantially higher than those of both the County and the State, and Chatham Township families had incomes nearly \$60,000 greater than non-family households in the Township, as seen below:

*Income for Township, County, and State
2013*

Jurisdiction	Per Capita Income	Median Income	
		Households	Families
Chatham Township	\$83,162	\$135,759	\$194,766
Morris County	\$48,814	\$98,633	\$117,683
New Jersey	\$36,027	\$71,629	\$87,347

Chatham Township also had significantly fewer persons qualifying for poverty status than the County and the State. Poverty status annual income, based on the 2013 cost of an economy food plan, ranged from \$11,770 for a one-person family to \$20,090 for a three-person family and \$40,898 for an eight-person family.

*Poverty Status for Persons and Families for Township, County, and State
(% with 2009-2013 income below poverty)*

Jurisdiction	Persons (%)	Families (%)
Chatham Township	3.9	1.5
Morris County	4.4	3.0
New Jersey	10.4	7.9

Residents appear to like it here, with nearly half living in the same house in 2013 that they lived in 1999, and Chatham Township residents are highly educated, with a much higher percentage having achieved a bachelor's degree or higher (74%) than both the County (50%) and the State (35.8%).

With regard to commuting, most workers (72%) drive alone, while a relatively low percentage of workers carpool (3%). However, a relatively large percentage from Chatham Township (14%) used public transit, triple the Morris County rate and 150% of the Statewide rate. A small but growing number (9.6%) of workers worked from home.

With regard to employment, nearly 2/3 of Chatham Township residents are employed in three (3) industry categories, including finance/insurance/real estate, educational services/health care/social assistance and professional/scientific/management/administrative/waste management.

4. *Maintaining a reasonable balance of housing types for all segments of the population.*

Chatham Township is a desirable residential community with a broad spectrum of housing opportunities. These include housing for households in the upper and middle income brackets, provided for by the market, and opportunities for low income households.

Subsequent to a Final Judgment of Compliance (Green Village 139 Corp. et al v. Township of Chatham et al.), Chatham received substantive certification from COAH on March 5, 1997 for its revised *Housing Element and Fair Share Plan*. The Township subsequently submitted two (2) versions of its *Housing Element and Fair Share Plan* for substantive certification from COAH.

These plans were adopted by the Planning Board in 2005 and 2008, in response to changing COAH rules, before COAH failed to meet a court-ordered deadline and was removed from the process of defining Chatham Township's Third Round obligation. The Housing Element, which provides a summary of demographic and housing characteristics as required by law, is being updated and a new *Housing Element and Fair Share* will be adopted pursuant to the Declaratory Judgment action filed in 2014.

5. *Offering flexibility in development techniques.*

The Township's land use regulations, which have long included provisions for residential cluster, lot size averaging, planned multi-family development and planned commercial development, have been refined. Regulations limiting disturbance to steep slopes have been fine-tuned and ordinance provisions setting buffers to stream corridors and controlling development within flood hazard areas have been updated.

6. *Protecting the existing residential character of the community from non-residential intrusions.*

The Township's compact non-residential districts, which accommodate retail and professional office activity, are well defined and are not likely to intrude into residential areas. Township acquisition of the undeveloped Giralda Farms property for open space eliminated any potential land use conflicts from future development. Hickory Tree, which remains the Township's "downtown" commercial area, is tightly defined by dense residential neighborhoods and not likely to expand.

7. *Promoting pedestrian and bicycle use to reduce traffic and facilitate safe and enjoyable walking and cycling.*

The 1999 *Master Plan* included a *Walkway/Bikeway Plan Element* to establish a safe and comprehensive system of pedestrian and bicycle routes throughout the Township linking open space, recreational areas, residential neighborhoods and business centers. Specific recommendations included the creation of shared roadways with designated bike lanes and the development of multi-use paths, set apart from vehicular traffic, for walking, jogging and bicycle use. Sidewalks along one or both sides of major roads within the Township were also proposed.

In 2009, the Planning Board adopted *Charting Our Course: A Walkway and Bikeway Plan for Chatham Township*, an update to the 1999 Walkway and Bikeway Plan. The 2009 document included both a Long Range Plan and an Implementation Plan. The Long Range Plan was designed to:

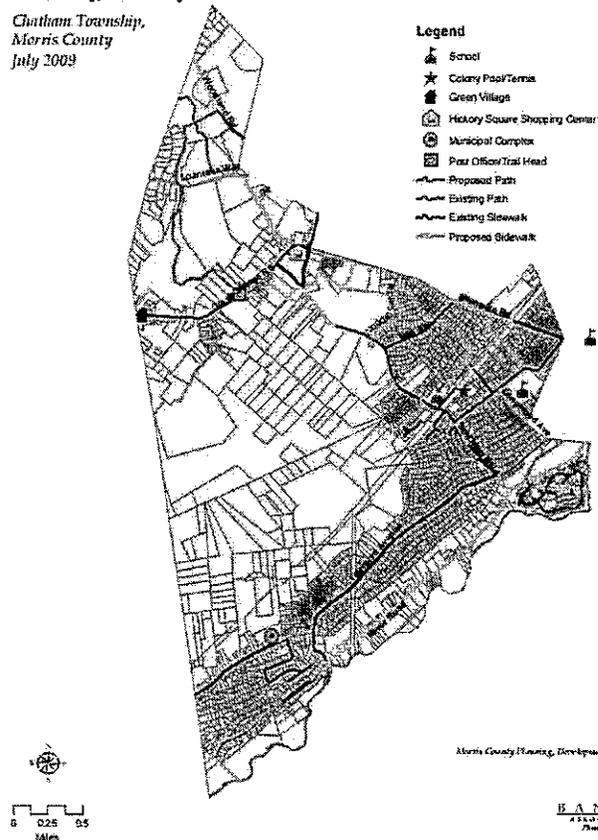
- Review and evaluate the appropriateness of the designated walkway and bikeway routes as shown in the 1999 Master Plan.
- Identify missing links in the overall pedestrian and bikeway circulation plan.
- Evaluate and prioritize segments based on functional and safety considerations.
- Identify areas of future connectivity.
- Develop an updated composite map of public lands and facilities and compare to the current 1999 Walkway and Bikeway Plan.
- Provide a “toolbox” that includes design guidelines for pedestrian and bike path improvements.
- Identify funding sources and partners that can help reach these goals.
- Identify the preferred location for connecting Nash Field to the Loantaka Trail.

The Plan identified areas throughout the Township in need of enhanced pedestrian and bicycle access, including:

- Green Village Post Office and Loantaka Trail Head
- Green Village Hamlet
- Hickory Square Shopping Center
- Loantaka Brook Reservation
- Chatham High School and Lafayette School
- Floral Hill Neighborhood
- Municipal Complex
- Esternay Field
- Passaic River Trails

**Figure 4:
Walkway/Bikeway Plan**

Chatham Township,
Morris County
July 2009



The Implementation Plan, intended as a companion document for use by the Township Committee in establishing spending priorities, was designed to:

- Identify needed improvements for one-, three- and five-year horizons, and
- Identify roadway locations in need of pedestrian and bicycle improvements.

8. *Maintaining a basic system of existing roads and planning for future transportation needs.*

The *Circulation Element* of the 1999 *Master Plan* included an analysis of the Township's road network and recommended further study and specific improvements including the widening of municipal and county roads in conjunction with new development then under consideration. The once-proposed realignment of Green Village Road to the north of Shunpike Road is no longer viable in light of new residential development in that vicinity.

The Township's 2006 *Master Plan Re-examination Report* called on the Planning Board to update the *Circulation Plan* with the following recommendation:

“Balancing the need to accommodate increased traffic volumes on the Township’s streets with maintaining community character should be a key focus of an updated *Circulation Plan Element*. This *Reexamination Report* recommends the *Circulation Element* be updated to ensure that earlier recommendations have been accomplished or remain feasible. Such an analysis will also provide the Planning Board an opportunity to *ensure pedestrian and bikeway facilities are incorporated where appropriate* and evaluate the impact from such improvements on the quality of life of Township residents and businesses. Consideration should be given to *appropriate traffic calming techniques to protect neighborhood character and improve safety.*”

(emphasis added)

Since the 2006 *Reexamination*, the Planning Board began the process of updating the *Circulation Plan*, responding to the concerns highlighted in 2006 with a “complete streets” approach in 2014. According to the National Complete Streets Coalition:

Complete streets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to safely move along and across a complete street.

The shift to a broader view of how our roads should serve us has led to the enactment by the State of New Jersey of the strongest Complete Streets policy in the nation, and New Jersey urges its municipalities to adopt this approach.

“The New Jersey Department of Transportation shall implement a Complete Streets policy though the planning, design, construction, maintenance and operation of new and

retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities...The Department strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs."

A draft update to the Circulation Plan, titled *Complete Streets Circulation Plan Element*, was reviewed by the Planning Board in 2014 but never adopted. Given the relationship between the Walkway/Bikeway Plan and the complete streets concept, the Planning Board should complete the Circulation Plan update.

9. *Preserving land in appropriate locations to meet future community facility, recreational, and open space needs by:*

- a. promoting greater sensitivity to environmental concerns by recognizing wetland, steep slope and floodplain constraints.*
- b. offering greater protection to the Great Swamp National Wildlife Refuge and other public lands, not only through careful control of development in the watershed, but also through acquisition of additional lands adjoining the public lands.*
- c. preserving other vacant lands, recognizing that they are limited and, once developed, are lost forever.*

In 2010 the Planning Board adopted an updated Open Space Plan. A key element of the Township Master Plan, this element provides a framework for preserving open space and a guide for the decisions regarding the preservation of open space in the township. The plan:

- identifies the type of lands that should be preserved and recommends the methods to be used for the acquisition and/or preservation of such lands;
- recommends the development of trails and paths to enhance the ability to enjoy our natural surroundings and to improve our ability to traverse through the township without the use of a motorized vehicle;
- protects ecologically sensitive flora and wildlife in Chatham township;
- unifies these various elements into a comprehensive open space system of interconnected green space and green ways;
- enhances the quality of life for township residents;

The Open Space Plan embraces the multiple advantages of a greenway system for Chatham Township to connect neighborhoods with nature, existing parks, recreational areas and public buildings and neighboring communities and acknowledges the open space partners that contribute to the system. Among the open space and recreational land inventory were:

- **Federal** - the Great Swamp National Wildlife Refuge, the largest single land holding (1397 acres) in Chatham Township.

- **County** - Morris County Parklands account for 616 acres in Chatham Township, including the Loantaka Brook Reservation, Passaic River Park, and the Great Swamp Outdoor Education Center.
- **Chatham Township** parks, open spaces and recreational facilities are found at Shunpike Field, Nash Field, Esternay Field, Colony Pool, Green Village Park and the Municipal Complex. Prior to the creation of the Open Space Committee in 1997, Chatham Township owned 130 acres of undeveloped open space. Since 1997, 13 properties have been added to the list of passive recreation/undeveloped lands (Nash Field Extension, Green Village Road properties).

Open Space Plan proposals included:

The Chatham Township Heritage Greenway is proposed as a multi-use trail connecting the passive and active recreational areas within Chatham Township to provide a recreational pathway for the residents, which would include an educational, recreational and jogging trails and serve as a connector between home and public places.

The Hickory Tree Greenbelt would provide a clear delineation between the town center with its commercial buildings and the residential areas outside the greenbelt.

Proposed Bikeways The Open Space Plan also supports the creation of bike lanes and sidewalks along Southern Boulevard, Shunpike Road and Green Village Road to allow alternate safe methods of travel to the town center for its residents.

Open Space preservation priorities were used as the basis for future acquisition or development, including:

- Lands that connect existing public land
- Lands that include environmentally sensitive areas, streams, wetlands, floodplains, steep slopes, and aquifer recharge areas
- Lands that provide active and/or passive recreational uses
- Lands that preserve scenic vistas

10. *Protecting the Passaic River, the Loantaka Brook and Black Brook and the Great Swamp National Wildlife Refuge.*

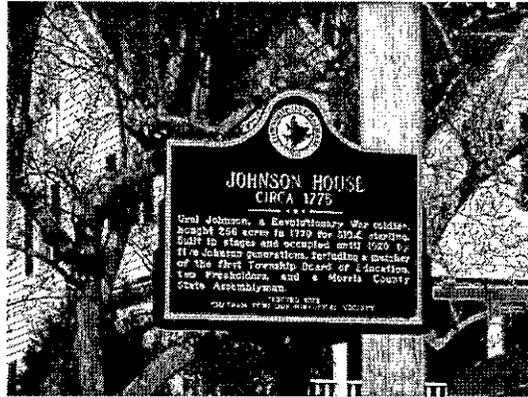
The Township established the Great Swamp Watershed Overlay District to provide for a comprehensive stormwater management plan within the Watershed, and adopted ordinances to protect the Watershed. The Planning Board also adopted a *Conservation Plan Element* and a *Municipal Stormwater Management Plan* in June 2005, each containing specific proposals to further enhance the protective measures for the stream corridors and the portion of the Great Swamp within Chatham.

Educational efforts alerting residents to the deleterious impacts of fertilizers and pesticides on surface waters are ongoing at the State and County level. It may be useful to explore a “river-

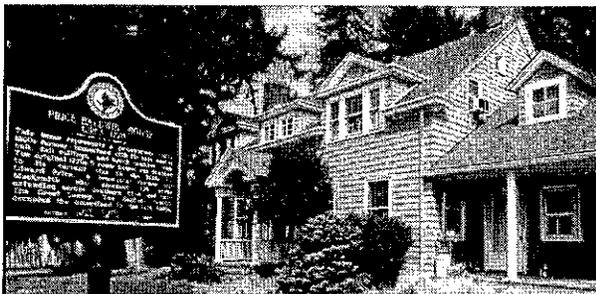
friendly” approach to build local awareness of the impacts these chemicals have on stream and river water quality.

11. *Preserving local heritage by protecting historic buildings and other landmarks for the cultural benefit of present and future generations.*

The Historical Society of the Township of Chatham, a membership organization established in 1975 to increase knowledge, awareness and preservation of Township history has played an important educational role in promoting an understanding of the Township’s heritage sites. Of particular note are the highly visible Historic Markers, which detail the significance of sites predating the Revolution. For details regarding the Historic Marker Project see: <http://chathamtownshiphistoricalsociety.org/uploads/3/4/5/6/34564920/historicmarkertour.pdf>.



The Historical Society has also called attention to the Continental Army’s First Winter Encampment (January –May 1777), when Washington sent his troops to stay in what is now Chatham Township, after decisive victories in Trenton and Princeton, exactly 240 years ago. While Washington was headquartered in Morristown, most of the army was sent a few miles southeast to the Lowantica Valley (now called Loantaka) - ideal for a Winter Encampment because of its proximity to Lowantica Brook with its good source of fresh water and a gently sloping terrain that offered protection from the harsh northern winds.



Additionally, cultural and historic resource protection has been advanced by Chatham Township through the preparation of a *Historic Preservation Element* which includes a Historic Site Survey. To date no Historic Preservation Commission has been established and no historic districts have been designated within the zoning ordinance pursuant to the Municipal Land Use.

12. *Encouraging the continuation of remaining agricultural activity.*

The desirability of Chatham Township has put pressure on its farmland resources over the years, as they are generally easy to convert to residential homesites. However, preservation efforts in northern Chatham Township since 2006 have seen the Kirby farm deed-restricted against future non-agricultural development. The open space character of this area was also enhanced by the permanent preservation of Giralda Farms as open space.



Community gardening is a way of life in the Township. The Chatham Community Garden, located at 87 Woodland Road, "...provide an environment for individuals and families to grow a thriving garden, to build and nurture community friendships, and to share and grow gardening skills".

The Community Garden Advisory Committee (volunteers from current plot holders) oversees the operation of the garden.

Other efforts to promote local agricultural pursuits have included the adoption of the "market garden" ordinance. A "market garden", which includes the organic planting, growing and harvesting of produce, fruit trees, flowers for cutting, and bee keeping, and allows the products to be offered for sale off premises, is permitted as a conditional use on any residential lot over 3 acres in size.

13. Creating a planning and development environment that will promote fiscally sound municipal government affordable to all residents.

When examined in 2006, development and the accompanying increase in population growth had resulted in increased demand for government services and put additional stress on municipal facilities. The increase in school population had required the expansion of school classroom facilities, cafeterias and playing fields. The increased demand for recreational facilities had created a requirement for additional open space for recreational facilities and a need to rebuild the existing recreational fields to accommodate additional activities. This growth had a fiscal impact on property taxes, in particular on school taxes, but also on municipal taxes, as municipal resources are utilized to build and maintain recreational facilities.

In 2006, the ability of the Township to continue to grow was limited by the availability of useable vacant land, existing zoning, and the capacity of municipal wastewater facilities to service future development. Because of the state's tightening discharge requirements and the existence of the Great Swamp National Wildlife Refuge downstream from the sewer plant, it was seen as unlikely that increased capacity would be approved in the future. Subsequent developments, including the ability to prevent further degradation of the Great Swamp by diverting treated wastewater to the Passaic River, has freed some additional capacity for additional development.

Shared services are another factor that demonstrates effective municipal management in this Township where the municipal tax rate is essentially the same as it was in 2006. The Township has partnered with Chatham Borough to achieve increased economies of scale in providing emergency services, athletic programs, senior programs, library and schools to serve residents of the two municipalities.

C. 55D-89c “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.”

CHATHAM TOWNSHIP MASTER PLAN

Status of 2006 Reexamination Master Plan Recommendations

1. **Updated Statement of Goals and Objectives – Adopted by the Planning Board in the 2010 Land Use Plan.**
2. **Update Open Space Element and Walkway/Bikeway Plan - Adopted by the Planning Board in the 2010 Open Space Plan Element and Charting Our Course: Walkway and Bikeway Plan (2009).**
3. **Update Circulation Plan – Draft discussed by Planning Board in 2014 – No action taken to date.**
4. **Update Historic Site Inventory and Evaluate Landmark Designation/Historic Districts – No action taken to date.**
5. **Evaluate Special Planning Areas and Issues (Giralda Farms, Rolling Knoll Landfill, Hillside Avenue/North River Road, South River Road, Green Village area, Areas of severe steep slope, Loantaka Plain) – **All addressed in 2010 Land Use Plan.****
6. **Expand shared services initiatives – Expanded Services:**
 - Municipal Court – Madison, Chatham Borough, Harding Twp and Morris Twp.
 - Dispatch – County
 - Recreation – Chatham Borough
7. **Expand sustainable land use and management practices recommended in the 2005 Conservation Plan including:**
 - a. Reexamination of stream buffer requirements and development of environmental restoration or improvement projects on public and private lands - **Ongoing effort.**
 - b. Encourage land acquisition and expanded conservation easements to provide open space access to a connected system of Greenways, and promote forest management awareness – **Open space purchases have included Giralda Farms and a portion of the Averett farm on Hillside Avenue.**
 - c. Improve pollution avoidance through enhanced stormwater management. Explore pesticide & fertilizer regulations and assess septic system impacts on ground water quality – **Chatham Township adopted state regulations on fertilizer management.**
 - d. Reduce auto emissions and reliance on automobiles by linking parks, open spaces, and commercial areas with walkways, bikeways, and multi-purpose trails as well as bike racks and pedestrian amenities. Promote walking to school. **Chatham Township adopted the update to the Walkway and Bikeway Plan in 2009, advanced Safe**

Routes to School initiatives to support walking to school, (including applying for and receiving sidewalk grants) built sidewalks, bike paths and trails.

e. **Improve energy efficiency and cost savings at public facilities. Retrofitted light fixtures at municipal facilities for improved efficiency; installed motion sensor switches; reduced electric consumption.**

f. **Promote public education offerings and public school curricula on sustainable lifestyle choices. Ongoing effort.**

g. **Protect the Township's scenic character attributes, including natural and cultural assets. - Major open space purchases at Giralda Farms and Hillside Avenue helped preserve scenic character. Historic sites identification underway working with Historical Society to install signs identifying historic places. Maintenance and improvements made to Colony Pool Club - a historic site founded by Russian and European immigrants.**

Status of 2006 Reexamination Ordinance Recommendations

1. Residential Infill Standards. **Ordinances** regulating the width of homes constructed and the size of corner lots **have addressed some neighborhood character concerns** in the renovation and re-construction of existing homes within the R-3 Zone. However, as noted in 2006, a related issue - the preservation of mature vegetation in existing neighborhoods – merits attention. Requirements for a landscape assessment prior to issuance of a demolition permit, and a lot landscape plan should be required as part of the lot grading plan for home renovations and “tear-down – rebuild” projects, including specifications for new or additional landscaping.
2. Co-location for Telecommunication Towers/Antennas. **The Planning Board did not recommend** expanding the areas where wireless telecommunications equipment can be erected or installed.
3. Implement Conservation Plan Strategies - A number of the strategies set forth in the June 2005 Conservation Plan were enacted but others may still merit amendments to the Land Use Regulations. These include:
 - a. Useable lot area requirements. **Updated since 2006**
 - b. Lot size averaging requirements. **No action taken**

Develop design standards and other ordinance modifications to ensure that the protection of steep slopes and other environmentally critical areas is not compromised when lot size averaging is employed in development or subdivision applications.
 - c. Impervious coverage regulations. – **No action taken**

Develop revisions or amendments to impervious coverage regulations in each zone district to ensure consistency with the objectives of the NJDEP and Township stormwater regulations. Explore options for parking lots to be semi-impervious wherever possible.

d. Overlay zoning. – **No action taken**

Assess the need for and application of overlay zoning for steep slopes, aquifer recharge areas, stream buffers and greenways as a mechanism for implementation of other Township goals including the Municipal Stormwater Management Plan Element of the Master Plan.

e. Conservation easement tracking. – **Ongoing Effort**

Create a standard conservation easement tracking and monitoring system to be part of the responsibilities of the township administration, in order to monitor conservation easements.

STATE PLANNING INITIATIVES

State Strategic Plan: New Jersey's State Development & Redevelopment Plan (SSP)

In response to Governor Christie's Executive Order No. 78 issued October 19, 2011, the State Planning Commission (SPC) voted on November 14, 2011 to adopt a final draft of the State Plan which differs significantly from the existing *State Development and Redevelopment Plan* (SDRP). Following a series of public hearings and revisions if required, the SPC will consider approving the new plan, entitled *Proposed Final Draft – State Strategic Plan: New Jersey's State Development & Redevelopment Plan* (SSP).

The new SSP would do away with the State Plan Policy Map which divides the State into Planning Areas to delineate growth and preservation areas. The SSP also eliminates the Plan Endorsement process and Center designation opting for "*priority industry clusters...complemented with a local agenda...*" to determine where development and redevelopment can be supported by existing, expanded and new infrastructure. A primary goal of the SSP seeks to achieve better inter-agency coordination of such efforts in contrast with the experience under the SDRP. At the other end of the spectrum the SSP proposes "*priority preservation investment areas*".

The goals of the SSP include:

1. Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance.

Objectives

- 1.1 Map priority industry clusters for sectors of statewide significance
- 1.2 Improve conditions for sectors of statewide significance
- 1.3 Support of land and water based industries
- 1.4 Align partnerships and working groups

2. Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region.

Objectives

- 2.1 Establish “priority growth investment area” criteria
- 2.2 Increase readiness and availability of redevelopment sites
- 2.3 Invest in growth infrastructure
- 2.4 Influence implementation of priority growth investment area development
- 2.5 Assist urban center evolve into components of healthy metropolitan areas
- 2.6 Strengthen county planning role to facilitate regional collaboration

3. Preservation and Enhancement of Critical State Resources

Ensure that strategies for growth include preservation of the State’s critical natural, agricultural, scenic, recreation and historic resources, recognizing the role they play in sustaining and improving the quality of life for New Jersey residents and attracting economic growth.

Objectives

- 3.1 Provide for the continued success of the State’s preservation programs
- 3.2 Coordinate functional plans related to transportation, energy and the environment with land use and economic development initiatives
- 3.3 Coordinate State preservation and economic development initiatives
- 3.4 Strengthen and expand regional and municipal land use tools

4. Tactical Alignment of Government

Ensure effective resource allocation, coordination, cooperation and communication among those who play an imperative role in meeting the mission of the Plan.

Objectives

- 4.1 Cohesive State government
- 4.2 Connect spending to the State’s goals and values
- 4.3 Re-focus the State Planning Commission for local government coordination
- 4.4 Reposition the Office for Planning Advocacy

The SSP also outlines a series of growth areas to be identified through a process to determine “priority growth investment areas” which are to include:

- Major Urban Centers, as previously identified by the 2001 State Plan
- Areas identified as —Priority Industry Clusters
- SPC Designated Centers (currently or previously designated as such by the SPC)
- Port areas
- Existing Communities and/or Growth areas, as designated by Regional or County Master Plans
- Municipally designated redevelopment areas and receiving areas under Municipal Transfer of Development Rights Programs
- Areas designated by existing or future federal and/or State targeted public investment programs

The SSP establishes what are known as the *Garden State Values* to assist in establishing the priority growth investment areas. The ten elements comprising the *Garden State Values* are:

1. Concentrate development and mix uses
2. Prioritize redevelopment, infill and existing infrastructure
3. Increase job and business opportunities in priority growth investment areas

4. Create high-quality, livable places
5. Provide transportation choice and efficient mobility of goods
6. Advance equity
7. Diversity housing opportunities
8. Provide for healthy communities through environmental protection and enhancement
9. Protect, restore and enhance agricultural, recreational and heritage lands
10. Make decisions within a regional framework

MUNICIPAL LAND USE LAW

The Municipal Land Use Law has incorporated many amendments since 2003 as follows:

Green Plan Element

On August 8, 2008, the Municipal Land Use Law was amended at N.J.S.A. 40:55D-28.b. to include provisions authorizing a municipality to prepare and adopt a “Green Plan Element” as follows:

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

Local regulators may find that concerns will emerge since the hardware used for harnessing solar or wind power can have significant visual impacts on community character. This may require the development of policies and regulations to minimize the intrusion of these changes into the built environment, particularly as they affect historic resources and districts. Additionally, as municipalities seek to encourage innovative conservation and sustainable development techniques, an evaluation should be undertaken as to how the local Master Plan and Zoning Ordinance can influence and incentivize desirable changes.

Time of Application Rule

On May 5, 2010 the Governor signed P.L. 2010, c.9, dubbed the “Time of Application Rule”, making applications for development subject to applicable regulations in effect on the date the application for development is submitted. This time of application rule was intended to provide developers a measure of certainty that the local regulations in effect when they file their applications will govern any development approvals. The only exceptions to this new rule will be those relating to health and public safety.

Renewable Energy

A number of statutory changes to the MLUL have been adopted concerning wind and solar energy facilities. Wind, solar and photovoltaic systems are now defined in the MLUL:

“Wind, solar or photovoltaic energy facility or structure” means a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.” [40:55D-7]

In addition, the definition of “Inherently beneficial use” in the in the MLUL has been amended and reads as follows:

“means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.” [40:55D-4]

Wind, solar and photovoltaic systems, under the MLUL, are accorded permitted use status in any industrial zone district on a parcel consisting of at least 20 acres. In terms of solar panels, local ordinances cannot include solar panels when calculating impervious coverage limits, although the base of such structures does count towards impervious coverage.

Small wind energy systems can be regulated by municipalities subject to certain limitations, which are set forth in the MLUL. The ordinance cannot impose unreasonable limits or hinder the functional ability of such facilities by prohibiting them in all zone districts and it must account for the type of towers associated with wind turbines when setting height restrictions. It cannot require setbacks from property boundaries greater than 150 percent of the system height while restrictions on noise levels cannot be set below 55 decibels.

Master Plan Reexamination Report

The MLUL was amended in May 2011 to modify the requirement for municipalities to conduct a periodic examination of the Master Plan and development regulations at least once every ten years. The standard had been every six years. [NJS 40:55D-89]

OTHER LEGISLATIVE ACTIONS

Conversion Bill

On July 2, 2009, legislation took effect that impacts approved age-restricted developments. The Conversion Bill enables the developer holding a development approval for an age-restricted development to change the development to a converted development. “Converted development” is defined in the law as “a proposed age-restricted development that will be marketed instead

with no age restrictions.” The law requires that an application be made to the approving authority (Land Use Board) and to comply with certain requirements, including setting aside 20% of the units as affordable housing. The law also provides that the developer address certain basic requirements to convert the development, such as:

- Recreation improvements and other amenities;
- Provision of adequate water supply and sewer capacity;
- Provision of adequate parking;

If the approving board determines that the requirements of the Law have been satisfied, *and* the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, the application for the conversion “shall be approved.”

2.5% Non-Residential Development Fee

The 2.5% fee on non-residential development, made collectible pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1-8.7) was later suspended under the New Jersey Stimulus Act of 2009. This legislation (S-2974/A-4221) suspended the 2.5% fee on non-residential development for a total period of 36 months, from July 1, 2011 through July 1, 2013.

This legislation does the following:

1. Suspends the housing obligation generated by non-residential development in the same manner, so that a municipality is not left with an unfunded housing obligation.
2. Allows for reimbursement to the developer, unless the municipality has expended the dollars. Municipalities eligible to collect the fee would not be required to refund monies that have been spent on affordable housing. In this case, the developer would need to submit a claim for a refund within 120 days of the effective date of the Act.

Renewable Energy Facilities on Preserved Farmland

When a farm is preserved, the landowner covenants that the preserved farm will only be used for agricultural purposes in a restriction that runs with the land. An amendment to the Agricultural Retention and Development Act to permit the installation and operation of biomass, solar or wind energy generation facilities on preserved farmland was enacted on January 16, 2010.

On June 3, 2013, new rules regarding solar energy generation on preserved farms went into effect as a means to provide an offset of costs to farmers for energy consumption while limiting the area of farm resources dedicated to such uses (N.J.A.C. 2:76-24). Under the new rules solar energy facilities may not occupy more than one percent of the farm as authorized pursuant to N.J.S.A. 4:1C-32.4.

Draft rules regarding the construction of wind generating systems on preserved farmland are still under review. N.J.A.C. 2:76-25.1 proposes to limit the area and total income and/or offset to electric production as seen in the adopted solar generation rules.

Wastewater Management Plans

The Department readopted the Water Quality Management Planning rules on May 20, 2008, with the rule readoption effective May 21, 2008 and adopted rule amendments, repeals and new rules effective July 7, 2008 (see 40 N.J.R. 4000(a)). The rule amendments and new rules provide the following:

- Reassign wastewater management planning responsibility to the county boards of chosen freeholders and require them to update WMPs;
- Establish clear standards for delineating appropriate sewer service areas to protect environmentally sensitive areas as well as clear, environmentally protective standards for the review of WQM plan amendments;
- Set forth clear standards to require identification of adequate wastewater management alternatives, address water supply, and control nonpoint source pollution (including controls related to stormwater, riparian zones and steep slopes);
- Require updated WMPs to address septic density in a manner that demonstrates compliance with a 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis or as required by development type and location;
- Makes provisions to allow the withdrawal of sewer service areas and re-designate these areas as general wastewater service area of 2,000 gallons per day or less and less than six residential units (restricted septic service areas) where the applicable WMP is not in compliance with the mandatory update schedule contained in the rules;
- Require municipalities to develop a septic system inventory and tracking system through an ordinance or other means which will ensure that septic systems are functioning properly through a mandatory maintenance program;

Additionally, the rules now require a consideration of the cumulative impact on ground water quality that would result from the density of individual wastewater discharges to ground water by demonstration of compliance with the Groundwater Quality Standard of 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis. These considerations will not only limit the degradation of ground water but will also assist in the protection of natural resources and surface water quality from nonpoint source impacts by limiting the density of development. The rules also include strict limitations on the disturbance of riparian zones and steep slopes and reinforce the Department's stormwater management requirements as required to protect water quality from nonpoint sources of pollution. Ultimately the WMPs help determine where wastewater infrastructure investments should occur to promote efficient and sustainable development. The Water Quality Management Planning rules required the transition of wastewater management planning responsibility from 161 wastewater management planning agencies to New Jersey's 21 counties.

NJDEP Stormwater Management Rules

In 2005, the NJDEP adopted long-awaited stormwater management rules, which resulted in the requirement for municipalities to adopt an individual Stormwater Management Plan, and established new standards for stormwater treatment and discharge. In addition, these rules established a 300' buffer around all Category 1 (C-1) waters in the State. Mandatory stormwater management ordinances were also required to be adopted by all NJ municipalities.

The Municipal Stormwater Regulation Program has assigned New Jersey municipalities into Tier A or Tier B. Tier A Municipalities are generally located within the more densely populated regions of the state or along or near the coast. Chatham is a Tier A municipality because it is located in a more densely populated area. The Tier A Municipal Stormwater General Permit authorizes the discharge of stormwater from small municipal separate storm sewers. The permit was issued in response to USEPA's phase II rules. The Tier A permit addresses stormwater quality issues related to both new and existing development.

Affordable Housing

Chatham Township received substantive certification of its Housing Element and Fair Share Plan (HE/FSP) from the Council on Affordable Housing on March 5, 1997. The Township remained in the COAH process, seeking and receiving an extension of substantive certification based on a commitment to submit a revised HE/FSP by December 20, 2005. Chatham Township subsequently prepared two separate Third Round Housing Elements and Fair Share Plans (in 2005 and again in 2008) in an attempt to address COAH's changing Third Round rules after the Appellate Division invalidated substantial parts of the Third Round rules, resulting in extensive revisions and delays in approval of new rules.

On March 10, 2015 the New Jersey Supreme Court in *In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), now commonly referred to as *Mount Laurel IV*, removed COAH from the affordable housing arena and sent municipalities to court for compliance judgments. The court determined that the Council on Affordable Housing (COAH) failed to meet its legislative mandate to promulgate rules establishing municipal affordable housing obligations and related compliance mechanisms.

The court transferred municipalities that had been under COAH's jurisdiction to the trial courts for a determination on their fair share obligations and approval of a Housing Element and Fair Share Plan outlining the municipality's strategy for meeting the fair share obligation. Two years after Mt. Laurel IV, extensive litigation in the Superior Court has failed to define the proper methodology and calculation of affordable housing obligations.

Chatham Township filed a Declaratory Judgment lawsuit pursuant to the Supreme Court's direction, requesting that the Court review and approve its Housing Element and Fair Share Plan

once the fair share obligation is known. Proceedings in Superior Court are ongoing and the Township will be required to prepare a compliant HE/FSP during the upcoming period.

C. 40:55D-89d. 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.

This Reexamination Report concludes that the Planning Board should continue the ongoing updating of relevant portions of the Master Plan, but does not conclude that a new plan needs to be prepared. Rather, fine-tuning and the addition of some needed controls are recommended at this time.

1. ***Consider Rezoning Dixie Dale*** – The Planning Board is considering a rezoning request for a 30+ acre tract on River Road and Hillside for multiple family townhouse development, similar to the more recent townhouse neighborhoods in northern Chatham Township.
2. ***Prepare a new Housing Element and Fair Share Plan*** – At such time as the Township’s affordable housing obligation is known, through litigation or settlement, a new HE/FSP will have to be prepared. Toward this end, the demographic, economic and housing data, required by statute as part of a housing element, has been compiled as part of the upcoming HE/FSP, and is briefly summarized in this report.
3. ***Take steps to prevent overbuilding*** – Major additions and tear downs are transforming the landscape of Chatham Township, both its buildings and its vegetated areas. The desirability of Chatham Township makes tearing down older homes financially cost effective, but it also threatens the character of settled neighborhoods. Efforts to rein in the overbuilding, which have included limits on the width of houses and how corner lots can be developed, have not prevented excessive disturbance and landscape alterations. Additional approaches that should be explored include:
 - Protect mature landscape elements - as noted in 2006, the preservation of mature healthy vegetation in existing neighborhoods merits additional attention. Requirements for a landscape assessment prior to issuance of a demolition permit, and a lot landscape plan should be required as part of the lot grading plan for major home renovations and “tear-down” projects, including specifications for new or additional landscaping. Fine tuning of the lot grading plan, which is heavily influential on the fate of mature landscaping, could include an existing conditions plan. Additionally a landscape plan for such expansions could be tied to an ordinance that requires landscaping (eg. - street trees) so that if new construction removes these mature trees, they should be replaced, probably with larger than standard plantings. It

may be possible to require an assessment of landscape value of the existing vegetation and require a replacement formula for trees and shrubs.

- Limit construction phase impacts – a tear down/rebuild project involves demolition, collection and removal of debris, site grading in many cases and a construction phase that will typically last from three to six months. During the construction phase, contractor vehicles generally travel all over the site, in many cases compacting the root zone around mature trees worthy of being saved. Nonetheless, as the construction site becomes an excavation and disturbance area, mud is tracked from the property, construction vehicles occupy not only the lot but the neighborhood area near the lot and construction activities disrupt the settled neighborhood character that has existed since these suburban neighborhoods were constructed, sometimes three or four decades ago.
- Establish a protocol for managing the impacts of substantial additions (i.e. over 50%) or tear downs. Require a permit applicant to agree to abide by certain standards for the construction period. These may include:
 1. soil conservation measures for disturbed areas, regardless of whether they exceed the 5,000 square foot threshold for soil conservation district approval,
 2. limitations on hours of construction and vegetation removal, and,
 3. protocols for handling of construction-generated waste.

C. 40:55D-89e 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: 12 A-1 et seq.) 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."

Chatham Township is currently conducting a preliminary redevelopment investigation to determine whether the skate park site qualifies as an area in need of redevelopment pursuant to the *Local Redevelopment and Housing Law*. These lands, situated in the AH Affordable Housing Zone, may be developed as affordable housing if this designation is made.

If the Township Committee finds this site to be an area in need of redevelopment, it is likely that they will prepare, or direct the preparation of, a redevelopment plan that provides for affordable housing.