

2023

PERIODIC REEXAMINATION REPORT OF THE
MASTER PLAN & DEVELOPMENT REGULATIONS
&
AMENDMENTS TO THE LAND USE PLAN &
HOUSING PLAN ELEMENTS OF THE
CLINTON TOWNSHIP MASTER PLAN

**Clinton Township
Hunterdon County, New Jersey**

February 23, 2023
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COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

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Township of Clinton
Hunterdon County, New Jersey

Prepared for:
Township of Clinton Planning Board
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The original document was appropriately signed and sealed on February 23, 2023 in accordance with N.J.S.A. 45:14A-12.

Thomas Behrens, Jr., P.P., AICP
Professional Planner #6323

MEMBERS OF THE TOWNSHIP OF CLINTON PLANNING BOARD

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William Closs

TOWNSHIP ATTORNEY

Trishka Waterbury Cecil, Esq.
Mason, Griffin & Pierson, PC

PLANNING ADMINISTRATOR

Denise Filardo

PLANNING BOARD ATTORNEY

Jonathan Drill, Esq.
Stickel, Koenig, Sullivan & Drill, LLC

PLANNING BOARD ENGINEER

Larry Plevier, PE, CME
Mott MacDonald

PLANNING CONSULTANT

Tom Behrens, PP, AICP
Burgis Associates, Inc.

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I. INTRODUCTION

1.1 INTRODUCTION

The term ‘master plan’ is defined by the Municipal Land Use Law (“MLUL”) (N.J.S.A. 40:55D-1 et seq.) as ‘a composite of one or more written or graphic proposals for the development of the municipality.’ In accordance with the MLUL, the preparation and adoption of a master plan is a primary function of the municipality’s Planning Board which is responsible for establishing the land use policies, goals and objectives intended to achieve the future vision of the community. The master plan serves as the basis for the municipality’s land use and zoning ordinances which must be consistent with the provisions of the plan. To encourage consistency between these policy and regulatory documents, and address any changes in local and broader conditions, the MLUL requires the Planning Board to conduct a periodic reexamination or analysis of the master plan and development regulations at least once every 10 years.

In 1962, Clinton Township adopted its first comprehensive Master Plan which has since been updated on a regular basis to address the evolving development interests in the municipality and region, including the preservation of the Township’s agricultural heritage, changing development patterns, affordable housing and inclusion in the New Jersey Highlands Region, among other notable considerations. The Planning Board adopted the Township’s most recent comprehensive Reexamination Report of the Master Plan and Development Ordinances on March 16, 2020. This report was supplemented by the Planning Board on June 7, 2021 with the adoption of a new Reexamination Report to incorporate two new inclusionary affordable housing developments in the Township’s Third Round Housing Element and Fair Share Plan. The 2021 Reexamination Report was accompanied by amendments to the Township’s Land Use Plan and Housing Elements to facilitate the creation of the AH-9 Zone and AH-10 Zone (Grayrock Road Redevelopment Area).

This 2023 Reexamination Report is generally consistent with the land use policies and goals of the Township’s previous planning documents, particularly its 2020 Reexamination Report and Land Use Plan Element Amendment and subsequent 2021 Reexamination Report and amendments to the Land Use Plan and Housing Elements of the Township Master Plan. The recommendations set forth in this report are intended to preserve and enhance the rural character of the community, protect existing residential areas, promote economic development in appropriate locations and provide affordable housing 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 and amendments thereto which establish the land use policies of the municipalities. The master plan gives the community the legal basis to control development in the municipality through the adoption of development ordinances that are designed to implement the plan’s policies and recommendations.

The MLUL identifies the required contents of a master plan which 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 several 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 Planning Board is also responsible for the preparation of a reexamination report of the master plan and development ordinances which serves as an analysis of the current land use policies and regulations, which may also include recommended amendments to those documents. The MLUL was amended in May 2011 to require planning boards to prepare a reexamination report at least once every ten years. Previously, planning boards were required to prepare such a review at least once every six years.

It is the Clinton Township Planning Board's intent to amend the Township's Land Use Plan and Housing Plan Elements to implement certain recommendations contained in this 2023 Reexamination Report and establish same as land use policy. In accordance with N.J.S.A. 40:55D-28a, "the planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare. The Township's master plan amendments incorporated in this document have been prepared and implemented accordingly.

1.3 LEGAL REQUIREMENTS FOR REEXAMINATION REPORTS

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 the report must address, at a minimum, the following components:

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; and
6. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

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
2020	Periodic Reexamination Report of the Master Plan & Development Regulations & Land Use Plan Element Amendment
2021	Periodic Reexamination Report of the Master Plan & Development Regulations
2021	Amendment to the Land Use Plan Element
2021	Amendment to the Housing Element and Fair Share Plan

II. 2020 & 2021 REEXAMINATION REPORTS MAJOR PROBLEMS & OBJECTIVES; EXTENT TO WHICH ISSUES HAVE BEEN ADDRESSED

As part of the overall master plan reexamination analysis, the 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 2020 comprehensive and 2021 Reexamination Reports of the Master Plan and Development Ordinances as summarized below. This 2023 Reexamination Report affirms the Township's land use goals and objectives contained in its 2006 Master Plan and 2018 and 2020 Land Use Plan Element Amendments.

2.1 DEVELOPMENT REGULATIONS DISCUSSED IN 2020 & 2021 REEXAMINATION REPORTS

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 rezoning 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.

2023 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. Sexually Oriented Businesses. The Zoning Ordinance should be reviewed and revised, if necessary, in accordance with the applicable case law.

2023 Policy Statement. This recommendation has yet to be addressed and remains valid.

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

2023 Policy Statement. This recommendation has yet to be addressed and remains valid. The Planning Board recommends the zoning ordinance be updated to provide definitions for all uses listed as permitted in the Township's various zones. The Planning Board specifically recommends the preparation of new definitions to more precisely distinguish between various restaurant uses including take-out and fast-food establishments as well as for combined motor vehicle filling station and convenience store uses.

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

2023 Policy Statement. This recommendation has yet to be addressed and remains valid. NJDEP governs noise standards in New Jersey. The Township may adopt an ordinance which mirrors the NJDEP requirements.

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

2023 Policy Statement. This recommendation has yet to be addressed and remains valid.

6. 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 and consistent with the Township’s commitment to conform with the Highlands Regional Master Plan.

2023 Policy Statement. In 2021, the Township adopted a new C-ROM Zone which consolidated the ROC, C-2 and ROM-3 Zones along Route 22.

7. 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 4 on page 27 illustrates the subject area and zones along the Route 31 corridor.

2023 Policy Statement. This report revises this recommendation in Section IV to create a new Highway Commercial Zone along Route 31 which consolidates the C-1 and OB-1 Zones as well as parcels from certain other zones.

8. Warehouse and Distribution Uses. The Planning Board recommends 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.

2023 Policy Statement. This issue remains valid. The Planning Board maintains the intent to discourage and prohibit the development of warehouse and distribution uses in the Township as the Township's roadway infrastructure cannot support the truck traffic generated from such uses and does not provide adequate connectivity to Route 31, 22 and 78. The Zoning Ordinance was amended in 2020 to include definitions for 'distribution center/facility' and 'warehouse'. The recently created C-ROM Zone located along Route 22 specifically prohibits warehouse and distribution uses. The Planning Board recommends the proposed Highway Commercial Zone along route 31 contain a similar prohibition as well as all other nonresidential zones.

9. 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).

2023 Policy Statement. Distilleries, wineries, breweries and similar type uses are now listed as a permitted principal use in the C-Rom Zone located along Route 22 created in 2020. The Zoning Ordinance was amended in 2020 to also permit EV charging facilities as proposed.

10. Revisions to 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.

2023 Policy Statement. The C-2 Zone was incorporated in the new C-ROM Zone in 2020 which does not have a maximum floor area requirement.

11. Amendment to the C-1 Zone to Add a Floor Area Requirement. In the 2020 Reexamination Report, the Planning Board recommended 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.

2023 Policy Statement. This recommendation is no longer valid. The Planning Board recommends the creation of a new Highway Commercial Zone which would incorporate the existing C-1 Zones along Route 31 and would not have a maximum floor area requirement. The Board also recommends the remaining C-1 Zone immediately south of the Annandale Train Station be revised to the OB-2 Zone.

12. Rezone Undeveloped Parcels from ROM-1 to RR-4 Zone North of Route 78. In 2020 the Planning Board recommended 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.

2023 Policy Statement. This zone change was implemented by the Township in 2020.

13. Vacate Portion of Hoffman Road. In 2020, the Planning Board recommended the Township vacate the undeveloped “paper street” identified as a portion of Hoffman Road on Township maps located immediately west of Patrick McGheran School. Neither the Township or Board of Education have any intention of developing this land as a public road. Upon vacating the roadway, adjacent property owners will have the opportunity to purchase the land and create parcels with greater development viability.

2023 Policy Statement. This recommendation remains valid.

14. Intersection of Petticoat Lane and Route 22. The 2020 Reexamination Report noted that 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.

2023 Policy Statement. This recommendation remains valid.

15. Bikeways. The 2020 Reexamination Report stated that 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.

2023 Policy Statement. This recommendation remains valid. The Township should consider implementing a complete street policy in appropriate locations to provide safe and efficient means for vehicular, pedestrian, bike and public transportation traffic.

2.2 PLANNING ISSUES DISCUSSED IN 2020 & 2021 REEXAMINATION REPORTS

1. Utilities. As noted in the 2020 Reexamination Report, the availability of water and sewer capacity in the Township remains severely constrained. The Township is legally obligated to prioritize the allocation of any available water and sewer capacity to the several affordable housing developments as specified in the Township's Third Amendment to its Settlement Agreement with Fair Share Housing Center. 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.' Similarly, the locations and capacities of on-site septic and treatment facilities are constrained by NJDEO and Highlands regulations. The Township has prepared an updated Wastewater Management Plan ("WMP") which is currently in review with the NJDEP.
2. 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 Township adopted an amendment to its Housing Element and Fair Share Plan in 2021 to facilitate new opportunities to develop affordable housing.
 - 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. The Township adopted its Highlands Land Use Ordinance in 2020.

E. Zoning Map. The Township's Zoning Map should be amended to reflect the Highlands zones and districts. The Planning Board recommends the Zoning Map be amended to depict the boundaries of the Highlands Planning and Preservation areas along with the various zoning amendments recommended in this document. The existing zones to remain and proposed rezonings are generally consistent with the applicable 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 some 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.

- I. Highlands Center Designation. In June 2022, the Highlands Council approved the Township's petition to create a new Highlands Center for two areas including the stretch of Route 31 extending north from Route 78 to Mariannes Corner and the area surrounding the Annandale Train Station.
 - 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 Township updated its WMP in 2021 which is currently in review by the NJDEP.
 - L. Municipal Stormwater Management Plan. The Township's 2005 Stormwater Management Report should be updated to incorporate the provisions of the Highlands Regional Plan. The Township anticipates amending its Stormwater Management Plan and ordinance in 2023.
3. 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.

2023 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. Since 2015, the Township has acquired several large pieces of land along Route 31 for the purposes of preservation. The Planning Board recommends updating the Zoning Map to indicate the locations of significant preserved lands in the Township of at least several acres.

4. 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.

2023 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. The Township amended its site plan waiver review process in 2022 to streamline the review process which now enables administrative review and approval under certain conditions.

5. 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.

2023 Policy Statement. This has yet to be addressed and remains a valid recommendation.

6. 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.

2023 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.

7. 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.

2023 Policy Statement. In 2020, the ROC Zone was rezoned within the new C-ROM Commercial – Research, Office and Manufacturing Zone which consolidated the ROC, C-2 and ROM-3 Zones located along Route 22.

2.3 2006 LAND USE PLAN GOALS & OBJECTIVES

The Township's 2006 Land Use Plan goals and objectives are listed below, which are affirmed by this 2023 Reexamination Report. The Township's Master Plan continues to incorporate the purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2.

Land Use and Management

1. To maintain the special character of the countryside that has made the Township an attractive place for many generations, and manage future development to preserve the rural character, including the Township's meandering streams and brooks, open fields and pastures, tree shaded streets, and rolling landscape.
2. To continue the Township's proactive planning for open space retention and agricultural preservation.
3. To provide for a reasonable balance among various land uses.
4. To continue land use policies that promote controlled development.
5. To establish development densities and intensities at levels which do not exceed the carrying capacity of the natural and built environment, and which respond to the limitations established by groundwater quality and quantity.
6. To encourage the development of necessary public services, such as utilities, community facilities and recreation, at a reasonable cost in response to the land use plan element.
7. To establish a system whereby necessary capital improvements can be programmed and planned in advance, and land can be reserved to meet future needs for open space and community facilities.
8. To offer flexibility in development techniques which recognize new approaches that are responsive to evolving demographic and economic needs.
9. To provide for desirable non-residential development in appropriate areas of the Township that will complement the existing character of the community and which will aid in broadening the local tax base.
10. To provide for reductions in the scale and intensity of non-residential development, due to the overzoning of non-residential zones in the past, the necessary open space preservation of non-residential zones, and the differential development capability of properties in the non-residential zones based on environmental limitations.

Natural Resources

1. To protect environmental resources including steep slopes, ridgelines, pristine watersheds, trout streams, wetlands, stream corridors, potable water reservoirs, aquifers, rivers, habitats of threatened and endangered species and unique natural systems.
2. To promote the protection of biological diversity through the maintenance of large continuous tracts and corridors of recreation, forest, flood plain and other open space lands.

3. To continue the acquisition of important open space through the use of the Township's open space tax and other sources of funding.
4. To promote the development and adoption of resource management standards to manage land use activities in a manner that protects and maintains natural resources for the future use and enjoyment of generations to come.
5. To identify and manage stream corridor buffer areas adequate to maintain undisturbed vegetation and to maintain and improve water quality, wildlife corridors and opportunities for passive and active recreation.
6. To ensure that development involving steep slopes is required to meet design standards which enhance the attractiveness of the site.
7. To promote the maintenance of groundwater supply and quality through the adoption of aquifer management programs, including relevant standards for wellhead protection programs.
8. To limit new development served by on-site waste disposal systems to locations and densities where surface and groundwater sources are protected.
9. To preserve significant masses of contiguous land which contribute to the rural and agricultural character of the Township.
10. To protect and enhance opportunities for agricultural activities on lands appropriate for such uses.

Transportation

1. To encourage proactive planning and regulation to ensure the adequacy of transportation facilities for planned future development, including the establishment of appropriate street design standards, the establishment of public/private partnerships for funding mechanisms, the coordination of transportation modes to accommodate changing commuter patterns, and the establishment of park and ride facilities and shuttle service'.
2. To guide development to support subsidized rail transport for people and materials movement, and to de-emphasize further highway development or extension into agricultural or scenic areas.
3. To establish transportation policies and programs that improve connection between housing and employment, including vehicular and pedestrian travel and bicycle paths.
4. To promote transit alternatives in new and existing development to reduce traffic congestion, including share rides, taxis, car/van pools, dial-a-ride, and flextime.
5. To manage and program development in rural areas so that traffic will not exceed the capacity of the existing rural road network to provide safe, efficient and convenient traffic movements during peak traffic periods.
6. To promote the design and development of roadway improvements necessary to serve major population and employment sectors of the Township.

7. To encourage transportation funding for maintenance of the existing transportation system, rather than encouraging new systems in rural areas.
8. To establish road access management plans for arterial highways.

Recreation and Open Space

1. To prepare and maintain recreation and open space master plans to establish and enhance recreational lands and public open space; to ensure linkages of public spaces through the use of greenways, blueways, paths and bikeways; and, to establish as the highest priority for public acquisition, areas of unique recreational or scenic value, or environmental sensitivity.
2. To encourage the public acquisition of areas of exceptional recreational value or scenic value, or environmental sensitivity, at all levels of government, with priority given to acquisition of land to meet present and future demand for resource-oriented recreation.
3. To provide tax benefits and limit liability for private owners who permit public use through participation in the State's open lands program.
4. To devise appropriate strategies for the public and private ownership and maintenance of open space and recreation lands.

Housing

1. To provide a reasonable diversity and balance of housing types to meet evolving needs, within a reasonable commuting distance of places of employment.
2. To promote and support development and redevelopment of affordable housing, particularly in areas served by public transportation which connect to areas of employment.
3. To discourage the extension of growth-inducing infrastructure and inclusionary development into rural areas.

Cultural Resources

1. To promote public policies designed to preserve and rehabilitate historic resources and districts.
2. To provide land use regulations and planning strategies which acknowledge and permit special treatment for historic landscapes, districts, sites, and structures by including appropriate setbacks, buffers and other design criteria.

2.4 2015 REEXAMINATION REPORT GOALS & OBJECTIVES

The Township's 2020 Reexamination Report affirmed the land use objectives cited in the Township's 2015 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.

2.5 2020 LAND USE PLAN ELEMENT GOALS & OBJECTIVES

The Township's 2020 Reexamination Report affirmed the objectives cited in the Township's 2015 Reexamination Report, including the following 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.

2.6 2021 LAND USE PLAN ELEMENT GOALS & OBJECTIVES

The Township's 2021 Land Use Plan Element Amendment did not contain any new goals or objectives.

2.7 AFFORDABLE HOUSING

At the time of the adoption of the 2020 Reexamination Report, the Township had reached a settlement agreement with Fair Share Housing Center which established the municipality's Third Round affordable housing obligations. The Settlement Agreement was signed December 12, 2017 (the "initial settlement agreement") and subsequently amended on February 5, 2018 (the "Amended Settlement Agreement") and again on June 15, 2020 (the "second amendment"), and most recently on May 6, 2021 (the "Third Amendment to the Settlement Agreement").

On April 3, 2018, the Superior Court (Hon. Thomas Miller, A.J.S.C., presiding) approved the Amended Settlement Agreement after a fairness hearing. 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 2018 Housing Element and Fair Share Plan as well as its 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.

As noted in the 2021 Reexamination Report, the 89-unit 100% affordable housing project on Block 29 Lot 4 known as the "LeCompte Site" was removed as a plan mechanism from the Township's Third Round Housing Plan as the developer was unable to secure a contract to purchase the property from the owner. The 89 affordable credits assigned to the LeCompte Site project were replaced with several other plan mechanisms.

The Township's several new affordable housing plan mechanisms include the creation of the AH-9 Zone encompassing Block 70 Lots 6 and 6.01 which was designed to promote the development of a 146-unit inclusionary development with a significant affordable housing set-aside of 55% yielding a minimum of 80 affordable units. The developer, Ingerman, received preliminary site plan approval from the Planning Board on August 16, 2021 via Resolution No. 2021-08. The Township anticipates the developer submitting plans for final site plan approval in the first half of 2023.

In addition, the Township rezoned Block 77.01 Lots 2, 3 and 4 within the new AH-10 Zone designed to permit a 34-unit inclusionary development with a 20% affordable housing set-aside yielding 7 affordable units. While the site was being rezoned, the Township initiated a study to determine the extent to which those properties located on Grayrock Road qualified as an 'area in need of redevelopment' pursuant to the Local Redevelopment and Housing Law ("LRHL"). The study area was later expanded to include 3 additional parcels immediately west of Grayrock Road identified as Block 74 Lots 16, 17.01 and 19 for which inclusionary multifamily or townhouse development is contemplated. The Township Mayor and Council designated the Grayrock Road Redevelopment Area an area in need of redevelopment on October 26, 2022 with the adoption of Resolution No. 194-2022. The Planning Board at the direction of the Mayor and Council is in the process of preparing a redevelopment plan for the Area in Need of Redevelopment which would replace the current AH-10 Zone designation.

There are two remaining affordable housing credits needed to finish replacing the LeCompte Site project in the Township's affordable housing plan. Possible options include municipally-sponsored special needs housing, or generating additional credits in conjunction with the Ingerman Route 31 project.

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 NJDEP FLOODPLAIN AND STORMWATER RULES

On December 5, 2022, the New Jersey Department of Environmental Protection (NJDEP) published the long-awaited Flood Hazard Area Control Act Rule and Stormwater Management Rule, which are anticipated to be adopted in the first half of 2023. The new rules, once adopted, will impact the development of most land through the State, with a few exceptions. The new rules will increase the flood elevations mapped by NJDEP by 2 feet, increase FEMA’s 100-year flood elevations by 3 feet and increase flood hazard area elevations determined by approximate methods by 1 foot. This will now render applicable properties that currently sit outside of a floodplain to within a regulated floodplain. Exemptions pertain to projects with current NJDEP permits, projects requiring Coastal Zone Management (CZM), Fresh Water Wetlands (FWW) or Highlands approval with a complete application submitted to NJDEP prior to the adoption of new rules or where land is not impacted by a regulated floodplain.

Under the new stormwater rules, the design of all stormwater management facilities for all new land development projects in New Jersey will be required to account for a higher intensity rainfall. In addition, the NJDEP is amending the Groundwater Recharge Standards, which will require infiltration areas to also be calculated using the new higher intensity rainfall calculations. This will include all projects subject to Residential Site Improvement Standards (RSIS) even those not requiring a NJDEP permit.

3.2 CLINTON TOWNSHIP GREEN TEAM

In 2021, Clinton Township established its Green Team in accordance with the Sustainable Jersey program. The goals of the Green Team are to:

1. To get credit for all the sustainable practices the township has been doing for years by pursuing the Sustainable Jersey certification;
2. Identify additional sustainable practices that require little or no taxpayer dollars, or better yet, saves money;
3. Bring awareness to residents to become more aware of sustainable practices; and
4. Hold environmental educational sessions on topics relevant to our community.

At present, the Green Team has earned the Township Bronze certification as it continues to identify opportunities to promote sustainability and mitigate impacts from climate change in the Township. The Green Team will continue to work with the Township Council, Planning Board and other municipal entities to identify new policies related to a number of environmental, land use and social issues which may be adopted and can present new grant opportunities for the Township as it earns more certification points.

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. This 2023 Reexamination Report identifies a number of recommended land use policy changes, as set forth below.

Amend the Township's 2018 Housing Element and Fair Share Plan, 2006 Land Use Plan Element and development regulations as follows:

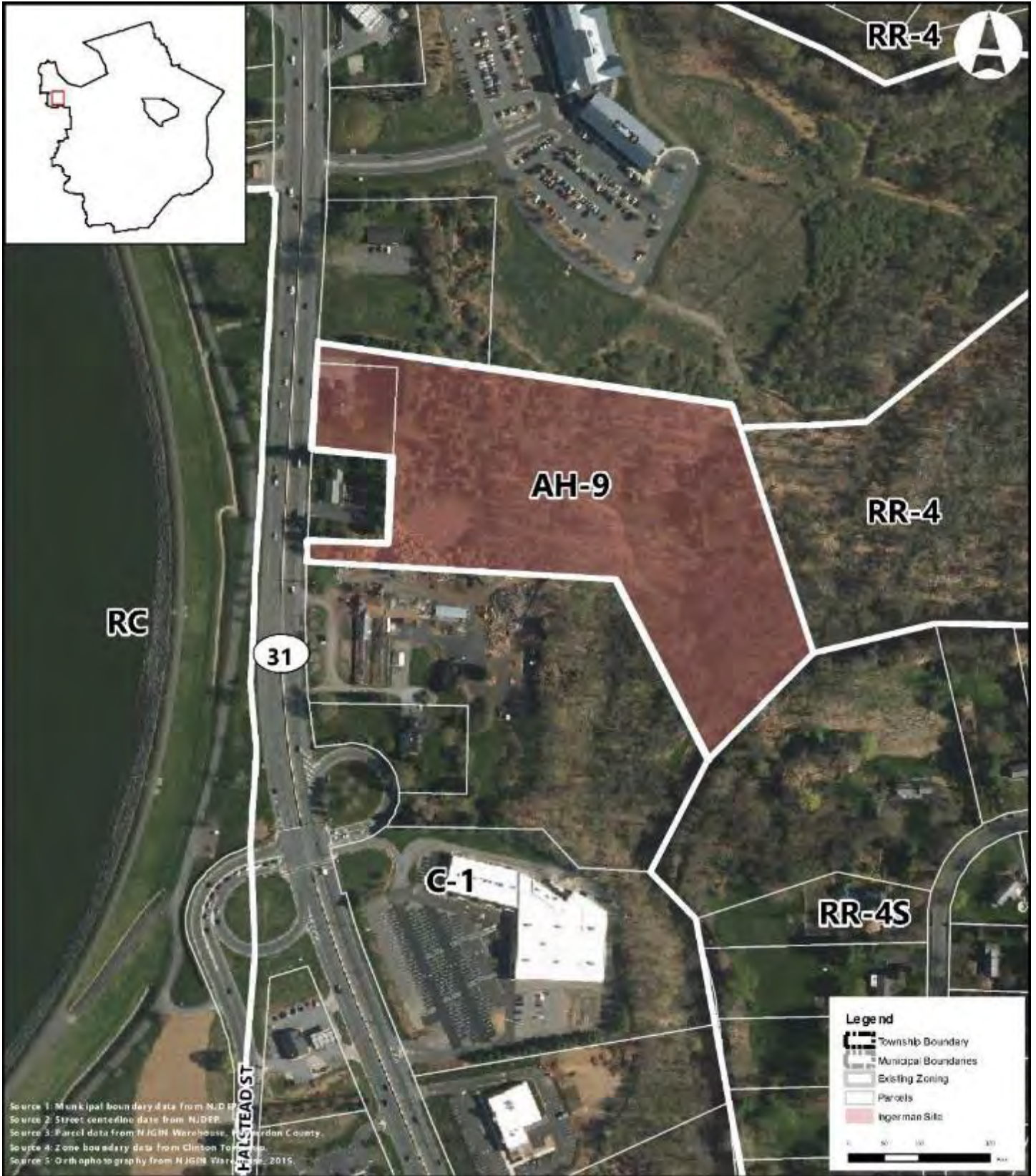
1. AH-9 Zone (Block 70 Lots 6 and 6.01)

The AH-9 Zone was created on June 9, 2021 with the adoption of Resolution No. 1154-2021 to facilitate the development of a 146-unit inclusionary development with a required 55% affordable set-aside to generate a minimum of 80 units of low and moderate-income housing. The developer, Ingerman, received preliminary site plan approval from the Planning Board on August 16, 2021. The Township anticipates Ingerman will submit its final site plan application to the Planning Board in 2023.

Given the recent changes in economic conditions, specifically interest rates, and new NJDEP regulations, there is the potential for substantial modifications to the project, including the potential for reducing or eliminating the market-rate units. In this case, ideally development would produce several additional affordable units to maximize this development opportunity and potentially generate surplus affordable housing credits. In addition, there is an undersized "orphan" parcel – Block 70 Lot 7 – which is bound by the Ingerman tract and Route 31, and which has recently come on the market. This creates an opportunity for the Mayor and Council to add this parcel to the AH-9 Zone, thereby creating a more regular development tract, increasing the site's Route 31 frontage and merging an undersized lot with a larger tract area. Regardless of what changes might be made to the AH-9 Zone or to the Ingerman project, development in the zone will need to produce no less than 80 affordable housing units in order to remain consistent with the Township's Third Amendment to its Settlement Agreement with Fair Share Housing Center.

See Map 1 below for an overview of the site and surrounding development pattern.

Map 1: AH-9 Zone (Block 70, Lots 6 and 6.01)



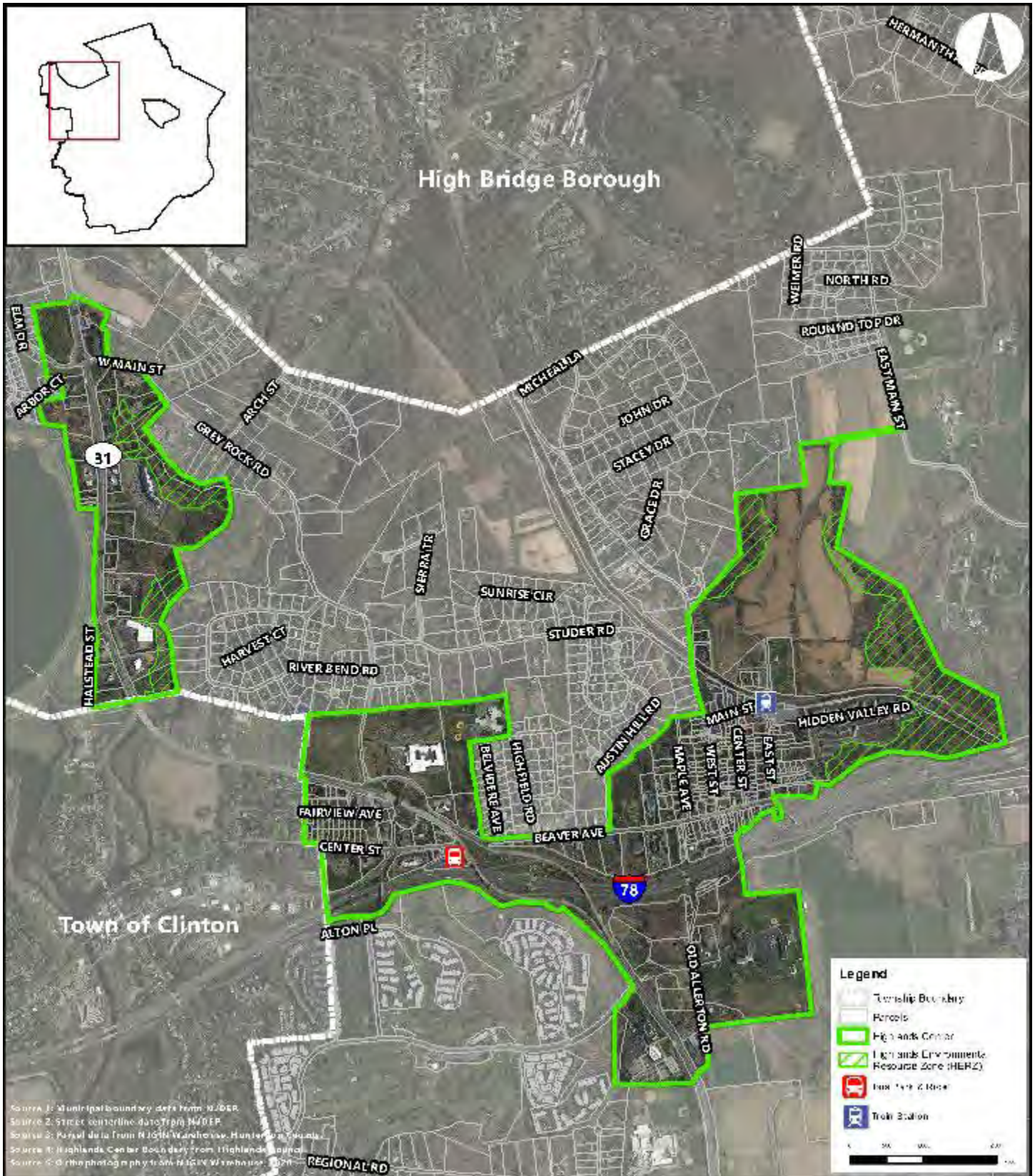
2. Highlands Center

On June 18, 2015, the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) approved Clinton Township’s petition for Highlands Regional Master Plan (“RMP”) conformance with the adoption of Resolution No. 2015-13. The Township’s conformance area encompasses the entire municipality consisting of 643 acres in the Highlands Preservation Area and 21,064 acres in the Planning Area. Since the acceptance of its petition for plan conformance in 2015, the Township has completed several conformance tasks including the adoption of its Highlands Land Use Ordinance in 2020.

The Highlands RMP affords municipalities the opportunity to create Highlands centers to focus development and promote economic development in appropriate locations in the region and to relieve development pressure in environmentally sensitive areas. Clinton Township petitioned the Highlands Council in February 2022 to create a new Highlands Centers in the Township which was approved on June 16, 2022. The center includes two areas - the Annandale Village which generally surrounds the Annandale Train Station and the length of Route 31 which includes properties along the highway corridor north of Route 78 in the Township to just north of West Main Street at Mariannes Corner. These areas of the Township were selected and ultimately approved as a Highlands Center due to the availability of existing public water and sewer infrastructure, regional roadway and public transportation access and that much of these areas have already been developed or disturbed.

In order to fully implement the development flexibility afforded by the Highlands Center provisions of the RMP, the Township anticipates adopting a Highlands Center Ordinance in 2023. This ordinance will effectively amend the current Highlands resource protection areas and associated buffers impacting properties within the Highlands Center areas. Map 2 on the following page provides an overview of the Clinton Township Highlands Center as well as the new Highlands Environmental Resources Zones (“HERZ”) that will replace the current Highlands resource boundaries where development will be limited but the remainder of the center area will be much less restricted. All development with the center areas must still adhere to NJDEP and other governmental agency requirements, as applicable.

Map 2: Clinton Township Highlands Center



3. Highlands Conformance Tasks

In order to facilitate the development of several affordable housing projects included in the Township's Third Round Housing Element and Fair Share Plan, the Township must complete several additional Highlands conformance tasks as follows:

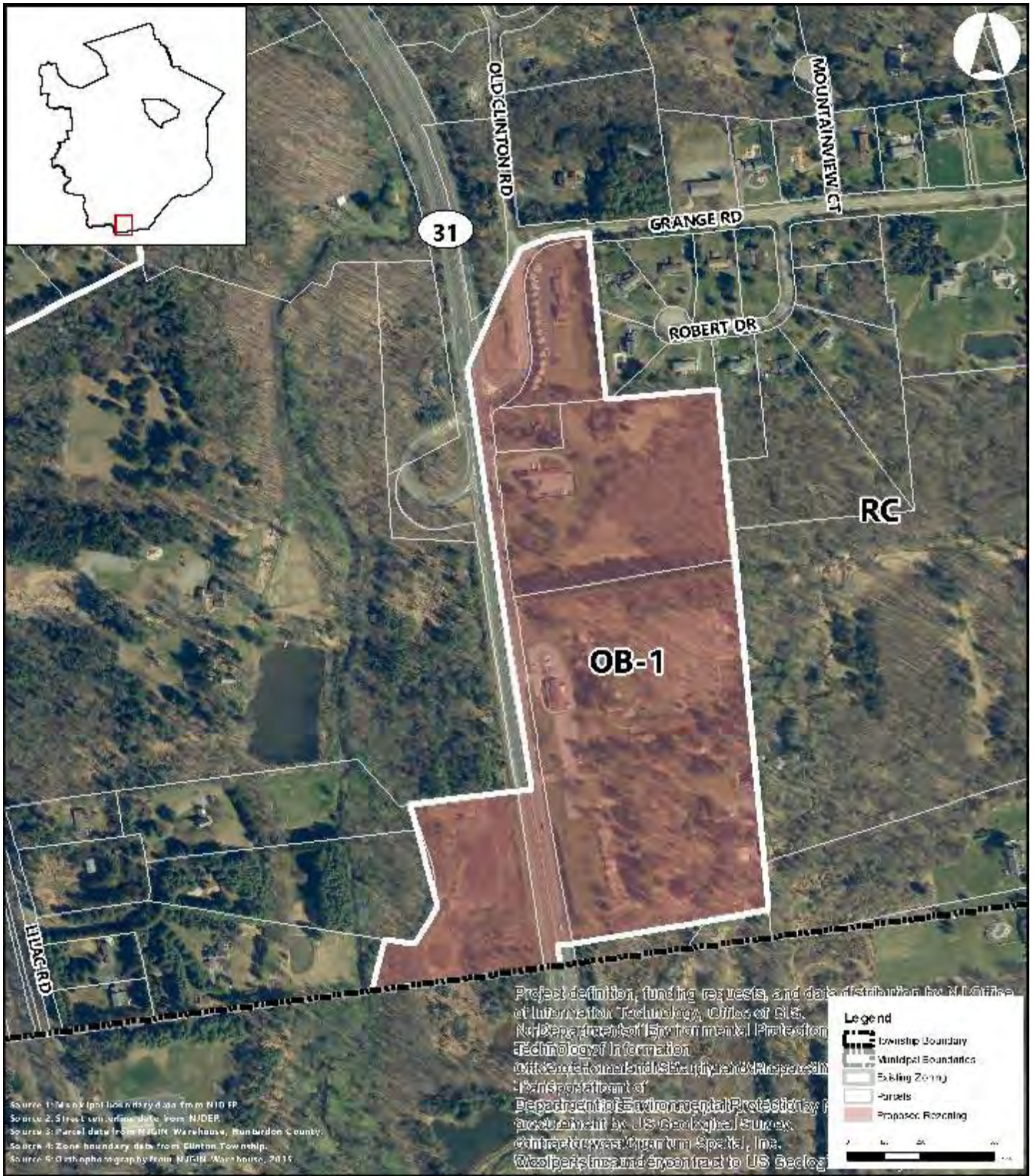
- The Township must amend its Stormwater Management Plan and stormwater management regulations consistent with the Highlands regulations. The adoption of these documents will allow for the adjustment of current prime groundwater recharge area designations within the approved Highlands Center areas and impacted affordable housing sites in the Township's Housing Plan. This task is anticipated to be completed in 2023.
- The Township must adopt a Water Use and Conservation Management Plan in accordance with the Highlands Regional Master Plan in order to adjust the Township's Water Quality Management Plan ("WQMP") as needed to facilitate development in the Township's Highlands Center Areas. This task is anticipated to be completed in 2023.
- The Township must complete a Waste Water Management Plan in accordance with the Highlands Regional Master Plan as a component of its Highlands conformance requirements. The Township will continue to work on this requirement in 2023.
- The Township will update its Utility Plan Element as necessary to facilitate the above Highlands conformance tasks.

4. Rezone Southernmost OB-1 Zone Along Route 31 to RC Zone

The Planning Board proposes the rezoning of 5 parcels currently contained in the southernmost OB-1 Office Building-1 Zone to be located within the surrounding RC Rural Conservation Zone. These parcels include Block 20 Lots 1, 2.01, 2.02 and 4 and Block 91.01 Lot 11. It is noted that 3 of these parcels are owned by the County and State, which are exempt to some extent from local zoning laws. Block 20 Lot 1 is privately owned and developed as the Farm Credit Bank of North Central New Jersey. Block 20 Lot 2.02 is a 0.62-acre privately owned parcel currently developed with a single-family dwelling. It is noted that this OB-1 Zone is significantly impacted by environmental constraints which limits the development potential of these properties. The Planning Board has determined that the surrounding RC Zone designation is most suitable for these parcels and maintaining the rural character of this segment of the Route 31 corridor in Clinton Township and extending to the south.

The following map provides an overview of the above-referenced parcels and zone boundary.

Map 3: Southernmost OB-1 Zone



5. New Highway Commercial Zone

The Planning Board recommends the creation of a new zone along the Route 31 corridor that consolidates most properties contained within the existing C-1 Zone and OB-1 Zones. The new zone should also include Block 28.01 Lots 25, 26.01 and 26.02 contained in the RC Zone, Block 27.01 Lots 9 and 10 contained in the VR Zone and Block 82 lots 2, 3.01 and 3.02 and Block 88 Lot 3 contained in the ROM-1 Zone.

The basis of this recommendation is to improve the current piecemeal zoning along the Route 31 corridor which was initially created to reflect the existing uses at the time and facilitate planning objectives of that time, mainly the distribution of land uses, which are now deemed to be antiquated. In addition, Prescott Brook generally located to the east of Route 31 was recently classified by NJDEP as a C-1 waterway requiring more stringent environmental buffers. Amending the existing zoning along Route 31 as proposed would offer greater development flexibility and consistency in promoting economic development in areas along Route 31, including the new Highlands Center area, deemed suitable for commercial and office development based on existing zoning designations and development patterns.

The new 'Commercial and Office Building' or 'Highway Commercial' zone should be designed to allow the principal uses currently permitted in the existing C-1 and OB-1 Zones given the large degree of commonality in the permitted uses of those zones. For instance, 12 of the 15 permitted principal uses in the OB-1 Zone are permitted in the C-1 Zone with the exception of these listed below, which would be permitted in the new H-COM Zone:

- Nursery schools
- Computer and data processing centers
- Central telephone exchanges

The C-1 Zone currently permits several uses not permitted in the OB-1 Zone including the following eight listed below which would be permitted in the new HC Zone:

- Retail sales establishments
- Retail service establishments
- Restaurants, cafes and taverns
- Bowling alleys, tennis buildings and buildings intended for other indoor sports activities and amusements
- Animal hospitals and clinics
- Commercial green houses and nurseries
- Outdoor growing and display of nursery stock (accessory use)
- Fast-food service restaurants (conditional use)

The new HC Zone should include the following new permitted principal uses:

- Breweries, brewpubs, wineries, distilleries and similar type uses open to the public

In the Planning Board's opinion, warehouse and distribution uses would be incompatible with the intent of the Highway Commercial District and could not be adequately supported by the Township's roadway infrastructure, and therefore recommends that such uses be expressly prohibited in the district, just as they are in the C-ROM Zone located along the Route 22 corridor.

The bulk requirements of the new zone would mirror those of the C-1 Zone which are similar to those of the OB-1 Zone with the exceptions of the minimum lot area, maximum depth of width, minimum lot width and rear yard setback requirements as indicated in the table below. Where the bulk standards between those two zones differ, the new zone would adopt the least stringent bulk regulations of the two alternatives.

Table 1– Proposed HC Zoning Requirements

Requirement	C-1 Zone	OB-1 Zone	Proposed
Min. Lot Area	75,000 sf	150,000 sf	75,000 sf
Max. Depth of Measurement	300 ft	500 ft	300 ft
Min Lot Width			
At Street	250 ft	300 ft	250 ft
At Building	250 ft	300 ft	250 ft
Min. Front Yard Setback	40 ft	40 ft	40 ft
Min. Rear Yard Setback	75 ft	100 ft	75 ft
Min. Side Yard Setback	50 ft	50 ft	50 ft
Maximum Building Height	35 ft	35 ft	35 ft
Maximum Building Coverage	N/A	N/A	N/A
Maximum Floor Area Ratio	15%	15%	15%
Maximum Impervious Coverage	40%	40%	40%

The suggested boundary of the new 'COB' or 'HC' Zone situated along areas of the Township's Route 31 corridor is illustrated on Map 4 below.

6. Rezone C-1 Zone in Annandale Village to OB-2 Zone

The OB-2 Zone permits the following uses:

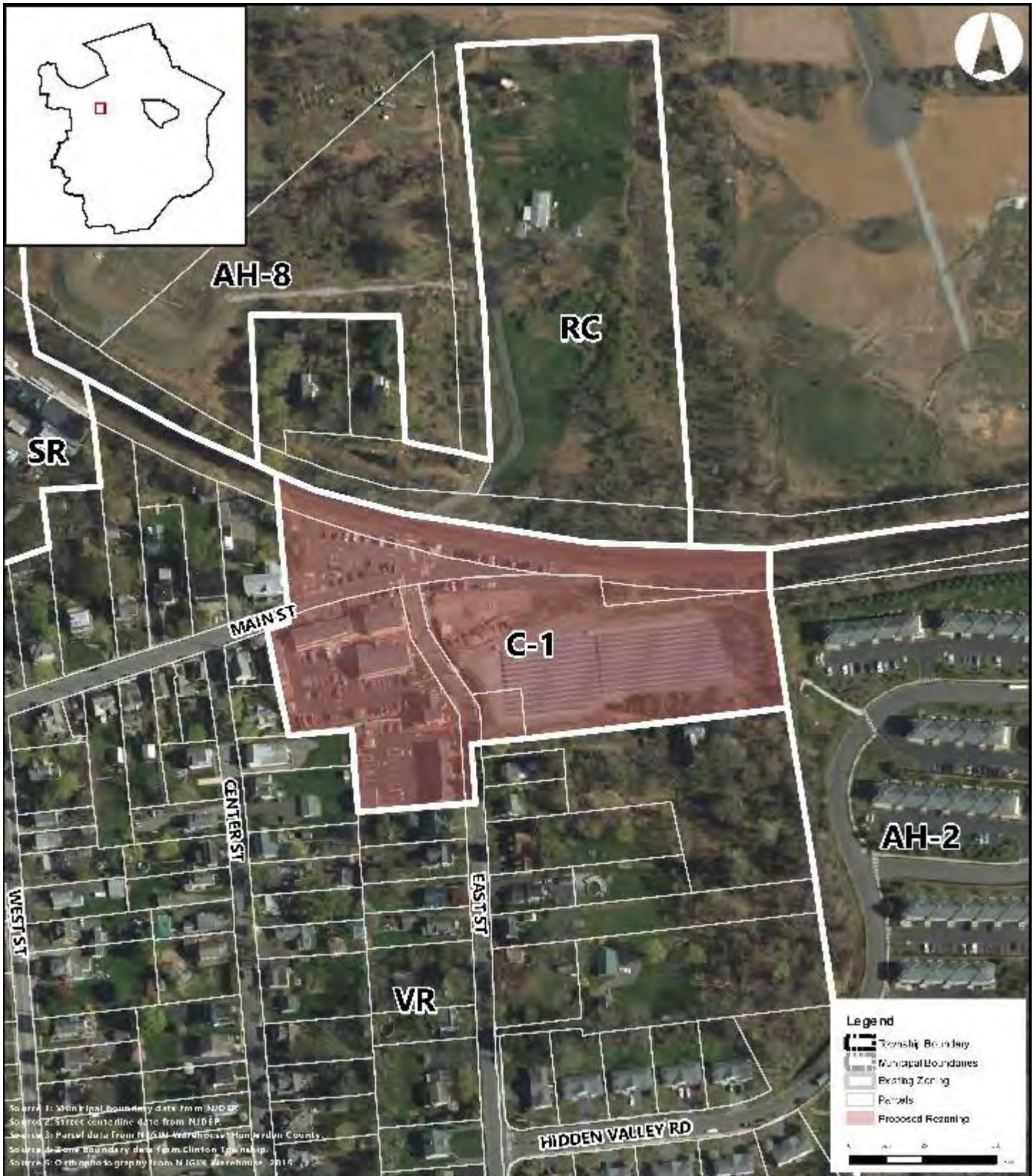
1. Any principal use as permitted and regulated in the VR Residential Zone.
2. Office buildings intended for business, executive, professional and administrative purposes.
3. Personal service shops, such as beauty parlors, barbershops, tailoring, dressmaking, shoe repair, photography and similar services wherein retail sale of merchandise other than that made specifically for a customer is prohibited, except for items of a purely accessory nature to the service provided.
4. Municipal buildings and uses.
5. Child-care centers.
6. Restaurants, excluding drive-up service.
7. Bed-and-breakfasts.
8. Retail uses that do not exceed 5,000 square feet of floor area and that do not offer merchandise that is for, or related to, motor vehicles.
9. Medical offices.

The Planning Board recommends rezoning the existing C-1 Zone in Annandale Village immediately south of the Annandale Train Station to the OB-2 Office Building-2 Zone. These parcels include Block 47 Lots 18 and 19, Block 45 Lot 29 and Block 300 Lot 4.05. The intent of this rezoning is to address the elimination of the C-1 Zone and to provide these parcels with development alternatives that are more appropriate for the context of this area. This recommendation comes in anticipation that the existing solar farm on Block 47 Lot 19 is reaching the end of its useful life and will likely be redeveloped. In addition, these parcels are not located along major roadways that are generally conducive to retail service and sales uses. The OB-2 Zone would appropriately allow for office and mixed-use development of this area of the Township which has low traffic but is walkable to the train station. It is also consistent with the OB-2 Zone located to the south of the VR Zone.

The Township should consider amending the OB-2 Zone minimum lot area requirement for planned mixed-use developments with apartment units located above nonresidential uses.

Map 5 on the following page provides an overview of the aforementioned proposed rezoning.

Map 5: C-1 Zone in Annandale Village



7. Self-Storage Conditional Use Requirements

The Planning Board recommends the proposed H-COM Zone along Route 31 and existing C-ROM Zone on Route 22 to permit self-storage facilities as a conditional use. Such uses are considered amenities that would be a benefit to Township residents, typically generate low traffic volumes and would contribute to the Township's tax base. In addition, self-storage uses generally require little water and sewer capacity as such resources are limited in the Township.

The new self-storage conditional use requirements would include specific parameters pertaining to minimum lot area, limiting storage unit access and loading to the rear and prohibition of outdoor storage, among other requirements deemed appropriate.

8. Combined Motor Vehicle Filling Station and Convenience Store Conditional Use Requirements

The Planning Board recommends the proposed H-COM Zone along Route 31 to permit combined motor vehicle filling station and convenience stores as a conditional use. The Board considers such uses would promote competitive gas pricing and also provide residents with grocery and convenience amenities where such uses are scarce in the Township.

The new motor vehicle filling station and convenience store conditional use requirements would include specific requirements for minimum lot area, locations at signalized intersections, minimum store area of 5,000 square feet and maximum number of gas dispensers, among other requirements deemed appropriate.

9. Fast-Food Restaurant Conditional Use Requirements

The Planning Board recommends creating conditional use requirements for fast food restaurants in the H-C and C-ROM Zones located along Routes 31 and 22, respectively. The conditional use requirements will specify minimum lot area, minimum distance between such uses and other provisions as deemed appropriate. The intent of these regulations is to limit the development of fast-food restaurant uses with drive-thru facilities given the traffic, number of curb cuts, signage and lighting associated with such uses deemed inconsistent with the Township's existing developed character. The Planning Board recognizes the distinction between fast-food restaurants with drive-thru facilities and other uses with drive-thru facilities such as banks and pharmacies which typically have different peak hours, reduced queuing and less visual clutter.

10. General Ordinance Amendments

- The definitions contained in Section 165-4 of the Township Land Use Regulations ordinance should be amended to include the permitted uses listed in all zones where not currently defined, including restaurants, fast-food restaurants and convenience stores.
- Ordinance provisions should be added expressly prohibiting warehouse and distribution uses for the OB-1, ROM-1 and ROM-2 Zones and all other zones consistent with the Township's land use policies for such uses as articulated in its Land Use Plan.

- Update the definition of 'principal use' to indicate that more than 1 principal use is permitted on a single parcel.

11. Planned Development Overlay

The Planning Board recommends that all references to the ROM-2 Zone in Article XXXIII of Chapter 165 of the Township Code regulating Planned Development Overlay Zone be removed in order to alleviate any ambiguity as the overlay zone only encompasses portions of the ROM-1 Zone in accordance with the Township's adopted Zoning Map.

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. Since the adoption of the Township’s 2021 Reexamination Report, the Grayrock Road Redevelopment Area has been expanded as noted below. No other redevelopment sites are contemplated as of the adoption of this report.

5.1 PROPOSED REDEVELOPMENT AREAS

1. Grayrock Road Redevelopment Area

On October 13, 2021, the Clinton Township Mayor and Council adopted Ordinance number 1159-2021 rezoning the properties identified as Block 77.01 Lots 2, 3 and 4 in Township tax records totaling 2.44 acres by removing their previous OB-2 Zone designation and placing them in the newly created AH-10 Affordable Housing District.

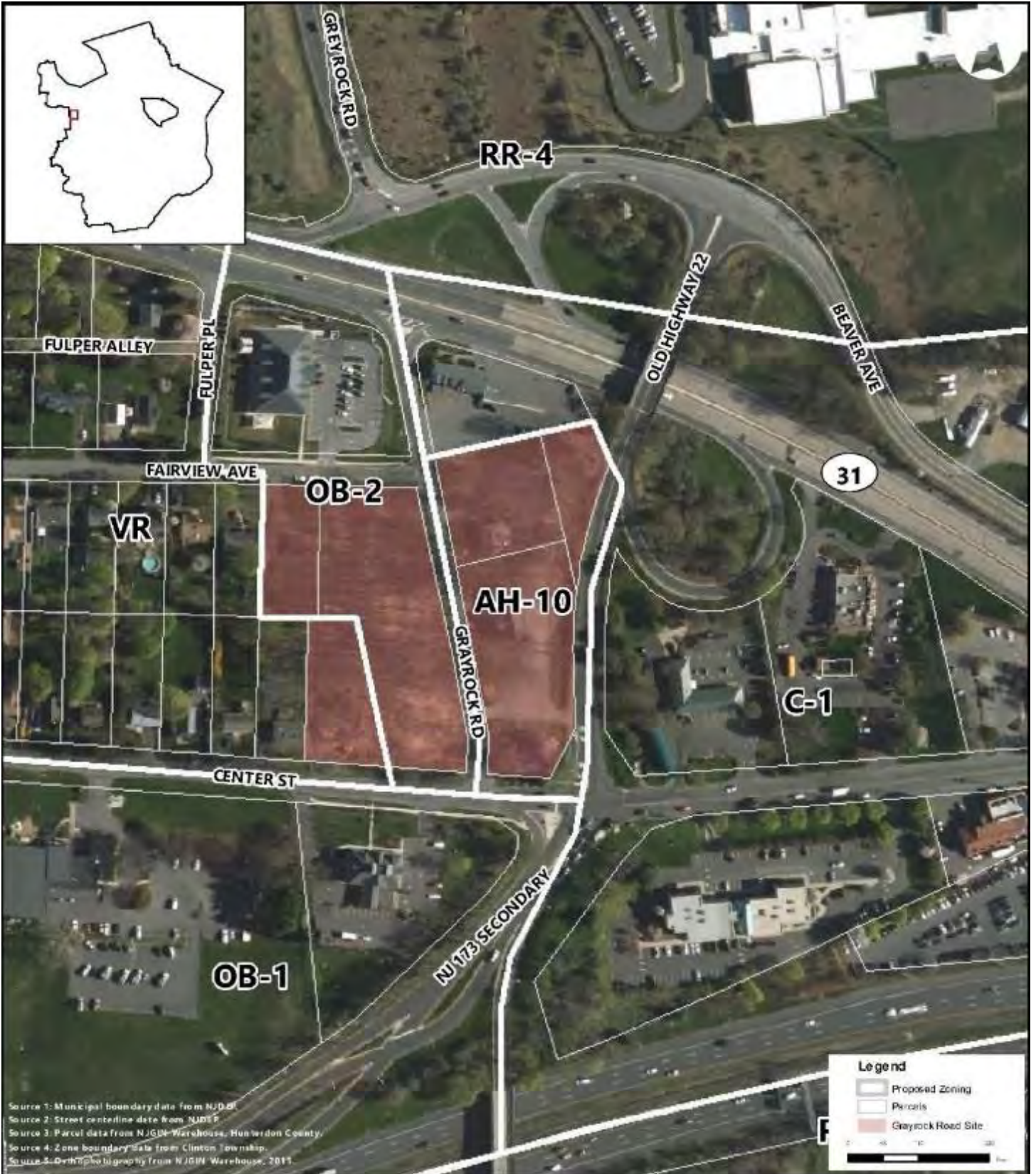
The AH-10 Zone was designed to permit townhouse and multifamily development requiring a minimum affordable housing set-aside of 20%. It is anticipated that Lots 2 and 4 held in common ownership will be developed as a single 18-unit multifamily inclusionary development. Lot 3 may be developed with a maximum 16-unit inclusionary development. In total, the AH-10 Zone is intended to create a minimum of 7 low and moderate-income housing units in accordance with the Township’s 2021 Housing Element and Fair Share Plan Amendment and Third Amendment to the Township’s Third Round Settlement Agreement with Fair Share Housing Center.

Simultaneous to the rezoning of Block 77.01 Lots 2, 3 and 4, on July 14, 2021, the Township Mayor and Council adopted Resolution No. 107-2021 directing the Planning Board to conduct a preliminary investigation to determine the extent to which those parcels constituting the Grayrock Road Redevelopment Area qualify as ‘an area in need of redevelopment’ pursuant to the State of New Jersey’s Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 *et seq.*). In the process of conducting this redevelopment study, the Township was approached by owners of property immediately west of the study area who requested the study area be expanded by 2.41 acres to include Block 74 Lots 16, 17.01 and 19.

With the adoption of Resolution No. 194-2022 on October 26, 2022, the Township Mayor and Council declared the entirety of the study area including Block 74 Lots 16, 17.01 and 19 and Block 77.01 Lots 2, 3 and 4 a non-condemnation area in need of redevelopment. At the direction of the Mayor and Council, the Planning Board (through its Planning Consultant) is preparing a redevelopment plan for the Grayrock Road Redevelopment Area to promote inclusionary residential development of the tract which is anticipated to be finalized in the first half of 2023.

See Map 6 below for an overview of the Grayrock Road Redevelopment Area and surrounding development pattern.

Map 6: Grayrock Road Redevelopment Area



VI. ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE POLICIES

Pursuant to Bill S606 enacted by the State Legislature in 2019, the MLUL was amended to require municipalities to plan for electric vehicle (EV) charging infrastructure including identifying locations where such facilities may be located. The Township continues to study appropriate locations and the feasibility of installing EV charging infrastructure in public locations. It is noted that the Township Mayor and Council adopted an ordinance which now permits EV charging stations and facilities as permitted in nonresidential and multifamily zones. The ordinance further stipulates that such facilities are not permitted outdoors in single-family and townhouse developments.

The Township must adhere to the current State model ordinance regulating EV charging facilities until such time it adopts a municipal ordinance creating standards for location, signage, dimensions and other “reasonable” standards as permitted by State law.

VII. AMENDMENT TO THE LAND USE PLAN ELEMENT

7.1 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 2023 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 2023 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, 2020 and 2021 Land Use Plan Element Amendments.

7.2 GOALS AND OBJECTIVES

This 2023 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 and 2020 Land Use Plan Element Amendments. In addition, this Land Use Plan Amendment sets forth the following goal:

1. To limit the development of fast-food restaurants with drive-thru facilities on Routes 31 and 22 where such establishments are permitted as conditional uses and prohibit such uses in other areas of the Township to mitigate the traffic, curb cuts, signage, lighting and visual clutter typically associated with such uses which features are deemed to be inconsistent with the established character of the Township.

7.3 LAND USE PLAN

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

1. AH-9 Zone

The AH-9 Zone which encompasses Block 70 Lots 6 and 6.01 remains a component of the Township's Third Round affordable housing plan to provide at least 80 units of low and moderate-income housing. The initial plan for this site proposed by the developer, Ingerman, contemplated a 146-unit inclusionary development with a 55% affordable housing set-aside. The Planning Board granted preliminary site plan approval for the project on August 16, 2021 via Resolution No. 2021-08. Since this inclusionary project was originally proposed and incorporated in the Township's affordable housing plan, there has been a significant increase in interest rates and soon to be implemented new NJDEP regulations. As such, there is the potential to adjust the plan to reduce or eliminate the market-rate component of the plan resulting in a 100% affordable housing project consisting of no less than 80 affordable units. In addition, there is an undersized parcel, Block 70 Lot 7, located immediately adjacent to and surrounded by the AH-9 Zone and Route 31 which recently became for sale. This creates an opportunity for the Mayor and Council to incorporate this parcel in the AH-9 Zone to create a more regular tract configuration, increase the site's Route 31 frontage and eliminate the problem associated with a nonconforming parcel on Route 31.

2. New Highway Commercial Zone Along Route 31

The Planning Board recommends the creation of a new Highway Commercial Zone along its Route 31 corridor that would consolidate the majority of parcels with current C-1 and OB-1 Zone designations. It would also include Block 28.01 Lots 25, 26.01 and 26.02 contained in the RC Zone, Block 27.01 Lots 9 and 10 contained in the VR Zone and Block 82 lots 2, 3.01 and 3.02 and Block 88 Lot 3 contained in the ROM-1 Zone. The benefits of this proposed rezoning include greater land use consistency along the Route 31 corridor, promoting economic development with an expanded list of permitted uses and relaxed bulk regulations and remove antiquated planning objectives. Warehousing and distribution uses would be prohibited in this new Highway Commercial Zone as such uses would be inconsistent with the intent of the zone and could not be adequately supported by the Township's roadway infrastructure.

3. Rezone Southernmost OB-1 Zone Along Route 31 to RC Zone

The Planning Board recommends Block 20 Lots 1, 2, 2.02 and 4 and Block 91.01 Lot 11, currently located in the OB-1 Office Building Zone be rezoned to within the surrounding RC Rural Conservation Zone. This proposal is in recognition of the Highlands environmental constraints that significantly impact those parcels to be developed with OB-1 uses, to provide for a more realistic development opportunity for the private parcels (Block 20 Lot 1 and Block 20 Lot 2.02) and to maintain the rural character of this segment of Route 31.

4. Rezone C-1 Zone in Annandale Village to OB-2 Zone

The Planning Board recommends rezoning the existing C-1 Zone located immediately south of the Annandale Train Station to within the OB-2 Office Building-2 Zone. These parcels include Block 47 Lots 18 and 19, Block 45 Lot 29 and Block 300 Lot 4.05. This rezoning is suggested in recognition that the development of these parcels is better suited for uses permitted in the OB-2 Zone and are less desirable for retail and personal service uses permitted in the C-1 Zone. It would also allow for mixed-use development with apartments above nonresidential first floor uses which presents a more appropriate zoning alternative.

5. Clinton Township Highlands Center

The Clinton Township Highlands Center approved by the Highlands Council on June 16, 2022 is hereby incorporated in the Township's Land Use Plan Element. The two approved Highlands Center areas in the Township include parcels along the length of Route 31 north of Route 78 to just north of West Main Street and the area surrounding the Annandale Train Station as depicted in the Map in Section IV of this document. To fully implement this Highlands Center, the Township must adopt a new Highlands Center Ordinance to be incorporated in its existing Highlands Land Use Ordinance provisions. This new ordinance will have the effect of greatly reducing the areas of the various existing Highlands environmental constraints and buffers currently impacting the center areas. Those constraints and buffers would be replaced with new Highlands Environmental Resource Zones ("HERZ") that will continue to restrict development in the most environmentally sensitive areas of the center. The benefit of this program offered by the Highlands Regional Master Plan is that it promotes development in appropriate areas of the community which are primarily already developed or disturbed, have good transportation access and have minimal environmentally sensitive features. Preservation efforts and development restrictions can then be focused on more environmentally sensitive areas of the community.

6. Climate Change Hazard Vulnerability Assessment

On February 4, 2021, Governor Murphy signed Bill A-2785/S-2607 amending the MLUL (N.J.S.A. 40:55D-28(2)(2)(h)) which requires that any land use element of a master plan, or any substantial amendment thereto, adopted after February 4, 2021 include a climate change-related hazard vulnerability assessment. The climate change assessment is meant to identify vulnerabilities associated with climate change such as flooding and impacts to critical infrastructure as well as measures to mitigate those impacts and build resiliency as specified in the legislation. While the Planning Board is not adopting a new Land Use Plan Element at this time, several of the proposed rezonings constitute amendments deemed to be substantial and therefore, necessitate the preparation of a climate change hazard vulnerability assessment to begin in 2023.

The Highlands Council is in the process of creating a program for all 88 municipalities in the Highlands Region to receive funding for the preparation of this new requirement as well as a model document to reference to encourage consistency among the Highlands communities. Hunterdon County is preparing similar guidelines for municipalities within the County. As such, the Township will continue to work on fulfilling the requirements of the State legislation and awaits the Highlands and County documents for further guidance in finalizing its municipal climate change hazard vulnerability assessment.

VIII. AMENDMENT TO THE HOUSING ELEMENT & FAIR SHARE PLAN

8.1 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 2023 Amendment to Clinton Township's 2018 Housing Element and Fair Share Plan ("HE&FSP") and 2021 Amendment to the HE&FSP was prepared to provide an update to several existing affordable housing plan mechanisms to address its Third Round affordable housing obligations as summarized below. These plan components are consistent with the Township's Third Amendment to its Settlement Agreement with Fair Share Housing Center.

8.2 FAIR SHARE PLAN

The following amendments are hereby incorporated into Clinton Township's Housing Element and Fair Share Plan and shall supersede the plan mechanisms contained in the Township's 2018 HE&FSP and 2021 Amendment to its HE&FSP, as applicable:

1. AH-9 Zone

The AH-9 Zone consisting of Block 70 Lots 6 and 6.01 remains a plan component of the Township's Third Round Fair Share Plan whereby any prospective development of the site must generate at least 80 units of low and moderate-income housing. Originally, the contract purchaser and prospective developer of the site, Ingerman, proposed a 146-unit inclusionary development consisting of a 55% affordable housing set-aside which received preliminary site plan approval from the Planning Board on August 16, 2021, via Resolution No. 2021-08.

Since this project was first conceived, several notable changes have occurred, including a sharp increase in interest rates and new NJDEP regulations that will be adopted in 2023. As such, there is the potential for a significant adjustment to the current project whereby the market-rate units may be reduced or eliminated, rendering the development a 100% affordable project. In addition, there is an undersized (0.84-acre) parcel, Block 70 Lot 7, which is bound by the current AH-9 Zone and Route 31, which has come on the market. This presents the opportunity for the Mayor and Council to amend the AH-9 Zone boundary by incorporating this parcel to create a more regular development tract, increase the site's Route 31 frontage and alleviate the issues associated with a nonconforming parcel.

Regardless of any future amendments to the AH-9 Zone or the Ingerman project, development of the AH-9 Zone will need to produce at least 80 units of affordable housing to remain consistent with the Township's Third Amendment to its Settlement Agreement with Fair Share Housing Center.

2. Marookian Site

It is noted the developer, Pirhl, is underway with the construction of approved 84-unit 100% affordable housing development of the AH-5 Zone comprising Block 82 Lot 4.03 on Route 31 south of Regional Road.

3. Additional Credits

There are two remaining affordable housing credits needed to replace the 89-unit LeCompte Site project that was removed from the HE&FSP in 2021. Among the possible options to satisfy these two credits, include municipally sponsored special needs housing or creating additional credits in conjunction with the Ingerman Route 31 project.