

Reexamination Report of the Master Plan
November, 2009

TOWNSHIP OF WEST AMWELL

**ADOPTED BY THE
PLANNING BOARD OF
WEST AMWELL TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY
*XXX, 2009***

Reexamination Report of the Master Plan, 2009
TOWNSHIP OF WEST AMWELL

*Prepared pursuant to N.J.S.A. 40:55D-89 of the
New Jersey Municipal Land Use Law
Adopted by the West Amwell Township Planning Board
XXX, 2009*

Prepared By:

Clarke Caton Hintz

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

Township of West Amwell
150 Rocktown Lambertville Road
Lambertville, New Jersey 08530

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INTRODUCTION

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

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Township Committee, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. a zoning ordinance must be substantially consistent with the land use plan.

The Municipal Land Use Law (MLUL) requires the periodic reexamination of the Master Plan (N.J.S.A. 40:55D-89) at least once every six years.

A Reexamination Report is a review of previously adopted Master Plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Five specific topics are to be considered in the Reexamination Report. These are:

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.

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

40:55D-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.

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.

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:12A-1 et al.) 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.

FINDINGS

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

The Township adopted a comprehensive Master Plan in 2003, which outlined principles, goals and objectives for the Township. The 2003 Master Plan recognized the limitations of soils and geological characteristics within the Township on the use of septic systems and the maintenance of adequate water supply and potability. It was decided that public sewers were not appropriate in West Amwell because of the negative impact they can have on the municipality's rural character. The 2003 Master Plan and subsequent 2004 Reexamination Report provided for future growth and development, while recognizing the Township's rural and agricultural heritage as well as environmental resources, through the establishment of the RR-4, RR-5, RR-6, and SRPD zones.

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

The key issues identified in the 2003 Master Plan and the 2004 Reexamination Report have not changed. Since the adoption of the last Reexamination Report a considerable amount of land in the Township has been successfully preserved via the Farmland Preservation and Open Space programs. As of September, 2009 more than 5075 acres have been preserved in the Township, with more than 200 additional acres under contract to be preserved.

Maintaining the Township's rural character and the continued preservation of land for open space or agriculture remain key objectives.

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.

Over the last six years there have been changes to the assumptions, policies and objectives forming the basis of the Master Plan.

The 2003 Master Plan indicated that consideration might be given to community wastewater systems as well as a Transfer of Development Rights (TDR) program. The Planning Board had considerable discussion on TDR at numerous public meetings, leading to findings that have been presented to the state Office of Smart Growth as part of a petition for Initial Plan Endorsement. The Planning Board determined that TDR was not appropriate in the Township because of the increased rate of development it would cause, the onerous cost for planning and the need for sewerage infrastructure, including community-owned wastewater facilities (also known as “package plants”). After these discussions, and at the urging of the Office of Smart Growth, the Planning Board amended the Master Plan in 2006 to recognize that the Township was not interested in pursuing TDR. The Planning Board also affirmed that future development should take place on private well and septic by removing references that indicated consideration might be given to community wastewater systems. In 2008 the Township completed an amendment to its Wastewater Management Plan (WMP) to eliminate the Township’s sewer service area. The WMP as approved by the State Department of Environmental Protection recognizes that all future development will be on private well and septic and that sewers and community wastewater systems will not be available as an option.

In 2006 the Planning Board also amended the Master Plan to recognize the Sourland Mountain region as defined in a study performed by Banisch Associates on behalf of the Sourland Planning Council and the state Office of Smart Growth. The Township also recognized the importance of the voluntary establishment of a Sourland Special Resource Area to include West Amwell Township as well as other municipalities in the Sourland region.

Since the last Reexamination Report the Township amended its zoning ordinance to comply with new State stormwater regulations. Ordinances were adopted for stream corridor and woodland protection, as well as a public health ordinance concerning reserve septic areas.

In 2008 the Environmental Commission completed the first updated Natural Resource Inventory (NRI) of the Township since 1977. The NRI has served as a valuable planning resource as the Planning Board developed this Reexamination Report.

Prior to this reexamination process, the Planning Board began work on updating its Farmland Preservation element to comply with new State Agriculture Development Committee (SADC) regulations.

In 2009, the Township received Third Round certification of its Housing Element from the Council on Affordable Housing (COAH).

In 2005, the Township applied for Initial Plan Endorsement (IPE) from the state Office of Smart Growth, a process that is still ongoing. The Plan Endorsement process has identified a number of areas in the Master Plan, particularly related to Objectives, that should be refined to further reinforce that the Township wishes to remain a rural community without sewerage infrastructure or designated centers of development.

Energy conservation and recycling programs have changed significantly. The Township has implemented single-stream recycling. The Township is exploring a cooperative agreement involving municipal and school facilities in West Amwell and Lambertville and the Lambertville Municipal Utilities Authority that could develop a solar energy program. The Township also recognizes the recent legislative changes which states renewable energy facilities as principal uses shall be permitted uses in industrial zones on tracts of 20 acres or larger. Ordinance changes should be considered in light of this change.

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.

The 2009 Reexamination Report recommends changes to the Master Plan including changes to the Objectives, Policies and Standards in addition to recommendations for the other Elements and the initiation of a new Element, “Sustainability”. It is recommended that these changes be implemented as soon as possible, with the proposed amendments to the Objectives, Policies, and Standards being adopted immediately.

Changes to Objectives, Policies, and Standards

The Objectives, Policies, and Standards sections of the Master Plan should be amended to read as follows:

OBJECTIVES

The West Amwell Township Master Plan is based on several objectives:

1. To encourage municipal actions which will guide the long range appropriate use, development and preservation of lands within West Amwell Township, in a manner which will promote the public health, safety, and general welfare of present and future residents. In order to protect natural resources, preserve open space for agricultural and recreational use, maintain the Township’s rural character and to prevent the potential negative impact on community character, West Amwell should remain served by individual on-site wells and individual septic systems.
2. To establish policies and regulations designed to preserve and enhance the rural and agricultural character of the Township for future generations. West Amwell prides itself on being able to retain its character as a small rural community. Future standards and regulations in the community should be designed to help foster the rural community character by promoting new developments that will not detract from or negatively impact its rural heritage.

3. To encourage the protection and preservation of the natural and environmental resources of West Amwell.
4. To encourage preservation of prime farmland for agricultural production by protecting the rights of farmers to pursue their craft and also by pursuing available state and county preservation programs. The Township recognizes the significance of its agricultural heritage. The Planning Board also recognizes the increasing pressures and difficulties faced by farmers due to changes in markets and technologies. There is an appreciation of the agricultural land uses within the Township. This Plan strives to preserve a vital agricultural economy in portions of the Township by restricting growth-inducing factors such as sanitary sewers and roads and by mandating development practices that permanently preserve open space and farmland as well as the Township's abundant woodlands.
5. To encourage and promote, where feasible, energy efficient subdivision and site plan designs and provisions for renewable energy resources including solar, wind, recycled heat and aquifer recharge.
6. To secure safety from fire, flood, panic and other natural and man-made disasters.
7. To provide for adequate light, air and open space.
8. To ensure that development within the Township does not conflict with the development and general welfare of neighboring municipalities, the county, the region and the state as a whole.
9. To promote the establishment of appropriate population densities in locations that will contribute to the well being of persons and neighborhoods and preservation of the environment.
10. To encourage the appropriate and efficient expenditure of public funds by coordinating public and private development within a framework of land use and development principles and policies.
11. To provide for sufficient space in appropriate locations within the Township for agricultural, residential, business, industrial, mixed uses, open space and public uses in a manner that will provide for balanced growth and development.
12. To support the upgrading of substandard housing conditions in the Township through code enforcement, ordinance amendments, education and the provision of public improvements such as improved streets and drainage systems.
13. To encourage the location and design of transportation and circulation routes which will promote the free flow of traffic in appropriate locations while discouraging roadway improvements which would result in congestion or blight, or detract from the Township's rural character.
14. To promote a desirable visual environment through creative development techniques with respect to environmental assets and constraints of the overall Township and of individual development sites. Recognizing that development will occur within the Township,

enhanced design and development standards, including performance based standards, should be developed and implemented in order to ensure that new development is compatible with the community character and even contributes to enhancing it.

15. To promote the conservation of open space through regulatory controls protecting woodlands, wetlands, steep slopes, stream corridors, suitable habitat for threatened and endangered species, and agricultural lands.
16. To promote open space planning through implementation of the Township's Open Space Plan in order to acquire, develop and maintain park and recreation facilities as well as conservation and agricultural lands in order to meet the present and future needs of the Township.
17. To encourage the preservation and restoration of historic buildings and sites within the Township in order to maintain and protect the cultural heritage of the community.
18. The Township recognizes its responsibility to accommodate growth and development. Future land use planning, however, should strive to manage growth so that it can be properly served by community facilities and so that desirable environmental features are not destroyed.

PRINCIPLES

The West Amwell Township Master Plan is based upon the following land use and land development principles:

1. Recognition of the limitations of soils and geological characteristics within the Township on the use of septic systems and the maintenance of adequate water supply and potability along with a desire to prohibit the introduction of a public sewer system or alternative wastewater systems to the community due to their negative impact on the community's rural character.
2. The Township should provide for future growth and development, but not at the expense of its environmental resources. The quality and quantity of potable groundwater resources should be one of the primary determinants of future land use planning. Other critical features, such as stream corridors, wetlands, steep slopes, prime agricultural soils and undisturbed woodland habitats should be protected through the adoption of protection policies and land use regulations. The Township should guide residential development according to environmental and site design performance standards that reduce environmental impacts and preserve and enhance elements of West Amwell's rural character.
3. Guiding residential development in locations and at densities which are compatible with existing development patterns and which can be properly serviced by public roadways, utilities and services.
4. Locating public, commercial, industrial and agricultural uses at sites and in locations which are suitable for their intended use environmentally, economically and geographically, and are compatible with existing uses, public facilities, roadways and natural features.

5. Protection of natural and environmental resources including floodplains, wetlands, woodlands, marsh and aquifer recharge areas, steep slopes, and areas suitable for public recreational activities.
6. Encouraging a development pattern that will protect and enhance the long-term economic, social and welfare interests of present and future residents of the Township, including the preservation and enhancement of agricultural activities.
7. Residents of West Amwell enjoy a sense of community that extends from interactions with their neighbors and with Township Government. Local government in West Amwell is accessible to the residents. Local officials are constantly working to expand its accessibility. Small-scale schools, country roads and rural vistas are physical elements of the landscape that contribute to the sense of community. Future land use planning should focus on retaining this sense of place, which allows residents to identify their place among their neighbors and amid recognizable surroundings. Historic features should be retained and integrated into new development by requiring compatibility of design with existing architectural features and landmarks.

POLICIES

The West Amwell Township Master Plan is based upon policies that have been developed by the Planning Board, the Township Committee and other land development review agencies within the Township.

1. Land use planning will provide for a variety of residential and non-residential uses, which will encourage continuation and enhancement of West Amwell Township as a quality rural and agricultural community, determined to maintain its character.
2. Land development should be designed to protect and enhance the environmental quality of the Township and preserve and protect valuable open spaces and natural resources.
3. The Township will consider and evaluate innovative development proposals that would enhance and protect environmental features, minimize energy usage and encourage development densities compatible with existing patterns of development.
4. The Township will encourage limited office/research and light industrial development in appropriate locations that will provide local employment opportunities and contribute to a balanced and stable economic base.
5. The Township will continue its program of updating and supplementing the Master Plan, Land Use Element and Development Regulations as new data and information become available and as trends and issues change and develop.

Land Use Element

Demographic Characteristics: The Land Use Element should be updated to include the latest demographic data.

Environmental Characteristics: This section should be further reviewed in light of the 2008 Natural Resource Inventory (NRI) data prepared by the West Amwell Environmental Commission.

Inventory and Analysis: This section needs to be replaced with 2003 Master Plan descriptions.

Sourlands Region: This section should be further reviewed in light of the 2008 Natural Resource Inventory as well as the 2005 Sourland Smart Growth study prepared by Banisch Associates.

Residential Districts: Section should be reviewed for consistency with other sections. In addition the following formal statement should be added with respect to Transfer of Development Rights:

It is not anticipated that the implementation of a formal Transfer of Development Rights program, as envisioned by statute in New Jersey, will be realistic to West Amwell in the foreseeable future.

Commercial Districts: Entire section should be reviewed considering on-site waste disposal and nitrate dilution standards.

Other Land Use Considerations: The Township should review and consider the following issues:

- Revised golf course standards
- Renewable energy facility standards
- Regulations for special events
- Bringing the Master Plan into consistency with the Housing Element
- Review sign ordinances
- Review impervious coverage and setback standards

Conservation Plan Element

Open Space Plan: Further review and update.

Implementation Plan: Further review and update.

Woodlands Protection and Management: Reference the 2006 Woodlands Protection Ordinance.

Stream Corridor Protection: Reference the 2005 Stream Corridor Ordinance and the State updated buffers for the Alexauken Creek and Moore's Creek.

Farmland Preservation Plan Element

The Planning Board is working on updating the Farmland Preservation Plan element to comply with new State Agriculture Development Committee (SADC) regulations. When this is completed it should be adopted as an updated element of the Master Plan.

Circulation Plan Element

Road Classifications and Road Mileage: review and update. Consider development of scenic and historic road standards.

Parks and Recreation Plan Element

Update the parks for inclusion of Green Acres/Washington Crossing State Park jurisdiction. Correct and include an updated Recreation and Open Space Inventory (ROSI).

Historic Preservation Element

The inventory of historic properties should be reviewed and updated in coordination with the Historic Preservation Committee. Design standards should be developed and adopted.

Utilities Plan Element

Trash and Recycling: Replace entire section due to new trash regulations and single stream recycling. Review recommendations and the management of these programs. Coordinate Wastewater Management Plan with Hunterdon County.

Relationship to Other Plans

State Development and Redevelopment: update to include 2005 Cross Acceptance dissenting report.

Green Buildings and Environmental Sustainability Element

A Green Buildings and Environmental Sustainability Element should be developed and incorporated into all the appropriate elements of the Master Plan.

e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This provision of the Municipal Land Use Law is not applicable to the Township of West Amwell since it contains no redevelopment areas and does not anticipate the creation of any in the near future.