

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2025-70**

**RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY ESTABLISHING THE TOWNSHIP'S PRESENT AND
PROSPECTIVE FAIR SHARE OBLIGATIONS FOR AFFORDABLE HOUSING FOR
THE FOURTH ROUND 10-YEAR PERIOD OF 2025-2035 AND AUTHORIZING THE
FILING OF A DECLARATORY JUDGMENT ACTION SEEKING A CERTIFICATE
OF COMPLIANCE IN ACCORDANCE WITH THE FAIR HOUSING ACT**

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law Amendments to the Fair Housing Act, N.J.S.A. 52:37D-301 et. seq., requiring the Department of Community Affairs to conduct a calculation of regional need and municipal present and prospective fair share obligations for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 beginning with the fourth 10-year round of housing obligations commencing July 1, 2025, (hereafter "Fourth Round") and to render a report with regard to the same; and

WHEREAS, the Department of Community Affairs published its report in October of 2024 (hereinafter DCA Report"); and

WHEREAS, the DCA Report calculated the Township's Fourth Round (2025-2035) fair share affordable obligation as a present need of 31 and a prospective need of 181; and

WHEREAS, the DCA Report is not binding upon the municipalities; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

WHEREAS, the Amended Fair Housing Act further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m); and

WHEREAS, COAH regulations also empower municipalities to secure vacant land adjustments, durational adjustment and other adjustments; and

WHEREAS, the DCA has released a Geographic Information System spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Township of Washington has reviewed the lands identified by the DCA for the land capacity factor with respect to MOD-IV Property Tax list Data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1), with consideration of the calculation contained in the aforesaid DCA Report, each municipality must determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution, which describes the basis for the municipality’s determination and binds the municipality to adopt a housing element and fair share plan pursuant to paragraph 2 of N.J.S.A. 52:27D-304.1(3)(f); and

WHEREAS, the Township has reviewed the DCA Report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background (hereafter “DCA Report”), and its supporting documents, and engaged planners Heyer, Gruel & Associates

(hereafter "HGA" or "Affordable Housing Planners") to review the methodology and data contained in the DCA Report; and

WHEREAS, HGA issued its report on January 13, 2025 (hereafter "HGA Report"); and

WHEREAS, based on the foregoing, the Township of Washington relies on the DCA calculations of the Township of Washington's fair share obligations as modified herein to account for the Township of Washington's review of lands identified by the DCA for the land capacity factor with respect to MOD-IV Property Tax List data, construction permit data, land use board approvals, to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached HGA Report, and the Township of Washington seeks to commit to provide its fair share of present need and prospective need units, subject to any vacant land and/or durational adjustment it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, based on a review of the DCA Report and findings made by the HGA Report, it is recommended that the Township Committee adopt a binding resolution accepting the Present Need obligation of 31 contained in the DCA Report; and

WHEREAS, based on a review of the DCA Report and findings made by the Township Affordable Housing planners, HGA, in the HGA Report, it is recommended the Township Committee adopt a binding resolution determining a reduced municipal Prospective Need obligation of 94 based on a recalculation of the Land Capacity Factor to account for DCA's methodology errors and as supported by the HGA report, which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, HGA has determined that the Land Capacity Factor must be adjusted downward from 1.77% to .49% by removing the following land, consisting of 69.03 acres, which was formerly included as developable land in the DCA Report calculations;

- (1) Land which previously received subdivision approval for residential use;
- (2) Land included as the result of a technical error which occurred due to an incongruous alignment of the geospatial layers applied as part of the DCA methodology;
- (3) Land which overlaps with an existing conservation and/or greenway easement;
- (4) Land which overlaps with a stream encroachment easement;
- (5) Land which was already included as part of the Township's Third Round obligation and Third Round Housing Element and Fair Share plan; and

WHEREAS, upon correcting the Land Capacity Factor per the HGA Report downward from 1.77% to .49%, thus reducing the acreage by 69.03 acres, the Township's Prospective Need obligation is 94 based upon the Fourth Round Methodology contained in the DCA Report as modified by the HGA Report; and

WHEREAS, the Township is aware of certain litigation before the Courts and potential additional changes to the Fair Housing Act, and therefore reserves the right to adjust its obligation based upon any adjudication in the Courts, change in legislation, change in methodology or DCA Report, in the event of a Third-Party challenge, and commits to the within obligation numbers subject to all reservations of rights; and

WHEREAS, in light of the above, the Township Committee of the Township of Washington finds it is in the best interest of the Township of Washington to declare its commitment to the Present Need obligation reported in the DCA Report and Prospective Need obligations reported in the HGA Report, subject to the reservations set forth herein; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certificate of compliance with the Fair Housing Act shall file an action in the form of a declaratory judgment complaint in which the municipality is located within 48 hours after adoption of this resolution in Warren County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Washington, County of Warren, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1) and in conformance with the formulas set forth in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:37D-304.3, the Township Committee of the Township of Washington commits to the present fair share obligation for affordable housing of 31 based upon the DCA Report and the Township's prospective fair share obligation for affordable housing of 94 based upon the DCA Report as modified by the HGA Report, for the Fourth Round, subject to all reservation of rights, including but not limited to the following:
 - a. The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted;
 - b. The right to comply with any future changes in legislation that changes its obligations under current law including any additional changes to the FHA;
 - c. The right to adjust the fair share obligations in the event of any future legislation that adjusts the fair share obligations as set forth in the DCA Report calculations;
 - d. The right to adjust its fair share obligation based on any future adjudication by a court of competent jurisdiction; and
 - e. The right to adjust its fair share obligation in the event of a Third-Party challenge to the fair share obligations and the Township of Washington's response, including that its prospective need obligation should be lower than described herein;
3. The Township Attorney is hereby authorized to file a Declaratory Judgment complaint in Warren County seeking a certificate of compliance as to the Township's Fourth

Round Affordable Housing obligation, which action shall be filed within 48 hours of the adoption of this resolution and attaching this resolution as an exhibit with the HGA Report.

4. A certified copy of this resolution with attached HGA Report, along with the filing date of the Declaratory Judgment action shall be submitted and/or filed with the Alternate Dispute Resolution Program or any other such entity as may be determined to be appropriate. A certified copy of the resolution shall also be posted on the municipal website.

5. The Township shall adopt a housing element and fair share plan based upon the determinations set forth in this Resolution and as may be adjusted by the Alternate Dispute Resolution Program in accordance with N.J.S.A. 52:27D-304.1(3)(f)(2) or as may be subsequently adjusted based upon the reservation of rights.

6. This resolution shall take effect immediately according to law.

Adopted: January 15, 2025

Certification:

I, Ann Kilduff, Clerk of the Township of Washington, County of Warren do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Washington Township Committee on January 15, 2025.



Ann Kilduff, RMC
Township Clerk

EXHIBIT A

ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

**Township of Washington
Warren County, New Jersey**

January 13, 2025

Prepared By:

H|G|A

Heyer, Gruel & Associates

Community Planning Consultants

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(732) 741-2900

TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

**TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS OF FOURTH ROUND DCA OBLIGATION CALCULATION**

INTRODUCTION

According to the amended affordable housing legislation and AOC Directive #14-24, every municipality in the State is responsible for adopting by resolution its Fourth Round obligation numbers and filing a Declaratory Judgement action with the Court by February 3, 2025. Although the DCA has released its calculations as guidelines, each municipality is permitted to conduct their own obligation calculation, in accordance with the requirements set forth in P.L.2024, c.2. As the Washington Township Planner, our firm has been authorized to assess the prospective need as calculated by the DCA. The following report outlines the results of this assessment.

The DCA has calculated the following factors to generate the Fourth Round Prospective Need obligation for Washington Township, which is 181. It should be noted that the Township has a Present Need/Rehabilitation Obligation of 31:

DCA Fourth Round Obligations for Washington Township				
Land Capacity Factor	Equalized Nonresidential Valuation Factor	Income Capacity Factor	Average Allocation Factor	Prospective Need
1.77%	0.28%	0.60%	0.89%	181

The results outlined in this Report are derived from an assessment of the Township's "developable land" accounted for in the Land Capacity Factor calculation released by the DCA. HGA did not undertake any separate analysis of non-residential valuation or income trends, as these are generally objective measures; therefore, the DCA's calculations of the Township's Equalized Nonresidential Valuation Factor and Income Capacity Factor remain unchanged throughout HGA's analysis.

METHODOLOGY AND RESULTS

NJDCA released an ArcGIS shapefile showing all of the polygons throughout the State that it identified as contributing to the "Land Capacity Factor." Our office reviewed the results of the methodology to identify any polygons that should be excluded from the Township's Land Capacity Factor calculation.

In reviewing the polygons outlined in the DCA Land Capacity Parcel Map, our office has determined that nine (9) of the polygons should be removed partially or entirely from the Township's Land Capacity Factor calculation (see following section for further details). The total area of the nine (9) polygons to be removed from the Township's Land Capacity Factor calculation amounts to approximately 69.03 acres. Based upon our assessment, this results in a reduced Land Capacity Factor from 1.77% to 0.49%, and a reduced overall Prospective Need Obligation from 181 units to 94 units. The results of our office's analysis are outlined in the following table:

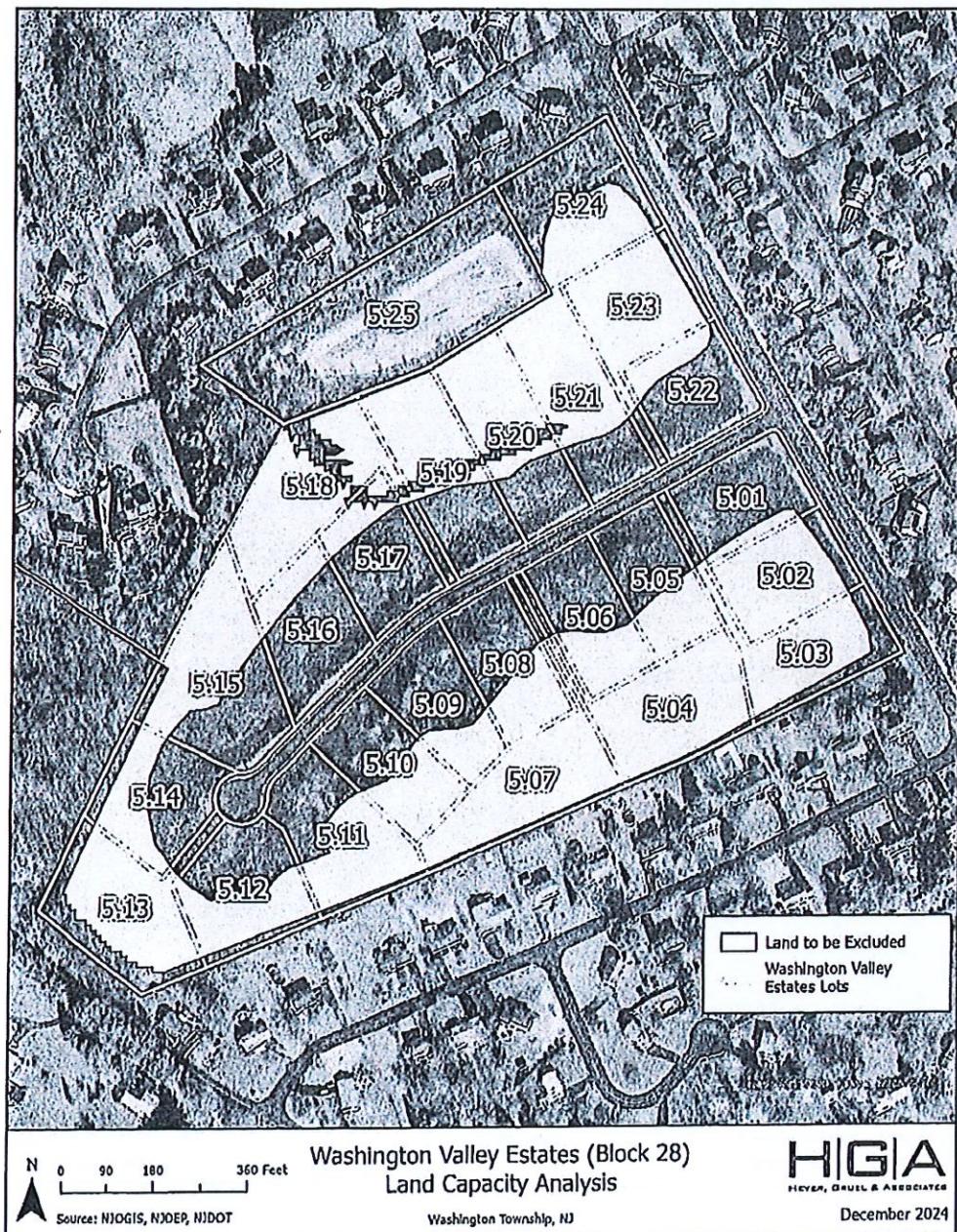
Modified Fourth Round Obligations for Washington Township (Warren County)				
Land Capacity Factor	Equalized Nonresidential Valuation Factor	Income Capacity Factor	Average Allocation Factor	Prospective Need
0.49%	0.28%	0.60%	0.46%	94

Polygons to be Removed from the Land Capacity Factor

After reviewing all the polygons outlined in the DCA Land Capacity Analysis Parcel Map, our office has identified nine (9) polygons that should be reduced or entirely removed from the Township's Land Capacity Factor calculation. These polygons, as well as locational maps, are outlined in the following paragraphs.

TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED**Polygon 1**

This area is comprised of 24 properties known as Block 28, Lots 5.01 through 5.24 (previously Block 28, Lots 5.01 through 5.08). These properties should not be considered as "developable land," as they received subdivision approval in 2018 for the creation of 24 residential lots, including one (1) to be used for affordable housing (Lot 5.24). A final plat of the subdivision was recorded with Warren County in July 2024. At the writing of this Report, one such parcel (Block 28, Lot 5.22) is currently under construction. This land to be removed from consideration amounts to 16.2 acres. See Appendix A for documentation regarding these properties.



TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Polygon 2

This polygon contains a portion of the property known on Township tax maps as Block 40, Lot 26. This polygon appears to be a technical error which occurred due to an incongruous alignment of geospatial layers applied as part of the DCA methodology. Therefore, this area should not be considered as "developable land." This land to be removed from consideration amounts to 0.07 acres.

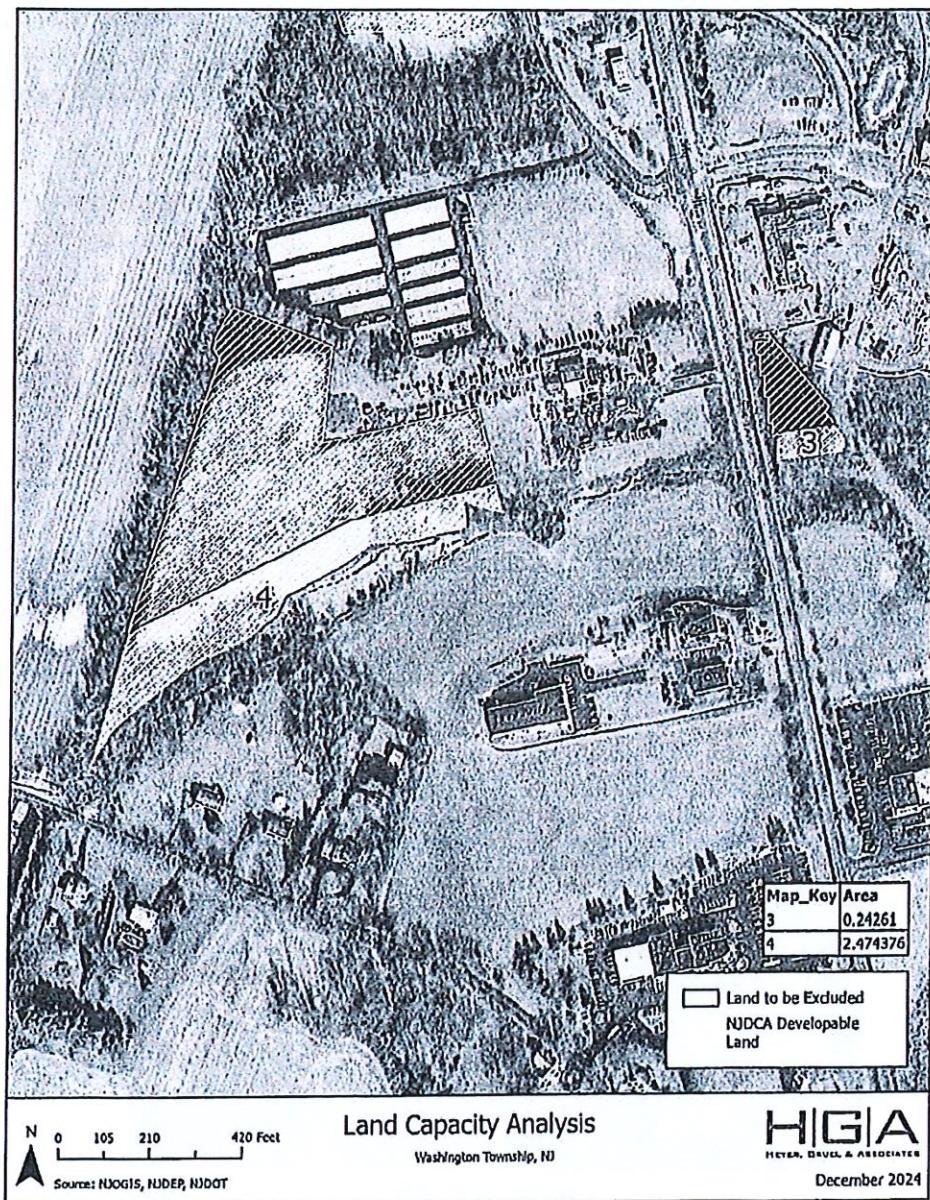


TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED**Polygon 3**

This area contains a portion of the property known on Township tax maps as Block 65, Lot 8.02. A portion of this polygon overlaps with an existing conservation easement and, therefore, should not be considered as "developable land." This land to be removed from consideration amounts to 0.24 acres. See *Appendix B* for documentation regarding this property.

Polygon 4

This area contains a portion of the property known on Township tax maps as Block 66, Lot 20.07. A portion of this polygon overlaps with an existing (a) conservation and greenway easement and (b) 200' stream encroachment easement and, therefore, should not be considered as "developable land." This land to be removed from consideration amounts to 2.47 acres. See *Appendix B* for documentation regarding this property.

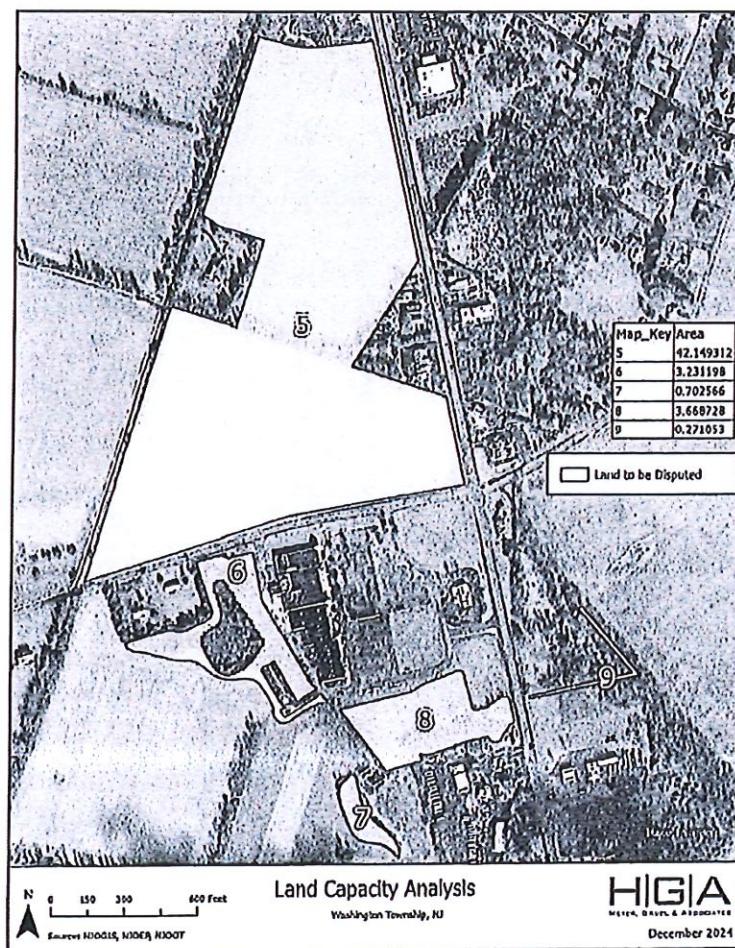


TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED**Polygons 5, 6, 7, & 8**

Polygon 5 is located on the properties known on the Township tax map as Block 76, Lots 1.02, 1.03, and 4, while polygons 6, 7, and 8 are located on Block 75, Lot 1. These properties comprise the Washington South Redevelopment Area and are slated to be developed with both commercial uses as well as Inclusionary residential development that will provide affordable housing units. More specifically, the Plan states that, "of the first 120 dwelling units constructed, twenty-two (22) shall be affordable units. All residential development units greater than 120 units within the entire redevelopment area shall be subject to the requirement that at least 15% of dwelling units shall be affordable housing units. If any memory care or assisted living facilities are proposed, the set-aside for these facilities shall be 10%." These affordable housing units are accounted for in the Township's Third Round Housing Element and Fair Share Plan and will be applied towards the Township's Third Round Prospective Need obligation while producing an excess of credits that may be carried forward into future rounds. The Township adopted the Washington South Redevelopment Plan on July 17, 2024 and is in the process of selecting a redeveloper. This area should not be considered as "developable land." This land to be removed from consideration collectively amounts to 49.76 acres. See Appendix C for documentation regarding this property.

Polygon 9

This polygon contains a portion of the property known on Township tax maps as Block 79, Lot 4. This polygon appears to be a technical error which occurred due to an incongruous alignment of geospatial layers applied as part of the DCA methodology. Therefore, this area should not be considered as "developable land." This land to be removed from consideration amounts to 0.27 acres.



TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS AND CALCULATION OF FOURTH ROUND PROSPECTIVE NEED

Washington Township, Warren County Summary of Lands to be Removed from Land Capacity Factor Calculation				
Polygon ID	DCA Identification	Washington Township Block(s), Lot(s)	Acreage Removed	Rationale
1	32743	Block 28, Lots 5.01-5.08	16.22	Received subdivision approval for residential use – filed plat with County
2	32744	Block 40, Lot 26	0.07	Technical error (incongruous alignment of geospatial layers)
3	32739	Block 65, Lot 8.02	0.24	Limited by existing conservation easement
4	32740	Block 66, Lot 20.07	2.47	Limited by existing conservation, greenway, and stream encroachment easements
5	32738	Block 76, Lots 1.02, 1.03, & 4	42.16	Future affordable housing site accounted for in Third Round HEFSP
6	32736	Block 75, Lot 1	3.23	Future affordable housing site accounted for in Third Round HEFSP
7	32733	Block 75, Lot 1	0.70	Future affordable housing site accounted for in Third Round HEFSP
8	32734	Block 75, Lot 1	3.67	Future affordable housing site accounted for in Third Round HEFSP
9	32735	Block 79, Lot 4	0.27	Technical error (Incongruous alignment of geospatial layers)
TOTAL	-	-	69.03	-

TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS OF FOURTH ROUND DCA OBLIGATION CALCULATION

APPENDIX A

POLYGON 1 (BLOCK 28, LOTS 5.01 THROUGH 5.08) DOCUMENTATION:

- 1. Washington Township Land Use Board Resolution 2018-01**
- 2. Final Subdivision Plat for Washington Valley Estates**

Application #: 2018-01

Approved: June 13, 2018

**RESOLUTION
TOWNSHIP OF WASHINGTON
LAND USE BOARD
FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING AN APPLICATION OF
RNJ CONTRACTING, LLC
FOR AMENDED PRELIMINARY AND FINAL SUBDIVISION APPROVAL
WITH VARIANCE RELIEF AS TO
FORMER BLOCK 28, LOT 5**

The Land Use Board of the Township of Washington, in the County of Warren and State of New Jersey, upon motion of Robert Klingel, seconded by Michael Lum, adopts the following findings of fact, conclusions and resolutions:

Findings of Fact:

1. RNJ CONTRACTING, LLC applies for AMENDED preliminary and final major subdivision approval for a development previously known as Block 28, Lot 5 in the Township of Washington. The project was previously known as Washington Valley Estates and had obtained approval for an eight lot major subdivision which was approved by the Board and perfected without the construction of any of the units. The proposal is to amend that prior approval to reconfigure the subdivision to include additional lots, while maintaining the existing road which had been constructed. The following relief is requested:

A. Preliminary and Final Major Subdivision Approval for the merging of the existing 8 lots and re-subdivision to create 25 lots, of which 23 are residential lots, one is a detention basin lot and one lot is to be dedicated to the Township.

B. Variances as to proposed Lots 5.04, 5.07, 5.12, 5.13, 5.14, 5.15, and 5.18

for inadequate frontage.

2. February 14, 2018, the application was entertained by the Board for purposes of completeness. RNJ Contracting, LLC Application #2018-01, Block 28, Lots 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07 & 508, Zone R-40 The applicant's attorney, James Bryce, Esq. appeared and discussed the completeness review letter dated 2/12/18 prepared by Mr. Smith noting that the required photos had been supplied. Mr. Bryce discussed the escrow fee waiver requests, noting that clarification was needed to determine the application fees where the property had been previously granted subdivision approval for 8 lots and was seeking approval for 16 additional lots which would require \$6,300 which had been submitted or whether the fees were based on the total of 24 lots. The Board determined that the subdivision application would be for the 24 newly created lots and the fees should be based on this amount of \$7,500, the applicant agreed to provide the additional \$1,200. Mr. Bryce stated that the applicant had provided \$10,000 as an initial escrow deposit where \$23,700 would be required for 24 lots and was seeking a waiver from the full amount and was also seeking a waiver from the \$6,000 escrow deposit for the carbonate rock fee noting that since the subdivision was almost completed with the road, utilities and detention basin being installed no additional geotechnical review would be required. The Board discussed and determined that additional fees should be submitted along with the carbonate rock escrow fee of \$6,000 to provide adequate resources for geotechnical review for the impact of additional impervious coverage.

A motion to accept \$21,000 as an initial escrow fees deposit where \$21,700 was required was made by Sodtalbers, seconded by Fiore. Members in favor: Evan Howell,

Ralph Fiore, Erich Sodtalbers, Stephen Swinton, Gretchen Foley, Brian McCatharn, Leonard Artigliere, James Vander Horn.

Mr. Bryce discussed the completeness items in Mr. Smith's review. Mr. Smith stated that preliminary checklist item #23 regarding storm water calculations should be submitted based on the 24 lots and could not recommend that this item be waived for completeness purposes. Mr. Smith stated that preliminary checklist items, 31, 32, 39 & 40 and final checklist items 6, 9, 11, 14, 15, 18 & 19 could be waived for completeness purposes only and that a waiver for final checklist item 41 could be granted as the final plat for the subdivision had been submitted.

A motion to grant the waivers for completeness purposes only for the items as discussed and deem the application incomplete for preliminary checklist item #23 was made by Sodtalbers, seconded by Fiore. Members in favor: Evan Howell, Ralph Fiore, Erich Sodtalbers, Stephen Swinton, Gretchen Foley, Brian McCatharn, Leonard Artigliere, James Vander Horn.

3. On April 11, 2018, the matter was once again entertained for purposes of completeness. Attorney for the applicant, James Bryce, appeared and discussed the application and the waivers previously granted at the last meeting and noted that the additional application and escrow fees as well as a revised storm water management plan had been submitted. A motion to deem the application complete was made by Klingel, seconded by Swinton. Members in favor: Robert Klingel, Evan Howell, Ralph Fiore, Erich Sodtalbers, Stephen Swinton, Maureen O'Donnell, Gretchen Foley, Leonard Artigliere, James Vander Horn. The public hearing for this application was scheduled for May 9, 2018.

4. On May 9, 2018, it was found that appropriate proof of service and publication of the Notice of Hearing had been accomplished and that the Board had jurisdiction to proceed. Sworn testimony under oath was received from Nicholas Wunner, P.E., George Ritter, P.P. The following exhibits were moved into evidence:

Exhibit A-1 - Approved subdivision plan

Exhibit A-2 - Proposed subdivision plan, sheet 2 of plans

Exhibit A-3 - Sheet 3 Colorized of Grading Plan

Exhibit A-4 - Proposed plan - 24 lots

Exhibit A-5 - Proposed conforming plan – 24 lots

5. Attorney for the applicant, James Bryce, appeared and discussed the application seeking preliminary and final major subdivision and associated variance approval in the area of Mine Hill Road and Drake Court which was subject of a previous subdivision approval where the property was then zoned for 4 acres lots. Mr. Bryce stated that the property was essentially vacant with the exception of the roadway and detention basin improvements which were constructed in accordance with the prior approval of 2005. Mr. Bryce stated that the existing 4 acres building lots were not able to be sold and with the assistance of the Township, a rezoning had taken place which placed the property into the R40 zone with a minimum lot area of 40,000 square feet. The proposed application now would create 23 single family lots to be provided with public sewer with another lot to be dedicated to the Township for affordable housing and the remaining lot to be include the detention basin. Mr. Bryce stated that all of the proposed lots would meet the bulk standards in size where 4 lots (5.04, 5.07, 5.13, 5.18) were proposed as flag lots that would require a variance for frontage and based on the existing

configuration of the constructed roadway there were lots (5.12, 5.14 & 5.15) on the cul-de-sac that would require variances for insufficient frontage as well.

6. Sworn testimony under oath was received from the applicant's engineer, Nicholas Wunner, P.E., who provided his credentials as a licensed engineer in the state of New Jersey and was accepted as an expert in that field. Mr. Wunner discussed the previously approved subdivision then in the VR zone with minimum 4 acre lots all with individual septic systems. A copy of the previously approved final map filed with the County was entered as Exhibit A-1. Mr. Wunner stated that the roadway, drainage system, electric, water and detention basin were all installed and discussed the design of the detention basin.

7. A copy of sheet 2 of the plans was entered as Exhibit A-2. Mr. Wunner discussed the proposed plan from an engineering perspective including that when the availability of connecting to the public sewer system via the pumping station with an agreement with the Fairway Valley Homeowners Association came about the plan was revised to include the proposed 23 building lots and additional lot to be donated to the Township. Mr. Wunner stated that the flag lots were created to avoid having driveways accessing Mine Hill Road which was a County roadway where the County preferred not to have new driveways accessing the County road. Mr. Wunner stated that a homeowner association would be created to maintain the detention basin and sewer line. Mr. Wunner described the reasoning for the proposed lot configuration and variances that would be required and necessary access easements for the flag lots noting that there would be adequate access for the residents and emergency vehicles. Mr. Wunner discussed the grading plan noting that the style home that a buyer would want will determine the final

grading for each individual lot. Mr. Wunner described the revised storm water management and the modifications that would be made to include the changes to the State regulations by installing drywells for roof & driveway runoff noting that the storm drainage inlets were installed and currently drain to the detention basin. Mr. Wunner stated that a revised storm water management plan had been submitted which conformed with the new regulations and would not create any new drainage issues adding that a Phase 2 limestone analysis was prepared and submitted for review for the previous application in 2005.

8. The technical review dated May 8, 2018 prepared by Mr. Smith was entered as Exhibit B-1. Mr. Wunner discussed the completeness items that were waived for completeness purposes including an Environmental Impact Statement where one was submitted with the prior application in 2005; flood hazard areas and noted that street trees had been installed along Drake Court and Mine Hill Road. Mr. Wunner agreed that the final subdivision checklist items would be provided including a developer agreement, cost estimate and tax lot designations. Mr. Wunner stated that the existing NJP&L utility easement with overhead wires would not have an impact on the development of the lots impacted by the easement as they were oversized so that the houses could be constructed outside of the easement with only the driveway passing through the easement for access. Mr. Wunner stated that a note would be added to the plan regarding limiting the amount of impervious coverage to 15% on each lots and that drywells would be installed and agreed to show the location of the existing water line on the plans. Mr. Wunner discussed the location of the existing sanitary sewer and the proposed connection to the sewer line.

9. Mr. Smith asked for clarification that the water line was installed and the reasoning for the proposed lot configuration with the flag lots. Mr. Wunner clarified. Mr. Smith asked if the flag lots with long driveways would present a problem with the 15% impervious coverage. Mr. Wunner discussed the lot coverage and indicated that a limitation as to lot coverage would be in place. Questions were raised as to how to memorialize such a limitation, and the applicant agreed to incorporate same into the developer's agreement and any homeowner's association documents as well as the final plat would include the restriction. Mr. Smith asked if there would be enough room in the stems of the flag lots to fit the drywells and driveway. Mr. Wunner explained that the drywells could be designed to be installed under the driveway adding that maintenance of the drywells would be the responsibility of the individual property owner and in the case of a shared driveway the easement and maintenance would be listed in the deed with a maintenance agreement. Mr. Bryce stated that the ordinance allows for shared driveway up to four lots noting that specific language placed in the deeds and agreed that the deed restriction would be reviewed to the satisfaction of the Board's professionals. Mr. Wunner agreed that each lot would be subject to a plot plan review and approval.

10. Mr. Wunner discussed that the lot to be donated to the Township would be accessed from Drake Court by an easement and the location of the existing access easement to the detention basin off Mine Hill Road through the donated Township lot would be revised to the Board's satisfaction. Mr. Wunner agreed that the detention basin lot would be a separate lot and agreed that the items in Mr. Smith report would be a condition of approval.

11. The technical review dated May 5, 2018 prepared by Ms. Doyle was

entered as Exhibit B-2. The Environmental Commission (EC) review letter dated February 13, 2018 was entered as Exhibit E-1. Mr. Wunner agreed to comply with the comments of the EC including impervious coverage, maintenance of the detention basin by the homeowner's association, the subdivision would be served by sanitary sewer and public water and addressed the soil erosion measures including the silt fence location and adding a plastic tarp over any stockpiled soil during heavy rain. Mr. Wunner stated that it was determined that there was adequate capacity in the Oxford sewer facility noting that the existing sanitary sewer line in Mine Hill Road and the pump station was owned by the Fairway Valley Homeowner Association noting that both Oxford and Fairway prepared calculations and added that the Township had recently revised the Waste Water Management Plan which once approved by the DEP would include the proposed subdivision into the sewer service area and the applicant would then obtain a TWA Treatment Work permit which would need to be signed off by Oxford, Fairway Valley, the Township, the applicant and the new homeowners association. Mr. Wunner stated that the sewer plant engineer indicated that the system would work better with the additional homes being added to the system to activate the pump more often.

12. The matter was opened to questions from the public. Tim Swales, 24 Plane Hill Road, asked why the location of the houses was not firmed up. Mr. Wunner responded that the homes would be located within the building envelope and most likely close to the road to limit the length of the driveway. Mr. Swales raised concerns regarding different types of houses and stated he was concerned about his view of the new homes.

13. Lauren Connors, 16 Pebble Beach Way, asked about the tree buffer. Mr.

Wunner responded. Ms. Connors stated that there was a concern about additional houses being added to the sanitary system for Fairway Valley previously and stated that she could not believe that there was not a concern now. Mr. Bryce stated that the agreement to include the additional homes was voted on by the Fairway Valley Association after multiple meetings. Mr. Wunner stated that he did not recall that there was problem.

14. Cynthia Schmitt, 27 Plane Hill Road, raised questions as how the drywell worked and if there would be an effect on the creek which were responded to by the applicant's engineer.

15. Mike Krauss, 32 Glen Eagles Road, raised concerns regarding the hours of construction claiming that the Township allowed construction 16 hours a day every day. Mr. Wunner could not answer the question.

16. The applicant's planner, George Ritter, provided sworn testimony under oath. He reviewed his credentials as a licensed professional planner in the New Jersey and was accepted as an expert in that field. Mr. Ritter discussed the proposed 'c' variances for the flag lots and frontage including that there was some hardship based on that the existing roadway had been constructed limiting the design noting that looking at the overall plan the application would fall under a 'c2' variance where the combination of deviations being considered having any negative impact would be offset by the positive benefits of the proposed planning. Mr. Ritter stated the relief being requested was specific to this site and would advance the purposes of the Municipal Land Use Law with no substantial detriment to the zoning plan or public good where this plan instead of a conforming plan provided a benefit noting that the site was essentially a redevelopment of the property. Mr. Ritter stated that the proposed design limited the increase in

impervious coverage by not proposing additional roadways

17. A copy of 'proposed plan - 24 lots' was entered as Exhibit A-4 and a copy of 'proposed conforming plan - 24 lots' was entered as Exhibit A-5. Mr. Ritter discussed that the conforming plan would require an additional 930 linear feet of street which would increase the impervious coverage by more than 27,000 square feet and would also create access issues onto the County right-of-way. Mr. Ritter stated that the proposed plan still meets RSIS standards with the increased density with the existing roadway while keeping the openness of the site. Mr. Ritter stated that the proposed subdivision was in the same character and was less dense than the surrounding neighborhoods noting that the proposed lots were all over 1 acre (43,560 sf) which was larger than the minimum of 40,000 and were larger than the surrounding neighborhood lots. Mr. Ritter discussed the buffering and offered to provide a 25-foot-wide buffer along the rear line where they butt up against residential lots and that the buffer could be modified to address any concerns of the neighbors as they arise to supplement the buffer as needed. Mr. Ritter discussed long term planning where there was no need to extend the street to the property line as the property was a self-contained neighborhood. Mr. Ritter discussed the positive and negative criteria.

18. Mr. Ritter discussed Ms. Doyle's review including the flag staff widths and locations where they were proposed at 25 feet wide where 50 feet was the design standard. Mr. Ritter stated that the applicant agreed to provide landscape buffering and discussed the lot denoted to the Township. Ms. Doyle requested that landscape buffering be added based on the location of the homes at the time of a plot plan review. Ms. Doyle proposed a 25-foot-wide conservation easement on the rear property line on lots where

there were existing trees, Ms. Doyle clarified that the setback lines shown did not include sheds or other accessory buildings and suggested that a 25-foot-wide conservation easement would keep these items from being installed closer to the property line. Mr. Ritter stated that the applicant would agree to the conservation easement in certain areas and would provide a 25-foot wide buffer.

19. The matter was opened to the public for questions. Cynthia Schmitt, 27 Plane Hill Road, asked if there would be trees buffering her working farm and who would maintain the buffer. Mr. Ritter responded that the existing trees would remain and stated that the applicant would install additional plantings as needed. Mr. Gruenberg suggested that right to farm language be placed deeds notifying that there were farms in the area. Mr. Bryce agreed.

20. Ms. Doyle discussed the additional landscaping to provide density and screening along the perimeter of the site. Mr. Ritter agreed to provide additional landscaping buffer to the satisfaction of the Board's planner noting that additional landscaping would be provided where needed and not necessary along the entire perimeter.

21. Tim Swales, 24 Plane Hill Road, asked how long the construction would take and what the impact would be structurally to the existing homes. Mr. Wunner stated that there was not a construction schedule prepared and noted with the size of the lots and distance from the existing homes there should not be any significant vibration adding that the existing bedrock was at a depth of 40 feet where any excavation would be a conventional type with backhoes. The applicant agreed to limit the times of construction to 8 am - 4 pm Monday to Saturday as a condition.

22. The matter was opened to the public for testimony. Frank Marascia, 27 St. Andrews Drive, stated he was the Environmental Commission Chair. Mr. Marascia stated the concerns of the Environmental Commission with soil erosion plan and the possibility of sediment going into the creek during construction and asked that the silt fence be maintained. Mr. Wunner stated that the applicant would comply with the Soil Conservation District plan and regulations.

23. Cynthia Schmitt, 27 Plane Hill Road, was sworn in for testimony. Ms. Schmitt stated that the applicant was over loading the property to make the most money without thinking the project through and suggested reducing the number of the houses to eliminate the drywells.

24. A motion to close the public hearing was made by Klingel, seconded by Fiore. Members in favor: All were in favor.

25. A motion to approve the preliminary and final major subdivision and to grant the variances subject to conditions as discussed was made by Sodtalbers, seconded by O'Donnell. Members in favor: Robert Klingel, Evan Howell, Ralph Fiore, Erich Sodtalbers, Stephen Swinton, Maureen O'Donnell, Gretchen Foley, Michael Lum.

Conclusions:

1. The Land Use Board finds under the circumstances presented in this matter that the applicant has established its entitlement to a variance relief pursuant to N.J.S.A. 40:55D-70(c)(1) and (2). The applicant is limited in its ability to develop the property in light of the existing roadway and drainage improvements that have already

taken place. This creates an undue hardship which makes strict enforcement of the ordinance standards as to flag lots and frontage impracticable. Moreover, the applicant has demonstrated an ability to construct a fully conforming plan, however there would be significantly more impervious coverage and the proposed plan and its configuration is far superior. The Board finds that the purposes of the Municipal Land Use Law would be advanced by granting the deviations from the ordinance standards requested.

2. Moreover, the Board finds that the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. By reconfiguring access, the applicant has limited the driveways on the county road. Moreover, the proposed conditions, including landscape screening and conservation easements and limits of impervious coverage adequately address any concerns the public might have as to this otherwise fully conforming subdivision. The proposed lot sizes are in excess of the 40,000 square foot minimum requirement and are consistent with those lot sizes in the neighborhood.

3. Having granted the variance relief, the proposed major subdivision otherwise is therefore entitled to preliminary and final subdivision approval subject to conditions.

RESOLVED, that the Applicant, **RNJ CONTRACTING, LLC** is granted preliminary and final major subdivision approval and variance relief as set forth above provided the following conditions are met:

A. Applicant shall comply in all respects with the Board Engineer's Review correspondence marked Exhibit B-1 as clarified during the testimony.

B. Applicant shall comply in all respects with the Board Planner's Review correspondence marked Exhibit B-2 as clarified during the testimony.

C. Applicant shall comply in all respects with the Environmental Commission memo marked E-1 as clarified during the testimony.

D. Applicant shall submit a Landscape Plan to the satisfaction of the Board's professionals.

E. Establishment of a Homeowners' Association to the satisfaction of the Township Attorney and the Board Attorney.

F. Provision of a Developers' Agreement and performance guarantee to the satisfaction of the Board Engineer, Township Engineer, Board Attorney and Township Attorney.

G. Submittal of Amendments to the Plans to the Satisfaction of the Boards professionals.

H. There shall be a limitation of 15% coverage on each lot as delineated by a note on the plans, Developers Agreement and HOA restriction.

I. Provision of common drive and maintenance agreements to the satisfaction of the Board's professionals.

J. The access to the Township dedicated lot and detention basin lot shall be revised to the Board professional's satisfaction.

K. The relocation of the detention basin access easement to the satisfaction of the Board's professionals.

L. The silt fence location is to be revised and plastic tarping during heavy

rain events to the satisfaction of the Board Engineer.

M. Receipt of unconditional approval of the waste water management plan by the DEP

N. A 25-foot-wide strip supplementing the hedgerow and trees to build buffer up and landscaping revised to the satisfaction of the Board's professionals

O. The 25-foot-wide strip and area to the north of the site of the abutting Lot 3.17 is to be delineated by a conservation easement to the satisfaction of the Board's professionals

P. Right to farm language shall be provided in each deed to the satisfaction of the Board's professionals.

Q. The hours of construction shall be limited to 8 am to 4 pm Monday to Saturday;

R. Applicant obtaining any and all other necessary governmental approvals including, but not limited to, Warren County Soil Conservation District, Warren County Planning Board Approval, and New Jersey DEP Approval if applicable.

S.. Applicant shall maintain a positive balance in its escrow account sufficient to enable the Board's professionals to continue to review the application and compliance with this Resolution.

**WASHINGTON TOWNSHIP LAND USE BOARD
APPLICATION WTPB#2018-01**

SECRETARY: Eileen Parks

APPROVAL DATE: June 13, 2018

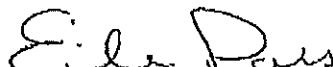
BLOCK: 28 LOT: 5

VOTE: Robert Klingel, Evan Howell, Erich Sodtibers, Maureen O'Donnell, Michael Lum.

Ayes: 5

Nays: 0

I certify that this is a true copy of a resolution adopted by the Land Use Board of the Township of Washington, Warren County, on June 13, 2018, to memorialize the Land Use Board's action on May 9, 2018.



EILEEN PARKS, Secretary

Eligible to vote: Robert Klingel, Evan Howell, Ralph Fiore, Erich Sodtibers, Stephen Swinton, Maureen O'Donnell, Gretchen Foley, Michael Lum.

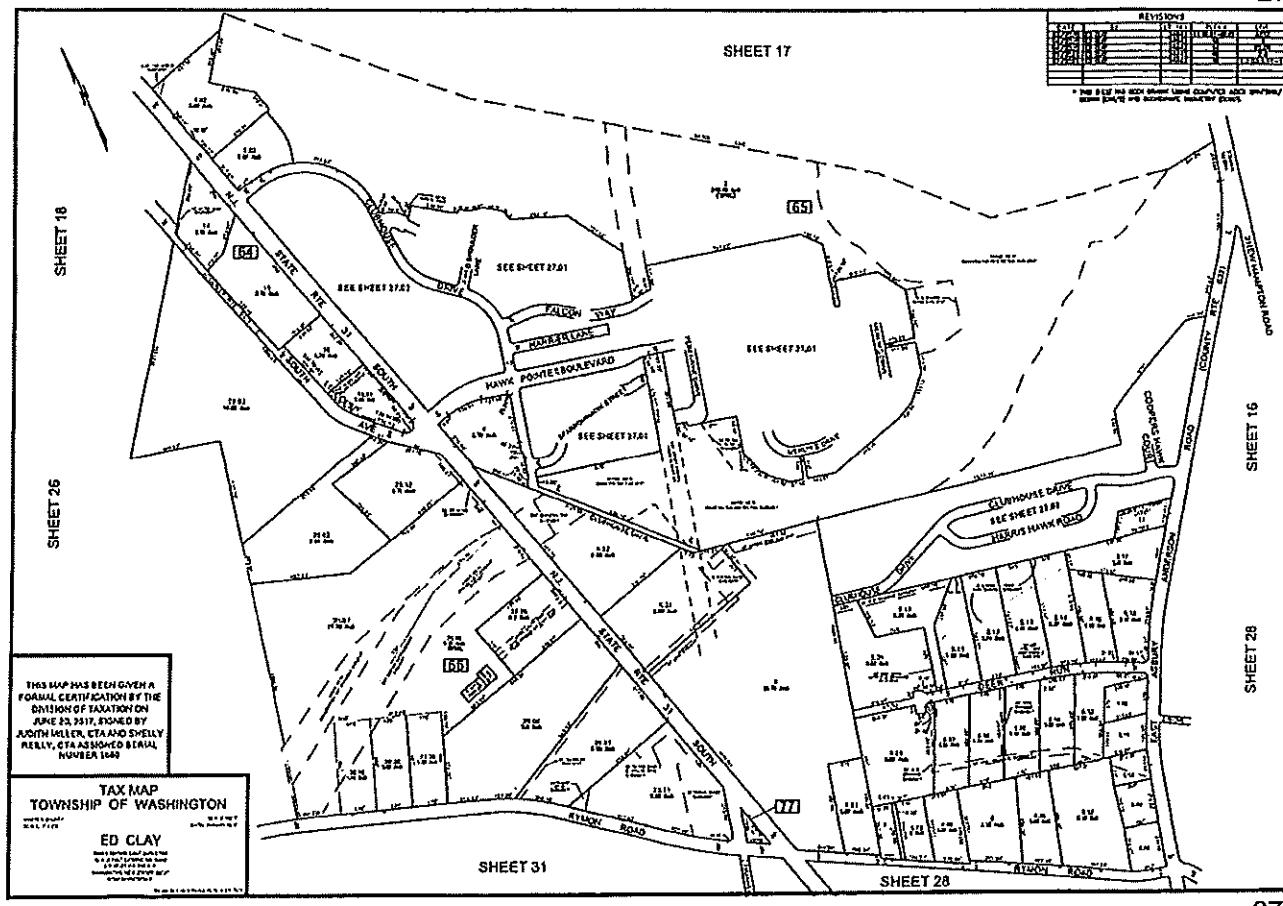
TOWNSHIP OF WASHINGTON, WARREN COUNTY
ANALYSIS OF FOURTH ROUND DCA OBLIGATION CALCULATION

APPENDIX B

**POLYGON 3 (BLOCK 65, LOT 8.02) AND
POLYGON 4 (BLOCK 66, LOT 20.07) DOCUMENTATION:**

- 1. Washington Township Tax Maps, Sheet 27**

27



27

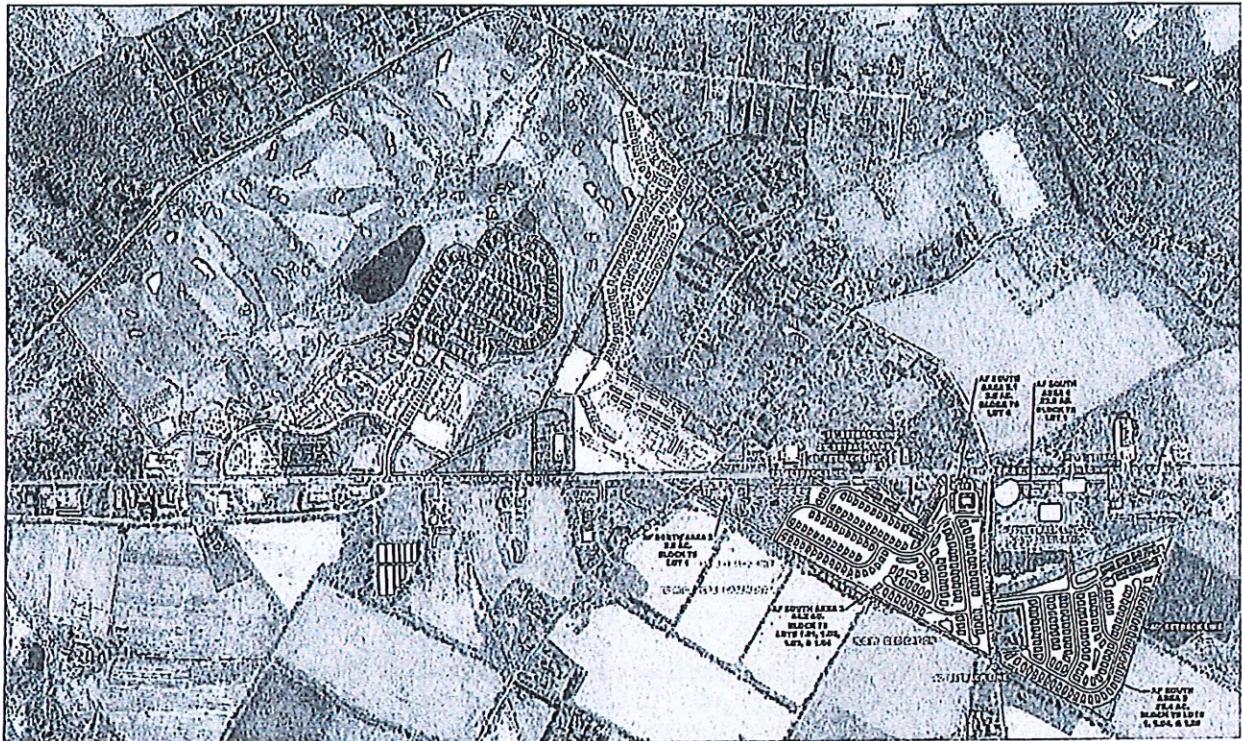
TOWNSHIP OF WASHINGTON, WARREN COUNTY
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APPENDIX C

**POLYGON 5 (BLOCK 76, LOTS 1.02, 1.03, & 4) AND
POLYGONS 6-8 (BLOCK 75, LOT 1) DOCUMENTATION:**

1. Washington South Redevelopment Area Plan

Washington South Redevelopment Area



Block 75 Lots 1, 1.04, 1.05;
Block 76 Lots 1, 1.01, 1.02, 1.03, 4

Washington Township
Warren County

JUNE 11, 2024

Kerry N. Smith
Township Planner
NJ License # 33LI00472000

06/11/2024
Date

WASHINGTON TOWNSHIP COMMITTEE

Robert Klingel, Mayor

Mark Rossi, Deputy Mayor

George Willan, Committeeman

Michael J. Kovacs, Committeeman

Ralph Fiore, Committeeman

REDEVELOPMENT ADVISORY SUBCOMMITTEE

George Willan, Committeeman

Michael J. Kovacs, Committeeman

Steven Swinton, Land Use Board

Alan Thesfeld, Environmental Commission

Michael Lum, Land Use Board

Lloyd Tiger, Land Use Board and Recreation Committee

ADVISORS TO THE LAND USE BOARD

Kevin M Smith, PE & PP, Township Engineer & Planner

Eileen Parks, Secretary to the Land Use Board

1. INTRODUCTION

1.1 BASIS FOR THE REDEVELOPMENT PLAN

By Washington Township Committee Resolutions #2020-46, further amended by Resolutions #2021-138 & #2021-190, the Township Committee directed its Land Use Board to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (“LRHL”) to determine whether the following properties would qualify as an “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5:

Block 75, Lots 1, 1.04, 1.05

Block 76, Lots 1, 1.01, 1.02, 1.03, 4

Block 66, Lot 20.03 (Note: Block 66, Lot 20.03 is included in the designated “area in need of redevelopment” but is NOT part of this redevelopment plan)

On the behalf of the Land Use Board, a report generally entitled “Washington Township Land Use Board Redevelopment Study Area Preliminary Investigation Report Route 31 South Economic Corridor” (PIR) was prepared by the Township Engineer / Planner, last revised on February 25, 2022. (Appendix A)

After review of the PIR and a duly noticed public hearing, a resolution was adopted by the Land Use Board on February 24, 2022, recommending that the Township Committee designate the subject lands as an *Area In Need Of Redevelopment*.

The Washington Township Committee accepted the Land Use Board’s recommendation, designated this site as a ‘Redevelopment Area’, and on March 15, 2022, the Committee adopted resolution #2022-78 declaring that Block 75 Lots 1, 1.04, 1.05; Block 76, Lots 1, 1.01, 1.02, 1.03 and 4; and Block 66, Lot 20.03 were an *area in need of redevelopment*.

By correspondence dated April 11, 2022, the New Jersey Department of Community Affairs, the Township Committee’s area in need of redevelopment designation was approved subject to compliance with any applicable Highlands Water Protection and Planning Act Rule that may be applicable (Appendix B.1)

By correspondence from the New Jersey Highlands Council, dated ***date***, Highlands Council action would only be required in a non-conforming Planning Area municipality if a major modification of a water allocation permit was required (Appendix B.2). By correspondence dated January 25, 2024, the New Jersey Department of Environmental Protection (NJDEP) has issued a permit to extend the public water system adjacent to the Redevelopment Area. This extension did not require a modification of the allocation limits.

This Redevelopment Plan was prepared and adopted pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.), the New Jersey's Local Housing and Redevelopment Law (LHRL) and the Municipal Land Use Law (MLUL) as follows:

- A potential redeveloper presented conceptual plans for Block 75 Lots 1, 1.04, 1.05; Block 76, Lots 1, 1.01, 1.02, 1.03 and 4. The Township Committee created and assigned community members to the REDEVELOPMENT ADVISORY SUBCOMMITTEE (SUBCOMMITTEE) for the purpose of reviewing the redevelopers proposal and to assist the Township Committee with the prepared a Redevelopment Plan.
- The SUBCOMMITTEE conducted meetings and received input from the potential redeveloper. The SUBCOMMITTEE prepared the Redevelopment Plan and forwarded it to the Township Committee on *** date ***.
- In accordance with N.J.S.A. 40A:12A-7e, on ***date***, the Washington Township Committee referred to Redevelopment Plan to the Washington Township Land Use Board (WTLUB).
- The WTLUB reviewed the Plan and forwarded their comments to the WTC by Board Resolution dated ***date***.
- The WTC acknowledged receipt of the WTLUB resolution and introduced on first reading Ordinance #2024-## for the adoption of the Plan.
- The WTC held a public hearing on the Plan on ***date*** and ***action taken***.

1.2 REDEVELOPMENT PLANNING PROCESS

The Local Redevelopment Housing Law (LRHL) details the process that a municipality shall follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of the site outlined for study.

This Redevelopment Plan supersedes all zoning designations and regulations for the Redevelopment Area. This plan sets forth the vision for place making within the Redevelopment Area and the standards to be applied for the review of land use, bulk, parking and site design.

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing

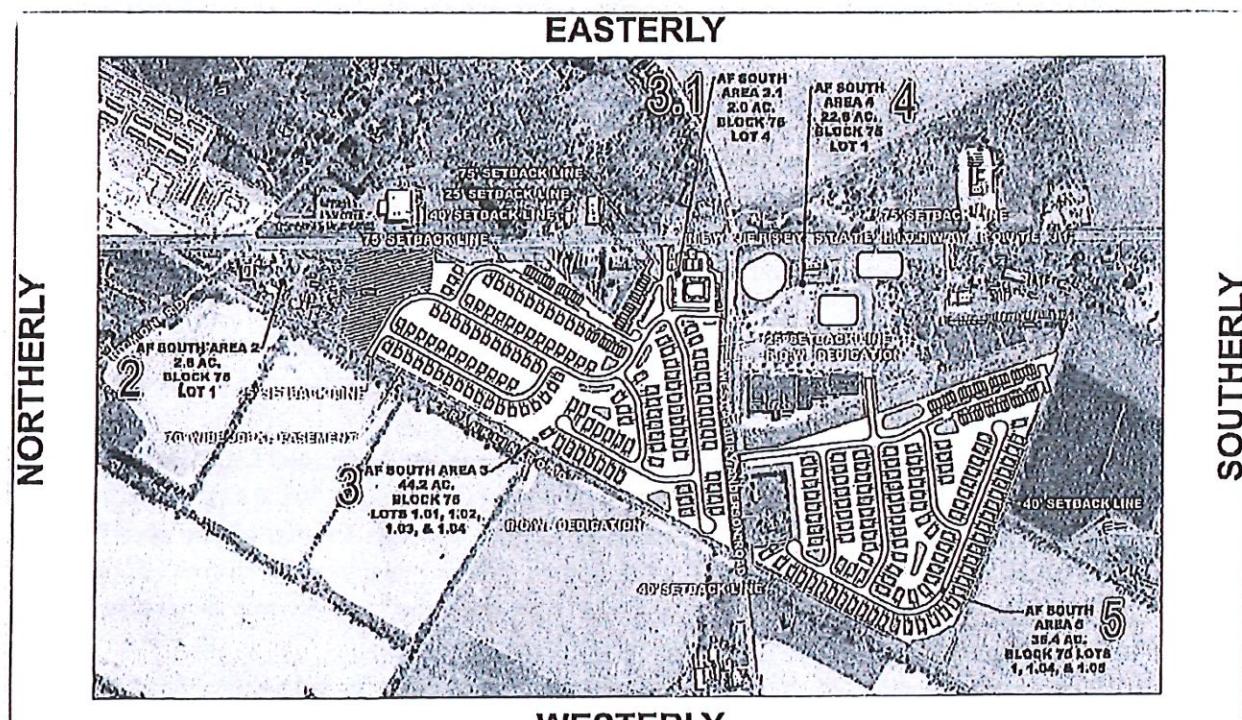
Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The relationship to local objectives is addressed in Section 2 of the Plan and in the PIR (Appendix A).
- The Redevelopment Plan included development standards in Section 8 & 9 and detailed concept plans (Appendix C).
- The Redevelopment Plan does not envision a need to acquire privately owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan of the Township of Washington (Section 5.1, 5.2, 5.4). The Plan also complies with goals and objectives of the New Jersey State Development and Redevelopment Plan and the proposed State Strategic Plan (Section 5.3)
- As of the date of adoption of the resolution finding the area to be in need of redevelopment, there were no existing affordable housing units located within this Redevelopment Plan area, therefore, none were removed or displaced. As noted elsewhere in this Redevelopment Plan, affordable housing units are proposed as part of this plan to satisfy the Township's third round obligation and to provide affordable housing units to be credited towards future round obligations.
- Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area shall be provided as mandated by State statute, regulation, and as noted in Plan Section 8.2K.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Washington regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Washington Zoning Map and said map shall be revised to identify the redevelopment area.
- Prior to the adoption of this redevelopment plan, or revision or amendment thereto, the Washington Township Land Use Board (WTLUB) shall have transmitted to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. The Township Committee shall have considered the Board's report as part of their plan approval.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

1.3 OVERVIEW OF THE WASHINGTON SOUTH REDEVELOPMENT AREA

This Redevelopment Plan is for the planned development of the southerly portion of the overall area designated as an Area In Need Of Redevelopment. Figure 1 illustrates the redevelopment area. Areas 2, 3, and 3.1 correspond to the PIR 'Study Area S(2)' and Areas 4 and 5 correspond to PIR 'Study Area S(1)'. The proposed development / redevelopment plan needs identified in the Preliminary Investigation Report.

Figure 1



AREA 2	2.8 ACRES	BLOCK 76	LOT 1
AREA 3	44.2 ACRES	BLOCK 76	LOTS 1.01, 1.02, 1.03, 1.04, & 4
AREA 3.1	2.0 ACRES	BLOCK 76	LOT 4
AREA 4	22.8 ACRES	BLOCK 75	LOT 1
AREA 5	36.4 ACRES	BLOCK 75	LOTS 1, 1.04, & 1.05

NOTE: IMAGE AREA PREPARED BY GLADSTONE DESIGN, INC.
AREA ANNOTATION BY WASHINGTON TWP ENG

2. VISION FOR THE REDEVELOPMENT AREAS

This Redevelopment Plan establishes the vision for redevelopment and a roadmap to navigate the transformation of the designated areas through the redevelopment process. The Redevelopment Plan has delineated Redevelopment Areas, with opportunities and constraints specific to each area. The intended future uses, their arrangement and design and implementation of the plan are outlined in this Plan.

2.1 *OBJECTIVES FOR REDEVELOPMENT*

- 2.1.1 Address a public health and declining property values concern due to localized / isolated groundwater contamination.
 - Incentivize the extension of the public water system between the current system limit in the vicinity of Rymon Road / Route 31 and the commercial center site on Block 75, Lot 1.
- 2.1.2 Address the Township's obligation to provide affordable housing.
 - Fulfill the township's third round affordable housing obligation in accordance with the Township Affordable Housing Settlement. Of the first 120 dwelling units in redevelopment Area 3, twenty (22) units shall be affordable.
 - Provide for the future affordable housing obligation. For units constructed beyond the initial 120 units, being a combination of units in redevelopment Area 3 and Area 5, 15% of these additional units shall be affordable as part of an anticipated 4th round obligation.
- 2.1.3 Revitalize and buildout the commercial center site in redevelopment Area 4 which is the southerly gateway to the township including, but not limited to, the following:
 - Reconstruction of a modern sewage treatment plant (to replace the failed onsite plant).
 - Re-imagining the mass of asphalt parking area to include a green/eco-friendly and pedestrian-friendly layout such that parking minimizes the appearance of large masses of blacktop.
 - Façade enhancements to the existing commercial retail space.
 - A dedicated community space with a minimum floor area of 2,000 sq. ft. for the use of residence of the Redevelopment Area.
- 2.1.4 Expand upon the Hawk Pointe Village Redevelopment Area:
 - When combined with the 'Hawk Pointe Village Redevelopment Area' (currently being developed with new homes and commercial space), this plan expands upon the construction of high quality residential inventory to attract food/ retail/

commercial tenants for the remaining pad sites in redevelopment Area 4.

- The remaining pad sites shall be integrated into Area 4 to develop a sense of place with complimentary architectural and site layout design.

2.1.5 Develop Area 3.1 as a regionally branded convenience retail / automobile fueling (excluding tractor trailers access) establishment.

- The Township will cooperate with the redeveloper's interactions with the New Jersey Department of Transportation (NJDOT) for site access from southbound Route 31.
- The building and site design shall integrate into a rural setting with building materials consisting of partial stone façade, roofing with a standing seam appearance, a significant emphasis on a park-like layout of landscaping and walkways.

2.1.6 Redevelop Area 2 with a new site layout and structures.

- The emphasis of site design is to reconfigure vehicle access at the site frontages for improving roadway and site access safety.
- Envisioned uses are mixed commercial space (ground floor) and apartments (upper floors).

2.1.7 Provide the necessary support for commercial, retail, and office-medical establishments.

- Attract national, regional, and local establishments.
- Provide quality and attractive new housing units.
- Provide a mix of single family homes, townhomes/condominiums (Areas 3 and 5) and apartments (Area 2).
- Market rate dwelling units will be a mix between general age and active adult (age 55 and older) units.

2.2 REDEVELOPMENT GOALS

The following redevelopment goals will guide the redevelopment process.

2.2.1 *Provide for efficient traffic movements by:*

- Create a pattern of internal streets that facilitate efficient access for emergency services and allow for convenient movements for snow clearing and storage.
- As part of the redevelopment of Area 2 (Rymon Site), improve project and highway safety through site design that better controls parking lot access to the street frontage along Route 31, Rymon Road, and Franklin Road (CR634).
- As part of the redevelopment of Area 3 (Residential), create a pattern of internal streets that encourage lower speeds (25 mph). Provide collector road access to Asbury-Anderson Road (CR632) and Franklin Road (CR634). For convenience to Area 3

residents, provide cross access to Area 2 (pedestrian) and Area 3.1 (pedestrian and vehicular). Access to Asbury-Anderson Road is encouraged to align with the existing commercial access drive to Area 4.

- As part of the redevelopment of Area 3.1 (Commercial / Convenience), propose southbound Route 31 ingress and egress and coordinate with Redeveloper and N.J.D.O.T. to secure approvals. Provide a second access to Asbury-Anderson Road including cross access with Area 3.
- As part of redevelopment Area 4, develop internal access driveways to provide a sense of village that will encourage reduced vehicle speeds. Site access to Route 31 and Asbury-Anderson Road is existing. Reduce the existing large contiguous asphalt parking lots to the extent practical. Provide cross access to Area 5 (pedestrian and vehicular) for the convenience to the resident population.
- As part of the redevelopment of Area 5 (Residential), create a pattern of internal street that encourage lower speeds (25 mph). Provide collector road access to Asbury-Anderson Road (CR632). Provide pedestrian and vehicular cross access to commercial Area 4.
- Improve access along Route 31 if traffic analysis recommends improvements that are needed to facilitate circulation.

2.2.2 Design the redevelopment project to be environmentally, economically, and socially sustainable.

- Redefine the site with uses and designs that are beneficial to the community and marketable for the developer.
- Incorporate environmentally-sustainable and green alternatives into the design wherever practicable.

2.2.3 Enhance the streetscape and provide safe, comfortable, and attractive mobility solutions for motor vehicles, pedestrians, and cyclists within commercial Areas 3.1 and 4.

- Encourage visitation by pedestrians and cyclists within semi-public spaces by providing bike racks and other streetscape design elements that conform to "best practice" place making standards.
- Promote quality streetscape treatments (landscaping, street furniture and other features) that animate the street.
- Calm traffic for safe pedestrian, bicycle, cart circulation.

2.3 NOTES ON PLAN TERMINOLOGY

- 2.3.1 “Sustainable” development, which refers to energy efficient design. Conservation construction techniques are strongly encouraged. While Leadership in Energy and Environmental Design (LEED) certification or other such certifications are not required, these are encouraged.
- 2.3.2 When the words “shall” and “should” are used in this Redevelopment Plan, the following shall apply:
 - Any deviation from a provision of this Redevelopment Plan, which uses the term “shall” is deemed a variance and shall be analyzed by the Land Use Board pursuant to the standards set forth in the Municipal Land Use Law for variances.
 - Any request for deviation from a provision of this Redevelopment Plan which uses the term “should” is deemed a design waiver and shall be analyzed by the Land Use Board pursuant to the standards set forth for a design waiver.
 - The requirements of N.J.S.A. 40:55D-12 shall govern notice of all applications under this Redevelopment Plan, including any obligation to specify required variances, design waivers and exceptions.

3. LAND USES AND PURPOSE OF THE DESIGN

3.1 *LAND USES*

The land uses permitted in each of the five Redevelopment Areas noted below are incorporated into this Redevelopment Plan. The Redevelopment Plan shall supersede Washington's Land Use Ordinance standards in the event of conflict with other provisions of the Ordinance. The general standards set forth in the Washington Township Land Use Ordinance shall continue to apply except when inconsistent with the specific standards set forth in the Redevelopment Plan.

3.2 *PURPOSE OF THE DESIGN*

The conceptual layouts provided in this Redevelopment Plan are intended as an illustrative plan and not a strict blueprint for redevelopment. Nonetheless, the relationships among and between uses and the proportions of various uses within the redevelopment are intended to be followed as closely as reasonably practicable.

4. REDEVELOPMENT ACTIONS

4.1 *OUTLINE OF ACTIONS*

Construction of new structures and other improvements should take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

Timing of new construction will be provided in a site plan application for the overall Redevelopment Area. The Land Use Board will review the phasing, including influences from market conditions, and changes in phasing to assure that the public safety and welfare are maintained if development plans are proposed to be modified. Phasing of the development will be by Site Plan of the individual Redevelopment Planning Areas

4.2 *PROPERTIES TO BE ACQUIRED*

This Redevelopment Plan will not require Washington Township to acquire any privately owned property within the Redevelopment Area.

4.3 *RELOCATION*

This Redevelopment Plan will not displace or relocate any residents or businesses within the Redevelopment Area by way of the Township's use of eminent domain.

4.4 OTHER ACTIONS

In addition to the new construction described above, several other actions may be needed in order to further the goals of this Redevelopment Plan. Title searches will be conducted in order to ascertain legal rights and restrictions. Actions may include, but shall not be limited to: (1) provisions for infrastructure necessary to service new development; (2) environmental remediation; and (3) creation of cross easements and/or vacating of utility easements and other easements and rights-of-way as may be necessary to effect redevelopment.

4.5 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a redeveloper and the Township of Washington.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO WASHINGTON MASTER PLAN

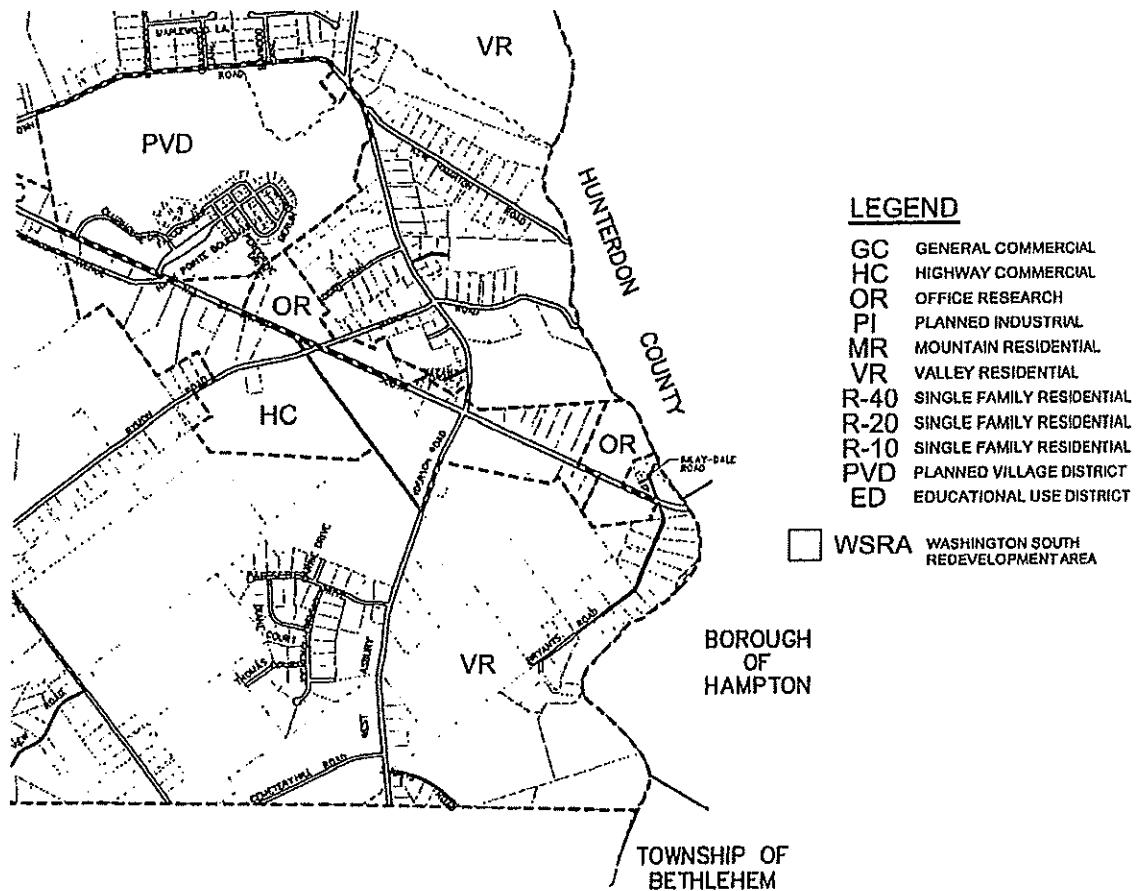
This Redevelopment Plan is viewed as being substantially consistent with the Washington Township Plan and significantly advances its goals, particularly as highlighted below:

- To preserve the development character and quality of Washington Township.
- To safeguard the tax base, provide for a continuing employment source and stable tax ratables through appropriate use of non-residential lands;
- To identify major gateway locations to enhance the image of the community;
- To evaluate a range of available planning, zoning and implementation tools available to the township including but not limited to design standards with the goal of enhancing the quality of life for the residents of Washington and to improve the visual appearance of major corridors to enhance the image of the community and strengthen its identity. Possible improvements to guidelines include signage, landscaping and streetscape improvements.
- To protect the quality of life enjoyed by Washington residents;
- To enhance and increase tax ratables through diversity of high-value uses;
- To adjust to the contemporary needs of an active adult community and the residents of Washington Township;
- To encourage long term, sustainable site planning;
- To enable more flexibility in development context and promote economic activity in appropriate locations; and
- To offer building design guidelines.

The spirit of these goals and objectives has served to guide this Redevelopment Plan to ensure that it will blend with the landscape, harmonize with existing neighborhoods, protect, and advance Washington's quality of life.

5.2 RELATIONSHIP TO ZONING ORDINANCE

Prior to adoption of this Redevelopment Plan, site development Area 2, 3, 3.1 & 4 are controlled by the Highway Commercial (HC) zone. Site development Area 5 would be controlled by the Valley Residential (VR) zone. This Redevelopment Plan proposes the Washington South Redevelopment Area (WSRA) overlay district - which is designed to address the Area In Need Of Redevelopment criteria identified in the PIR.



ZONING MAP

5.3 RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The adopted policies of the State Development and Redevelopment Plan (SDRP) are substantially advanced by this redevelopment plan, as seen in the highlighted excerpts below:

#1. Revitalize the State's Cities and Towns – Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.

- Infill and redevelopment will be encouraged on the existing shopping center site.

#3. Promote Beneficial Economic Growth – Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents. Provide infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards. Encourage partnerships and collaborative planning with the private sector and capitalize on the State's strategic location, and economic strengths including its existing business enterprises, entrepreneurship, the research and development capacity of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.

- A residential base will be developed to support existing commercial proximate to the redeveloped area include both in Washington Township and adjacent Washington Borough. Attract revitalization of existing underutilized commercial shopping center.

#4. Develop standards of performance and create incentives to reduce pollution and toxic emissions. Actively pursue public/private partnerships, the latest technology and strict enforcement to prevent toxic emissions and to clean up polluted water.

- A failing sewer treatment facility will be replaced. The redevelopment plan will allow for the extension of public water to an area with known residential well contamination. New development will be served by state-of-the-art wastewater treatment facilities.

#6. Housing – Provide adequate housing at a reasonable cost through public/private partnership that create and maintain a broad choice of attractive, affordable ecologically designed housing.

- Develop a mix of unit type and eligibility including single family, townhome / condominium, apartment and including active adult housing (minimum age 55) and develop affordable housing consistent with the Township's Court settlement.

5.4 RELATIONSHIP TO ADJACENT MUNICIPALITIES

The Redevelopment Area is situated roughly 1.5 to 2.0 miles south of the Borough of Washington, approximately 1.0 miles north of the Borough of Hampton, and approximately 2.5 miles east of the hamlet of Asbury (Franklin Twp).

The revitalization of the shopping center site would be a benefit to the adjacent Towns. As these Towns do not have a similar center, the redevelopment will not have a significant negative (competition) effect. Additionally, the increase in high quality housing units would be a benefit to the existing local businesses in those municipalities.

6. GENERAL PROVISIONS

6.1. *AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE*

The Zoning Map of the Township of Washington is hereby amended to reference this Redevelopment Plan as an Overlay district called the Washington South Redevelopment Area. Additionally, the listing of zoning districts in the municipal Ordinance is hereby amended to include a reference to said Redevelopment Plan Overlay District.

6.2. *DEFINITIONS*

The "Definitions" section of the Township's Land Development Ordinance shall govern unless a term is otherwise defined herein.

"Redevelopment Planning Areas" shall be quantified by acreage through a survey prepared by a licensed land survey. The acreage of Redevelopment Planning Areas shall be computed from lot lines and shall not include existing road rights-of-ways.

6.3 *PRELIMINARY SITE PLAN FOR WASHINGTON SOUTH REDEVELOPMENT AREA*

Site Plan Approval. The applicant shall submit to the Land Use Board a Preliminary Site Plan designed in substantial conformance with the Redevelopment Plan and provide such data as may be required for Preliminary Site Plan applications. Partial and/or simultaneous preliminary and final site plan applications may be entertained if requested by the redeveloper. Site Plans shall be designed in accordance with the Township Ordinances regulating sections for site plan design. In addition to any other Checklist requirements, a complete application shall include the following:

- A. An overall development plan for the Redevelopment Area in accordance with bulk and site plan requirements of the ordinance that identifies acreage for each Redevelopment Area, proposed land uses, building heights, floor area ratios, floor areas of each building and the number of residential units.
- B. Architectural elevations, renderings and floor plans conforming to the architectural design standards for the Redevelopment Area
- C. A streetscape plan for the residential and non-residential uses, indicating the overall roadway design, locations and materials to be used, including pavements, trees, other plantings, and any street furniture.
- D. Traffic Circulation plan
- E. A recreational sidewalk pathways for pedestrian and biking use shall be incorporated into the plan linking the Redevelopment Planning Area. The recreational network may be constructed of asphalt.
- F. Parking (including garages), loading and vehicular access plan.
- G. Landscape, open space and recreation plan.
- H. Utility plan.

I. Stormwater management plan

6.4 FINAL SITE PLAN APPLICATION.

The applicant may submit to the Land Use Board a Final Site Plan application along with the preliminary application or separately for any phase of development for which the applicant wishes to proceed. Any Final Site Plan application shall be accompanied by sufficient site cross sections to verify compliance with building height and all maps and other data required by the Land Use Code and this Redevelopment Plan that are applicable to the phase or phases of development for which Final Site Plan approval is requested.

6.5 PHASING PLAN SUBMISSION REQUIREMENTS

- A. Approval of an overall Site Plan, with supporting documents for the overall Redevelopment Area, is required prior to commencement of construction activity.
- B. Applications for Preliminary Site Plan approval must be submitted in accordance with the delineated Redevelopment Planning Areas shown in this Redevelopment Plan.
- C. Traffic analysis. When development of an individual Redevelopment Planning Area is proposed, a traffic circulation analysis shall be submitted to the Township Engineer to analyze traffic conditions in the entire project vicinity and identify existing traffic conflict areas, as well as the cumulative effect of traffic from the Redevelopment Planning Area on adjacent and affected roadways. Requirements for circulation and signage will be required by the Township Engineer.
- D. In addition to approval for a Final Site Plan, an executed Redevelopment Agreement between Redeveloper and the Township of Washington shall be required for each individual Redevelopment Planning Area.

6.6 REDEVELOPER'S AGREEMENT

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Washington Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney, and may include, but is not limited to, provisions relating to the following:

- A. Building use and type of construction shall be as provided in this Redevelopment Plan for each Redevelopment Area described in this Redevelopment Plan.

- B. Building layout shall be in general conformance with this Redevelopment Plan for each of the Redevelopment Areas. It is important to note that building layout and associated parking fields must be afforded flexibility if there is evidence of constraints due to soils and/or geology. The presence of carbonate rock, with its inherent constraints to development, must be recognized. Adjusting for such constraints is considered to be reasonable. Layout departures from the Redevelopment Plan should be provided with specific rationale as to the reasons for the change in layout.
- C. Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
- D. Architecture: Architectural design standards to ensure that the development will result in an aesthetically harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the Redeveloper and upon approval of the Township Committee, architectural criteria may be revised from time to time.
- E. Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
- F. Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, Pedestrian and bike linkages between buildings and Planning Areas to encourage free passage while discouraging conflict with vehicular traffic.
- G. Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, etc shall be provided for the benefit of building occupants and members of the Washington South Redevelopment Area overlay district. These shall be shown on each preliminary site plan.
- H. Maintenance: Developer's, or successor's, obligation to maintain and repair commercial and multi-tenant improvements including but not limited to building exteriors, internal roadways, landscape and buffering, open spaces, and solid waste services.

6.7 PLAN AMENDMENT

This Redevelopment Plan may be amended by the Township Committee from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to the fee schedule found in the municipal ordinance, unless the amendment request is initiated by an agency of Washington Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey. Development of such Amended Redevelopment Plan must be approved by the Land Use Board through the Final Site Plan process, after public notice pursuant to the requirements for notice for Preliminary Site Plans.

6.8. VARIANCE REQUESTS

- A. The Washington Land Use Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the Redeveloper.
- B. The Washington Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.
- C. An application for site plan approval shall provide public notice of such application and shall further identify all requested "shall" variances from the regulations contained herein.
- D. Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.9 REQUESTS FOR DESIGN EXCEPTIONS

The Washington Land Use Board may grant exceptions from the "should" regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.10 SUBDIVISION AFTER SITE PLAN APPROVALS

- A. Within the Redevelopment Area, subdivisions shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Washington Land Use Board.Upon granting of Final Site Plan approval on any of the five Redevelopment Areas, the developer may apply to the Land Use Board for a subdivision of one or more individual sections which have received, or are contemporaneously receiving Final Site Plan approval. Although the overall minimum tract size and applicable

tract setbacks must be maintained, the layout and details of the subdivision must demonstrate that the proposed individual Redevelopment Areas within the tract are of such size and geometry as to be able to function as an integrated component within the development and also within the abutting Redevelopment Area. In order to receive approval for the subdivision, the following is required:

- 1) The applicant must demonstrate that the resulting lot would function as though the subdivision had not occurred.
- 2) The applicant must provide a deed of conveyance, appropriate deed conditions, easements and covenants, in perpetuity, in a form satisfactory to the Township Attorney which assures the seamless function of the entire site.
- 3) The applicant shall execute a Developer's Agreement.
- 4) The applicant must assure that adequate provisions have been made for the joint and unrestricted use of all common on-site and off-site improvements, including buildings and structures within the Redevelopment Area.
- 5) Adequate provisions must be demonstrated for the perpetual maintenance and upkeep of on-site and off-site improvements, including lands, buildings and structures pursuant to the terms of the Board conditions and the Developer's Agreement.

B. No building permits shall be issued for construction of buildings within the Redevelopment Area until the Washington Land Use Board has granted Final Site Plan approval for such improvements .

C. The criteria for the consideration and approval of the site plan shall be conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Washington Land Use Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Washington.

6.11 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.12 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby the sale, lease, use or occupancy of land within the Redevelopment Area is restricted because of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.13 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 20 years from the date of approval of this plan by the Township Committee.

7. AFFORDABLE HOUSING

7.1 AFFORDABLE HOUSING

In conformance with the legal settlement for affordable housing with the Fair Share Housing Center, a portion of Washington Township's third round affordable unit obligation shall be satisfied within the tract encompassing redevelopment areas 2, 3, and 3.1 (PIR Study Area S(2)). Of the first 120 dwelling unit constructed, twenty-two shall (22) shall be affordable units (98 market rate units). All residential development units greater than 120 units within the entire redevelopment area (areas 2, 3, 3.1, 4, & 5) shall be subject to the requirement that at least 15% of dwelling units shall be affordable housing units. If any memory care or assisted living facilities are proposed, the set-aside for these facilities shall be 10%.

- 7.2 Said units shall meet the requirements of the Uniform Housing Affordability Control rules (NJAC 5:80-26.1 et seq), including but not limited to bedroom distribution, income distribution, pricing, affirmative marketing, and affordability controls. However, the development shall provide 13% very low income units pursuant to the Fair Housing Act (NJSA 52:27D-301 et seq.). Affordable housing requirements shall be further detailed in a Developer's Agreement with the Township Committee.
- 7.3 Phasing: In order to ensure that development of Affordable Units takes place simultaneously with development of market units in the development, the redevelopment shall be subject to the following phasing schedule for low and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

<u>Maximum Percentage of Market Rate Units Complete</u>	<u>Minimum Percentage of Low-and Moderate-Income Completed Unit</u>
Up to 25%	0
Up to 25%+1 unit	10%
Up to 50%	50%
Up to 75%	75%
Up to 90%	100%

This shall be understood to mean that the Township will cease issuance of certificates of occupancy for any future market rate units if the developer does not adhere to the phasing

schedule. For the purposes of this agreement, an affordable unit shall be deemed "complete" when the certificate of occupancy is issued.

8. DEVELOPMENT REGULATIONS

8.1 ORDINANCES AND ZONING MAP

The *Washington South Redevelopment Area (WSRA)* district is intended to supplement and enhance uses and services within the Hawk Pointe community, with mixed-use development arrayed around active adult and workforce housing, retail and service uses. This core provides a living and working environment of distinction. The new development should display sustainable site and building design and emphasize excellence in all its dimensions and components. The Redevelopment Area will optimize fiscal benefits to the Township and promote healthy lifestyles and social interaction as well as an increase in housing choices for this community.

In order to provide for uses compatible with the surrounding community, residential units within the WSRA will include well-appointed for-sale single family homes and for-sale townhomes/condominiums. WSRA commercial uses, where a favorable market environment prevails, should seek to include open air restaurants, small retail and office space, and passive and active recreation uses for personal health and social interaction.

8.2 SITE DESIGN

- A. Tract size, improved lot coverage, front, side and rear yard calculations shall be calculated based on the entire Redevelopment Area and not with reference to the particular land area devoted to any stage of redevelopment.
- B. An integrated sidewalk system shall be provided throughout the Redevelopment Area which facilitates pedestrian movements between and among various uses.
- C. An attractive landscape buffer screen of 25 feet in depth shall be installed along the boundaries of the tract where the district abuts an existing single-family use or zone.
- D. The arrangement of buildings, uses, parking areas and street setbacks shall be designed to advance sound design principles.
- E. All development plans shall conform to the design details and criteria set forth in Washington Township Land Use Code. The Land Use Board shall have the authority to grant variances and design waivers if these do not affect the intent and purposes of the Redevelopment Plan or applicable law.
- F. All essential services in commercial areas (Areas 2, 3.1, & 4), such as trash collection and storage, shall be screened in such a manner as not to be visible to the general public and wherever possible, located at the rear of the building(s). Generators should be located on the interior of the site and should not be located at or near pedestrian entrances.
- G. Within commercial areas (Areas 2, 3.1, & 4), bicycle racks shall be provided on site at a

rate of one bicycle storage space for every 100 automobile parking spaces or portion thereof.

- H. Developments are to maintain or enhance natural buffers in order to prevent motor vehicle light intrusion into established residential neighborhoods or produce glare for motorists on existing adjoining roadways.
- I. In all cases of residential development, the RSIS standards shall be adhered to.
- J. Electric vehicle charging equipment, locations, quantity and schedule for implementation, as mandated by State statute, shall be incorporated into the design of each redevelopment area.

8.3 COMMERCIAL PARKING

- A. Parking facilities shall be at least 10 feet from the right-of-way line of any state highway, and at least 25 feet from lands zoned for single-family residential use.
- B. Parking facilities and driveways shall be at least ten feet from zone district lines.

8.4 TRAFFIC

- A. The volume of highway traffic, including commercial truck traffic, has significantly increased on New Jersey State Highway Route 31 within Washington Township in recent years. In particular, the following issues are perceived:
 - The functioning of the signalized intersection of NJSR Rt 31 and Warren County Route 632 (Asbury-Anderson Road) suffers from an absence of protected left hand turning lanes for each of the four (4) approaches to the traffic light. These conditions require through traffic to utilize the roadway shoulder areas to bypass vehicles queuing for left hand turns.
 - The increased volume of state highway traffic at the intersection of Rymon Road has made left hand turns and through traffic maneuvers on Rymon Road increasingly difficult.
 - The acute angle of the intersection of northbound County Route 634 (Franklin Road) with Route 31 presents a challenge for drivers turning left (northbound) onto Route 31.

The Township of Washington has initiated efforts with the New Jersey Department of Transportation (NJDOT) to seek traffic studies with the goal of achieving design solutions and implementation of those solutions where the NJDOT finds sufficient warrants.

The housing and commercial establishment traffic associated with the Redevelopment Plan will rely greatly upon the noted State Highway access intersections. In order to achieve the best level of project success, the Redeveloper shall actively participate with Washington Township, the County of Warren, and the New Jersey Department of

Transportation to facilitate intersection improvements that will mitigate, to a practical extent, increased traffic. Where appropriate, the redevelopment site plans shall incorporate portions of the adjacent roadway improvements into the project design.

- B. The Redevelopment Plan may seek the Township's cooperation with establishing a new municipal roadway access to Route 31 as part of redevelopment area 3.1.
- C. Traffic studies for site plan applications shall be prepared to project the traffic volumes affecting the state and county highways and local roadways which will result from the development.
- D. As part of the Redeveloper active participation, the Redeveloper's professional traffic engineers shall assist with the study of reasonable strategies for traffic control and intersection improvements.
- E. Such traffic improvements (traffic signal modifications, intersection reconfiguration for turning lanes, restricted turning movements as unsignalized intersections, and other improvements) as are necessary to achieve acceptable post-development functioning, as determined by the applicable governing authority, shall be a condition of approval.

8.5 ARCHITECTURE

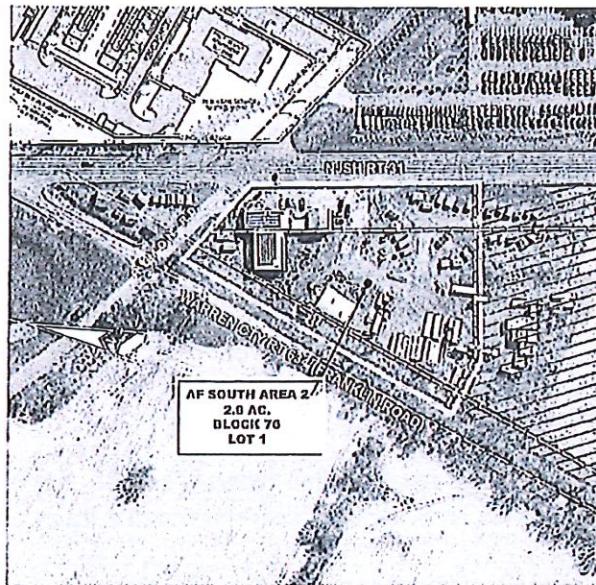
- A. The design of the building exteriors shall be compatible with required exterior design of buildings are identified below for each Redevelopment Area.

8.6 OTHER DEVELOPMENT REQUIREMENTS

- A. The minimum setback for accessory structures shall be 10 feet to a side yard and 12 feet to a rear yard. A deck (open to the sky) and a patio are accessory structures.
- B. Patios, whether of 'permeable design' or not, shall be considered impervious for the purposes of calculating project impervious cover and for stormwater management design calculations.
- C. Landscaping should be provided at a rate which is consistent with the Land Use Ordinance. In some circumstances of the environment, a full-width vehicular roadway for cars may not be possible. In these cases, car and pedestrian paths shall be provided.
- D. The zoning map should be amended to show the Overlay District.
- E. The Washington South Redevelopment Area overlay district consists of five Redevelopment Areas within the designated Redevelopment Area as shown in Figure 1.
- F. A reasonable amount of temporary commercial and residential sales signage shall be permitted during project construction. Due to the changeable needs for advertising and customer direction to model sales office, the signage design shall be flexible subject to review, conditions, and approval by the Township Engineer.

9. REGULATIONS FOR THE REDEVELOPMENT AREAS

9.1 REDEVELOPMENT PLANNING AREA 2



AREA 2

Redevelopment Area 2 is comprised of Block 76, Lot 1, an irregular shaped tract bounded by Rymon Road to the north, New Jersey State Highway Route 31 to the east, Franklin Road to the west, and Lot 1.03. to the south. Area 2 is approximately 2.8 acres. Mixed-use apartment buildings are permitted with a maximum residential yield of 20 units.

Access to Area 2 can be from either Route 31 and/or Franklin Road.

The following development requirements shall apply:

A. Permitted Principal Uses:

- 1) **Ground Floor Uses:** Retail and service uses consistent with permitted commercial uses in the Highway Commercial (HC) Zone, also including, but not limited to cafes and restaurants, business and professional offices, classroom activities such as art, exercise, and computer-based education, banks and financial institutions, pharmacies, adult and childcare facilities, gyms, health clubs, day spas, wellness counseling, animal medical emergency services, distilleries / micro-brewing, and similar establishments.
- 2) Drive-throughs shall be permitted as part of the above noted principal uses and shall conform to standards set forth in Section 123-13.2 of the Township Land Use Code.
- 3) **Second Floor Uses:** Apartments, business and professional offices, classroom activities such as art, exercise, and computer-based education, wellness counseling, and similar commercial uses. If both residential and non-residential uses are proposed, the uses should be grouped, divided, and provided separate accessways.

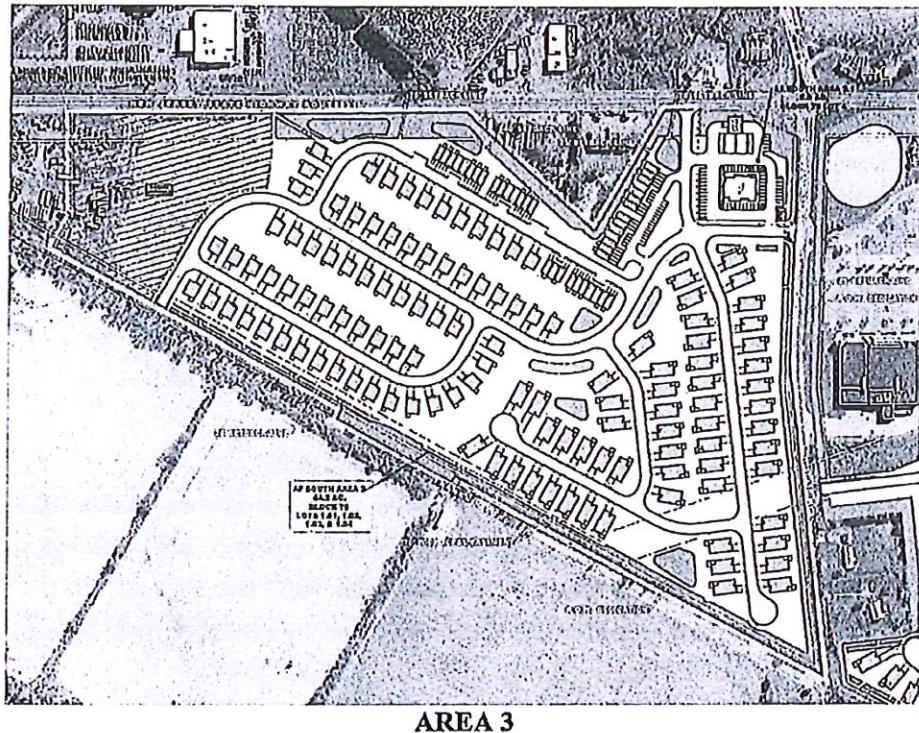
B. Permitted accessory uses:

- 1) Other uses and structures customarily incidental to a permitted principal use.

- 2) Public and private parking conforming to Township Ordinance Section 123-21 and provisions for electric vehicle parking conforming to Section 8.2J.
- 3) Fences and walls, not to exceed 6' in height.
- 4) Signs as would be permitted by Township Ordinance Section 123-24 for a Highway Commercial development.
- 5) Open space, passive recreation, and recreational facilities such as gardens, bicycle paths, jogging and fitness trails, passive seating areas, tennis courts and/or other athletic facilities.

- C. The dwellings in Redevelopment Planning Area 2 shall not be age restricted.
- D. The maximum building footprint shall be 25,000 square feet.
- E. The maximum building length in the longest direction shall be 200 feet.
- F. Maximum permitted principal building height shall be 2-stories or 40 feet.
- G. Maximum permitted accessory building height shall be 16 feet.
- H. Maximum number of residential units for Area 2 shall be 20 units.
- I. Minimum building setback from an interior parking space or driveway shall be 10 feet.
- J. Minimum building setback from the perimeter of the Area 2 tract shall be 40 feet.
- K. Minimum building setback from a state highway shall be 75 feet.
- L. Minimum building setback from Rymon Road or Franklin Road shall be 25 feet.
- M. Maximum improved coverage for this entire Area shall be 80%.
- N. Parking provided shall conform to the Township Ordinance or RSIS dependent on the use. Electric vehicle standards in Section 8.2J shall apply.
- O. Primary building materials shall be stone, manufactured stone, vinyl, brick, and/or clapboard.
- P. A significant commitment to handicap accessible bike, cart and pedestrian connections throughout this Area is a critical and achievable component to be provided.
- Q. Residential uses in Area 2 shall provide affordable housing units consistent with Section 7.1.
- R. Existing buildings to be re-purposed or renovated are not subject to the setback requirements noted above.

9.2 REDEVELOPMENT PLANNING AREA 3



Redevelopment Planning Area 3

Redevelopment Area 3 is comprised of Block 76, Lots 1.01, 1.02, 1.03, and a portion of 4, an irregular shaped tract bounded by New Jersey State Highway Route 31 to the east, Asbury Anderson Road to the south, and Franklin Road to the northwest. The properties located on Block 76, Lots 2 and 3 are not included within Area 3 nor this Redevelopment Plan. In addition, no development is proposed on portion of Lot 1.03. This approximately 4-acre area will be subdivided and remain in its current commercial storage facility use. The subdivision of Lot 1.03 will bifurcate the previously described Area 2 from Area 3.

Area 3 is approximately 44.2 acres. The maximum permitted number of dwelling units is 180 which includes the affordable units.

The following development requirements shall apply:

A. Permitted Principal Uses:

- 1) 1, 1.5, and 2-story single-family homes, with front-loaded garages.
- 2) 1, 1.5, 2, and 3-story townhomes / condominiums, with or without garages, being generally compatible with the architecture of the single family homes.

B. Permitted accessory uses:

- 1) Other uses and structures customarily incidental to a permitted principal use.
- 2) Parking in accordance with R.S.I.S. standards and provisions for electric vehicle parking conforming to Section 8.2J

- 3) Fences and walls, where shown on the development plans approved by the Land Use Board where necessary for visual buffering or ground elevation relief, not to exceed 6' in height. All other fences as would be permitted by Township Ordinance Section 123-17 or as governed by the development homeowners association, whichever is more restrictive.
- 4) Signs as would be permitted by Township Ordinance Section 123-24 or as governed by the development homeowners association, whichever is more restrictive.
- 5) Open space, passive recreation, and recreational facilities such as gardens, bicycle paths, jogging and fitness trails, passive seating areas, etc.

C. The circulation and distribution of homes will be in general conformance with the layout provided in Appendix C of this Redevelopment Plan.

D. Approximately 45% of the single-family dwellings in Redevelopment Planning Area 3 shall be 'active adult' being defined as one of the owners being age 55 years or older and having resident children no younger than 19 years of age. The division between age restricted and non-age restricted housing shall be done in a logical way such as not to unnecessarily entwine the living communities.

E. Maximum permitted principal building height shall be 45 feet for multi-unit buildings and 35 ft for single family homes.

F. Minimum side yard for single-family homes and townhouse/condominiums end units shall be 10 feet.

G. The minimum setback for accessory structures shall be 10 feet to a side yard and 12 feet to a rear yard. A deck (open to the sky) and a patio are accessory structures.

H. Maximum permitted accessory building height shall be 16 feet.

I. Single Family Homes and Townhomes / Condominiums shall have a minimum frontyard setback of 20 feet and a minimum driveway length of 18 ft per R.S.I.S. as measured from the street right of way. For situations where lots are on a shape curve or a corner lot, the frontyard setback may be reduced to 10 ft from the right of way for the wall of the structure that is, effectively, the side of the building.

J. Minimum building setback from a state highway shall be 75 feet.

K. Minimum building setback from Franklin Road or Asbury Anderson Road shall be 25feet.

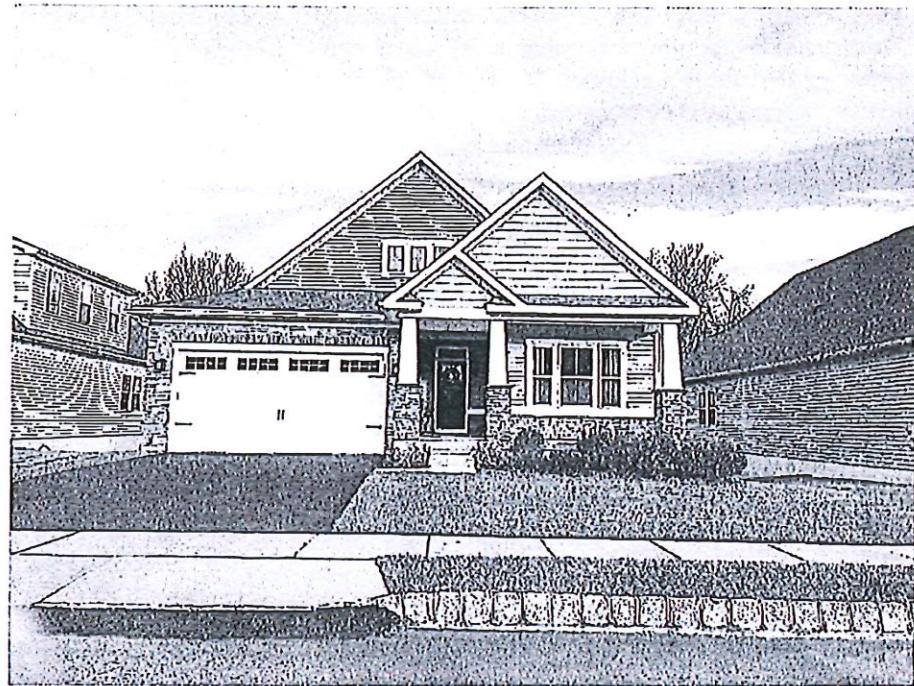
L. Minimum building setback from an existing residential zone/use shall be 40 ft.

M. Maximum improved coverage for this entire Area shall be 60%.

N. Primary building materials shall be stone, manufactured stone, vinyl, brick, and/or clapboard.

O. A significant commitment to handicap accessible bike, cart, and pedestrian connections throughout this Area with access to the commercial and recreational Area 4 across Asbury Anderson Road is a critical and achievable component to be provided.

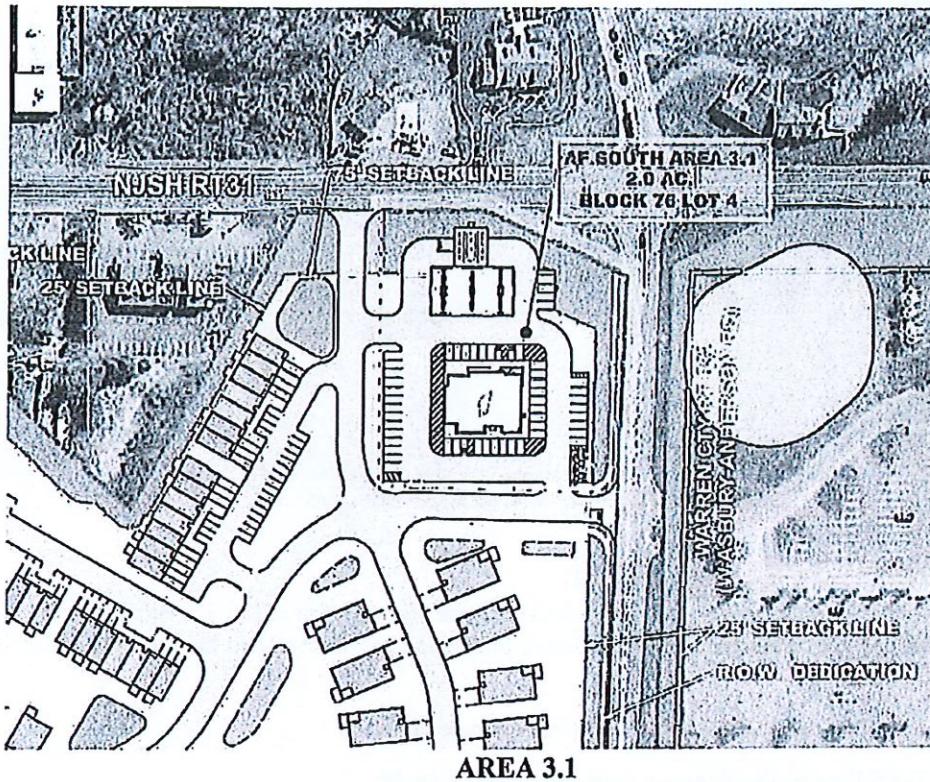
P. Redevelopment Planning Area 3 shall provide affordable housing units consistent with Section 7.1.



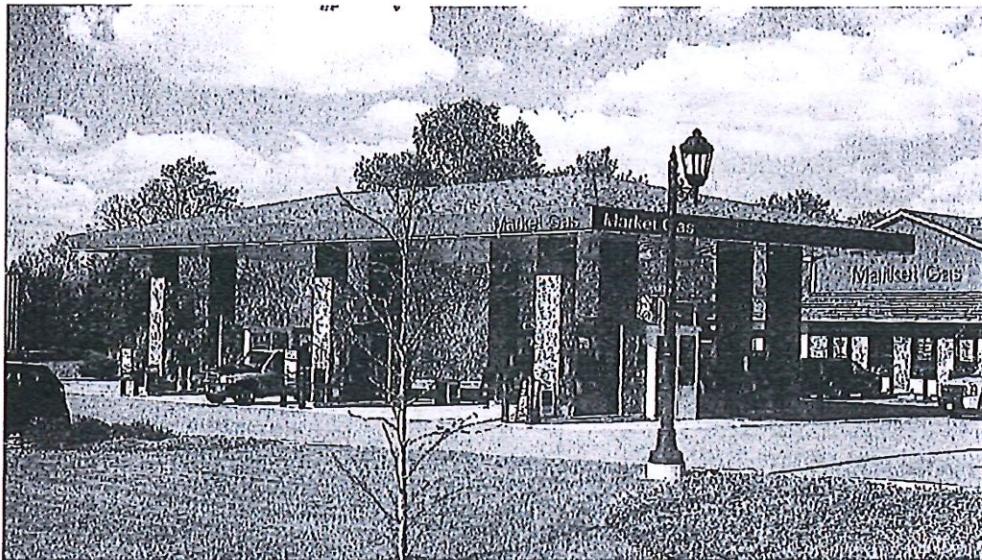
EXAMPLE – SINGLE FAMILY HOUSE – REDEVELOPMENT AREAS 3 & 5

EXAMPLES – FOR SALE TOWNHOME / CONDOMINIUMS REDEVELOPMENT AREAS 3 & 5

9.3 REDEVELOPMENT PLANNING AREA 3.1



EXAMPLE - GAS AND CONVENIENCE STATION (1)



EXAMPLE – GAS AND CONVENIENCE STATION (2)

Redevelopment Planning Area 3.1

Redevelopment Area 3.1 is comprised of Block 76, a portion of Lot 4, located at the southeasterly corner of the lot with frontage along New Jersey State Highway Route 31 to the east and Asbury Anderson Road to the south.

Area 3.1 is an approximately 2.0 acre commercial lot.

The following development requirements shall apply:

A. Permitted Principal Uses:

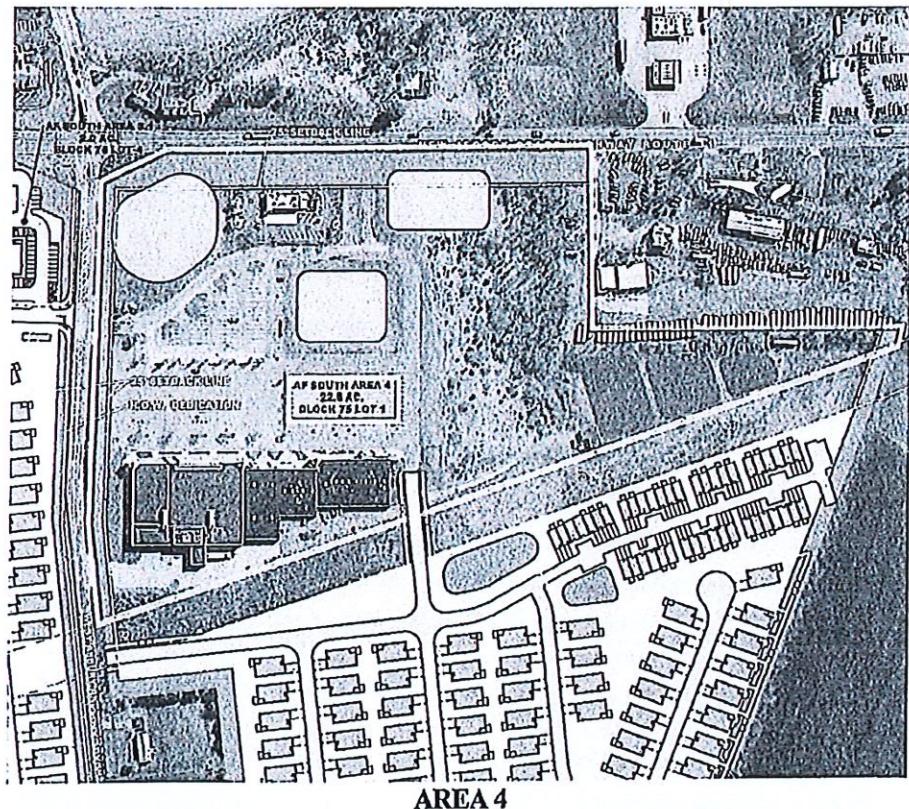
- 1) A gas and convenience station and/or quick service restaurant.
- 2) Retail and service uses consistent with permitted commercial uses in the Highway Commercial (HC) Zone, also including, but not limited to cafes and restaurants, business and professional offices, classroom activities such as art, exercise, and computer-based education, banks and financial institutions, pharmacies, adult and childcare facilities, gyms, health clubs, day spas, wellness counseling, animal medical emergency services and any similar establishments.
- 3) Drive-throughs shall be permitted as part of the above noted principal uses and shall conform to standards set forth in Section 123-13.2 of the Township Land Use Code.

B. Permitted accessory uses:

- 1) Other uses and structures customarily incidental to a permitted principal use.
- 2) Public and private parking conforming to Township Ordinance Section 123-21 and provisions for electric vehicle parking conforming to Section 8.2J.
- 3) Fences and walls, where shown on the development plans approved by the Land Use Board where necessary for visual buffering or ground elevation relief, not to exceed 6' in height. All other fences as would be permitted by Township Ordinance Section 123-17.
- 4) Signs as would be permitted by Township Ordinance Section 123-24 for a Highway Commercial development.

- C. Maximum permitted principal building height shall be 45 feet.
- D. Maximum permitted accessory building height shall be 25 feet.
- E. Minimum building setback from a state highway shall be 75 feet.
- F. Minimum building setback from Asbury Anderson Road shall be 25feet.
- G. Maximum improved coverage for this entire Area shall be 80%.
- H. The convenience store shall have a maximum building footprint of 10,000 square feet.
- I. The gas and convenience use shall permit a fueling area canopy setback a minimum of 50 feet from a street right of way and shall have a maximum of 12 pumps and a maximum canopy footprint of 6,000 square feet.
- J. Primary building materials shall be stone, manufactured stone, vinyl, brick, and/or clapboard.
- K. The building and site design shall integrate into a rural setting with building materials consisting of partial stone façade, roofing with a standing seam appearance, a significant emphasis on a park-like layout of landscaping, walkways, and park bench seating.

9.4 REDEVELOPMENT PLANNING AREA 4 (EXISTING COMMERCIAL CENTER)



Redevelopment Area 4 is comprised of Block 75, the northern portion of Lot 1, roughly divided by the New Jersey Power & Light Company power line easement. Area 4 is an irregular shaped tract bounded by Asbury Anderson Road to the north, New Jersey State Highway Route 31 to the east, and the NJ P&L Co. easement to west. Area 4 is approximately 22.8 acres. Area 4 shall include a 2,000 square foot indoor community space for perpetual use of the residential homeowner association.

The following development requirements shall apply:

A. Permitted Principal Uses:

- 1) Retail and service uses consistent with permitted commercial uses in the Highway Commercial (HC) Zone, also including, but not limited to cafes and restaurants, business and professional offices, classroom activities such as art, exercise, and computer-based education, banks and financial institutions, pharmacies, adult and childcare facilities, adult living facilities which provides medical assistance but not on a full time/live in basis and utilizes community facilities such as food and wellness, gyms, health clubs, day spas, wellness counseling, animal medical emergency services, distilleries / micro-breweries, homeowner association indoor community space, and similar establishments.
- 2) Drive-throughs shall be permitted as part of the above noted principal uses and shall conform to standards set forth in Section 123-13.2 of the Township Land Use Code.

B. Permitted accessory uses:

- 1) Other uses and structures customarily incidental to a permitted principal use.
- 2) Public and private parking conforming to Township Ordinance Section 123-21 and provisions for electric vehicle parking conforming to Section 8.2J.
- 3) Fences and walls, where shown on the development plans approved by the Land Use Board where necessary for visual buffering or ground elevation relief, not to exceed 6' in height. All other fences as would be permitted by Township Ordinance Section 123-17.
- 4) Signs as would be permitted by Township Ordinance Section 123-24 for a Highway Commercial development.
- 5) Open space, passive recreation, and recreational facilities such as gardens, bicycle paths, jogging and fitness trails, passive seating areas, tennis courts and/or other athletic facilities.

C. Maximum permitted principal building height shall be 45 feet.

D. Maximum permitted accessory building height shall be 16 feet.

E. Minimum building setback from an interior road or driveway shall be 10 feet.

F. Minimum building setback from a state highway shall be 75 feet.

G. Minimum building setback from Asbury Anderson Road shall be 40 feet.

H. Minimum building setback from the remaining perimeter of the Area 4 tract shall be 25 feet.

I. Maximum improved coverage for this entire Area shall be 70%.

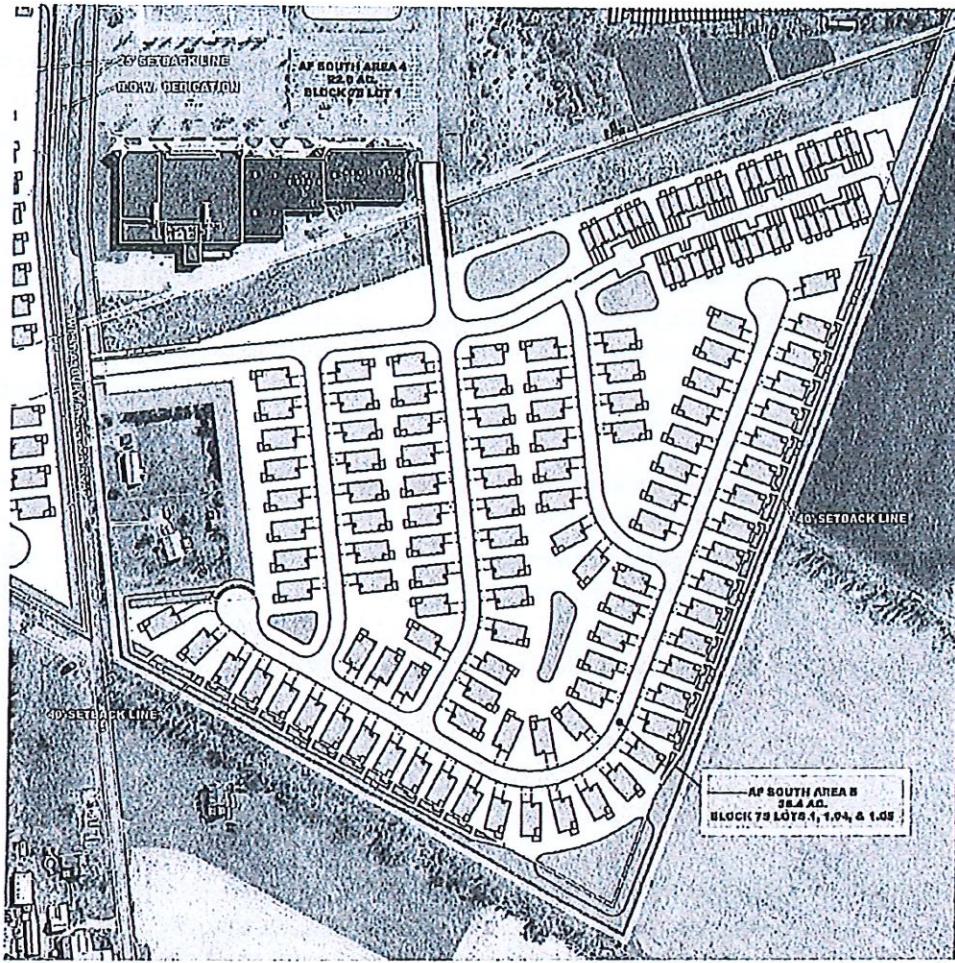
J. The existing on-site retail center shall be rehabilitated and outfit with new tenants in conformance with the permitted HC Zone uses.

K. Three additional retail pads and buildings shall be permitted, roughly with the layout provided in Figure 4 of this Redevelopment Plan. Each individual retail building shall be a maximum of 2-stories or 35 feet, and a shall have a maximum footprint of 20,000 square feet per building.

L. Primary building materials shall be stone, manufactured stone, vinyl, brick, and/or clapboard.

M. A significant commitment to handicap accessible bike, cart, and pedestrian connections throughout this Area with access to the commercial and recreational buildings is a critical and achievable component to be provided.

9.5 REDEVELOPMENT PLANNING AREA 5



Redevelopment Planning Area 5

Redevelopment Area 5 is comprised of Block 75, Lots 1.04, 1.05, and the southern portion of Lot 1, roughly divided by the New Jersey Power & Light Company power line easement. Area 5 is an irregular shaped tract bounded by Asbury Anderson Road to the north, the NJ P&L Co. easement to east and farmland to the south and west.

Area 5 is approximately 36.4 acres. The maximum permitted density shall be 160 units. The single-family homes

The following development requirements shall apply:

A. Permitted Principal Uses:

- 1) 1, 1.5, and 2-story single-family homes, with front-loaded garages.

- 2) 1, 1.5, 2, and 3-story townhomes / condominiums, with or without garages, being generally compatible with the architecture.

B. Permitted accessory uses:

- 1) Other uses and structures customarily incidental to a permitted principal use.
- 2) Parking in accordance with R.S.I.S. standards and provisions for electric vehicle parking conforming to Section 8.2J.
- 3) Fences and walls, where shown on the development plans approved by the Land Use Board where necessary for visual buffering or ground elevation relief, not to exceed 6' in height. All other fences as would be permitted by Township Ordinance Section 123-17 or as governed by the development homeowners association, whichever is more restrictive.
- 4) shown on the development plans approved by the Land Use Board, not to exceed 6' in height.
- 5) Signs as would be permitted by Township Ordinance Section 123-24 or as governed by the development homeowners association, whichever is more restrictive.
- 6) Open space, passive recreation, and recreational facilities such as gardens, bicycle paths, jogging and fitness trails, passive seating areas, etc.

C. The circulation and distribution of homes will be in general conformance with the layout provided in Appendix C of this Redevelopment Plan.

D. The single family dwellings in Redevelopment Planning Area 5 shall be shall be 'active adult' being defined as one of the owners being age 55 years or older and having resident children no younger than 18 years of age.

E. Maximum permitted principal building height shall be 45 feet for multi-unit buildings and 35 ft for single family homes.

F. The minimum setback for accessory structures shall be 10 feet to a side yard and 12 feet to a rear yard. A deck (open to the sky) and a patio are accessory structures.

G. Minimum side and rear yards for accessory buildings, structures, decks open to the sky, patios shall be 10 feet.

H. Maximum permitted accessory building height shall be 16 feet.

I. Single Family Homes and Townhomes / Condominiums shall have a minimum frontyard setback of 20 feet and a minimum driveway length of 18 ft per R.S.I.S. as measured from the street right of way. For situations where lots are on a shape curve or a corner lot, the frontyard setback may be reduced to 10 ft from the right of way for the wall of the structure that is, effectively, the side of the building.

J. Minimum principle building setback from Asbury Anderson Road shall be 25 feet.

K. Minimum principle building setback from the remaining perimeter of the Area 5 tract shall be 40 feet from a residential zone

L. Maximum improved coverage for this entire Area shall be 60%.

M. Primary building materials shall be stone, manufactured stone, vinyl, brick, and/or cement board

N. A significant commitment to handicap accessible bike, cart, and pedestrian connections throughout this Area with access to the commercial and recreational Area 5 is a critical and achievable component to be provided.

M. Redevelopment Planning Area 5 shall provide affordable housing units consistent with Section 7.1.

SUMMARY OF TOTAL RESIDENTIAL HOUSING IN REDEVELOPMENT AREA

PLANNING AREA	APPROX NO. OF UNITS	MARKET RATE SFH	MARKET RATE TH	EST. RENTALS (4)	AFFORDABLE UNITS	AGE RESTRICTIONS
2	20	0	0	14	6	Not Age Restricted (6 credits)
3	172(1)	122	28	0	22	67 SFH 55 SFH/AA
3.1	0	0	0	0	0	N/A
4	0	0	0	0	0	N/A
5	157(2)	104	31	0	22	104 SFH/AA
TOTAL	349	226	59	17	50 / 56(3)	

(1) 67 SFH + 55 SFH/AA + 28 TH/MR + 22 TH/AH = 172 UNITS.

(2) 104 SFH/AA + 31 TH/MR + 22 TH/AH = 157 UNITS.

(3) AH REQ'D = 22 + (349-120)*15% = 56 UNITS.

(4) AH PROVIDED = 50 + 6 RENTAL CREDIT = 56 UNITS.

SFH = SINGLE FAMILY HOME (MARKET RATE)

SFH/AA = SINGLE FAMILY HOME / ACTIVE ADULT (MIN AGE 55) (MARKET RATE)

TH/MR = TOWNHOUSE / MARKET RATE

TH/AH = TOWNHOUSE / AFFORDABLE HOUSING

REDEVELOPMENT PLAN – REVISION HISTORY

March 8, 2024	Draft Original Plan
April 9, 2024	Draft Original Plan (updated from 8 th Subcommittee mtg).
April 12, 2024	Modify Section 8.4 Traffic
April 25, 2024	Modify Affordable – Area 2
June 11, 2024	Modify Section 9.1A(3) – Area 2, 2 nd Floor – Separation of mixed uses



