

EASTAMPTON TOWNSHIP 2016 Master Plan Reexamination Report

Prepared for:

Joint Land Use Board
Eastampton Township
Burlington County, New Jersey

Prepared by:

Burlington County Bridge Commission
Department of Economic Development and Regional Planning

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An original copy of this document is signed and sealed and filed with the municipal clerk.

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EXECUTIVE SUMMARY

STATUTORY REEXAMINATION OF MASTER PLAN

The Municipal Land Use Law requires municipal master plans to be re-examined every ten (10) years. The Township of Eastampton Master Plan is reexamined to comply with this state requirement. The Master Plan was last examined in 2006. The 2016 Master Plan Re-Examination Report was conducted pursuant to N.J.S.A. 40:55D-89.

A. REVIEW OF PAST CONDITIONS

The 1998 Master Plan's seven (7) different goals and various objectives were reviewed. They include:

- Goal 1 - Conserve natural resources and systems.
- Goal 2 – Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.
- Goal 3 - Promote beneficial economic growth and development.
- Goal 4 – Protect the environment and prevent and clean up pollution.
- Goal 5 – Provide adequate public facilities and services.
- Goal 6 – Provide adequate housing at reasonable cost.
- Goal 7 – Adopt purposes of New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) to be the Goals and Objectives of Eastampton Township.

B. REVIEW OF CHANGING CONDITIONS

The 1998 Master Plan's seven (7) different goals and various objectives are reviewed in terms of their plan implementation since the 2006 reexamination. The main changing conditions include:

- Most of the open space and farmland targeted for preservation by the Township and County has been acquired or deed restricted from future development. The former 148-acre sod farm along Smithville Road has not been preserved because it is in a sewer service area.
- The Township's rural character and open space are preserved and environmentally sensitive areas are protected by requiring at least 15 acres per lot in the R-A, CNS, ACR, and CLR zones, which the Township amended in 2008 to reflect the recommendations in the last 2006 Master Plan Reexamination Report.

- The Township still needs to address flood plain management issues along Rancocas Creek and the future of the former vacation cabins along the creek, many of which have failing septic systems.
- Because the County's Smithville mansion property is on the State register of historic places, any alterations to it must be approved by the State Historic Preservation office.
- The current municipal historic district provisions of the Zoning Ordinance are not in compliance with the Municipal Land Use Law because the Township does not have a Master Plan Historic Preservation Plan Element.
- The Township does not have a municipal Right-to-Farm ordinance and agricultural disclosure statement for property transfers. Having and utilizing these documents would protect farm operators from nuisance complaints when they comply with agricultural best management practices.
- Municipalities are advised to adopt new Housing Element and Fair Share Plan to comply with the 2015 New Jersey State Supreme Court decision on municipal obligations for affordable housing.
- The purposes of the Municipal Land Use Law were amended recently to include provisions for clustering, transferring development rights, and lot-size averaging.

C. SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

A review of changes in municipal planning assumptions, policies and objectives is reviewed in terms of ten (10) issues:

Land Use – Density and Distribution: Recent planning studies have indicated that the current zoning for the 148-acre sod farm on Smithville Road, which is for planned office and business park development, is not consistent with real estate market and transportation conditions. The most appropriate use for this tract is age-restricted residential development and small-scale commercial development.

Population – Density and Distribution: The Delaware Valley Regional Planning Commission (DVRPC) 2040 population projections for the Township will be met by the three pending redevelopment projects in Eastampton Village within the next decade. Adding another tract for residential development, as indicated above, will affect the Township's assumptions, policies and objectives by potentially adding another 1,000 residents to that 7,100 person 2040 projection.

Housing Conditions: There are no significant changes observed on housing conditions; however, in light of evolving affordable housing law, the assumptions, policies and objectives must continue to be examined.

Circulation: There are no significant changes to note. The report identifies that the County is undergoing a three-years, Highway Master Plan study, which, when completed, could affect the Township's assumptions, policies and objectives.

Conservation of Natural Resources: Eastampton Township and Burlington County have acquired almost all of the lands targeted for open space and farmland preservation. Other than that, there have been no significant changes in the assumptions, policies or objectives regarding this issue.

Energy Conservation: There are no significant changes to note.

Solid Waste Management and Recycling: There are no significant changes to note.

State Policies: The report identifies that the New Jersey Supreme Court has decided on the continued obligation for municipalities to provide their fair share of low and moderate income housing. It also identifies that centralized sewer service is more difficult to obtain now that the New Jersey Department of Environmental Protection is using the 2001 State Plan Policy Map as a regulatory document.

County Policies: The report discusses the Township's involvement with and endorsement of the 2010 Northern Burlington County Growth and Preservation Plan (GAPP), which contains a vision, goals and policy objectives for compatible development in Eastampton Township and twelve (12) other municipalities.

Municipal Policies: The report identifies that the most appropriate use for the 148-acre sod farm on Smithville Road would be an age-restricted, active adult community with a small-scale commercial component.

D. SPECIFIC CHANGES RECOMMENDED

The report recommends amending the Master Plan to include a local Vision Statement consistent with the Northern Burlington County Growth and Preservation Plan (GAPP), and refined to fit Eastampton Township's unique circumstances. The report reviews the status of the Master Plan's various elements and recommends which to revise or update, and new ones to consider for adoption. It then itemizes which development regulations should be considered for amendment to be consistent with the Municipal Land Use Law, recent case law and sound planning principles. The major recommended changes to the Zoning Ordinance include:

- Adding the newly adopted fourteenth purpose to the list of planning purposes from the Municipal Land Use Law.
- Adding Right-to-Farm provisions and an agricultural disclosure statement for property transfers.
- Amending the terms "quasi-public", "semi-public" and "farmette."
- Amending certain approval conditions in the CH Highway Commercial District.
- Reviewing the boundaries of the local historic district to determine whether the Rancocas Creek cabins should continue to be included in the district.

E. REDEVELOPMENT PLAN STATUS

The reexamination report identifies the various articles in Zoning Ordinance devoted to redevelopment plans that should be revised and incorporated into Article VI: Town Center District, and that the name of that article be changed to Village Center District

STATUTORY REEXAMINATION OF MASTER PLAN

The Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-1 *et seq.* requires all municipalities to reexamine their Master Plans at least every ten years. The purpose of this requirement is for municipalities to have regular, periodic reviews of current information and changing conditions within the municipality in the interest of keeping long-range planning as up-to-date as possible. The Planning Board last reexamined the 1998 Master Plan in 2006.

In section 40-55D-89 of the MLUL, the regulations specify:

The Governing Body shall, at least every ten years, provide for a general reexamination of its Master Plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality.

The following report contains the Planning Board's response to the MLUL's ten-year Master Plan Reexamination Report requirements.

Master Plan Elements Reviewed

- Goals and Objectives (1998)
- Land Use Plan Element (1998, revised 2000)
- Housing Plan Element (1998)
- Housing Plan Element and Fair Share Plan (2004, revised 2008)
- Open Space and Recreation Plan Element (2000)
- Recycling Plan Element (1998)
- Plan Comparison and Consistency Element (1998)

A. REVIEW OF PAST CONDITIONS

Section 40:55D-89a of the MLUL provides that the Master Plan Reexamination Report shall review:

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

The 2006 reexamination report referenced the goals and objectives from the 1998 Master Plan, which are itemized below:

Goal 1 - Conserve natural resources and systems.

Objective 1 – Preserve the rural characteristics of the Township by adopting development controls that protect streams corridors, historic areas, open space and other environmentally sensitive areas.

Objective 2 – Utilize mitigation banking to restore the integrity of natural systems in areas where they have been degraded or damaged.

Objective 3 – Utilize New Jersey's redevelopment laws to encourage development and redevelopment in existing areas of development.

Goal 2 – Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.

Objective 1 – Establish land use areas and development standards that preserve the rural characteristics of the municipality.

Objective 2 – Enhance the County's facilities at Historic Smithville through the establishment of development standards that are complementary to the existing historic facilities.

Objective 3 – Acquire land and easements to preserve open space, protect flood plains, sustain agriculture and preserve the character of historic areas where appropriate.

Goal 3 - Promote beneficial economic growth and development.

Objective 1 – Encourage the preservation of agricultural areas or in the alternative encourage new economic development that preserves the rural open character of the community.

Objective 2 – Use existing redevelopment law as an element of a strategic implementation plan that encourages economic growth in locations and ways that are both fiscally and environmentally sound.

Objective 3 – Achieve a balance in the municipal tax base by providing for expanded business and commercial uses to offset the current residential imbalance.

Goal 4 – Protect the environment and prevent and clean up pollution.

Objective 1 – Concentrate new development and redevelopment in existing areas that are predominantly developed to reduce automobile usage and land, water and energy consumption.

Objective 2 – Preserve existing trees and vegetation on development sites to the maximum extent possible.

Objective 3 – Reduce solid waste and encourage recycling through the use of recycled materials.

Objective 4 – To continue to implement the Eastampton Township Stormwater management Plan, which has been successful in reducing non-point pollution, improving surface water quality, reducing peak stormwater concentration in streams, eliminating unsightly and inefficient dry retention basins, increasing wildlife habitat and surface waters, increasing critically needed flood plains and wetlands and providing for more efficient land use.

Goal 5 – Provide adequate public facilities and services.

Objective 1 – Reduce demands for infrastructure investment by encouraging the redevelopment of existing underutilized development areas.

Objective 2 – Acquire land and easements to preserve open space, protect flood plains, sustain agriculture and preserve the character of historic areas where appropriate.

Goal 6 – Provide adequate housing at reasonable cost.

Objective 1 – Establish public/private partnerships that create and maintain attractive, affordable housing.

Goal 7 – Adopt purposes of New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) to be the Goals and Objectives of Eastampton Township.

In 2006, the following purposes included:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons,

neighborhoods, communities and regions and preservation of the environment;

- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

B. REVIEW OF CHANGING CONDITIONS

Section 40:55D-89b of the MLUL provides that the Master Plan Reexamination Report shall state:

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

The 2006 reexamination report, which referenced the 1998 Master Plan goals and objectives, identified seven major issues. The following local changes occurred since the Land Use Board approved the 2006 report:

Goal 1 - Conserve natural resources and systems.

Objective 1 – Preserve the rural characteristics of the Township by adopting development controls that protect streams corridors, historic areas, open space and other environmentally sensitive areas.

Objective 2 – Utilize mitigation banking to restore the integrity of natural systems in areas where they have been degraded or damaged.

Objective 3 – Utilize New Jersey's redevelopment laws to encourage development and redevelopment in existing areas of development.

Review Comments:

These objectives call for guiding growth away from environmentally sensitive areas toward more suitable locations. These issues remain important in 2016, although many of the identified objectives have been achieved.

The Township preserves open space and protects environmentally sensitive areas by requiring at least 15 acres per lot in the R-A, CNS, ACR, and CLR zones, which the Township amended in 2008 to reflect the recommendations in the last 2006 Master Plan Reexamination Report.

The Township has adopted a Historic Preservation Ordinance in 1989.

The Township still needs to address flood plain management issues along Rancocas Creek and the future of the former vacation cabins along the creek, many of which have failing septic systems.

Eastampton Township also created a Wetland Mitigation Zone as a receiving areas for wetland restoration projects. The Township abides by stream corridor buffer requirements from the New Jersey Department of Environmental Protection

In 1999, the Township designated Eastampton Village Center as a redevelopment Area where most future development will occur. The Township is concentrating

housing and economic development efforts in there. This issue remains important for the Township's future.

Goal 2 – Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.

Objective 1 – Establish land use areas and development standards that preserve the rural characteristics of the municipality.

Objective 2 – Enhance the County's facilities at Historic Smithville through the establishment of development standards that are complementary to the existing historic facilities.

Objective 3 – Acquire land and easements to preserve open space, protect flood plains, sustain agriculture and preserve the character of historic areas where appropriate.

Review Comments:

The Township preserves open space, protects sensitive areas and the rural character of the Township by requiring at least 15 acres per lot in the R-A, CNS, ACR, and CLR zones, which represent a large portion of the remaining developable lands in the Township.

The Smithville mansion complex, which is owned and operated by Burlington County, is a local, state, and national, Historic Registered District. As such, Burlington County must comply with the New Jersey Register of Historic Places Act regulations to preserve Smithville's resources. Given the historic preservation regulations placed upon the County property, concerns about protecting and enhancing the complex's historic resources are diminished. The Township has adopted a historic preservation ordinance for rural areas adjacent to the County's Smithville property.

The Township has actively supported farmland and open space efforts in the past. There are no more strategic open space or farmland tracts left to preserve from the 2000 Open Space and Recreation Plan Element, except the old sod farm. This farm is in a designated sewer service area, where more intensive uses should be planned.

These issues remain important in 2016, although many of the identified objectives have been achieved.

Goal 3 - Promote beneficial economic growth and development.

Objective 1 – Encourage the preservation of agricultural areas or in the alternative encourage new economic development that preserves the rural open character of the community.

Objective 2 – Use existing redevelopment law as an element of a strategic implementation plan that encourages economic growth in locations and ways that are both fiscally and environmentally sound.

Objective 3 – Achieve a balance in the municipal tax base by providing for expanded business and commercial uses to offset the current residential imbalance.

Review Comments:

The County Farmland Preservation Program has purchased its last targeted farm in Eastampton Township. Preservation of the rural character of the Township would be enhanced by the adoption of a Right-to-Farm ordinance, which would protect farmers from nuisance complaints when they comply with agricultural best management practices.

In 1999, the Township designated Eastampton Village Center as a redevelopment Area where most future development will occur. The Township is concentrating housing and economic development efforts in there. This issue remains important for the Township's future.

The Township is concentrating housing and economic development efforts in the Eastampton Village redevelopment area. Due to location factors, e.g. distance from greater Mount Holly's office, retail and industrial markets, and competition from developed properties in the NJ Route 38 and County Route 541 corridors, encouraging development of tax ratables remains difficult in Eastampton Township. Achieving a balance in tax ratables remains an important issue for the Township.

Goal 4 – Protect the environment and prevent and clean up pollution.

Objective 1 – Concentrate new development and redevelopment in existing areas that are predominantly developed to reduce automobile usage and land, water and energy consumption.

Objective 2 – Preserve existing trees and vegetation on development sites to the maximum extent possible.

Objective 3 – Reduce solid waste and encourage recycling through the use of recycled materials.

Objective 4 – To continue to implement the Eastampton Township Stormwater management Plan, which has been successful in reducing non-point pollution, improving surface water quality, reducing peak stormwater concentration in streams, eliminating unsightly and inefficient dry retention basins, increasing wildlife habitat and surface waters, increasing critically needed flood plains and wetlands and providing for more efficient land use.

Review Comments:

The Township is concentrating housing and economic development efforts in the Eastampton Village redevelopment area. This issue remains important for the Township's future.

The Township has a tree ordinance that protects trees and other vegetation from clearing.

The Township complies with New Jersey State regulations and Burlington County guidelines on solid waste management and recycling.

In 2005 the Township adopted the Stormwater Management Plan, which meets New Jersey Department of Environmental Protection's standards, and an implementing ordinance in 2007.

These issues remain important in 2016, although many of the identified objectives have been achieved.

Goal 5 – Provide adequate public facilities and services.

Objective 1 – Reduce demands for infrastructure investment by encouraging the redevelopment of existing underutilized development areas.

Objective 2 – Acquire land and easements to preserve open space, protect flood plains, sustain agriculture and preserve the character of historic areas where appropriate.

Review Comments:

The Township is concentrating housing and economic development in the Eastampton Village redevelopment area.

The Township has actively supported farmland and open space efforts in the past. There are no more strategic open space or farmland tracts left to preserve from

the 2000 Open Space and Recreation Plan Element, except the old sod farm. This farm is in a designated sewer service area, where more intensive uses should be planned.

The Township still needs to address flood plain management issues along Rancocas Creek and the future of the former vacation cabins along the creek, many of which have failing septic systems.

These issues remain important in 2016, although many of the identified objectives have been achieved.

Goal 6 – Provide adequate housing at reasonable cost.

Objective 1 – Establish public/private partnerships that create and maintain attractive, affordable housing.

Review Comments:

The Township should adopt a new Housing Element and Fair Share Plan to comply with the 2015 New Jersey State Supreme Court decision on municipal obligations for affordable housing.

Goal 7 – Adopt purposes of New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) to be the Goals and Objectives of Eastampton Township.

In 2006, the following purposes included:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

Review Comments:

The Township's Zoning Ordinance incorporates the purposes of the Municipal Land Use Law (MLUL) as its own. Several years ago, the Legislature amended the purposes of the MLUL to include:

- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be

accommodated and maximized while preserving agricultural lands, open space, and historic sites.

The Township should amend its Zoning Ordinance to include this new planning purpose.

C. SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

Section 40:55D-89c of the MLUL provides that the Master Plan Reexamination Report shall state:

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

C1. Land Use – Density and Distribution

Since 1998, Eastampton Township had the section of the Township north of Woodlane Road and east of Smithville Road planned for to develop as a professional office district and business park. The recent planning process for the Northern Burlington County Growth and Preservation Plan (GAPP) included a regional review of locational opportunities for office and industrial development. During the process, it was realized that this portion of the Township was unlikely to develop with offices because it was too far from the Mount Holly office market and that industrial development was more likely to stay at a smaller scale and restrict itself to the NJ 38 and US 206 corridors. Most of this area consists of one, 148-acre farm fronting on Smithville Road. Since this portion of the Township is in a future sewer service area, County and State policies discourage farmland preservation of this farm. Realistically, the most appropriate use for this farm tract is residential development with a small-scale commercial component. Developing this area with residential uses changes the current land use density and distribution of population assumptions, policies and objectives. (See Section C10. Municipal Policies and Objectives, below.)

C2. Population – Density and Distribution

The Delaware Valley Regional Planning Commission (DVRPC) projects that the Township's population will increase by 1,026 people, from 6,069 in 2010 to 7,095 in 2040. This equates to roughly 400 new housing units. The three approved redevelopment projects in the Town Center Zone will more than accommodate this number when completed. The undeveloped portions of the ACR, R-A, CNS and CLR districts, each of which with a 15-acre minimum lot size, will generate little additional residential development.

As indicated in section C.1, above, the Township's land use density and distribution assumptions have changed, particularly for future residential development of a 148-acre farm in the sewer service area north of Woodlane Road and east of Smithville Road. This would change the current population density and distribution of population assumptions, policies and objectives. (See Section C10. Municipal Policies and Objectives, below.)

C3. Housing Conditions

There have been no significant changes in the assumptions, policies or objectives regarding housing conditions. There may be significant changes in relation to the Township's fair share obligation for providing low- and moderate-income housing. An update is needed for the Township's Housing Plan Element and Fair Share Housing Plan Element to be compliant with the 2015 NJ Supreme Court findings on municipal obligations for fair share of low-and moderate-housing.

C4. Circulation

There have been no significant changes in the assumptions, policies or objectives regarding circulation. The County has engaged the Delaware Valley Regional Planning Commission (DVRPC) to complete a three-year long revision to the County highway master plan, which will include a model projecting traffic issues out to 2040. It is recommended that the Township review its circulation plans and policies after this work is completed so that it can be consistent with the County's plan. It also should look into the issue of "Complete Streets" to increase bicycle and pedestrian safety in population centers and the potential for implementing the County's bicycle master plan.

C5. Conservation of Natural Resources

Eastampton Township and Burlington County have acquired almost all of the lands targeted for open space and farmland preservation. Other than that, there have been no significant changes in the assumptions, policies or objectives regarding this issue.

C6. Energy Conservation

There have been no significant changes in the assumptions, policies or objectives regarding energy conservation.

C7. Solid Waste Management and Recycling

There have been no significant changes in the assumptions, policies or objectives regarding solid waste management and recycling, however, there have been minor changes to State, County and Municipal requirements since 1998 that should be addressed in a Recycling Plan Element amendment.

C8. State Policies

State Policies in the past few years have significantly altered Eastampton Township's assumptions regarding land use, particularly housing and economic development. After a prolonged battle with a dysfunctional New Jersey Council on Affordable Housing (NJ COAH) and State courts, the New Jersey Supreme Court ruled in 2015 that municipalities still had a constitutional obligation to provide their fair share of low- and moderate-

income affordable housing. The court provided general guidance for municipalities to follow for the preparation of Housing Plan Elements and Fair Share Plans of municipal master plans. This guidance is based upon the earlier Rounds 1 and 2 procedures of NJ COAH. These elements will be approved by State Superior Courts, instead of NJ COAH, which no longer functions. To be compliant with the Townships constitutional obligation and to avoid any potential builders' remedy lawsuits, it is recommended that the Township prepare and adopt a Housing Plan Element and Fair Share Plan update.

A second change in State policy assumptions is the implementation of the *2001 State Development and Redevelopment Plan (State Plan)* Policy Map by the NJ Department of Environmental Protection (NJDEP) for wastewater management planning purposes. The County and Township been relying on the State Planning Commission to revise the *2001 State Plan* and its policy map for many years, however, the dysfunctional Commission has failed to do so. In the interim, NJDEP has used the 2001 map's planning areas to control extension of centralized sewer service to Planning Areas 1 and 2 and designated centers. In Eastampton Township's case, confining centralized sewer service to Planning Areas 1 and 2 has not significantly affected the Township's land use objectives.

C9. County Policies

Since 2001, the County has worked with Eastampton Township and twelve other municipalities in Northern Burlington County to prepare and adopt the 2010 Growth and Preservation Plan (GAPP). The GAPP is a multi-municipal, consensus-based, guidance document for conservation, preservation and growth. It is founded on a shared vision for the region's future and on a shared understanding of what is to be gained and what is at risk. Eastampton Township is part of Northern Burlington County's vision of a regional balance of "town and country" – a region with vibrant towns, inviting villages and cozy hamlets nestled within a larger, rural landscape of productive farmland, open spaces, woodlands and wetlands. Eastampton Township endorsed the GAPP in 2012. Municipalities were encouraged to incorporate the GAPP into their master plans and plan elements.

The GAPP has eight (8) main goals:

1. Revitalize the region's Hamlets, Villages and Towns.
2. Conserve region's agricultural and natural resources and systems.
3. Promote beneficial economic growth, development and renewal for all residents of the county.
4. Protect the environment, prevent and clean up pollution.
5. Provide adequate public facilities and services at a reasonable cost.
6. Provide adequate housing at a reasonable cost.
7. Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.

8. Ensure sound and integrated planning and implementation throughout the region.

Most of the Township, except for the public lands along Rancocas Creek and the area north of Monmouth Road (County Route 537) and Woodlane Road (County Route 530) are in areas with sewer service or planned to be. The GAPP's primary objectives for these areas are:

- To protect the character of existing stable communities;
- To provide for most of the region's future development in compact forms and mixed-use patterns; and
- To redesign areas of sprawl and reverse the current trend toward further sprawl in Northern Burlington County.

The remainder of the Township was identified as a Farmbelt / Rural Reserve area, which has as its primary objectives:

- To promote a viable rural lifestyle and the agricultural industry; and
- To maintain large contiguous areas of farmland and supportive lands.

It is recommended that the Township amend its Land Use Plan Element to include the GAPP vision statement. Since the land Use Plan Element basically includes the same goals as the GAPP and its objectives should achieve the same objectives as the GAPP, there is no need to amend the element to incorporate the GAPP's goals and objectives.

C10. Municipal Policies and Objectives

AS indicated in sections C1. and C2., above, the realistic opportunity for office and industrial development on the 148-acre farm north of Woodlane Road and east of Smithville Road is minimal. The most realistic future use for this currently farmed tract is residential development with a small-scale commercial component. The Township has an opportunity to extend sewer service north of Woodlane Road along Smithville Road and to increase its tax ratable base by amending the Zoning Ordinance to allow for the development of an age-restricted active adult community. Typically, these types of communities comprise one and one and one-half story tall, single-family detached and semi-detached homes on roughly 6,000 square foot lots ranging between 50 and 60 feet wide. While this would be denser than other comparable neighborhoods in the Township, it is characteristic of pedestrian-oriented, traditional neighborhood developments. This would change the current municipal policies and objectives assumptions, policies and objectives. An amendment to the Master Plan Land Use Plan element and the Zoning Ordinance would be needed to effectuate this change.

D. SPECIFIC CHANGES RECOMMENDED

Section 40:55D-89d of the MLUL provides that the Master Plan Reexamination Report shall state:

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

D.1 Master Plan Goals and Objectives

In 2012, Eastampton Township endorsed the Northern Burlington County Growth and Preservation Plan (GAPP). Eastampton Township's endorsement meant that the Township would consider the GAPP goals and objectives when it updated its Master Plan and plan elements. It is recommended that Eastampton Township's Land Use Plan Element be amended to include the GAPP's regional Vision Statement, as modified to reflect the Township's unique circumstances:

Eastampton Township is a balance of "town and country" - a place adjacent to the vibrant town of Mount Holly, with an inviting Eastampton Village Center, and the cozy hamlet of Smithville, nestled within a larger, rural landscape of productive farmland, open spaces, woodlands and wetlands.

D.2 Master Plan Update.

Based on the analysis of changes documented in this report that have occurred in Eastampton Township over the past nine (9) years, a number of updates and revisions are recommended:

Master plan elements that are current:

Stormwater Management Plan Element

Revise / amend existing elements:

Land Use Plan Element – Amend the element to consider the future use of the 148-acre farm north of Woodlane Road and east of Smithville Road from planned office and business park to active adult, age-restricted housing with a small-scale commercial component; amend the element to include a separate section for the proposed Eastampton Village Center area, which would better explain how to implement the village's vision plan and various redevelopment plans.

Open Space and Recreation Plan Element – Amend document to indicate that the state's buffer for Barkers Brook, a Category 1 stream, is now 300 feet; amend document to reflect current open space and farmland preservation areas and to delete the preservation recommendations for the 148-acre "sod farm" north of Woodlane Road and east of Smithville Road, which should be planned for active adult, age-restricted housing with a small-scale commercial

component; amend the recreation facilities needs analysis, which is now based on a population of 6,000 to a future population of 8,000 residents, which will be the estimated number when the redevelopment plans and the active adult, age-restricted housing projects are constructed; review and amend the element's recommendations based upon the above.

Recycling Plan Element – Update is needed to reflect minor changes to State, County and municipal requirements since 1998.

Update existing master plan elements:

Housing Element and Fair Share Housing Plan Element – Update is needed to be compliant with the 2015 NJ Supreme Court findings on municipal obligations for fair share of low-and moderate-housing.

Plan Comparison and Consistency Element – Update is needed to reflect changes in planning policies of adjacent municipalities, Eastampton Township's participation in the GAPP, the 2001 changes in the State Development and Redevelopment Plan (State Plan) and the State Plan Policy Map, and the Burlington County Solid Waste Management Plan.

Consider preparation and adoption of new master plan elements:

Circulation Plan Element – Because the Open Space and Recreation Plan Element recommends using several County roads as "linear parks," the future design of these roads and their intersections is important to achieving safe and attractive pedestrian and bicycle access along and across them. The Township should consider preparing and adopting a Circulation Plan Element after completion of the current County Highway Plan project. The element should incorporate a multi-modal "Complete Streets" policy and address the relevant transportation policy objectives in the GAPP.

Community Facilities Plan Element – This element is recommended because the projected build-out of the Town Center redevelopment plans and the active adult, age-restricted housing projects will increase the Township's total population by one-third, i.e., from roughly 6,000 to 8,000 residents. This element should consider the potential for shared services with adjacent municipalities. It should also evaluate whether the existing municipal administration facilities should remain on Manor House Court or be relocated to the Eastampton Village Center, as contemplated by the redevelopment plan.

Historic Preservation Plan Element – Because the Township does not have a Historic Preservation Plan Element, Eastampton Township's current historic preservation section of the Zoning Ordinance is not in compliance with the Municipal Land Use Law (MLUL). This planning tool is recommended to help the Township identify whether there are any significant historic or prehistoric

resources that are worthy of preservation, other than those on the state and national register of historic places, and to evaluate the various methods available to help ensure their continuity for future generations.

D.3 Development Regulations

The following changes are recommended to the Zoning Ordinance in the Township Code in order to keep them consistent with the MLUL, recent case law and sound planning principles.

Article I: General Provisions

§ 540-2 Purpose

In 2013, the MLUL was amended to include a new purpose for municipal land use planning. The following purpose statement should be added to those enumerated in the Township's Zoning Ordinances:

- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites.

Right-to-Farm – Although not specifically enumerated as "purpose" in the Municipal Land Use Law (MLUL), the conservation of valuable natural resources, such as farmland, is. (NJSA 40:55D-2.j) In order to conserve farmland, a municipality should consider the preservation of agriculture as a viable business. In New Jersey, the primary method for doing this is the adoption of "Right-to-Farm" (RTF) legislation. RTF ordinances offer protection to commercial farm operators that follow the State's agricultural best management practices. RTF includes a formal conflict resolution process for both public and private nuisance actions and unduly restrictive municipal regulations. The Township could go one step further and have a mandatory disclosure form for property transfers adjacent or near commercial farms and in the County's agricultural development areas (ADAs). (See Appendix A for a model RTF Ordinance and Appendix B for a model disclosure notice.)

Article II: Terminology

§ 540-6 Definitions

The terms "quasi-public" and "semi-public" appear in several places in the ordinance. These ambiguous terms should be combined and defined.

Article V: Residential District Regulations

§ 540-14 R-A Rural Agricultural District

The ordinance permits "Farmettes", i.e., single-family residences of the more traditional architecture characterized by the existing historic farm buildings in the Township and

county" on 15-acre parcels. The MLUL does not permit municipalities to zone by architectural character outside a designated historic district, redevelopment area or TDR receiving area. Since the ordinance permits single-family dwellings, the term "farmette" is unnecessary.

Article VII: Business and Commercial District Regulations

§ 540-26 CH Commercial Highway District.

Section G.(9) states "The Land Use Planning Board may prescribe more restrictive conditions or any further reasonable conditions deemed appropriate with respect to improving the design quality of proposed development and the neighborhood." The Township should consider removing this arbitrary requirement.

Article IX: H Historic District

Since this article was adopted, the MLUL was amended to require a municipal Master Plan Historic Preservation Plan Element whenever a municipality has a historic district ordinance. Because the Township does not have such an element, this article is, in effect, voided. The preparation and adoption of a Historic Preservation Plan Element will remedy this situation.

The historic district overlay district does not permit agriculture. This should be corrected because much of the area covered by the historic district is farmland.

The designated historic district includes the seasonal recreational cabins along the Rancocas Creek, many of which are now year-round dwellings that are in a flood zone. Few of these have conforming septic systems, which also makes them a significant water quality (pollution) management issue. The Burlington County Hazard Mitigation Plan includes an acquisition program to relocate residential uses from this hazardous area. Any future Historic Preservation Plan Element should evaluate whether it should be a municipal planning objective to preserve these homes.

E. REDEVELOPMENT PLAN STATUS

Section 40:55D-89e of the MLUL provides that the Master Plan Reexamination Report shall state:

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

The original Eastampton Village Center redevelopment plan was incorporated into the Zoning Ordinance as Article XVII, as adopted in 1999. Since then, Article XVII has been amended four times to include revisions to the redevelopment plan by Ordinance 2001-12 (adopted December 10, 2001), Ordinance 2003-05 (adopted May 12, 2003), Ordinance 2003-10 (adopted November 24, 2003) and Ordinance 2005-14 (adopted April 25, 2005).

Article XVIII was added to the Zoning Ordinance on December 12, 2011 to incorporate by reference a 2011 amendment to the Eastampton Village Center redevelopment plan. This amendment, by Ordinance 2011-14, concerned the northern section of the Eastampton Village crossroads and added the following new overlay districts: TCM3-C1, TCM3-C2 and TCM3-RH.

The last amendment to the Eastampton Village Center redevelopment plan was adopted by Ordinance 2012-6 on June 25, 2012. This amendment, which revised the permitted uses on a parcel in the TCO overlay district in southern section of the Eastampton Village crossroads, has yet to be reflected by an amendment to the Zoning Ordinance.

To facilitate understanding and effectuation of the Eastampton Village Center redevelopment plan, it is recommended all of the center's redevelopment planning regulations and guidelines be folded back into Article VI: Town Center District. This would mean that Articles XVII and XVIII would be deleted and that the 2011 and 2012 redevelopment plans' regulations and guidelines be folded into those of existing Article XVII, and then compiled once again into a simplified set of regulations under Article VI. The title of Article VI should be changed from "Town" to "Village" center district.

APPENDIX A
MODEL RIGHT TO FARM ORDINANCE

A. As used in this ordinance, the following words shall have the following meanings:

"Commercial farm" means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Farm market" means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51 percent of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51 percent of the sales area shall be devoted to the sale of the agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

"Pick-your-own operation" means a direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural or horticultural products.

B. The right to farm is hereby recognized to exist in this [Township, Borough, City] and is hereby declared a permitted use in all zones of this [Township, Borough, City]. This right to farm includes, but not by way of limitation:

- (1) Production of agricultural and horticultural crops, trees, apiary and forest products, livestock, poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping.
- (2) Housing and employment of necessary farm laborers.

- (3) Erection of essential agricultural buildings, including those dedicated to the processing and packaging of the output of the commercial farm and ancillary to agricultural and horticultural production.
- (4) The grazing of animals and use of range for fowl.
- (5) Construction of fences.
- (6) The operation and transportation of large, slow-moving equipment over roads within the [Township, Borough, City].
- (7) Control of pests, including but not limited to insects and weeds, predators and diseases of plants and animals.
- (8) Conduction of agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm and permission of the farm owner and lessee is obtained.
- (9) Use of any and all equipment, including but not limited to: irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aides, and bird control devices.
- (10) Processing and packaging of the agricultural output of the commercial farm.
- (11) The operation of a farm market with attendant signage, including the construction of building and parking areas in conformance with [Township, Borough, City] standards.
- (12) The operation of a pick-your-own operation with attendant signage.
- (13) Replenishment of soil nutrients and improvement of soil tilth.
- (14) Clearing of woodlands using open burning and other techniques, installation and maintenance of vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas.
- (15) On-site disposal of organic agricultural wastes.
- (16) The application of manure and chemical fertilizers, insecticides and herbicides.
- (17) Installation of wells, ponds and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.
- (18) Engage in the generation of power or heat from biomass, solar, or wind energy, provided that the energy generation is consistent with the provisions of P.L.2009, c.213 (C.4:1C-32.4 et al.), as applicable, and the rules and regulations adopted therefor and pursuant to section 3 of P.L.2009, c.213 (C.4:1C-9.2); and

Commercial farm operators may engage in any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.).

- C. Commercial farm operators are strongly advised to adhere to generally accepted agricultural management practices that have been:
- (a) promulgated as rules by the State Agriculture Development Committee;
 - (b) recommended as site-specific agricultural management practices by the county agriculture development board;

- (c) approved by the local soil conservation district in the form of a farm conservation plan that is prepared in conformance with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), revised April 20, 1998, as amended and supplemented; or
- (d) recommended by the Rutgers Agricultural Experiment Station.

D. The foregoing activities must be in conformance with applicable Federal and State law.

E. The foregoing practices and activities may occur on holidays, weekdays and weekends by day or night and shall include the attendant or incidental noise, odors, dust and fumes associated with these practices.

F. It is hereby determined that whatever nuisance may be caused to others by these foregoing uses and activities is more than offset by the benefits of farming to the neighborhood community and society in general.

G. Any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable county agriculture development board or the State Agriculture Development Committee in counties where no county board exists prior to filing an action in court.

H. To help parties resolve disputes involving the operation of commercial farms, the State Agriculture Development Committee also provides an Agricultural Mediation Program. Mediation is a voluntary process in which a trained, impartial mediator helps disputing parties examine their mutual issues, identify and consider options, and determine if they can agree on a solution. A mediator has no decision-making authority. Successful mediation is based on the voluntary cooperation and participation of all the parties.

I. An additional purpose of this ordinance is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near commercial farms of accepted activities or practices associated with those neighboring farms. It is intended that, through mandatory disclosures, purchasers and users will better understand the impacts of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near land actively devoted to commercial agriculture or in an Agricultural Development Area, meaning an area identified by a county agriculture development board pursuant to the provisions of N.J.S.A.4:1C-18 and certified by the State Agriculture Development Committee.

The disclosure required by this section is set forth herein, and shall be made a part of, the following disclosure form:

**APPENDIX B
REAL ESTATE TRANSFER DISCLOSURE STATEMENT**

This disclosure statement concerns the real property situated in the [Township, Borough, City] of [] described as Block _____, Lot _____. This statement is a disclosure of the conditions of the above described property in compliance with Ordinance No. _____ of the [Township, Borough, City] of []. It is not a warranty of any kind by the seller(s) or any agent(s) representing any principal(s) in this transaction, and is not a substitute for any inspections or warranties the principal(s) may wish to obtain.

1. Seller's Information

The seller discloses the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. The following are representations made by the seller(s) as required by the [Township, Borough, City] of [] and are not the representation of the agents, if any. This information is a disclosure and is not intended to be part of any contract between the buyer and seller. The [Township, Borough, City] of [] permits the operation of generally accepted agricultural management practices within the municipality. If the property you are purchasing is located near land actively devoted to commercial agriculture or in an Agricultural Development Area, meaning an area identified by a county agriculture development board pursuant to the provisions of N.J.S.A.4:1C-18 and certified by the State Agriculture Development Committee, you may be affected by these agricultural activities or practices. The effect of these activities or practices may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure and compost, and the application by spraying or otherwise of fertilizers, soil amendments, herbicides and pesticides. One or more of the effects described may occur as the result of any agricultural operation which is in conformance with existing Federal and State laws and regulations and accepted customs and standards. If you live near an agricultural area, you should strive to be sensitive to the needs of commercial farm operators, as their presence is a necessary aspect of an area with a strong rural character and a strong agricultural sector. The State Agriculture Development Committee has established a formal complaint process to assist in the resolution of any disputes which might arise between residents of the [Township, Borough, City] of [] regarding the operations of commercial farms.

Seller certifies that the information herein is true and correct to the best of seller's knowledge as of the date signed by the seller.

Seller _____ Date _____
Seller _____ Date _____

II. Buyer(s) and seller(s) may wish to obtain professional advice and/or inspections of the property and to provide for appropriate provisions in a contract between buyer and seller(s) with respect to any advice/inspections/defects.

I/We acknowledge receipt of a copy of this statement.

Seller _____ Date _____ Buyer _____ Date _____

Seller _____ Date _____ Buyer _____ Date _____

Agent representing seller _____ By _____ Date _____

