

*Reexamination Report
of the*

MASTER PLAN



West Building, Moorestown Friends School

PLANNING BOARD

TOWNSHIP OF MOORESTOWN
BURLINGTON COUNTY, NEW JERSEY

JUNE 26, 2008

Reexamination of the Master Plan

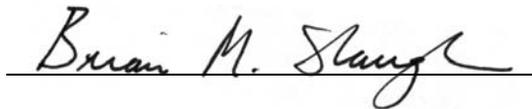
**TOWNSHIP OF MOORESTOWN
COUNTY OF BURLINGTON**

**Prepared pursuant to *N.J.S.A. 40:55D-89*,
the New Jersey Municipal Land Use Law**

**Adopted by the Moorestown Township Planning Board
June 26, 2008**

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Reexamination of the Master Plan

I. INTRODUCTION

The Reexamination Report is a review of the adopted Master Plan, its amendments, and their associated development regulations. This distinguishes the Reexamination Report which analyzes policy with the Master Plan that sets land use policy. The Master Plan is set within the framework of state enabling legislation that requires it to be periodically reviewed at least every six years through the Reexamination Report process. This document serves that purpose.

Moorestown's Common Vision

A Master Plan, periodically revised and expanded, has guided Moorestown's land development policies for more than 50 years. The Master Plan articulates a common vision of the community of its natural and built environment. Moorestown's vision is summarized in the following statement from the Goals and Objectives:

Moorestown has a historic town center, fine residential neighborhoods, tree-lined streets, excellent schools, diverse religious institutions, strong civic organizations and a variety of natural resources constructed out of three hundred years of history. Moorestown's residents are committed to the shared values of community - seeking to balance prosperity with preservation, the needs of society with the enjoyment of private property, and environmental protection with balanced growth. We foresee an active and appealing Main Street, a bustling West Moorestown; an integrated system of open space encompassing streams, woodland and farmland; a comprehensive and efficient circulation system; continued preservation of its historic and cultural resources; a wide offering of private and public educational opportunities; and civic organizations that enhance the quality of life now and in the future. [2002 Master Plan, p. II-1]

This Vision Statement is the current embodiment of the community's common idea of the future of Moorestown.

Reexamination Report Contents

Five specific topics are to be considered in the Reexamination Report in accordance with the requirements of the state planning statute. These are:

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- a. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.*
- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," 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. [N.J.S.A. 40:55D-89]*

Since the Township has not established any redevelopment areas, this last area of review is not germane to this Reexamination Report.

II. EXISTING MASTER PLAN GOALS AND OBJECTIVES

Master Plan Background

Moorestown Township has a long history of municipal planning that first began with the establishment of the Planning Board in 1950. Six years later the first Master Plan was adopted. Nineteen subsequent amendments or revisions to the Master Plan guided land use and development through 2001. Following adoption of a Reexamination Report in July 2001, a completely revised and updated Master Plan was adopted on June 27, 2002. The 2002 Master Plan includes a statement of Goals and Objectives, the plan elements Conservation, Open Space and Recreation, Historic Preservation, Community Facilities, Circulation, and Land Use, a Town



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Center Sub-Element, and a land policy consistency statement. The 2002 Master Plan incorporates by reference the Housing Element which at that time had been adopted and then revised in 1997. This element was subsequently replaced by a new Housing Element that was adopted in September 2005. The Housing Element adoption is based on the submission deadlines issued by the NJ Council on Affordable Housing.

2002 Master Plan Goals and Objectives

The 2002 Master Plan includes five major goals, with each goal followed by a set of sub-goals or objectives. The goals are repeated here:

GOAL: PROTECTING THE LAND

Protect the land within Moorestown and safeguard its natural heritage.

GOAL: PRESERVING THE PAST

Secure the heritage of the Township of Moorestown for future generations by preserving its cultural, social, economic and architectural history.

GOAL: MANAGING THE PRESENT

Maintain the necessary services, capacities and opportunities sufficient to satisfy the needs of present residents and to allow for their well-planned expansion to meet future needs.

GOAL: ENVISIONING THE FUTURE

Bring about an improvement to the quality of life for the people of Moorestown by promoting, through the implementation of this document, the sense of a shared community with a consensus about the future of the town.

GOAL: IMPROVING THE ENVIRONS

Improve the image of Moorestown from an already high standard as an attractive, thriving and productive community.

Approximately 64 recommendations were based on these five goals in the Master Plan. The majority of them have been implemented. Several ordinances that are discussed in this document stem directly from the goals and objectives of the Master Plan. The existing 2002 Master Plan Goals and Objectives are reaffirmed as continuing aims of the municipality in its land development and redevelopment practices.



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III. REVIEW OF MAJOR PROBLEMS AND OBJECTIVES IDENTIFIED IN THE 2002 MASTER PLAN

The Land Use Element of the 2002 Master Plan includes a section entitled “Land Use Issues” which discusses the key problems and objectives pertaining to land development in the Township. A summary of these issues, and the extent to which they have been addressed, is provided below.

Open Space, Farmland and Development

The 2002 Master Plan describes a decline in the amount of farmland and vacant land due to continuing residential and non-residential development. The 2002 Master Plan came towards the end of a housing boom that began in 1995. Much of this development was the result of large production builders in major subdivisions; some the result of applications made in the 1980’s. The lack of sanitary sewer capacity, unfavorable lending practices and the 1989-1993 recession had dampened demand from that time. The compression of a decade of demand into a few short years generated an opposite reaction towards open space and farmland preservation, not only at the local level, but also at the county and state level.

In addition to strong development pressure in the late 1990’s and early 2000’s, the Master Plan also described economic and social factors that worked against the retention of farmland in Moorestown. These same factors have made it difficult for municipalities or other governmental entities to purchase farmland and lease it for food production.

By way of example, one of the Moriuchi farms in the north corner of the municipality has received approval to construct 17 homes on a former orchard, though construction has not yet begun. Fruit growing had simply become uneconomical, and that before today’s rising fuel, fertilizer and labor costs. One countervailing trend is the purchase by Burlington County of the majority of the Winner Farm, located on Centerton and Hartford Roads. The County has created the Burlington County Agricultural Center on the site. The Center will be used for educational purposes, community gardens and cooperative farming, where an initial investment results in the investor receiving a share of produce through the following growing season. This type of program, however, is one of a kind and cannot be replicated in other parts of Moorestown. Accordingly, retaining agriculture as a means of keeping key parcels of land undeveloped is considered secondary to the goal of preserving open space through purchase (whether fee simple or development restrictions).

Notwithstanding the state of agriculture, its cousin, the preservation of open space, continues to be a high priority goal in Moorestown. The Open Space Advisory Committee and Township staff are currently working on an update of the Open Space and Recreation Element to address the additional lands that have been acquired since 2002 and to re-prioritize the potential acquisition list.

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Open space acquisition and preservation has been a key governmental action over the past six years. During that time, the following municipal parcels were acquired:

- Stevens Tract (17.73 ac.) - Passive Recreation
- Esther Yanai Preserve (34.5 ac.) – Passive Recreation
- M & L Winner Fields (13.7 ac.) – Passive Recreation
- Test Open Space (5.0 ac.) – Passive Recreation
- Camden Avenue Pocket Park (0.32 Acres) – Passive Recreation
- LeDuc Pocket Park (0.9 Ac.) – Passive Recreation

Further, the County has purchased the Boundary Tract in the extreme northern corner of the municipality as part of its strategy to create a greenway along the Rancocas Creek.

A second means of preserving open space has been advanced through a planning tool called conservation design. The Environmental Advisory Committee along with the Planning Board, Community Development staff and the staff of the Delaware Valley Regional Planning Commission has gone through several iterations of an ordinance to implement this conservation design concept. The ordinance seeks to address the concerns in the Conservation Element about the preservation of environmentally sensitive lands in Moorestown and the concentration of nitrates in groundwater. Implementation of this ordinance would also further the goals of open space preservation by setting aside environmentally sensitive and scenic lands for permanent open space protection through conservation easements.

These efforts indicate that substantial progress has been made towards the lack of open space in Moorestown, though additional land remains identified for acquisition. Since the Township is approximately 85% developed or with restrictions on land that prevent it from being developed, ensuring that sufficient land to have a balance between residential, commercial, industrial, institutional and open space as build-out nears is an important goal to be retained from the 2002 Master Plan.

Town Centers

Main Street

The Master Plan emphasizes the importance of Main Street as a civic focus of the Township, and describes public improvements that began in early 2001 to reconstruct the streetscape and undertake substantial utility work. The Main Street Town Center Sub-Element of the Master Plan includes a number of specific recommendations for the Main Street Town Center with regard to land use, physical attributes, parking and circulation, and community design.



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The downtown area has benefited from a substantial amount of public investment in its streetscape. The Township Council's investment in the downtown, the promotional efforts of the Moorestown Business Association and the ceaseless marketing to potential businesses by the Economic Development Advisory Committee has had a positive effect on the downtown both in the form of new establishments and increased attractiveness.

Phases I and II of the streetscape improvements along Main Street have been completed. The Township Council is considering the remaining three phases of the project along with other capital improvement needs of the municipality. The Town Center has also seen an influx of new restaurants, which the Township has encouraged by permitting outdoor seating, and waiving or reducing parking requirements. During the Master Plan meetings, many in the public expressed a desire to see additional restaurants on Main Street. The Township adopted an ordinance in January 2008 that is designed to promote first floor retail and restaurant uses on Main Street. Expansion of a new medical office and reconstruction of Carl's shoe store following a fire has provided an opportunity to implement community design objectives within the Town Center. However, the community design concepts contained in the Town Center Sub-Element have not been implemented through legislation. To some degree, the concepts could be implemented through a historic preservation ordinance, but guidelines and standards will also need to be developed if this approach is taken.

Finally, although there has been some discussion of relaxing existing parking standards comprehensively, instead of on a case-by-case basis, this has not yet occurred.

In summary, land use on Main Street has progressed in a positive fashion in accordance with the Master Plan objectives but additional work remains.

Lenola/West Moorestown

The 2002 Master Plan describes the economic stagnation of the Lenola/West Moorestown area in recent years and notes that streetscape improvements would greatly enhance the appearance of this town center area. The Main Street Sub-Element further states that many of the design ideas discussed for Main Street are also applicable to Lenola/West Moorestown.

The Township Council responded to the suggestions of the Master Plan by establishing the West Moorestown Task Force in April 2003. The Task Force reviewed not only the commercial center of West Moorestown, but also its residential neighborhoods and the northwest business parks. The Task Force issued its final report on December 16, 2004. From the study came recommendations for open space acquisition, a three phase streetscape improvement program, improvements to

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county intersections on New Albany Road, Lenola Road and Camden Avenue, property maintenance including the removal of inoperable vehicles, improvements to existing parks, and insuring the preservation of the Cowperthwait property on Kings Highway.

Many of these recommendations have been put into effect. Land in the triangle formed by Lenola, New Albany and Camden Avenue has been deeded to the Township. County intersection improvements have occurred. Many inoperable cars have been removed. The nearly vacant shopping center underwent a façade renovation and attracted more tenants, though the center is not fully occupied. The Cowperthwait house has been renovated and the property improved. From this standpoint, progress has been made towards meeting the objectives of the Master Plan.

The Master Plan suggested that West Moorestown/Lenola would benefit from an area specific plan, possibly a redevelopment plan. An area specific plan has been developed first with streetscape suggestions prepared by the Township's landscape architect in the Task Force report and secondly through the development of the Lenola Town Center ordinance currently under consideration by the Township Council. The Lenola Town Center ordinance, which has been in development over the past year, involves tailoring the zoning districts to encourage the redevelopment of the commercial center to a better, more pedestrian-oriented, place; institutes design standards for new buildings and creates a review process to ensure that applications meet these standards. The Township Council has held workshop sessions on the ordinance to solicit input on any changes that should be made. This ordinance will advance the implementation of the town center concept for Lenola.

Preservation of Historic and Cultural Resources

The Master Plan notes that several prominent buildings on private property have been lost to demolition despite listing on the National and State Registers of Historic Places. The listing of the Township's Main Street town center area provides only protection from governmental actions. The means whereby the historic and cultural resources of the Township would be preserved has been the subject of debate over the past 30 years after interest in American history was piqued by the Bicentennial celebration of 1976. Though there is broad support for preservation in Moorestown, it is the level of governmental involvement in that preservation that has been debated.

The Master Plan recommended the establishment of a historic district based on the work that was undertaken for inclusion on the National and State Registers in the early 1980's that was underwritten by the Moorestown Improvement Association. Establishing a local government district requires the creation of a Historic Preservation Commission. This recommendation proved controversial at the time and remains so to this day.



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In December 2006, seeking to implement the Master Plan recommendation, the Township Council adopted a Historic Preservation Ordinance that established a Historic Preservation Commission and a district. The district that was adopted, however, is somewhat smaller and configured differently than the area encompassed by the recommended Phase I of the Master Plan. The first phase recommended a historic district coterminous with the National and State Registers boundary and the second phase would be more expansionary to include buildings through 1930. The Historic Preservation Ordinance was preceded by an earlier action of Council that referred requests to demolish historic properties to the Appearance Committee.

Litigation by affected property owners in the historic district ensued and a recent judicial decision invalidated the Historic Preservation Ordinance on procedural grounds. The cure for this procedural defect lies in this document by making a specific recommendation to continue the Master Plan's objective to create a Historic Preservation Commission and district, as well as designating individual properties outside of the district as historic and worthy of protection.

Since the 2002 Historic Element, additional historic resources have been identified. This means that a general revision of the Element is needed to address the new sites investigated over the past six years. In addition, the minor differences between the Phase I boundary and the historic district boundary in the ordinance should be reconciled with an amendment to the master plan map. The ordinance itself will need to be revised and introduced in the normal course of action by Township Council, which may change as they see fit what is reviewed by a Historic Preservation Commission.

Environment

The 2002 Master Plan identifies three major concerns regarding the environment: the protection of environmentally sensitive lands, ensuring adequate soil treatment of effluent from septic systems in non-sewered areas of the Township, and improving the quality of storm water discharge into streams.

On-going acquisition of open space within the Township has resulted in additional protection of environmentally sensitive lands, particularly lands located along Swede Run, and lands located within the Rancocas Creek watershed. In addition, the Conservation Design Ordinance under consideration by the Township Council is intended to help protect environmentally sensitive lands in conjunction with development. Development would be concentrated in larger tracts on upland areas and environmentally sensitive lands would be thus preserved. The Environmental Advisory Committee has recommended to the Planning Board that the definition of environmental sensitive lands be expanded to include vernal pools (seven such pools



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have been tentatively identified). Vernal pools are included in NJ Department of Environmental Protection's review of environmentally sensitive lands.

The Land Use Plan Element established a land use category called the Very Low Density Residential District (VLDR) for approximately half of the non-sewered area of Moorestown. The density of development was proposed to be one dwelling for every three acres. This change was made because of concerns about the ability of soil to effectively neutralize nitrates from septic field effluent. This area of Moorestown has layers of clay that can affect the ability for septic fields to function properly. The Master Plan included a recommendation for additional study of this issue. In 2004, a study commenced that examined each parcel in the VLDR to determine its subdivision potential under the existing zoning (1.5 acre lots) and a theoretical 1.0 acre cluster. This June 2004 study concluded that the number of lots under each approach was virtually identical and met the one unit per three acre maximum density of the area. Reducing the "footprint" of development, however, has other benefits beyond ensuring that there is sufficient land area for proper nitrate dilution. (However, see section IV for potential changes). This could be accomplished through the use of the conservation design subdivision and zoning ordinances that have been drafted for consideration by Township Council (*see* Section V, Recommendations).

Township Council has addressed the need for the management of storm water quality through the adoption of an ordinance (06-2006) in April 2006. This ordinance was part of a state requirement for each municipality to adopt regulations consistent with the NJ Department of Environmental Protection's rules and regulations. While the municipality had been using by reference these technical standards, this action in 2006 formalized the use of the state standards. While the state standards are in many ways the state-of-the-art, scope remains for additional improvements in technical standards used in the review of development plans. These could include pervious pavement requirements, bioswales and other means of managing storm water management that would suggest or require Moorestown's preferred method of addressing storm water quality and discharge into streams.

Institutional and Residential Uses

The 2002 Master Plan describes the changing nature of institutional uses, including new combinations of institutional and residential uses that have become common, and the ongoing expansion of religious and school uses within the Township. In response to these trends, the Master Plan recommends that appropriate standards and locations for residential/institutional and institutional uses be established in the zoning ordinance. Residential/institutional uses typically involve some form of medical care or assistance with the daily tasks of life. The need to revise the zoning ordinance remains.



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The Moorestown Economic Advisory Committee has identified the expansion of institutional uses as an impediment to the development of additional retail uses on Main Street and Chester Avenue. Their recommendation is to eliminate institutional uses as permitted uses in the districts that are located in the Town Center land use classification in the Master Plan. This would grandfather the existing uses, but would not allow their expansion without approval from the Zoning Board of Adjustment.

Housing

The Master Plan indicates that the two major issues for housing policy, aside from the Township's affordable housing plan, are senior citizen housing and housing for medium income households. The development of new housing in Moorestown has slowed considerably from the late 1990's and early 2000's. The following table shows this significant drop.

Year	Residential CO's	Demolitions
2000	150	6
2001	125	8
2002	87	9
2003	69	14
2004	31	12
2005	38	6
2006	52	18
2007	40	6
2008*	4	5

* - through May

Housing affordability remains an issue of concern not only in Moorestown but throughout the state. There is an effort in the New Jersey legislature that would require municipalities to plan for housing in the middle income bracket for households earning from 80 to 110% of the regional median. Should this come to pass, the required Housing Element may need to address a larger scope of issues.

The redevelopment of the former Perla Block Company site on Stanwick Road and Linden Street combine both issues raised about housing policy. This site, known as the Moorestown Senior Facility, includes an assisted living facility of about 44,000 sf. and ten residential lots under the R-3 standards which require a 10,000 sf. lot minimum. An additional R-3 area on the site of a former rehabilitation center on E. Second Street is under construction on similar sized lots. This would encompass seven lots. The redevelopment of the former Hollingshead fuel oil site with one additional R-3 lot (two existing) has also begun. Though the single family detached lots in the R-3 are modestly sized, the value of the lot does not necessarily translate

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into an affordable house by middle income standards. Tackling housing for middle income buyers remains a problem from the 2002 Master Plan.

Housing that is specifically targeted to households that are aged 55 or older was discussed at length in the Master Plan. The Moorestown Senior Facility, an assisted living facility, provides a combined residential/institutional setting for persons who need help with one or more daily life tasks, such as dressing, bathing, and eating, but not to the level of necessitating skilled nursing care. Strictly speaking, assisted living facilities are also available to persons of any age, but the large majority of its residents are the elderly.

The two sites that have been identified for age-restricted housing have not been developed. The first of these is the Toll Brothers site at the intersection of Hartford and Centerton Roads. The municipality and Toll Brothers have been involved in litigation over conditions attached to the approval of 122 townhouses on the site which has delayed any construction. The second site is commonly called the DiMarco tract that is the last undeveloped upland parcel on Marter Avenue. The zoning on the tract has not been amended to implement the Master Plan. The landowner seeks a slightly higher density on the tract to approximately 3 units per acre for townhouse development. This level of development can be sustained on the site as a transitional district from Marter Avenue, which is a major arterial, and the lower density single family development on Oldershaw and S. Dudley.

IV. CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES SINCE 2002

The section below lists changes in assumptions, policies and objectives at the local, county, state and regional levels since the adoption of the Master Plan in June 2002 that will have an impact on land use in Moorestown Township.

Economic Trends

During the development of the Master Plan during the latter part of 2001 and early 2002 a similar economic climate as today was present. Then, the tech stock bubble burst and the country entered a recession. Now, tight credit and financial enterprise losses have created a similar mood in the country. Many economists believe that the country is in recession, though an official determination comes only after the fact. Moorestown, with its relatively higher levels of wealth, tends to be more insulated from economic downturns in the economy. While unemployment rates have been creeping upward, Burlington County typically has less unemployment than New Jersey as a whole. For instance, the unemployment rate for Burlington County was 4.4% in March 2008 compared to 5.1% for New Jersey and was the best in the tri-county region. The Philadelphia metropolitan area has also been less affected by housing foreclosures than the New York metropolitan area and much less than the

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top five states of California, Nevada, Arizona, Florida and Colorado. While there are long term trends in the state to be concerned with (e.g., transportation, tax structure, resident flight, integrating new immigrant populations), these should not materially affect the land use policies of the municipality within the typical time horizon of a master plan.

Budgetary Constraints

Though the Master Plan is not primarily concerned with fiscal matters, its recommendations and policies can have a substantial effect on costs and the revenues available to pay for government. Recent events have affected municipality's ability to have sufficient revenues to run government. In an effort to hold the line on state spending, municipal aid is to be decreased in the proposed budget. Further, legislation enacted last year limit budgetary increases to 4% with few exceptions. Costs to the municipality continue to rise from pension and health insurance premiums, energy increases, and materials. These factors have created an extraordinary fiscal environment in which to provide services to residents. At a minimum, the policies of the Master Plan should be considered in light of these budgetary constraints.

Council on Affordable Housing Rules

In December 2004, the NJ Council on Affordable Housing (COAH) adopted its Third Round rules, which apply a "growth share" methodology to determine the amount of affordable housing a municipality must provide during the ten year period of 2004 to 2014 (and now has been extended to 2018). Third Round Housing Elements and Fair Share Plans must address three affordable housing components: the rehabilitation share, the prior round recalculated obligation, and the "growth share" obligation. The growth share methodology marks a significant departure from COAH's two prior rounds of affordable housing obligation. The growth share approach directly links the production of affordable housing with residential and non-residential development in each municipality.

In 2005, the Township adopted a new Housing Element and Fair Share Plan under the 2004 rules. This plan projected a demand for 123 affordable housing units in the time period 2004 through 2013, plus an additional 20 units from the second round, or 143 total units.

COAH's third round rules, however, have been in a state of turmoil created by a higher level court decision in January 2007. COAH officially responded to the court's decision this past January with a new set of rules. These proved so controversial that COAH received 4,800 comments by its March 22 deadline. Regardless, COAH adopted most of the January rules but also re-proposed yet more changes in other rules on May 6, 2008. Adoption date is set for October 2008 and housing plans would be due at the end of the year.



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In Moorestown's case, the new rules issued in January changed the housing demand number from 143 to 523 units and then on May 6 reduced them to 412 units - keeping in mind that the Third Round is now five years longer. Regional contributions agreements, which the municipality utilized in the second round, have now increased in price to \$71,000 per unit, and are proposed to be eliminated altogether in bills in front of the legislature. These factors and others make it difficult to site this number of units in Moorestown at densities previously acceptable to the municipality and citizenry. Though developable land is at a premium in the Township, as far as COAH is concerned, if a site is deemed suitable under their criteria, it can be zoned for affordable housing to meet the affordable housing number regardless of its zoning today. There needs to be additional thought on how affordable housing might be incorporated into the municipality.

State Development and Redevelopment Plan

Moorestown was located in Planning Areas 1, 2 and 3 in the 2001 State Development and Redevelopment Plan. Planning Area 1, the Metropolitan Planning Area, is essentially south and west of Westfield Road. Planning Area 2 encompassed Lockheed Martin, Laurel Creek, the Upper Elementary School and Wexford. Planning Area 3 included the northeast corner of the municipality where no sewer service was permitted. In the proposed State Plan currently being updated and possibly ready for adoption by the end of the year, this Planning Area 3 is proposed to be eliminated. The April 2007 cross-acceptance map produced by Burlington County indicates this as a proposed map change now incorporated into the anticipated third State Plan. The main difference between Planning Areas 2 and 3 is that Planning Area 2 is intended for public sanitary sewer service. Concurrently, the NJ Department of Environmental Protection has promulgated new water quality management planning rules that are to be effective in June 2008 that will shift the jurisdiction for planning wastewater services to Burlington County. Since Planning Area 2 is intended as the main area of growth in the state, the change in the state plan mapping implies that the area previously intended only for septic fields will in fact be in the sanitary sewer service area. This is important because COAH's presumed density is 8 units to the acre in Planning Area 1 and 6 units to the acre in Planning Area 2 for projects incorporating both market and affordable units. Vacant land in the R-1 and R-2 districts thus could be affected by these policies and regulations.

NJDEP Stormwater Management and Water Quality Rules

In February 2004, the NJDEP published two sets of new stormwater rules. The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (*N.J.A.C. 7:14A*), which addresses the reduction of pollutants associated with existing stormwater runoff. The second set of rules, known as the Stormwater Management Rules (*N.J.A.C. 7:8*), sets forth the



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required components of regional and municipal stormwater management plans and establishes the stormwater management design and performance standards for new (proposed) development. Together the two sets of rules are intended to establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

As required under the new stormwater management rules, the Township prepared a Municipal Stormwater Management Plan (MSWMP), dated April 7, 2005. The goals of the MSWMP include reducing flood damage, minimizing increases in stormwater runoff from new development, reducing soil erosion, assuring the adequacy of culverts and bridges, maintaining groundwater recharge, preventing an increase in nonpoint source pollution, maintaining the integrity of stream channels, minimizing pollutants in stormwater runoff, and protecting public safety through proper design and operation of stormwater basins. To achieve these goals, the plan outlines specific stormwater design and performance standards for new development and proposes stormwater management controls to address impacts from existing development. The plan also includes preventative and corrective maintenance strategies to ensure long-term effectiveness of stormwater management facilities and outlines safety standards for stormwater infrastructure. As noted previously, Township Council has addressed the need for the management of storm water quality through the adoption of Ordinance 06-2006 (April 2006) that references the MSWMP.

V. RECOMMENDATIONS

The analysis preceding this section focused on the revisions to the Township's Master Plan and land development regulations that include zoning, subdivision, storm water management, site plan and historic preservation ordinances. This analysis provides the basis for the recommendations that follow.

Master Plan

The issues and problems identified in this report may be characterized as only affecting minor portions of the Master Plan. These several areas should be addressed through revisions to the appropriate Master Plan element and include:

Conservation Element

- Include a specific recommendation for the adoption of a conservation design ordinance to implement the element's objectives. Conservation design would replace the concept of clustering in the Master Plan.
- Make recommendation on the development of an amendment to the Township's floodplain regulations governing fill in floodplain areas to the extent not governed by state regulation.



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- Amend the element to give support to a policy of Integrated Pest Management on Township-owned public property.
- Make revision to the element to create a guideline for specific technical standards that are preferred in meeting the state regulations for groundwater and surface water replenishment, and water quality standards. Generally edit the storm water management section to acknowledge the new state regulations and remove any inconsistencies.
- Vernal pools should be added to the list of environmentally sensitive lands.
- Include support for conservation easements as a means of meeting Township environmental objectives.
- Add the concept of sustainability to the Master Plan in several paragraphs and relate it to the establishment of an existing or future sustainability committee.
- Expand the urban forestry section to support a stronger basis for landscaping and trees in the development review process. Reemphasize the need for an urban tree inventory as part of the Township's Urban Forestry Plan.

Open Space and Recreation Element

- Update the element to include new municipal acquisitions, county acquisitions, easements and programs for open space preservation, including farmland preservation. Revise any descriptions to reflect current conditions.
- Refine the priority list for open space acquisition based upon the recommendations of the Open Space Advisory Committee.
- Modify the Open Space and Recreation plan to reflect the additions to the open space inventory and potential future acquisitions. Include any recreational program updates as necessary.
- Include specific reference to the creation of a pocket park in Lenola in its commercial area. This reference should also be included in the West Moorestown section of the Land Use Plan Element.

Historic Preservation Element

- Revise the element to include new information on historic sites recommended by the Historic Preservation Commission or Historical Society of Moorestown.
- Revise the Historic Preservation map to reconcile the Phase I historic district to conform to the 2006 Historic Preservation Commission ordinance map.

Circulation Plan Element

- Update the Bicycle Routes map in the element to reflect additional completion of the network and any proposed or planned extensions.

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- Undertake a separate study for a detailed examination of traffic patterns and congestion points. Use any existing study, for example, the Rt. 38 land use and transportation study initiated by Burlington County and the Delaware Valley Regional Planning Commission, as a starting point to avoid duplication of efforts. Utilize these studies to generally revise the Circulation Plan Element as appropriate.
- Analyze as part of the Township-wide study means to improve bicycle safety throughout Moorestown.
- Make recommendations as part of the Township-wide study for locations suitable and necessary for instituting traffic improvements.

Land Use Plan Element

- Revise the build-out of the municipality based on current conditions. This would be from 2005, when the build-out analysis for the Housing Element was completed.
- Revise language in the age-restricted residential land use classification to allow for up to three units per acre in a townhouse configuration on the Marter Avenue tract.
- Amend the Town Center land use classification to recommend removal of institutional uses from the permitted uses (see also the Main Street Town Center Sub-Element).
- Study the land use pattern in Moorestown for potential suitable locations for age-restricted housing.

Main Street Town Center Sub-Element

- Strengthen the recommendation for the creation of two connected parking lots between Mill Street and Chester Avenue from private action to action by Township Council.
- Recommend removal of institutional uses from the list of permitted uses in the Main Street Town Center.

Land Development Regulations

The following recommendations are made for changes and revisions to the municipality's land development regulations:

- Reintroduce the 2006 Historic Preservation Commission ordinance, amended as appropriate and necessary by Township Council.
- Develop the Lenola Town Center ordinance to implement the municipality's planning goal for the improvement of West Moorestown/Lenola with respect



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- to uses and bulk standards, design guidelines and standards, and the processing of applications.
- Create a Conservation Design Overlay district in the zoning ordinance and the subdivision ordinance.
 - Amend the Specially Restricted Industrial district to limit truck traffic through the control of land uses and through specific conditional use standards.
 - Revise the general conditional use standards in the zoning ordinance to be specific standards.
 - Amend the application submission standards to include a community impact statement for larger developments incorporating a fiscal impact analysis and the effect of particular development on governmental services. The Township Council should determine what constitutes larger developments.
 - Revise the zoning map generally to include all of a lot in one zoning district in the Town Center land use classification area.
 - Develop a zoning district for age-restricted development on the Marter Avenue tract consistent with the Land Use Plan Element.
 - Revise the site plan and subdivision ordinance to eliminate fill in flood plain areas, except for necessary and prudent utilities, and to restrict development within 50 feet of the top of a stream.
 - Develop standards for the creation, recording and maintenance of conservation easements.
 - Address the consolidated court decision in *New Jersey Shore Builders Association v. Township of Jackson* and *Builders League of South Jersey v. Egg Harbor Township* as it affects the Township's land development ordinances.

It is also anticipated that the Housing Element and Fair Share Plan will need to be considerably revised to address new rules of the Council on Affordable Housing. Under proposed rules, the Township will be required to re-petition for third round substantive certification by December 31, 2008. It cannot yet be predicted how the Housing Element will affect land use policies in the remainder of the Master Plan. It is likely, though not certain, that the Land Use Plan Element will need to be amended at the same time to address housing policy. The changes would occur through the required Master Plan notice and hearing protocols established by law.