

2014 MASTER PLAN REEXAMINATION REPORT

BOROUGH OF STOCKTON HUNTERDON COUNTY, NEW JERSEY

Adopted: September 2, 2014

**In consultation with:
The Borough of Stockton Planning Board**

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The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

INTRODUCTION

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

“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 first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.”

The Borough of Stockton adopted the most recent Periodic Reexamination on July 10, 2001. Prior that that, a reexamination report was completed on December 1992. In addition, the Borough last adopted the following comprehensive master plans elements as follows:

- Land Use Plan adopted September 12, 2006
- Conservation Plan adopted November 2005
- Housing Plan Element and Fair Share Plan adopted December 10, 2008 to address the Third Round COAH regulations

The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below:

- 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,”

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.

40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”

The previous reexamination report identified a series of problems and objectives that existed in 2001. The following is a summary of those issues:

1. Traffic continues to be a significant issue for the Borough and its residents. Increases in population in surrounding communities and an effort to expand tourism along the river have created an increase in pedestrian, bicycle and vehicular traffic.
2. The main artery running north to south through the Borough is State Route 29, with connections to County Route 523 and Bridge Street. These two connections provide a north/south route for persons commuting to Trenton as well as those commuting from Pennsylvania to points north. Additionally, the weekend economy of the Borough itself has continued to thrive, providing a destination for those utilizing recreation facilities in the area. Increasing traffic poses a series of concerns in a small town where Main Street is also a State highway. Pedestrian safety, and safe bicycle and other non-motorized vehicle movements are priority issues. Quality of life impacts (noise, dust, air pollution, etc.) are also of concern as regional through traffic increases.
3. Non-residents are drawn to the Borough by a variety of attractions and recreation sites. These facilities include the D&R Canal towpath, Bulls Island Recreation area to the north of the Borough and numerous Delaware River recreation opportunities. All of these factors have led to an overall increase in traffic traveling through the Borough, both at traditional peak times and off-peak times.
4. Parking in the Main Street area has been analyzed in response to parking demand that has increased steadily over time, while the supply has not. With the increase in traffic previously noted, and the increasing use of regional recreation facilities, which ultimately provide business to Borough establishments, parking utilization has been maximized in the village core and parking facility deficits have been identified. An analysis of current parking facilities, reveals that additional parking beyond the village core is needed to relieve congestion and free-up parking for short term parking needs in the village. It has been recommended that areas where “resident only” and “time limit parking” should be established. The identification of potential parking areas would prepare the Borough to meet increasing demands.

The previous Reexamination report also brought forward the goals and objectives that were identified in the 1992 reexamination report as still relevant in 2001 as identified below:

1. To maintain and improve the unique and desirable residential character of Stockton Borough.
2. To control and direct changes so as to better utilize our land for residential purposes without unduly restricting variety or design.
3. To assign and develop suitable zones for residential, commercial and professional uses.
4. To provide healthful and serviceable recreational facilities for our Borough.
5. To maintain the quality educational processes and to furnish adequate protective services, infrastructure and useful facilities. The concept of regionalization to be considered if appropriate and needed.
6. To safeguard the future of the Borough by providing sufficient legal controls and enforcements to insure prudent usage and development.

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

Many of the issues present in 2001 continue to guide long-term planning initiatives in the Borough, as detailed below:

1. Traffic throughout the Borough still remains a concern. Downtown traffic has long been an issue for residents and regional traffic through the Borough remains at consistently high levels. A traffic analysis prepared by the Borough identifies the need for raised pedestrian crossings on Route 29 at the elementary School and at the Prallsville Mill. The Borough endorsed these recommendations and the governing body should pursue funding for these improvements. Along Route 29, such improvements would require NJDOT funding and approval. The fate of the elementary school has not diminished the need for a crossing at that site. The schools potential reuse and continued contribution to the community is unknown at this time, but any reuse of the site will require pedestrian safety. Funding opportunities for construction of raised pedestrian crossings should be sought from the New Jersey Department of Transportation since both of the proposed pedestrian crossings identified are located within the Route 29 right-of-way.

In addition, the Bridge Street improvements have been completed from the bridge to the intersection of Route 29 which included road and streetscape, drainage, curbs and sidewalks, road resurfacing, landscaping, street lighting, and street furniture. Such improvements should be continued throughout the Borough to enhance the character of the Borough and the safety of non-vehicular traffic.

2. The traffic and pedestrian safety concerns related to Route 29 continue to be an issue. Pedestrian and roadway improvements responding to Stockton’s local needs, such as sidewalks, street lights, shade tree plantings, remain a priority but continue to be a long-term process and require continued communication with the New Jersey Department of Transportation (NJDOT). Portion of Route 29 have been designated as a scenic byway,

giving more weight to the Borough's long term goal of controlling traffic and providing safety to all traveling along Route 29, including motorists, pedestrians and bicyclists.

3. The Borough still attracts non-residents utilizing the facilities including the D&R Canal towpath, and those heading to Bulls Island Recreation area to the north of the Borough and other Delaware River recreation opportunities. As witness above, this adds to the increase of traffic to the Borough.
4. Parking remains in shortage and will continue to be a problem as commercial/economic activity increases. As will be discussed later, parking demands in the Borough will only increase with any increase in economic development and revitalization. While the current economic recession has had an impact on the Borough and the state in general, parking studies should continue to be reviewed in an effort to mitigate issues of parking with the desire for the Borough to regain economic stability and diversity and encourage appropriate development.

55D-89c “The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”

STOCKTON BOROUGH LAND USE AND REGULATIONS

Since the adoption of the 2001 Reexamination Report, the Borough has prepared a new Land Use Plan and has instituted new and amended ordinances to address ongoing concerns and emerging issues as follows:

Land Use Plan Element of the Master Plan

The Borough prepared and adopted a Land Use Plan Element in 2006. One major change in the Land Use Plan was the adoption of the “Vision Statement for the Borough of Stockton and Statement of Master Plan Goals and Objects” (see appendix A). The updated goals and objectives and vision statement provide a more detailed vision of the long-term planning in the Borough. The goals identify the need to retain the historic small town character of the Borough, promote natural resource protection, housing opportunities and economic diversity and appropriate development. Consequently, the Land Use Plan recommends several strategies for the protection of the Borough's scenic and historic feel while providing for new development

that can enhance, rather than detract, from the existing development. These include (summarized from the 2006 Land Use Plan):

Floor Area Ratio (FAR) - This technique limits the floor area permitted on a lot, and measures the sum of all floors of all buildings as a ratio of the lot area. Floor area ratio is a regulatory control that carries special significance, since only the Zoning Board can approve variances from this standard, and only by a super majority vote. FAR is most frequently used in regulating non-residential land uses, although some municipalities have also used it to regulate residential use. It can be particularly invaluable in preventing the conversion of the character of historic villages by the introduction of large buildings that are out of scale with village form and frequently disregard historic architectural styles. In Stockton, the control could be used to preserve community character and the scale of buildings within neighborhoods, and preserve a range of housing choice by maintaining a relatively affordable housing choice.

Maximum Building Size - Another technique for avoiding the introduction of buildings that are out of scale with their surroundings is a control on overall building size. Where FAR regulates the amount of building that can be on any individual lot, it does not control the size of any individual buildings, but rather the floor area of all buildings on a lot. A maximum building size requirement, conversely, prevents buildings from becoming out of scale with their surroundings, when properly gauged to neighborhood character. Neighborhood character is generally perceived along a linear processional experience. A drive down the street, observing the size and placement of homes on both sides of the street, reinforces our sense of neighborhood character.

Mixed-use village areas typically have a fabric which is also susceptible to damage by the removal and replacement of older and smaller buildings with new larger buildings. Yet, in many cases, prevailing zoning standards permit a building envelope, based on setbacks, coverage and other standards, which can accommodate substantially more development than the historic forms. Where older settlement areas tend to be incremental, with a series of smaller buildings combining to create a sense of place, modern architectural and design efficiencies often provoke larger buildings with disparate architectural styles and institutional rather than individual appearances. The use of a maximum building size requirement can help to assure that when the floor area associated with a given area of land is established or modified, that the size of buildings can be reasonably related to the character that exists prior to the new construction. Of course, new construction will of necessity make changes in this character over time. However, this only makes it more important to prevent significant departures from neighborhood character.

Building Placement - Zoning regulations have typically required the placement of buildings within an “envelope” established by the minimum front, side and rear yards. Except for the limitations imposed by floor area or coverage controls, the building envelope may be “filled up” by the addition of the unused development rights that remain to be acted out. Frequently, desirable residential and mixed-use locations are affected by market forces which make it attractive to alter the prevailing character by capturing the

additional development potential. However, it is frequently this real estate investment incentive that destroys or dramatically alters neighborhood character. In residential neighborhoods, where some homes have been built at the minimum front yard setback while others have been set substantially further back, the results can be a “front yard vs. back yard” arrangement. In this setting, one resident’s front door faces another resident’s accessory uses in the rear yard, which include pools, fences, dog runs and the wide variety of on lot recreation which is typical in residential zones. This design approach requires that new dwellings be built at a comparable front yard setback, creating a relationship where front yards are fairly consistent across a block and rear yard areas are preserved throughout the neighborhood for those activities more appropriate to rear yards.

Lot-of-Record Restrictions - One technique for preventing the consolidation of multiple lots and the tearing down of existing buildings ties the use permitted in any specific zone to a lot-of-record. That is, a parcel existing as of a certain date. Restrictions on the use of lots-of-record are intended to prevent the combination of lots into larger parcels for larger development opportunities. While the assembly of parcels is not universally undesirable, it generally has a negative impact on neighborhood character, as it results in fewer buildings of larger size. Use rights associated with a specific lot-of-record can acknowledge the level of existing development with appropriate controls on bulk and intensity, but can also penalize users of land which has been combined with other lots to form a development parcel. Such penalties may limit permitted floor area, total building coverage, total impervious coverage and setbacks, and require landscaping designed to minimize the intrusiveness of new development.

Historic Preservation Overlay - This Land Use Plan calls for the development of a historic district overlay to protect the existing built environment that has evolved during the Borough’s development over the prior two centuries. Stockton Borough is endowed with a wealth of older buildings, many of which with historic character, that establish Stockton’s essential character. The historic district overlay could include a series of incentive-based architectural performance standards that will permit increases in lot coverage, and possibly even reduced front yard setbacks when residential development includes architectural designs that complement and are substantially consistent with the original architectural style of existing buildings. Landscaped treatments such as property line hedges, landscaped gardens and walkways constructed of brick, stone, pavers and the like. The requirements of the historic preservation district will have to be weighed against individual property owner’s interests to reasonably expand their dwelling and conduct routine maintenance on their property.

Economic Revitalization Strategies - The Planning Board believes that the Borough could benefit from a coordinated planning approach to revitalization of the downtown. Changes in the commercial district include the departure of a full service grocery store and conversion to boutique tourism-based uses, the major renovation of a building for new real-estate offices, and changes at Stockton’s local landmark, the Stockton Inn, which has undergone a series of changes in ownership and brief closings. Some changes have been subtle and some changes have underscored the need for a revitalization

strategy that responds to Stockton's unique downtown assets, regional location and the challenges posed by Stockton's historic development patterns that give the Borough its unique charm.

One approach to planning for commercial revitalization may be the preparation of an Economic Revitalization Subplan element of the Land Use Plan, which could involve the participation of major stakeholders such as local businesspersons representing existing commercial enterprises, the chamber of commerce, local officials and representatives from the Delaware and Raritan Canal Commission. The objective would be to bring renewed economic vitality to the commercial district, upon which the Borough relies for diversification of the local tax ratable base.

The Borough has yet to implement these new recommendations but they remain relevant as the Borough seeks to retain its historic character while accommodating growth and redevelopment.

Scenic Viewshed Ordinance

The Borough adopted a Scenic Viewshed Ordinance in 2008. The purpose of the ordinance is to "protect outstanding views and vistas embodied in Stockton's natural environment that are emblematic of the Delaware River Corridor." This ordinance is designed to protect natural scenic resources when viewed from scenic recreational byways which include the D&R Canal Park, rail-trail and towpath, and the Delaware River, as well as, the Scenic Corridors of Route 523 (Flemington-Stockton Road) and Woolverton Road, from which regionally and locally significant scenic resources may be viewed in Stockton Borough. These scenic resources include the vegetated landscape, hillsides, ridges, ridgelines, cliffs as well as open horizontal views and vistas.

This ordinance establishes development review procedures and regulations to manage new development as it may affect scenic resources. The strategies identified in this ordinance are intended to serve as a reasonable means to protect and reinforce Stockton's essential character as a historic Delaware River town. Additional purposes of this ordinance are:

1. To protect the natural beauty and the Borough's aesthetic elements and scenic resources along the Delaware River;
2. To manage the location and design of development so as to enhance the Borough's visual character and scenic resources when viewed from the scenic recreational byway and locally-designated scenic corridors;
3. To minimize potentially negative visual impacts of new development by requiring sufficient visual buffers and development controls to protect scenic resources and reinforce the natural vistas along the traveled corridors and within priority viewsheds;
4. To protect and maintain open views and vistas from visually intrusive new development.
5. To maintain and protect existing scenic views of undeveloped hillsides, ridgelines, wooded and open areas; and

6. To achieve consistency between local and New Jersey State Development and Redevelopment Plan goals and policies to preserve and enhance areas with scenic, open space and recreational value.

Steep Slope Ordinance

The Borough adopted the Steep Slope Protection ordinance in 2008. The purpose of the ordinance is to “regulate the intensity of use in areas of steep slope terrain in order to limit soil loss, erosion, excessive storm water runoff, excessive removal of vegetation, the degradation of surface water and to maintain the natural topography, ridgelines and drainage patterns of land as well as to maintain continuing replenishment of ground water resources and the maintenance of springs”. In addition, the ordinance regulates the extent of disturbance, so as to reduce the visual impact of dwellings located on ridges or within unique viewsheds, and help preserve the rural character of the Borough and promote additional environmental benefits.

HUNTERDON COUNTY PLANNING

Hunterdon County 2007 Growth Management Plan

While the County has no formal land use policymaking role in the adoption of local master plans and zoning ordinances, Counties are the negotiating entities for the State Plan processes. In this role, they negotiate the state plan policies with municipalities and the State to help reconcile policy differences.

The smart growth strategies advanced in the State Plan were embraced in the County’s December 2007 Growth Management Plan, which examined and ranked the natural resource values found throughout the county. “Inherently valuable natural resources... include: aquifer yield; ground water recharge values; the habitat value defined by the Landscape Project and by the Natural Heritage Priority.”

Hunterdon’s Growth Management Plan advances rural conservation strategies to retain farmland and scenic character and protect environmentally sensitive lands, suggesting that the Transfer of Development Rights (TDR) be used for preservation in certain areas (farmland or environmentally sensitive areas), with growth areas planned to receive any transferred development.

Hunterdon’s Growth Management Plan also suggests strategies for suburban redesign and downtown redevelopment to address the full range of places and landscapes found throughout the county.

Hunterdon County Farmland Preservation Plan

Hunterdon County’s farmland preservation policies are outlined in the Farmland Preservation Plan.

Hunterdon County’s Farmland Plan also advances TDR as a land use planning tool to shift development from one location to another, allowing preservation in certain areas and designating

other areas for growth. “Development should be transferred to ... optimal growth areas where infrastructure can be provided while simultaneously preserving open space or farmland...”.

STATE PLANNING INITIATIVES

State Strategic Plan: New Jersey’s State Development & Redevelopment Plan (SSP)

In response to Governor Christie’s Executive Order No. 78 issued October 19, 2011, the State Planning Commission (SPC) voted on November 14, 2011 to adopt a final draft of the State Plan which differs significantly from the existing *State Development and Redevelopment Plan* (SDRP). Following a series of public hearings and revisions if required, the SPC will consider approving the new plan, entitled *Proposed Final Draft – State Strategic Plan: New Jersey’s State Development & Redevelopment Plan* (SSP).

The new SSP does away with the State Plan Policy Map which divides the State into Planning Areas to delineate growth and preservation areas. The SSP also eliminates the Plan Endorsement process and Center designation opting for “*priority industry clusters...complemented with a local agenda...*” to determine where development and redevelopment can be supported by existing, expanded and new infrastructure. A primary goal of the SSP seeks to achieve better inter-agency coordination of such efforts in contrast with the experience under the SDRP. At the other end of the spectrum the SSP proposes “*priority preservation investment areas*”.

The goals of the SSP include:

1. Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance.

Objectives

- 1.1 Map priority industry clusters for sectors of statewide significance
- 1.2 Improve conditions for sectors of statewide significance
- 1.3 Support of land and water based industries
- 1.4 Align partnerships and working groups

2. Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region.

Objectives

- 2.1 Establish “priority growth investment area” criteria
- 2.2 Increase readiness and availability of redevelopment sites
- 2.3 Invest in growth infrastructure
- 2.4 Influence implementation of priority growth investment area development
- 2.5 Assist urban center evolve into components of healthy metropolitan areas
- 2.6 Strengthen county planning role to facilitate regional collaboration

3. Preservation and Enhancement of Critical State Resources

Ensure that strategies for growth include preservation of the State’s critical natural, agricultural, scenic, recreation and historic resources, recognizing the role they play in sustaining and improving the quality of life for New Jersey residents and attracting economic growth.

Objectives

- 3.1 Provide for the continued success of the State’s preservation programs
- 3.2 Coordinate functional plans related to transportation, energy and the environment with land use and economic development initiatives
- 3.3 Coordinate State preservation and economic development initiatives
- 3.4 Strengthen and expand regional and municipal land use tools

4. Tactical Alignment of Government

Ensure effective resource allocation, coordination, cooperation and communication among those who play an imperative role in meeting the mission of the Plan.

Objectives

- 4.1 Cohesive State government
- 4.2 Connect spending to the State’s goals and values
- 4.3 Re-focus the State Planning Commission for local government coordination
- 4.4 Reposition the Office for Planning Advocacy

The SSP also outlines a series of growth areas to be identified through a process to determine “priority growth investment areas” which are to include:

- Major Urban Centers, as previously identified by the 2001 State Plan
- Areas identified as —Priority Industry Clusters
- SPC Designated Centers (currently or previously designated as such by the SPC)
- Port areas
- Existing Communities and/or Growth areas, as designated by Regional or County Master Plans
- Municipally designated redevelopment areas and receiving areas under Municipal Transfer of Development Rights Programs
- Areas designated by existing or future federal and/or State targeted public investment programs

The SSP establishes what are known as the *Garden State Values* to assist in establishing the priority growth investment areas. The ten elements comprising the *Garden State Values* are:

1. Concentrate development and mix uses
2. Prioritize redevelopment, infill and existing infrastructure
3. Increase job and business opportunities in priority growth investment areas
4. Create high-quality, livable places
5. Provide transportation choice and efficient mobility of goods
6. Advance equity
7. Diversity housing opportunities
8. Provide for healthy communities through environmental protection and enhancement
9. Protect, restore and enhance agricultural, recreational and heritage lands
10. Make decisions within a regional framework

MUNICIPAL LAND USE LAW

The Municipal Land Use Law has incorporated many amendments since 2001 as follows:

Green Plan Element

On August 8, 2008, the Municipal Land Use Law was amended at N.J.S.A. 40:55D-28.b. to include provisions authorizing a municipality to prepare and adopt a “Green Plan Element” as follows:

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

Local regulators may find that concerns will emerge since the hardware used for harnessing solar or wind power can have significant visual impacts on community character. This may require the development of policies and regulations to minimize the intrusion of these changes into the built environment, particularly as they affect historic resources and districts. Additionally, as municipalities seek to encourage innovative conservation and sustainable development techniques, an evaluation should be undertaken as to how the local Master Plan and Zoning Ordinance can influence and incentivize desirable changes.

Time of Application Rule

On May 5, 2010 the Governor signed P.L. 2010, c.9, dubbed the “Time of Application Rule”, making applications for development subject to applicable regulations in effect on the date the application for development is submitted. This time of application rule was intended to provide developers a measure of certainty that the local regulations in effect when they file their applications will govern any development approvals. The only exceptions to this new rule will be those relating to health and public safety.

Renewable Energy

A number of statutory changes to the MLUL have been adopted concerning wind and solar energy facilities. Wind, solar and photovoltaic systems are now defined in the MLUL:

“Wind, solar or photovoltaic energy facility or structure” means a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.” [40:55D-7]

In addition, the definition of “Inherently beneficial use” in the in the MLUL has been amended and reads as follows:

“means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.” [40:55D-4]

Wind, solar and photovoltaic systems, under the MLUL, are accorded permitted use status in any industrial zone district on a parcel consisting of at least 20 acres. In terms of solar panels, local ordinances cannot include solar panels when calculating impervious coverage limits, although the base of such structures does count towards impervious coverage.

Small wind energy systems can be regulated by municipalities subject to certain limitations, which are set forth in the MLUL. The ordinance cannot impose unreasonable limits or hinder the functional ability of such facilities by prohibiting them in all zone districts and it must account for the type of towers associated with wind turbines when setting height restrictions. It cannot require setbacks from property boundaries greater than 150 percent of the system height while restrictions on noise levels cannot be set below 55 decibels.

Master Plan Reexamination Report

The MLUL was amended in May 2011 to modify the requirement for municipalities to conduct a periodic examination of the Master Plan and development regulations at least once every ten years. The standard had been every six years. [NJS 40:55D-89]

OTHER LEGISLATIVE ACTIONS

Conversion Bill

On July 2, 2009, legislation took effect that impacts approved age-restricted developments. The Conversion Bill enables the developer holding a development approval for an age-restricted development to change the development to a converted development. “Converted development” is defined in the law as “a proposed age-restricted development that will be marketed instead with no age restrictions.” The law requires that an application be made to the approving authority (Land Use Board) and to comply with certain requirements, including setting aside 20% of the units as affordable housing. The law also provides that the developer address certain basic requirements to convert the development, such as:

- Recreation improvements and other amenities;
- Provision of adequate water supply and sewer capacity;
- Provision of adequate parking;

If the approving board determines that the requirements of the Law have been satisfied, *and* the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, the application for the conversion “shall be approved.”

2.5% Non-Residential Development Fee

The 2.5% fee on non-residential development, made collectible pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1-8.7) was later suspended under the New Jersey Stimulus Act of 2009. This legislation (S-2974/A-4221) suspended the 2.5% fee on non-residential development for a total period of 36 months, from July 1, 2011 through July 1, 2013.

This legislation does the following:

1. Suspends the housing obligation generated by non-residential development in the same manner, so that a municipality is not left with an unfunded housing obligation.
2. Allows for reimbursement to the developer, unless the municipality has expended the dollars. Municipalities eligible to collect the fee would not be required to refund monies that have been spent on affordable housing. In this case, the developer would need to submit a claim for a refund within 120 days of the effective date of the Act.

Wastewater Management Plans

The Department readopted the Water Quality Management Planning rules on May 20, 2008, with the rule readoption effective May 21, 2008 and adopted rule amendments, repeals and new rules effective July 7, 2008 (see 40 N.J.R. 4000(a)). The rule amendments and new rules provide the following:

- Reassign wastewater management planning responsibility to the county boards of chosen freeholders and require them to update WMPs;
- Establish clear standards for delineating appropriate sewer service areas to protect environmentally sensitive areas as well as clear, environmentally protective standards for the review of WQM plan amendments;
- Set forth clear standards to require identification of adequate wastewater management alternatives, address water supply, and control nonpoint source pollution (including controls related to stormwater, riparian zones and steep slopes);
- Require updated WMPs to address septic density in a manner that demonstrates compliance with a 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis or as required by development type and location.
- Makes provisions to allow the withdrawal of sewer service areas and re-designate these areas as general wastewater service area of 2,000 gallons per day or less and less than six residential units (restricted septic service areas) where the applicable WMP is not in compliance with the mandatory update schedule contained in the rules;
- Require municipalities to develop a septic system inventory and tracking system through an ordinance or other means which will ensure that septic systems are functioning properly through a mandatory maintenance program;

Additionally, the rules now require a consideration of the cumulative impact on ground water quality that would result from the density of individual wastewater discharges to ground water by

demonstration of compliance with the Groundwater Quality Standard of 2 mg/L (ppm) nitrate planning target on a HUC 11 watershed basis. These considerations will not only limit the degradation of ground water but will also assist in the protection of natural resources and surface water quality from nonpoint source impacts by limiting the density of development. The rules also include strict limitations on the disturbance of riparian zones and steep slopes and reinforce the Department's stormwater management requirements as required to protect water quality from nonpoint sources of pollution. Ultimately the WMPs help determine where wastewater infrastructure investments should occur to promote efficient and sustainable development. The Water Quality Management Planning rules required the transition of wastewater management planning responsibility from 161 wastewater management planning agencies to New Jersey's 21 counties.

Permit Extension Act

On January 18, 2010, A-4347 was signed into law extending the protections of the Permit Extension Act of 2008 for an additional 2.5 years beyond the initial "extension period" (January 1, 2007 through July 1, 2010). The "extension period" will now last until December 31, 2012, after which the running of the approval periods will resume for up to 6 months, until December 31, 2014.

The NJDEP Stormwater Management Rules

In 2005, the NJDEP adopted long-awaited stormwater management rules, which resulted in the requirement for municipalities to adopt an individual Stormwater Management Plan, and established new standards for stormwater treatment and discharge. In addition, these rules established a 300' buffer around all Category 1 (C-1) waters in the State. Mandatory stormwater management ordinances were also required to be adopted by all NJ municipalities.

The Municipal Stormwater Regulation Program has assigned New Jersey municipalities into Tier A or Tier B. Tier A Municipalities are generally located within the more densely populated regions of the state or along or near the coast. Stockton Borough is a Tier B municipality because it is located in a more rural, non-coastal region. A Tier B Municipal Stormwater General Permit authorizes the discharge of stormwater from small municipal separate storm sewers. The Tier B permit focuses on new development and redevelopment projects and public education.

Affordable Housing

Stockton prepared its Third Round Housing Element and Fair Share Plan (HE/FSP) in accordance with COAH's Third Round rules. A decision at the Appellate Division level invalidated substantial parts of the Third Round rules, prompting extensive revisions and delays in approval.

On October 8, 2010 the Appellate Division again issued a decision [In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing] which

invalidated the “growth share” methodology along with a number of other provisions in COAH’s third round rules. This matter is now pending before the New Jersey Supreme Court.

COAH has since been replaced by Governor Christie with a new entity known as Local Planning Services within the Department of Community Affairs.¹ In June of 2014, COAH released revised regulations which are set to go into effect November 2014. If the most recent rules do go into effect, the Borough's affordable housing obligation has been reduced to zero for this round.

40:55D-89d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

The Stockton Borough Planning Board has concluded that the strategies identified in the Borough’s 2001 Reexamination report and the 2006 Land Use Plan meet the needs of the Borough and its residents and does not require any significant revision at this time. However, the Planning Board recommended in 2001 that many of the ongoing issues related to traffic, preservation of the Borough’s character and resources and parking continue to be studied in greater detail in order to determine appropriate future actions. These studies should be considered moving forward and include:

1. The Planning Board should consider the impact of the State Highway on existing residential uses and explore zoning options to retain the residential character of the existing buildings, such as home occupations and limited professional office use
2. Access to the towpath should be facilitated wherever reasonably available, as this linear park offers valuable recreation opportunities to residents and visitors alike. Suitable parking arrangements to accommodate this activity should be explored at locations other than the Prallsville Mill site. An access easement located along Route 29 south of the Prallsville Mill complex would greatly facilitate access to the D&R Canal towpath for residents in the northern part of the Borough. There are five lots with commercial uses, which have frontage on Route 29 and the towpath. The Borough should examine whether any of these locations may be appropriate for some type of access easement, and work with landowners in the area to provide access to the towpath.
3. Traffic calming strategies and techniques can be particularly useful in protecting pedestrians and retaining the residential character of Borough streets. These efforts can slow through traffic and provide clearly marked pedestrian access routes between residential neighborhoods and local recreation facilities, including the towpath. Roadway modifications such as “chokers” that reduce the width of the cartway at pedestrian and bicycle crossings, and “raised crosswalks” that serve to slow vehicular traffic could greatly enhance the Borough’s ongoing efforts to improve pedestrian and bicyclist safety, and reduce vehicular traffic speeds, particularly where these conflicts pose the most serious safety concerns. Additionally, the implementation of a simple traffic calming technique such as the use of

¹ The Appellate Division issued a decision on March 8, 2012 finding that the abolition of COAH by the Governor’s Reorganization Act is invalid.

portable pylon signs marked “yield to pedestrians in crosswalk” that are daily placed in crosswalks can also serve to slow vehicular traffic and improve pedestrian safety in crosswalk locations. These measures should be implemented throughout the Borough wherever practical.

4. In addition to the above mentioned traffic calming strategies, Stockton should investigate the New Jersey Department of Transportation (NJDOT) Complete Streets initiative. New Jersey has been recognized as a national leader for advancing Complete Streets policies, which promote safety for pedestrians, bicyclists and other users of New Jersey roadways. NJDOT adoption of a Complete Streets policy in December 2009 made New Jersey one of the first ten states in the nation to make Complete Streets an official internal policy.

This policy requires that future roadway improvement projects include safe accommodations for all users, including bicyclists, pedestrians, transit riders and the mobility-impaired. Roads are built to safely accommodate a variety of transportation modes and users of all ages and abilities. Complete Streets are planned, designed and constructed to blend with the local community while meeting transportation needs.

Complete Streets improve safety by providing pedestrians, bicyclists, and drivers with adequate facilities and by reducing travel speeds so that all users can safely use the street together. Complete Streets improve mobility and accessibility by enhancing the quality and availability of the connections between residences, schools, parks, public transportation, offices, and retail destinations. This network encourages the development of livable, walkable communities that can help revitalize a downtown, increase private investment, bolster property values, promote tourism, and support the development of good business climate. A walkable community also improves overall quality of life by creating an environment where people are encouraged to interact and develop a sense of community.

A review of safety research by the Federal Highway Administration (FHWA) found that a variety of facilities commonly found in Complete Streets design (e.g., marked crosswalks, raised medians, pedestrian refuge islands, traffic control devices, careful bus stop placement, safe routes to school, traffic-calming measures, continuous sidewalks and walkways, etc.) can serve as efficient countermeasures to pedestrian crashes. Bicyclists also benefit from Complete Streets due to slower traffic speeds and the provision of bicycle-friendly facilities (e.g., bicycle lanes, tracks, sharrows, etc.). Numerous studies have found that roads with on-road marked bike lanes reduce injury rate, collision frequency or crash rates by about 50 percent compared to unmodified roadways. Higher rates of non-motorized modes can also reduce overall congestion on the transportation network, which makes travel more efficient and safe for everyone.

5. A comprehensive recreation and open space plan should be developed. The recreational aspects of the Borough are a principal asset that should be expanded for the benefit of residents and visitors as appropriate. Adoption of a Green Acres approved Recreation and Open Space Plan will position the Borough for participation in Green Acres' Planning Incentive Grant Program which provides up to 50% grant funding for the purchase of land that supports outdoor recreation, open space and/or conservation purposes. A coordinated

signage theme, with “way-finding” elements to guide visitors, would help to promote local recreation opportunities and improve safe traffic movements.

6. The Planning Board should also study the utilization of current parking facilities in the Borough, including the use of on-street parking and parking lots. These facilities affect traffic and pedestrian movement through the Borough. The identification of possible future parking areas, including using Borough property or purchasing land by the Borough for parking, would also be valuable, since parking is vital to the businesses in the Main Street area. However, such locations should respect the existing historic fabric of the Borough. New parking facilities should be established along the northerly and southerly reaches of the State Highway in the Borough within easy walking distance to the village core. These facilities would be particularly valuable in accommodating the long term parking needs of visitors to the Borough and relieving congestion in the village. For example, a site north of the village would help free-up the limited parking in the village core. This would serve to provide short-term visitor parking spaces in the village core that are valuable to the local business economy. The Borough should also investigate opportunities for shared parking arrangements where practical.
7. Strategies to manage parking demand, and provide enforcement capabilities should be explored. Features such as parking meters and kiosks, which are a source of revenue, can serve to make parking more accessible. Less intrusive measures, such as time limit parking which involves the posting of 1 hour or 2 hour parking signs, the periodic marking of tires and issuance of parking tickets, may also be useful in controlling parking in the village core, if the manpower resources can be provided.
8. In addition, the Borough should review the tool box of strategies presented in the 2006 Land Use Plan to identify if any should be further studied. These include FAR limitation on residential buildings, maximum building size restrictions, lot-of-record restrictions, building placement standards, historic preservation overlay zone and the preparation of an Economic Development Plan.

C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12 A-1 et seq.) 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 Borough has not adopted a redevelopment plan pursuant to the “Local Redevelopment and Housing Law,” and therefore the Planning Board does not need to comment on its incorporation into the Land Use Plan Element.

APPENDIX A

Vision Statement for the Borough of Stockton and Statement of Master Plan Goals and Objectives

pursuant to N.J.S.A. 40:55D-28(b)(1)

Adopted

Stockton Borough is located in the southwestern portion of Hunterdon County, nestled along the Delaware River, and bisected by the Delaware River and Raritan Canal on the western side. The Borough has a diverse history, and is enriched with scenic, cultural and environmental resources. Flanked by the Delaware River to the south and a sloping ridgeline to the north, the landscape shapes a development pattern that highlights the Borough's long, historical link with the river. The forested and agricultural lands that currently surround the Borough's developed areas offer visitors and residents a sense of connection with the past. Stockton's vision of itself is to honor its historic antecedents, protect the Borough's natural resources and maintain the built and natural environment much as it is today.

The Borough's Master Plan goals and objectives are specifically tailored to Stockton's unique circumstances, including its geographic location and natural resource base, as well as the Borough's quaint, small town historic character and ambience as it has evolved over the last two centuries as a Delaware River town. The goals and objectives, and the means by which they may be achieved, are also guided by the available resources and constraints present in the natural and built environments. Effective land use planning seeks more than mere compatibility of uses in a spatial arrangement that is functionally efficient and aesthetically appropriate. Effective planning is the process that implements the community's vision of itself through policies, strategies and regulations consistent with the Borough's goals and objectives.

The Municipal Land Use Law (M.L.U.L.) states that the Master Plan shall generally comprise a report or statement and land use and development proposals with maps, diagrams and text, and a statement of objectives, principles, assumptions, policies and standards which are the bases of constituent proposals for the physical, economic and social development of the municipality (N.J.S.A. 40:55D-28(b)(1)). The Master Plan's goals and objectives respond to this provision in the M.L.U.L. This vision statement consolidates and adds to the goals and objectives of the Borough's Land Use Plan adopted on September 12, 2006 and Conservation Plan adopted November 16, 2005. The additions are consistent with the Borough's vision of itself.

Goals and Objectives

1. *Protect the health, safety and general welfare of Stockton Borough Residents.*
 - a. Protect against local and downstream flooding.
 - b. Encourage safe traffic and pedestrian patterns to ensure the safety of residents and visitors to the Borough.

- c. Encourage the use of new and existing access ways to increase public access throughout the Borough.

Suggested revision:

Prepare and adopt a Circulation Plan Element in accordance with the M.L.U.L. N.J.S.A. 40:55D-28(b)(4).

- d. Protect the local, regional and state water supply and quality.

2. *Protect and maintain the existing variety of residential and non-residential opportunities in the Borough.*

Encourage a range of retail and service activities at a scale designed to meet the everyday needs of the residents of Stockton and the region.

Maintain a healthy balance of residential and non-residential uses in Stockton.

3. *Protect and maintain the cultural and historic land use pattern in the Borough.*

- a. Preserve, protect and enhance the community's existing character.
- b. Manage growth to protect Stockton's historic character and the existing scale of neighborhoods and commercial areas.
- c. Encourage aesthetically pleasing design and construction techniques for context sensitive modifications to buildings.
- d. Identify and encourage the protection of architecturally and historically significant structures and districts.
- e. Protect and preserve scenic vistas.
- f. Coordinate change in the Borough with all appropriate local, State and Federal agencies and regulations.
- g. Protect pre-historic sites and their archeological artifacts; investigate, document, preserve, protect archeological resources.

4. *Promote and enhance Stockton as a cultural, commercial and tourism hub of the Delaware River communities.*

- a. Manage change consistent with historic and existing development patterns.
- b. Encourage context sensitive redevelopment within a central business district, at a scale and intensity consistent with the Borough's historic development patterns.

5. *Protect and maintain natural systems and man-made infrastructure in the Borough.*
 - a. Limit population densities to protect and respect the capacities of natural systems and man-made infrastructure capabilities, and protect the local and regional quality of life.
 - b. Preserve, protect and improve the ecological integrity and balance of the Borough's surface waters and their impacts on the Delaware River.
 - c. Protect and maintain wildlife and plant habitats.
6. *Provide adequate community services and facilities for Borough residents.*
 - a. Expand the range of community services to meet the needs of the Borough.
 - b. Enhance the supply of recreational opportunities and facilities available for use by residents of Stockton.
7. *Preserve and promote opportunities for agricultural and horticultural activities in the Borough.*
 - a. Preserve farmland capable soils for continued agricultural use.
 - b. Maintain agricultural and horticultural opportunities where possible in the Borough.
8. *Provide for adequate affordable housing to meet local needs and obligations.*
 - a. Encourage the rehabilitation of housing units that may be now, or may become, substandard, especially to address the Borough's affordable housing obligation
 - b. Promote policies that limit any negative impact on community character.
9. *Protect and maintain the essential character of the Borough's natural environment.*
 - a. Protect and maintain environmentally sensitive natural resources including floodplains, stream corridors, steep slopes, ridgelines, wetlands and their transition areas, important forests & woodlands, grasslands and unique critical habitat areas.
 - b. Preserve, to the maximum extent possible, environmentally sensitive lands and other lands needed for recreation and conservation purposes.
 - c. Promote a contiguous "greenbelt" and/or "bluebelt" along the perimeter of the Borough.
 - d. Promote the retention of open space and farmland throughout the community.
 - e. Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.

- f. Promote the retention of open space throughout the community including the preservation of trees, natural vegetation, forests and agricultural land.
- g. Preserve wooded areas, including wetland forested areas, critical forest habitat and the 'neighborhood forest.'
- h. Recognize and protect wooded steep slopes, hillsides and the Borough's unique views and vistas.
- i. Limit disturbance and development of forests, meadows, grassland areas, steep slopes, ridgelines, scenic vistas and views, streams and their corridors, groundwater aquifers and recharge areas, wetlands and swampy areas, unique landscapes, and agricultural areas;
- j. Prevent contamination of ground water resources, protect recharge areas and maintain safe drinking water supplies;
- k. Identify wellhead protection and recharge areas.
- l. Protect existing stream corridors and establish policies aimed at protecting water quality;
- m. Encourage the preservation of natural vegetation and prevent the unnecessary cutting of trees along stream corridors;
- n. Preserve and protect high quality Category 1 (C-1) waterways, and where possible institute measures such as enhanced riparian buffering and restoration to renovate surface water quality.
- o. Reduce disturbance within floodplain areas whenever possible.
- p. Protect and improve the water quality of the Delaware River in accordance with the Lower Delaware River Management Plan.
- q. Limit disturbance within and require appropriate setbacks from stream corridors.
- r. Protect and preserve important farmland soils.
- s. Protect rural, open space areas from inappropriate suburban sprawl type development;
- t. Preserve farmland and historic sites and other historic resources;
- u. Protect historic sites, farmsteads, districts and the historic character of the cultural landscape.