

**2005**  
**Periodic Reexamination Report**  
of the  
**Master Plan and Development**  
**Regulations**

And

**Master Plan Amendments**

**Roxbury Township**

**Morris County, New Jersey**

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The original of this document has been signed and sealed in accordance with law.

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## 1. 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 six 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 6 years from the previous reexamination.”*

Roxbury’s first master plan reexamination, prepared in 1982, pursuant to the MLUL, reexamined the 1958 Master Plan and a comprehensive revision initiated in 1975. The 1988 Reexamination Report preceded the adoption in 1990 of a comprehensive Master Plan revision pursuant to recommendations in the 1988 reexamination. The Planning Board adopted Roxbury Township’s most recent Master Plan Reexamination on June 24, 1998. The reexamination followed the adoption in 1997 of a new Housing Element, replacing the Housing Element included in the 1990 Master Plan.

Since the 1998 Reexamination Report, the Planning Board has pursued an active agenda of planning activities and accomplishments, which include the completion of the following:

- 2000 Master Plan (Land Use Element),
- 2001 Open Space Plan Element

Based on the recommendations of the 1998 Reexamination and the recommendations of the above-noted plan elements, the following actions have been taken and/or policies and regulations have been adopted by the Township Council and other Committees and Commissions:

- Water Master Plan,
- 2001 Alamatong Wellhead Protection Study,
- Expanding the Historic District along Eyland Avenue,
- 2001 Land Development Ordinance,
- 2002 Natural Resources Inventory Update by the Environmental Commission,
- Substantial acquisition of open space by the Township,
- Rezoning of residential and non-residential district areas to better address master plan goals (rezoning of the northeastern part of the Township was litigated and the zoning upheld),

- Development of a significant amount of affordable housing, especially rental units,
- Beginning of redevelopment along the Route 46 corridor,
- Development of a senior center and youth center,
- Improvements to the Horseshoe Lake recreational and community complex,
- Establishment of a park and ride and the planning of a future train station,
- Improved architecture in new development, such as Dianne's Gifts and the Learning Experience,
- Establishment of a tree replacement fund,
- Establishment of a Traffic Advisory Committee,
- Establishment of a Trails Committee, and
- Establishment of an Open Space Committee.

Although much has been accomplished since the 1998 Reexamination, the Planning Board recognizes that significant changes have occurred over the past six years that warrant attention. Among these are new/revised Federal, State and county legislation and mandates and an increase in commercial and residential development within the Township. These have directly affected every element of the Master Plan and have placed higher demands on many municipal services and valuable resources, translating into higher costs for the Township and the taxpayer. The Planning Board is taking a proactive stance by acknowledging that these significant changes will directly affect the direction going forward.

## **2. Purpose**

N.J.S.A. 40:55D-89 provides for the preparation of a Periodic Reexamination Report as follows:

"The reexamination report shall state:

- 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 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 Reexamination process was intended by the Legislature to assure that municipal plans and ordinances take into account changing circumstances, and provide policy and regulatory strategies to respond to these changes. This Periodic Reexamination Report provides an opportunity to reflect on:

- Recommendations made in 1998;
- Accomplishments based on those recommendations, and
- Changes that have occurred since 1998.

Based on this review, the Planning Board has developed revised Goals and Objectives and a series of policy recommendations, as discussed below.

### **3. Overview of the 1998 Master Plan Reexamination Report**

In preparing this Reexamination Report, the Planning Board has conducted the statutory inquiry into the major problems and objectives related to land development and significant changes affecting these objectives.

#### **3.1 Amended Goals and Objectives**

In the 1998 Reexamination Report, the Planning Board amended the general Goals and Objectives of the 1990 Master Plan and recommended strategic actions to address these objectives. The full text of the 1998 Goals and Objectives are included in Appendix A.

#### **3.2 Major Planning Issues in 1998**

The Planning Board outlined a series of problems and objectives in the 1998 Master Plan Reexamination Report, which can be briefly summarized as follows:

- Protecting of Roxbury's quality of life by:
  - avoiding excessive traffic demands on existing roadways
  - safeguarding sensitive environmental resources and open space
  - protecting the quality of surface and ground water;

- Avoiding potential overdevelopment by reconsidering the permitted densities of residential use and intensities of non-residential use;
- A need to update the Natural Resource Inventory, including Geographic Information System (GIS) mapping, to better identify natural resource limitations to development;
- Negative effects from increasing traffic volumes along State, county and municipal roadways, parking in certain areas, truck traffic, and cut-through traffic, particularly in residential neighborhoods along Hillside Avenue and Eyland Avenue, loss of access to parts of the Township south of the former Ledgewood Circle and specific issues along Route 46 and Landing Road;
- The continuing reduction in the amount of remaining vacant land in the Township, and a need to better evaluate these land resources;
- The need to consider rezoning of affordable housing sites classified as excess sites in Roxbury's COAH substantive certification;
- A need for improved design standards for Main Street and historic areas, including signage, landscaping and building design; and
- Deficiencies in the distribution of parkland and needed improvements related to active recreation opportunities.

### **3.3 Recommendations of the 1998 Reexamination Report**

The 1998 Reexamination Report included recommendations involving the development of new plan elements, changes to regulations and issues found to merit further consideration. These recommendations suggested:

- A review of permitted residential densities and nonresidential intensities and uses, to determine the need for amendments and potential rezoning to further the goals and objectives of the reexamination report and to accommodate the change in development conditions occurring since the last Master Plan update. It was recommended that this effort could be done in conjunction with a vacant land analysis and/or Land Use Plan Update.
- An update of the Vacant Lands Study to revise specific site recommendations found in the 1990 Master Plan, to include smaller vacant and underdeveloped sites in residential neighborhoods. This would include a review of zoning boundaries and requirements, with amendments where necessary to reduce the impacts of over-intensive development and to maintain the overall quality of life for residents.

- An update of the existing land use map to reflect current development conditions and review of the existing Land Use Plan to determine where district zone changes may be required.
- A reexamination of the zoning of the Hercules site and development of a district sub plan element for the site promoting the desired type and pattern of development. This recommendation called for attention to circulation, open space preservation and protection of environmental resources, especially water resources, and discouraged uses that would create future industrial pollution.
- A review of environmental and design standards to ensure that new development and redevelopment protects and enhances community resources.
- A review of the Township Housing Element and Fair Share Plan, COAH certification report and related Township zoning to determine whether any non-certified affordable housing sites/zoning should be eliminated and/or whether current densities should be reduced.
- A review of local development controls and environmental protection efforts, emphasizing and enhancing the protection of natural resources, with particular emphasis on water resources.

The 1998 Reexamination Report reaffirmed many of the goals of the 1990 Master Plan, but in modifying many of the objectives the Planning Board showed an overriding concern for the impact of development on natural resources, identifying vulnerable areas for potential open space sites, preventing environmental pollution especially in groundwater and improving the visual environment in terms of the natural and man-made structures.

## **4. Addressing the 1998 Recommendations**

### **4.1 Goals and Objectives**

As noted above, Appendix A includes the Goals and Objectives that were recommended and adopted by the Planning Board in 1998.

### **4.2 Land Use Plan and Housing Plan Elements**

On August 15, 2000 the Planning Board adopted an updated Master Plan Land Use Element. The Land Use Plan Element updated the existing Land Use Map and also provided a number of changes to the Land Use Plan. This was in response to the 1998 Reexamination Report's recommendation to:

*“Update the existing land use map to reflect current development conditions and review the existing Land Use Plan to determine where district zone changes may be required.”*

The Planning Board also adopted amendments to the Roxbury Township Housing Plan Element and Fair Share Plan in response to the 1998 Reexamination Report recommendation to

*“Review the Township Housing Element and Fair Share Plan, COAH certification report and related Township zoning and determine whether any non-certified affordable housing sites/zoning should be eliminated and/or whether current densities should be reduced.”*

A number of recommendations in the Land Use Plan Element altered the intensity of land use in the Township. The Planning Board identified two Rural Residential areas where in one the minimum lot size was increased to five acres per unit. The Board also identified and expanded several areas into the Rural Residential areas with 3 acre zoning, and made a number of adjustments to other residential districts, in most cases increasing lot sizes to more appropriately recognize certain environmental constraints. Finally, the Board made a number of changes to the nonresidential zoning as recommended in the Land Use Plan Element. Among the significant recommendations was the creation of a Light Industrial/Office Research (LI/OR) District and the Planned Office/Light Industrial (PO/LI) district to permit limited light industrial and office and research uses on five or ten acre tracts. The new zones replaced the Limited Industrial Districts. Many of these changes responded to the 1998 Reexamination Report recommendation to:

*“Review permitted residential densities and nonresidential intensities and uses. The purpose of this review would be to determine the need for amendments and potential rezoning, if any, required to further the goals and objectives of the reexamination report and to accommodate the change in development conditions occurring since the last Master Plan update.”*

The Land Use Element also recommended revised bulk and design standards in the residential district, building coverage and impervious coverage standards for single family detached dwellings and the use of aggregate side yard standard as a percentage of the lot width. These types of recommendations responded to the 1998 Reexamination Report to:

*“Review environmental and design standards to ensure that new development and redevelopment protects and enhances community resources”.*

The Reexamination Report also recommended modifications to the B-2 Highway Commercial development standards of the revised Land Development Ordinance (1996), to reduce the negative impacts of overdevelopment, improve environmental protection



and enhance visual quality. While improvements were made to the ordinance, the Planning Board concluded that:

*“further examination of these commercial development standards appears warranted.”*

As part of the Land Use Plan, two specific intersections were examined. The intersection of Route 10 and Hillside Avenue was rezoned Professional Office/Residential (PO/R), and the Route 46/Commerce Boulevard intersection was rezoned to Limited Business District (B1).

Other recommendations included the adoption of a commercial property maintenance code, the elimination of mini-warehousing and self-storage in the B-2 Highway Business zone, the issuance of zoning permits by the zoning officer with a change in tenancies, and a FAR bonus for consolidating undersized lots to eliminate curb-cuts. In the April 2001 revisions to Land Development Ordinance, the Township Council eliminated §13-7.2502A3 mini-warehousing/self storage as a permitted use in the B-2 Highway Business zone.

The Reexamination Report recommended;

*“Except in those areas designated as affordable housing sites, no new large multi-family planned developments are promoted as part of this reexamination, nor is an increase in density in the Town Center area anticipated.”*

The 2000 Land Use Plan recommended no additions to the existing multi-family residential districts stating that the Township had an adequate balance of housing types available and has satisfied its Mount Laurel obligation. The Planning Board recommended a review of the Township zoning to determine whether any non-certified affordable housing zones should be eliminated, and whether current densities should be reduced.

Based on the Planning Board’s recommendation in the Land Use Plan as amended, the Township Council adopted Ordinance # 3-01 on April 3, 2001. The principal changes were:

- Creation of new Zone Districts, RR-5 Rural Residence, LI/OR Light Industrial/Office Research and PO/LI Planned Office/Light Industrial;
- Modifications to permitted and/or conditional uses in Commercial Districts B-1, B-1A, B-2, B-3, I-3, I-5 and I-10;
- Modifications to floor area ratio, lot coverage and/or impervious coverage requirements in Commercial Districts;
- Modification of conditional uses and setbacks in the PO/R District;
- Alternate development option for the OR-5 District;
- Modified impervious coverage, building coverage and/or setback requirements in Residential Districts;

- Modified bulk standards for the OS District;
- Elimination of cluster option in the RR District;
- Provisions establishing setbacks from Residential Districts;
- Gated access provision for Multi-Family Residential Districts;
- Modified provisions regarding prohibited uses and outdoor bulk storage;
- Modified requirements regarding disturbance of steep slopes and ridgelines;
- Provisions establishing maximum impervious coverage for critical aquifer recharge areas;
- Requirements for permitted home office accessory use in Residential Districts; and,
- Revised conditional use standards for vehicular service stations.

The ordinance also affirmed the February 14, 2001 amendment in the Land Use Plan to expand the PO/R District at the intersection of Hillside Avenue and Route 10. It also revised the design standards applicable to subdivisions and site plans by

- References to the Residential Site Improvement Standards where applicable;
- Revised sign standards; and
- Revised design standards for retaining walls.

The ordinance revised the requirements regarding certificates of occupancy, building permits and zoning permits and revised development application and approval procedures including:

- Required municipal authorization for extensions of public water and/or sewer systems;
- Procedure for simultaneous preliminary and final approvals of major subdivisions;
- General Development Plan procedures for development in the PO/LI District; and
- Administrative lot line adjustment procedure.

Finally, it revised provisions regarding improvements and guarantees including computation of developer's pro rata share of off-tract improvements; revised and expanded impact statement requirements; revised completeness Checklists for development applications; and revised tree conservation requirements.

### **4.3 Natural Resource Inventory Update**

In the 1998 Reexamination Report it was recorded that

*“The Township Natural Resource Inventory was last updated in 1975. Since then, there have been significant changes, such as the designation of generalized wetlands by the State and the Freshwater Protection Act, not to mention a significant reduction in the amount of vacant land/undeveloped. This survey inventory should be reviewed, and updated where appropriate, to include updated and new information, such as the findings of the Alamatong Wellfield Study. There may also be an*

*opportunity to incorporate this inventory into a Geographic Information System (GIS) or to use existing GIS information to improve the Natural Resource Inventory.”*

In 2002 a Natural Resource Inventory Update was prepared for the Roxbury Township Environmental Commission. This document was a revision that supplements the 1975 Natural Resource Inventory. As recommended, the report uses NJDEP digital GIS coverages for geology, streams, lakes, watersheds and land use/land cover.

#### **4.4 Land Development Ordinance**

The Planning Board in the 1998 Reexamination Report and subsequent 2000 Land Use Plan made a number of recommendations for the Township Council to consider in amending the Land Development Ordinance. This resulted in the revision of Chapter XIII of the General Ordinances of the Township of Roxbury in April 2001.

Specifically, the Reexamination Report recommended:

*“The categories of use permitted in the various nonresidential zones are generally broad and inclusive. In addition to examining uses related to potential environmental pollution, the ordinance should be similarly examined to identify specific uses, which may be inappropriate or undesired in particular zones. For example, it may be desirable to specifically identify, prohibit or restrict such uses as adult bookstores, or go-go "bars in commercial zones.”*

In the Land Development Ordinance, the Township Council amended §13-7.815 by adding the following prohibited uses:

- C. Any sale or the display for sale of new or used motor vehicles, trailer coaches, or recreational vehicles, except, (a) on the premises in a residential zone where the owner of the vehicles resides in accordance with the provisions of Section 13-7.901(F), or (b) by an authorized motor vehicle dealership in accordance with the provisions of Section 13-7.3505, is prohibited in all zones.*
- D. Off-track wagering facilities or gambling casinos are specifically prohibited in all zoning districts.*
- E. Establishments that provide performances or entertainment with lewd, indecent, obscene or pornographic content are specifically prohibited in all zoning districts.*
- F. Massage parlors, except those operated by a licensed massage therapist, are specifically prohibited in all zoning districts.*

The Reexamination Report also stated that the:

*“Planning Board continues to support industrial uses in designated zones, however, the type of use, location of industrial zones and site specific development standards are in need of reexamination, to ensure that permitted industry does not result in potential hazards to the environment. There are also areas where industrial zoning may conflict with nearby residential land use and where the expansion of industrial uses may not be advisable. Permitted uses and bulk standards in industrial zones should be reexamined and redefined to eliminate those uses which have a substantial potential for environmental degradation, particularly with regard to ground and surface water resources. Uses permitted in other nonresidential zones may also be reviewed for this purpose.”*

The Land Use Plan addressed the issue of outdoor storage and the Township Council made several changes to §13-7.816 (Outdoor Bulk Storage) requiring outdoor storage to be located only within the envelope of the principal building, with the perimeter of the storage area maintained within the same front, side and rear yard setbacks as specified for a principal building in the applicable zone district. In addition, the Council limited the maximum percentage of impervious coverage specified for each zoning district where such storage is permitted as an accessory use, and with nursery stock the Council limited the occupied area to no more than 50% of the front yard and nursery stock was to consist exclusively of plant material.

The 1998 Reexamination Report stated:

*“The Board has found that lot averaging is not an effective or desirable method of regulating the development of major commercial or industrial uses. This technique of subdivision should be eliminated for nonresidential uses. The use of planned development for larger sites is the preferred method for achieving better design and increased preservation of natural resources and open space.”*

The Township Council partially implemented the Board’s recommendation, retaining lot averaging for the I-5 and I-10 districts but eliminating it in the OR-5 district.

As recommended in the Reexamination Report and the Land Use Plan, the Township Council added an additional bulk requirement for maximum impervious and building coverage in the residential zones. The Reexamination Report stated that coverage standards would reduce impervious cover and run-off potential and increase groundwater recharge potential in residential areas.

The Township Council amended the RR zone, which contains some of the Township’s most environmentally sensitive areas. The existing one unit per 3 acres was retained for some areas, but a lower density (1 unit per 5 acres) was put in place in other areas.

The Reexamination Report addressed the Hercules Tract. Regarding this 890-acre tract it recommended,

*“A conceptual and comprehensive plan should be prepared as a tool to study the implications of developing this large and strategically located site. Due to its size and potential for reuse, redevelopment of this site could have significant impacts on the character of the surrounding area, particularly with regard to traffic and environmental impacts. Additional study should focus on the type and intensity of development this site may accommodate relative to the goals and objectives of the community. To mitigate traffic impacts from this site, the plan for this site should include direct access to Route 80. New zoning should be developed in support of a comprehensive plan, for the tract which meets the goals of the Township.”*

It also recommended that the zoning of the Hercules site should be reexamined, and any plan for this area should include attention to circulation, open space preservation considerations, and protection of environmental resources, especially with regard to water resources and discourage uses, which could create future industrial pollution.

The Hercules site was zoned for industrial purposes (I-10). The Planning Board, in its Land Use Plan Element, recommended rezoning the tract to Planned Office/Light Industrial District (PO/LI) and recommended that a comprehensive plan be developed for the tract as part of a planned development approach.

The Township Council concurred with the Board, rezoned the Hercules property PO/LI in 2001 and approved a General Development Plan (GDP) approach for the tract, as recommended in the Land Use Element.

Several ordinance-related recommendations were made in the Reexamination Report regarding circulation. They were:

- With input from the planning, engineering and public works department, traffic calming design techniques should be explored and incorporated in local design standards in order to slow traffic, with emphasis on changes in residential neighborhoods.
- Continued effort is needed to reduce the amount of non-local and all nonresidential traffic in residential neighborhoods. An examination is needed of existing traffic improvement policies and ordinances to reduce traffic in residential neighborhoods.
- Current local ordinances should be investigated to determine if amendments or new ordinances are needed to restrict the movement of nonresidential truck traffic through residential neighborhoods.

Another ordinance-related recommendation of the 1998 Reexamination Report suggested that the Township should explore the possibility of developing a community impact fee ordinance to assess the facility impacts of new development and collect fees to help offset

these impacts. Unfortunately, State legislation has not been successful to enable municipalities to collect impact fees.

The Reexamination Report recognized the importance of the Alamatong Wellhead Protection Study. A significant amount of study has been conducted regarding the underlying water quality of the Township, the Alamatong Wellfield and associated groundwater recharge areas. A major emphasis of any current or future planning for the community must be sensitive to the environmental resources found within the Township and to the impact that intensive development may have on regional resources, particularly groundwater resources. While sensitivity to environmental concerns has been a part of previous Master Plans, the recent rate of development, the continued disappearance or vacant land, increased awareness to environmental resources and the impact of development on these areas calls for a more significant planning effort aimed at protecting the environmental quality and character of the Township. The Report recommends, “The Township should continue to examine its land use and development policies relative to the goal of protecting water and other natural resources and, where appropriate, amend the Land Development Ordinances for this purpose.”

This recommendation from the Planning Board resulted in the incorporation of §13-7.825 Protection of Critical Aquifer Recharge Areas, a new section of the ordinance that regulates the maximum amounts of impervious surface in nonresidential developments located within critical recharge areas.

The Reexamination Report also recommended, “Development regulations should be examined to determine whether the setback from stream corridors and related buffer areas should be increased. There is a 50’ minimum setback now. This may be increased to 75 feet and perhaps more in certain instances. The 1990 Master Plan recommended buffer setbacks from stream corridors to as great as 150 feet.”

In 1998 when the Reexamination Report was developed, the 1996 Ordinance required traffic, community and fiscal impact statements at the discretion of the Board. The Report recommended, “The policies should be examined to determine whether they are being used effectively and whether new or expanded information should be provided to aid in subdivision or site plan review.”

The requirements for when an Environmental Impact Statement (EIS) is required were revised, as follows:

- The threshold size was reduced from 10 acres or more to five or more except for one single-family dwelling.
- The environmentally sensitive features were expanded and refined.
- The property is within 50 feet of a trout stream (not only for trout streams on the property).
- The hazardous or toxic specifications were revised,
- When an application does not fully comply with applicable performance standards for nonresidential uses (§13.8.10).

The EIS requirements for wildlife inventory were expanded and improved, along with the requirement for supplemental information and a statement relating the disposition of the EIS to the approval of the project. The Traffic Impact Statement (TIS) was also revised to require more information on existing conditions and a statement on improvements required to achieve Level of Service C. Finally, added to the 2001 ordinance in §13-5.105 was the requirement of a Noise Impact Statement.

According to the 1998 Reexamination Report, the 1996 Land Development Ordinance greatly improved various design standards, such as signage, landscaping, and general design relating to residential and nonresidential structures. The Reexamination recommendations were:

- Special design districts for areas like Main Street and other historic districts may still be identified but efforts to maintain and improve visual character should also be promoted community-wide. The design guidelines of the Land Development Ordinance should be reviewed and amended to promote the highest architectural quality and site design arrangements in all residential and nonresidential structures. Additional development guidelines should be developed for all nonresidential structures to promote the upgrading and enhancement of nonresidential uses throughout the Township. The comprehensive design of all structures, including related signage, should be stressed. This would be particularly important in improving and enhancing the visual character along Roxbury's major highway corridors, Route 10, Route 206, Howard Boulevard and Route 46.
- It is recommended that design regulations concerning detention/retention basins, associated setbacks, buffers and landscaping be reviewed and amended to better improve the visual quality of the roadside environment and increase visual compatibility, particularly where these facilities are located near existing residences or residential zones.
- General landscaping standards in residential and nonresidential zones should be reviewed to insure that parking setbacks, general planting requirements, tree planting locations and related items are required in such a way as to promote a desirable visual environment.
- As part of the 1996 Land Development Ordinance update, detailed new sign standards were provided. While improving signage requirements, the guidelines may be further reviewed and amended where necessary to improve sign design or promote particular designs in different areas of the Township. For example, a style, which may be appropriate along Route 10, may not be appropriate along Main Street in Succasunna.
- Residential monument or identification signs are currently permitted for developments of 25 units or more in residential zones. The policy of continuing to permit these signs should be examined. While they serve to identify a

development, they also act to separate the development from the surrounding community.

In the Land Development Ordinance adopted in April 2001, several changes addressed the recommendations of the Reexamination Report, such as establishing requirements for landscaped berms, street lawn (area between street and sidewalk) requirements, requiring the maintenance of landscape buffers in perpetuity, prohibiting detention basins and utility easements within zoning district landscape buffers, requiring shade trees on each island that abuts a parking stall and landscaping to accent driveway openings. Regarding drainage structures, the ordinance was modified to require the view of them to be softened with wet-site tolerant plants. Finally, extensive revisions were conducted on §13-8.916 Signs for Nonresidential Zoning Districts.

Since April 2001 the Township Council has made the following additional amendments to the Land Development Ordinance. They are listed by ordinance number, date and subject:

<b>Ordinance #</b>	<b>Date</b>	<b>Subject</b>
8-01	4/24/01	Snow and Ice Removal from Dedicated but not Accepted Streets
11-01	6/12/01	Revising §13-8.707 Lighting Paragraph B
24-01	7/10/01	Adds §13-7.21A03 Driveways and Roadways in Commercial/Industrial Zones
28-01	12/4/01	Amends §13-2.401 Application Fees Paragraph 9, subparagraph f
34-01	12/4/01	Amended §13-2.802 General Violations, Paragraph 2
6-02	4/2/02	Amends §13-4.8, Off-Tract/Off Site Accounts subsection on requirements
17-02	5/7/02	Amends Definition of Impervious Coverage
18-02	5/14/02	Amends §13-2.402A Lot line Revision Fees, §13-3.208 for Minor Subdivision Filing with County Recording Officer, §Final Major Subdivision Filing with County Recording Officer and §13-3.11301 for Lot Line Application
19-02.	5/14/02	Amends and supplements §13-8.202 Subdivision and Site Plan Design Standard for Lots with new paragraph H
23-02	10/1/02	Amends and supplements §13-7.810 RE: Wireless Telecommunications Technology with new subparagraph 8 and §13-7.3511 Paragraph F. Permit Standards, Subparagraph 3 Removal of Wireless Telecommunications Technology
24-02	9/3/02	Amendments to Chapter XVII, Soil Removal and Soil Relocation
25-02	11/26/02	Amending §13-7.818 Regulations within Steep Slope Areas with new paragraph D on Affordable Housing and new paragraph H Variance Required
16-03	9/9/03	Amending §13-3.501A and §13-3.901A Providing for the expiration of preliminary subdivision and site plan approvals
14-04	3/30/04	Amends Article VI checklists to recognize the responsibility of DEP under the new stormwater regulations



## **4.5 Master Plan Optional Elements**

The Municipal Land Use Law provides that:

*“The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.”*

A Master Plan must include a statement of objectives, principles, assumptions, policies, and standards upon which the subsequent proposals for the physical, economic and social development of the Township are based, a Land Use Plan Element, which a community is required to adopt in order to maintain the authority to zone and a Housing Plan Element, which is required per the Fair Housing Act. The optional plan elements include the following:

- Circulation plan element;
- Utility service plan element;
- Community facilities plan element;
- Recreation plan element;
- Conservation plan element;
- Economic plan element;
- Historic preservation plan element;
- Appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and
- Recycling plan element.<sup>1</sup>

As part of 1998 Reexamination Report, the Planning Board adopted a set of goals, objectives, policies and standards. Additionally, the Planning Board adopted a Land Use Plan Element in 2000, and the Planning Board adopted and amended a Housing Element and Fair Share Plan in 1997. In 1990, the Planning Board adopted a comprehensive revision to the Master Plan which included the following optional elements:

- Circulation Plan;
- Utilities Plan;
- Community Facilities Plan;
- Conservation Plan;
- Stormwater Management Plan;
- Recreation Plan;
- Historic Preservation Plan;
- Economic Development Plan; and
- Visual Design Plan.

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<sup>1</sup> Required as per the Solid Waste Management Act

The 1998 Reexamination Report included the following regarding the optional elements:

- Circulation Plan - A goal of the 1990 Master Plan and a continuing issue is the need to discourage non-local and commercial truck traffic in residential neighborhoods. The 1990 Master Plan recommended the establishment of a truck routing plan to discourage non-local and commercial truck traffic from passing through these areas. An official truck routing plan has not yet been adopted. Truck traffic through residential areas, particularly in areas along Eyland Avenue and Hillside Avenue continues to be a problem. A truck routing plan should be established. Once established, applicants for nonresidential development should be required to abide by the plan.
- Circulation Plan – The reexamination continues to strongly promote mass transportation and traffic management programs to reduce the total amount of traffic on local roads. At present, a traffic management ordinance has not been adopted. As part of the subdivision and site plan review process, the Planning Board should encourage large development projects to develop traffic reduction strategies and to work with organizations such as McRides to reduce traffic impacts. A traffic management ordinance may also be developed in combination with or as part of a Transportation Improvement District Plan, *which* could require improvements such that roadway, improvements and traffic reduction strategies are used to mitigate traffic impacts from significant new development. The Planning Board or by the Transportation Subcommittee if formed should explore this option. In, addition, there may be the potential for the creation of a new rail station along Route 80, which, if developed could alleviate commuter traffic through the Township. This reexamination supports this concept in principle; however, the station location and potential impacts need exploration.
- Circulation Plan - A bikeway policy has not yet been established. As part of an examination of future transportation policy, the concept of bikeways should be revisited to determine whether these are still desired in the Township.
- Open Space Master Plan - The Township is currently in the process of developing an Open Space Master Plan using DEP grant funding. Such a plan could be used in coordination with development regulations to promote a continuous network of open space along streams, slopes, scenic areas and critical environmental areas. As indicated in the 1990 Master Plan, links in this plan could be accomplished through a number of methods, including clustering, developer contributions, fee simple or easement acquisition. On February 27, 2002 the Open Space Plan 2001 was adopted.
- Recreation Plan - During the development of the 1990 Master Plan, the Parks, and Recreation Department identified various improvements in process or planned in connection with a Recreation Master Plan developed in 1980 and in connection with recreation surveys developed in 1978. The plan indicated that acreage amounts devoted to this use met basic parkland standards for a community of

Roxbury's size, however, there were deficiencies in the distribution of that land and needed improvement related to active recreation opportunities. The Parks and Recreation Department is planning to develop a new, comprehensive 5-year recreation plan in the year 2000 to reassess Township parkland and recreational facility needs.

- Historic Preservation Plan – With the exception of the identification of historic districts on the 1984 Historic District Preservation Map, a catalog of unique visual characteristics in the Township has not been completed. In October 2001 the Historic Preservation Map was amended with an expansion of the historic district along and in the vicinity of Eyland Avenue south of Route 10. On November 27, 2001 the Township Council amended § 13-7.824 Historic Preservation Districts to include in the Land Development Ordinance the amended October 2001 map and established requirements for the issuance of building permits.

#### **4.6 State Development and Redevelopment Plan**

The Reexamination Report recommended:

*“The municipality should seek greater consistency with the State Plan particularly where this would provide for greater environmental protection and maintenance of open space. Roxbury will continue to work with Morris County and the State to achieve a mutual, acceptable cross-acceptance review of the State Plan.”*

The Township participated in the cross-acceptance process through the Morris County Planning Board and directly with the State Planning Commission. In the Cross-acceptance Report filed by the Morris County Planning Board in March 1998, the Township expressed its concerns about the State Plan. The Report stated:

- The Township’s position was that the western reach of Route 46 and into Landing, Shippenport and Port Morris typifies PA 2 rather than PA 5, since the area is built-up and has sewer and water.
- Since the Township has three affordable housing sites on Route 46 and infrastructure available in the area south of Route 46, the area should be PA 2 especially if Netcong is identified as PA 2. The Cross-acceptance Report identified these sites as “approved”, however the 1997 COAH Compliance Report classified them as sites in excess of the certified Plan and not part of the certified plan.
- The southwestern portion of the Township typifies PA 2, not PA 1.
- The Hercules site and adjacent properties along Howard Blvd. have infrastructure, have access to an interstate highway, have rail available and are adjacent to PA 1. They should be PA 2, not PA 5.

- The Township noted it was currently reexamining its Master Plan and anticipates it being more consistent with the State Plan.

The Morris County Planning Board filed an addendum with the State Planning Commission in September 1998, wherein the previously noted issues were again cited along with a recommendation that the area northwest of Drakes Brook and east of Route 206 should be considered PA 5. The County also recommended that the Township evaluate existing areas of Critical Environmental/Historic Sites throughout the Township, to better reflect existing conditions.

On March 1, 2001 the State Development and Redevelopment Plan was readopted. Issues raised by the Township that were addressed in the adopted Plan, include:

- A portion of the Hercules tract along Howard Boulevard went from PA-5 to PA-2;
- The new PA-2 for Hercules was extended north up Howard Boulevard to Landing, Mount Arlington and westward across Port Morris and up to Netcong, Stanhope and the Borough of Hopatcong; and
- The area northwest of Drakes Brook and east of Route 206 was changed from PA-2 to PA-5.

On April 28, 2004 the State Planning Commission released the new preliminary State Development and Redevelopment Plan for the current round of cross-acceptance.

#### **4.7 Council on Affordable Housing**

As noted in the 1998 Reexamination Report, Roxbury received substantive certification from the Council on Affordable Housing (COAH) on November 5, 1997, based on its adopted Housing Element and Fair Share Plan.

On March 20, 2001 the Planning Board amended the Housing Element and Fair Share Plan and the Township petitioned COAH to amend its substantive certification. It also sought COAH approval of an amendment to its spending plan, which COAH approved on November 27, 1997 to eliminate the Township's 10-unit accessory apartment program and substitute a write-down/buy-down program for 10 units. COAH approved the Township's amendment on June 6, 2001.

Because of the delay in releasing the next round of affordable housing rules COAH extended the Township's substantive certification on May 7, 2003 for one year beyond the effective date of COAH's third round regulations.

## **4.8 Residential Site Improvement Standards**

On January 6, 1997 the Commissioner of the Department of Community Affairs adopted the set of Residential Site Improvement Standards (RSIS). The purpose of the rules are to reduce the multiplicity of standards for residential subdivision and site plan improvements which existed in the State and in order to eliminate unnecessary increases in the cost of housing where there are no commensurate gains in the protection of public health and safety. The standards as adopted have been amended several times since the first adoption (Last amended date December 16, 2002) addresses streets and parking, water supply, sanitary sewer and stormwater management.

The 1998 Reexamination Report recommended that the Land Development Ordinance should be reviewed to assess compliance with the new State standards, and amended where these directly conflict with State standards. §13-8.405 requires compliance with RSIS stormwater management regulations, which as of February 2, 2004 are required if a municipality has not adopted Municipal Stormwater Regulations, and §13-8.6 Road, Intersection, Sight Triangle, Curb, Sidewalk and Driveway Standards recognizes RSIS for Streets and Parking. It should be noted that RSIS for Streets and Parking addresses intersection, curb, sidewalk and driveway standards for residential development only.

## **5. Significant Changes since the 1998 Reexamination Report**

As outlined in the 1998 Reexamination Report, and repeated in the 2000 Land Use Element, there is a recognition and desire of the Planning Board to protect the quality of life for residents, to avoid excessive building, to prevent excessive demands on the existing circulation system and to protect environmentally sensitive and open space areas, particularly as they relate to ground and surface water quality. The following information examines the significant changes since the 1998 Reexamination.

### **5.1 Demographics<sup>2</sup>**

Since the adoption of the 2000 Land Use Element Census data have become available for the Year 2000. Roxbury Township increased in population by almost 17% between 1990 and 2000 to a total population of 23,883. Although Roxbury's population is projected to increase to 25,240 in 2010, the Township, estimates by the U.S. Census Bureau for 2003, indicate a decrease in population to 23,774.<sup>3</sup>

Roxbury and Morris County experienced less growth in the proportion of persons 55 and over than the State between 1990 and 2000. The State increase was significant, from

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<sup>2</sup> See also Attachment 1

<sup>3</sup> The initial release by the Census Bureau included a portion of Netcong in the total for Roxbury

22.6% of the population in 1990 to 35.9% in 2000 (an increase of over 13 percentage points). Morris County's 55+ population witnessed a smaller proportional increase during the period (from 20% to 21.6% of total population), and Roxbury's corresponding increase was from 16.5% in 1990 to 19.4% in 2000.

The Township witnessed a reduction in average household size during this period. In 1990, the owner-occupied household size was 3.19 persons per household, while the 2000 household size for this same group was 2.97 persons per household, a reduction in household size of 7.4%. Also notable is the change in household size of renter-occupied units, from 2.68 persons per household in 1990 to 2.18 persons per household in 2000, a reduction of 23%. This was largely due to the number of condominiums and townhouses developed in the Township during the 1990s, when over 800 units were developed in such projects as River Park Village, Willow Walk, Lakeside Village, The Meadows and Drakesville.

According to the 1990 Census, there were 6,497 occupied units in Roxbury. By 2000 there was an increase of 1,867 occupied units.

Increased traffic on local roadways accompanied the increase in occupied units, as 1,749 new Roxbury households had one or more automobiles (including 1,002 new households with two or more vehicles).

## **5.2 Master Plan Issues**

As noted previously in this report, the Township statement of goals and objectives was adopted as part of the 1998 Reexamination Report and the Planning Board adopted and updated the Land Use Plan Element (2000). The Planning Board also adopted a revised Housing Plan Element and Fair Share Plan, which were certified by COAH in 2001.

The Goals and Objectives adopted in the 1998 Reexamination were based on the following assumptions:

- The need for a new land use element,
- The need to acquire a significant amount of open space,
- A greater recognition and the identification of natural resources limiting development in the Township and the region
- A limited amount of remaining vacant land in the Township and
- The recognition that redevelopment options would be becoming more the form of development in the future.

The Planning Board recognizes that significant strides have been made since the last Reexamination Report, with many of the Report's recommendations implemented, including the adoption of a new Land Use Plan (2000), Land Development Ordinance (2001), Natural Resource Inventory (2002), Open Space Element (2001) and a new Water Master Plan (2002).

### **5.2.1 Circulation Plan Element**

Among the recommendations of the 1998 Reexamination Report was the updating of the 1990 Circulation Plan Element. Since 1990, traffic volumes have increased significantly along State, county and municipal roadways throughout the Township, significantly eroding Roxbury's quality of life. The Planning Board has also identified a number of problem issues, such as parking in certain areas, truck traffic, and cut-through traffic, particularly in residential neighborhoods, loss of access to parts of the Township south of the Ledgewood intersection (former Ledgewood Circle) and specific issues along Route 46 and Landing Road. The Board also has the benefit of the Traffic Advisory Committee's June 2004 Final Report.

### **5.2.2 Stormwater Management**

Two sets of new stormwater rules were signed by NJDEP Commissioner Campbell on January 6, 2004 and were published in the February 2, 2004 issue of *the New Jersey Register*. Together the two sets of rules establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

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). These Rules are intended to address and reduce pollutants associated with existing stormwater runoff. The Rules establish a regulatory program for existing stormwater discharges as required under the Federal Clean Water Act. Under this program, permits must be secured by municipalities, certain public complexes such as universities and hospitals, and State, interstate and federal agencies that operate or maintain highways. The permit program establishes Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads. The Statewide Basic Requirements include measures such as: the adoption of ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.); the development of a municipal stormwater management plan and implementing ordinance(s); requiring certain maintenance activities (such as street sweeping and catch basin cleaning); implementing solids and floatables control; locating discharge points and stenciling catch basins; and a public education component.

The second set of regulations, known as the Stormwater Management Rules (N.J.A.C. 7:8), set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new (proposed) development. The design and performance standards for new development include groundwater recharge, runoff quantity and quality controls and Category One buffers.

As a Tier A municipality, the Township is required to adopt a Stormwater Pollution Prevention Plan that describes the municipality's stormwater program, including details on the implementation of required statewide basic requirements. The Planning Board in

implementing the rules is required to adopt a Stormwater Management Plan and to recommend a Stormwater Control Ordinance to the Township Council. Until the ordinance is adopted, the Board must use the Residential Site Improvement Standards (RSIS) for stormwater management.

Because Roxbury encompasses the headwaters of several watersheds, the new rules impact the Planning Board's review of new development. The rules emphasize, as a primary consideration, the use of non-structural stormwater management techniques including minimizing disturbance, minimizing impervious surfaces, minimizing the use of stormwater pipes and preserving natural drainage features.

Category 1 waters in Roxbury include Flanders Brook, Ledgewood Brook and portions of the Black River (upstream from Rt. 206) and Drakes Brook (upstream from Hillside Avenue Bridge)<sup>4</sup>. Based on its review of existing scientific literature, NJDEP determined that a 300-foot buffer is necessary to prevent water quality degradation and to protect the attributes for which Category One waters have been designated. Therefore all developments must provide the required buffer. Proposals that would not disturb more than an acre of property or result in the addition of a quarter of an acre or more impervious cover are not regulated by this requirement.

### **5.2.3 Conservation Plan Element**

The Environmental Commission developed a new Natural Resources Inventory in March 2002. This is a foundation element for a comprehensive conservation plan. The conservation plan establishes policies for steep slopes and ridgelines, groundwater, surface water, forest resources, air and energy resources, wetlands, stream corridors and scenic resources.

## **5.3 Redevelopment Issues**

### **5.3.1 Hercules Tract**

The 890-acre Hercules site presents a unique redevelopment challenge. Here, a nearly 500-acre footprint of development was until recently occupied by numerous buildings and underground infrastructure supportive of the manufacture of explosives, including TNT and nitroglycerine. In 1996 the site was shut down, and when Hercules sold the explosives or "energetics" portion of their business, the site was not purchased along with other similar assets.

Nearly all of the buildings that housed workers and process equipment have been removed, and portions of the underground infrastructure have been detected and

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<sup>4</sup> Natural Resources Inventory Update for the Township of Roxbury (March 1, 2002)



remediated. However, Hercules officials have indicated that remaining portions of the extensive underground piping network still constitute a significant public safety hazard, and extensive soil and water contamination persist on the site. Soil and water investigations are ongoing, and will require expensive long-term clean up and remediation.

Over 500 acres of this site are brownfields as noted by Hercules officials. The site has rail access, and passenger and freight service currently parallel the site's northern boundary. Hercules operations were also supported by an onsite wastewater treatment system and wells capable of yielding roughly two million gallons per day.

Further preparations for redevelopment will likely require, at a minimum, continuing soil testing, removal of the explosives manufacturing infrastructure and remediation of soil contamination.

From a redevelopment perspective, the decommissioned main Hercules parcel is Roxbury's most daunting redevelopment challenge. Approximately 70% of the tract is within Planning Area 2 (Suburban Planning Area), where the State Plan promotes growth and redevelopment, and Critical Environmental Sites (CES) are designated on the property. The balance of the Hercules holdings, extending toward the Berkshire Valley, is predominantly in a natural state and is situated in Planning Area 5 (Environmentally Sensitive Planning Area).

One of the recommendations of the 1998 Reexamination Report was to:

*Reexamine the zoning of the Hercules site and develop a district sub plan element for the site promoting the desired type and pattern of development. Any plan for this area should include attention to circulation, open space preservation considerations and protection of environmental resources, especially with regard to water resources and discourage uses, which could create future industrial pollution.*

Since 1998, demolition activities, site investigations and remediation efforts have brought the tract closer to being ready for redevelopment. However, remaining environmental clean-up and other site remediation requirements, as well as future delivery of growth-supporting infrastructure to the site, will continue to complicate redevelopment and extend the timetable for transformation of this site.

N.J. Transit plans a new train station in Mount Arlington located adjacent to the Hercules tract.

### **5.3.2 Route 46**

Major regional growth pressures have continued to transform Roxbury into a suburban community with desirable residential neighborhoods and significant commercial

development. Bisected by Route 80 and State Highways 10 and 46, Roxbury has been an attractive location for non-residential development, which has expanded along the Route 10 corridor through the Township.

The historical development along Route 46, reflecting an earlier period of urban expansion, presents a variety of community-planning challenges. The older Kenvil section, historically influenced by the location of Hercules, exhibits a pattern of aging structures, deferred maintenance, poor site design and limited landscaping.

Between Route 80 and the former Ledgewood Circle, a variety of non-residential uses exhibit a similar pattern of extensive coverage, minimal landscaping and outdated arrangements of buildings and circulation.

Redevelopment and new development have reclaimed portions of the Route 46 frontage. The Bassett Furniture store and associated retail strip are new construction designed to meet contemporary site design and landscaping standards at the time of approval. Morris Canal Plaza, a formerly abandoned retail strip, has been reclaimed and revitalized, and together with Ledgewood Plaza and Diane's Gifts, provides a critical mass of updated retail sales and service facilities. Nonetheless, blighting influences remain along the corridor, including Howard Cleaners, a derelict building adjacent to Morris Canal Plaza, and a variety of freestanding buildings along the easterly portion of Route 46 near Mine Hill, where outdated building styles, excessive lot coverage and minimal maintenance present an unattractive appearance.

Private market forces have reclaimed portions of the Route 46 frontage as noted above, but substantial areas remain in need of upgrading.

## **5.4 State Issues**

### **5.4.1 Council on Affordable Housing**

COAH adopted new rules for a third round of affordable housing, which became effective on December 20, 2004. Key features in the rule package are:

- The rehabilitation share (substandard units the municipality is responsible for rehabilitating);
- The remaining new construction obligation or net prior round obligation, (the municipality's past obligation from rounds one and two);
- Growth share or prospective need, which is a portion of municipally determined growth (One affordable unit for each eight (8) new homes or 25 jobs); and
- The Third Round Methodology is for the period 1999 to 2014.

Roxbury Township has been certified for its Round One and Two obligations with a 23-unit surplus, and it has contracted with Morris County Department of Planning and Development, Division of Community Development for a rehabilitation program.

The Legislature amended the Fair Housing Act in 2001 to put affordable housing obligations on a ten-year cycle and allow municipalities and COAH to use up-to-date Census information.

The previous COAH methodologies relied on complicated formulas that assigned a fair share number to municipalities. Under the growth share approach, the level of residential and non-residential growth in the municipality will determine the affordable housing obligation.

The Planning Board is aware that it will still need to provide for housing rehabilitation in the Housing Element and Fair Share Plan. The Planning Board recommends that the Township Council consider an amendment to the Land Development Ordinance which grants the Planning Board the authority to require all new residential and nonresidential development to satisfy growth share obligations according to the rules enacted by COAH.

The Township should continue to pursue the recommendation of the 1998 Reexamination Report to consider rezoning of affordable housing sites that are classified as excess sites in its substantive certification, particularly in view of Roxbury's substantial second round surplus pursuant to recently adopted COAH rules.

#### **5.4.2 Cross-Acceptance III and Plan Endorsement**

The State Planning Commission (SPC) released the latest Preliminary State Development and Redevelopment Plan on April 28, 2004. Morris County's Department of Planning, Development & Technology has the responsibility of coordinating the cross-acceptance process for Morris County and its municipalities, and acts as the County's "Negotiating Entity".

In conducting the cross-acceptance process, the County has been divided into five regions, each comprised of eight to ten municipalities. The County's negotiating entity has scheduled meetings in each of the regions to distribute the revised state planning maps and forms and review the cross-acceptance process. Roxbury is in the "Lake's region".

The SPC is seeking comments from counties and municipalities on future growth and preservation outlined in county plans and municipal master plans, reexamination reports and zoning ordinances. Cross acceptance affords counties and municipalities the opportunity to provide suggestions regarding the State Plan's Statewide Goals, Strategies and Policies and the description, delineation criteria, intent, policy objectives, and implementation strategy of each planning area. Municipal and county input is also sought regarding changes to the description or delineation of centers and environs, Planning

Areas, Critical Environmental Sites (CES) or Historic and Cultural Sites (HCS) on the State Plan Policy Map. Finally, the municipalities are being asked whether the municipality is interested in petitioning for Plan Endorsement.

Plan Endorsement is a voluntary review process, designed to help counties and municipalities develop and implement plans that can achieve the goals, policies and strategies of the State Plan. It is intended to increase consistency among municipal, county, regional and State agency plans and the State Plan, and to facilitate the implementation of these plans. The process promotes development of capital investment and planning decision-making mechanisms that are consistent with the State Plan and coordinated with one another. Plan Endorsement is intended to provide sufficient information so that the SPC can make a final determination as to the level of State Plan consistency achieved by the petitioner, and the petitioner's commitment to implement the State Plan.

The Plan Endorsement process is designed to address the following goals:

- Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
- Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
- Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
- Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
- Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives;
- Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan; and
- Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

### **5.4.3 Transfer of Development Rights**

Since the adoption of the Land Use Element in 2000, a significant piece of planning legislation was enacted early in 2004, which permits municipalities to implement a local or regional Transfer of Development Rights (TDR) program. The Transfer of Development Rights is a planning and zoning tool that can assist in preserving farmland, open space and natural resources. Market forces for development often threaten the natural resources that a community wishes to protect. TDR provides a system for increasing permitted development in appropriate locations (receiving areas), but requiring the preservation of municipally selected areas (sending areas) in order to permit development in designated areas.

Traditional approaches to preservation have been twofold: (1) the public purchase of the threatened property; and (2) implementation of zoning restrictions on development. TDR programs offer a third option by allowing the owner of the threatened property to sell the development rights to another property owner through the private real estate market. TDR is not the same thing as cluster development. Both TDR and cluster development involve the shifting of development rights. Cluster development involves the reorganization of development yield *on the same property*, whereas TDR involves the transfer of rights *from one property to another*.

First, to enact a TDR ordinance there are several statutory requirements that must be fulfilled prior to the enactment of an ordinance. A petition for Plan endorsement must be submitted to State Planning Commission and several planning studies and Master Plan amendments must be undertaken. The Planning Board must adopt a Development Transfer Element, Capital Improvement Program for the Receiving Zone and a Utility Service Plan Element in the local Master Plan. At the same time a Real Estate Market Analysis must be prepared and County Planning Board approval must be obtained.

#### **5.4.4 Highlands**

The "Highlands Water Protection and Planning Act", signed by the Governor on August 10, 2004, creates the Highlands Water Protection and Planning Council and dedicates a portion of the realty transfer fee revenue annually for certain State aid purposes in the Highlands Region (and the Pinelands area).

The bill divides the New Jersey Highlands Region into a Preservation Area, in which development will be strictly regulated and limited, and a Planning Area, in which development will be permitted but not as strictly controlled. It also establishes the Highlands Water Protection and Planning Council, which are charged with preparing and implementing a regional Highlands master plan. Municipalities and counties in the Preservation Area will be required to conform their master plans to the regional plan.

Major Highlands development in the preservation area will be required to secure a NJDEP Highlands Preservation Area approval, which will consist of existing environmental land use and water permits as well as additional, statutorily prescribed Highlands land use and water protection requirements. This system will be in effect for nine months, after which NJDEP emergency rules will be implemented until the permanent NJDEP Highlands permitting review program takes effect, incorporating the provisions of the Highlands Preservation Area approval program, and setting strict standards for reviewing major Highlands development in the preservation area.

In formulating the Highlands regional master plan, the council will prepare a resource assessment, which will identify natural resources, infrastructure capabilities, transportation availability and opportunities for TDR as part of the Smart Growth component.

Roxbury Township is totally within the Highlands region, and portions of the Township are within the Preservation Area. The Preservation Area extends from the northeast portion of the Township; above I-80 into Jefferson Township, in the southwest, below I-80 and extending into Mount Olive Township; and in the south near and along the boundaries with Chester and Randolph Townships.

The legislation provides for “no growth” and “limited growth” zones within the Preservation Area, and requires that the Plan identify:

*“A preservation zone element that identifies zones within the preservation area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through the use of a variety of tools, including but not limited to land acquisition and the transfer of development rights.”*

Thus, within the Preservation Area there will be:

- “no development” areas, from which development density may be transferred out of the Preservation Area into designated receiving areas (either in the Planning Area, or outside of the Highlands Region); and
- “Low development” areas, which will permit very low-density development in accordance with rigorous development regulations.

The legislation requires that the regional master plan identify voluntary TDR receiving areas (five (5) dwelling units per acre) in the Planning Area. Planning Area municipalities are not required to adopt regional master plan policies and regulations, but may opt-in to the regional plan if the municipality elects to do so. TDR receiving areas can only come to fruition with the consent of the municipality, and after the municipal master plan is amended and development regulations are adopted establishing receiving areas. The legislation states that:

- The regional master plan may identify voluntary TDR receiving areas (4% of the total Planning Area acreage or in accordance with carrying capacity);
- Municipalities do not have to participate in the regional plan and are not required to establish TDR receiving areas;
- Municipalities do not have to permit the establishment of voluntary TDR receiving areas within their boundaries;
- Planning area municipalities may establish TDR sending areas within their municipal boundaries; and
- The legislation permits the Council to identify TDR receiving areas prior to adoption of the Regional Master Plan (Section 13c) in accordance with certain siting criteria such as the availability of infrastructure, adjacency to developed areas, etc. and only if the municipality consents to do so.

## **6. 2005 Reexamination Recommendations**

The Planning Board recognizes that there are many issues confronting the Township. Although there have been great strides made since 1998, significant changes that have occurred since then must be taken into account and acted upon. The following recommendations represent what the Planning Board feels are the most critical goals and objectives for the next six years.

### **6.1 Amend the Master Plan to Revise the Goals and Objectives**

As a result of this Reexamination, the statement of Goals and Objectives included in Appendix B is intended to replace the previously adopted Goals and Objectives in their entirety, and constitute specific changes to be adopted within the Master Plan.

As noted above, the Goals and Objectives adopted by the Planning Board in 1998 were established on the supposition that a new land use plan was required, open space acquisition needed to occur, a natural resources inventory should be undertaken, an inventory of undeveloped land must be analyzed and that redevelopment opportunities will be more commonplace. These issues have largely been addressed, and therefore the Planning Board amends its Goals and Objectives as identified in Appendix B.

### **6.2 Other Recommendations**

The following additional recommendations outline a plan for future action by the Planning Board. They do not constitute amendments to the Master Plan or development regulations, but indicate areas where upcoming Planning Board activities should be focused.

#### **6.2.1 Update the 1990 Circulation Plan**

Traffic has become an increasing concern and remains a major planning issue in Roxbury. Since 1990, traffic volumes have increased substantially along State, county and municipal roadways throughout the Township, significantly eroding the perceived quality of life. The Planning Board has also identified a number of problem issues, such as parking in certain areas, truck traffic, and cut-through traffic, particularly in residential neighborhoods, loss of access to parts of the Township south of the Ledgewood intersection (former Ledgewood Circle) and specific issues along Route 46 and Landing Road. The 1998 Reexamination recommended establishment of a traffic management program to address traffic needs in various sectors of the Township.

Benefiting from the work of the Traffic Advisory Committee and their Final Report, the Planning Board should revise and update the 1990 Circulation Plan Element. With traffic circulation and congestion being primary issues of concern in the Township, the

Circulation Element should address, not only the requirements of the MLUL, but also issues such as zoning adjacent to critical intersections, any section of roadway classified as Level-of-Service (LOS) “E” or “F”, analysis of police accident reports, improvements needed on State and County routes, truck routes, public transportation, goods movement, pedestrian improvement, trails and bicycle systems. Design standards should also be analyzed with emphasis on alleviating pedestrian and vehicular conflicts.

### **6.2.2 Prepare a Stormwater Management Plan**

In response to the new rules adopted by the Department of Environmental Protection last year, and with the Township identified as a Tier “A” municipality, the Planning Board recommends that a Stormwater Pollution Prevention Plan be developed describing the municipality’s program for handling stormwater. The Board should adopt a Stormwater Management Plan and in addition, recommend a Stormwater Control Ordinance to the Township Council for adoption. Finally, the Planning Board recommends that the Township file for State funding for this program, possibly in cooperation with the County and adjacent municipalities.

### **6.2.3 Prepare a Conservation Plan**

Aided by the Natural Resources Inventory Update, prepared by the Environmental Commission, the Planning Board should develop a Conservation Plan Element containing policies and programs to protect groundwater and surface water, air and energy resources, forest resources and native vegetation, wetlands, scenic resources, steep slopes and ridgelines and threatened and endangered wildlife species. Utilizing the NRI as baseline information, the Conservation Plan Element, which is intrinsically related to the proposals in the Land Use Plan Element and should be designed to be consistent therewith, should consist of policies and programs to preserve, conserve, protect and, where possible, enhance these valuable resources.

The Highlands Act has called national attention to the urgent need to protect the vast potable water supplies in the Highlands. The conservation plan element should identify priority areas for land acquisition to protect potable water sources.

### **6.2.4 Consider Submitting the Master Plan for Plan Endorsement by the State Planning Commission**

Given the extensive planning undertaken by the Township, it appears appropriate for the Township to consider applying for Plan Endorsement. The State Planning Commission has amended its rules regarding Voluntary Consistency into a program called Plan Endorsement. Instead of requiring municipalities to comply with a development pattern, which would require massive reengineering and the reconstruction of many communities, the SPC is now looking at the breadth of planning undertaken by a municipality to assess



its consistency with the State Development and Redevelopment Plan. Plan Endorsement not only involves review by the Commission, but also consists of a process involving various State agencies, including Transportation, Environmental Protection, Commerce, Treasury, Community Affairs, Agriculture and Education. These agencies have aligned their various plans, investments, programs and regulatory actions with the SDRP so that communities that receive Plan Endorsement will become the targets of State agencies' investments and benefits.

### **6.2.5 Secure COAH Substantive Certification**

The Council on Affordable Housing has approved rules and regulations for the third round of affordable housing obligations, with an effective date of December 20, 2004. The key features in the rule package are:

- i. The rehabilitation share (substandard units the municipality is responsible for rehabilitating);
- ii. Growth share or prospective need, which is a portion of municipally determined growth (one affordable unit for each eight (8) new homes or 25 jobs);
- iii. The Third Round Methodology is for the period 1999 to 2014.

Roxbury's Housing Plan Element and Fair Share Plan should be expeditiously revised and readopted in accordance with the adopted rules and regulations and the provisions of the Fair Housing Act.

The Township should continue to pursue the recommendation of the 1998 Reexamination Report to consider rezoning of affordable housing sites that are classified as excess sites in its substantive certification, particularly in view of Roxbury's substantial second round surplus pursuant to recently adopted COAH rules.

### **6.2.6 Explore Redevelopment Options for the Hercules Tract**

Among the many redevelopment opportunities in Roxbury Township, the Hercules tract clearly presents the greatest redevelopment challenge and opportunity in the Township. If properly planned, redevelopment of this tract could be a major element in providing a better balance to the local fiscal picture, providing substantial net ratable value over any increases in municipal service costs. A well-planned redevelopment strategy at the Hercules site has the potential to improve the local ratable picture, while minimizing impacts to local roads, schools and recreational facilities and protecting environmentally sensitive features and the rural character of the lower Berkshire Valley.

Rail access can be a key element in any future redevelopment scenario. The current train station in Roxbury, situated near Lake Hopatcong, is located at the intersection of Landing Road and Canal Street. At both this and the Netcong station, limits on parking and the lack of opportunity for expansion suggest that the proposed Mount Arlington train station adjacent to the Hercules tract and park and ride facility will continue to be

attractive as the site of a new train station. The proximity of I-80 suggests that a train station adjoining the Hercules site could draw significant ridership, if properly designed. Access to the new station platform from the Hercules site is important, as it will encourage ridership by those working on site but living outside the immediate area.

Other infrastructure elements at the Hercules site also set the stage for beneficial redevelopment. On-site wells capable of yielding two million gallons per day provide support for a comprehensive redevelopment of this site, as long as safe drinking water standards can be met. It is possible that the water demands attendant to redevelopment of this site might well utilize only a portion of the water that may be available from the Hercules wells. Water service to other economic development uses or remediation of existing problems in Roxbury may be possible using water from the Hercules wells.

Redevelopment of the Hercules site should be conditioned on accommodation of any affordable housing obligation incurred as a result of the COAH growth share formula. Once the Built-out analysis is completed the Board can then consider refining the zoning regarding the type and intensity of development the site can reasonably accommodate relative to the goals and objectives of the community.

#### **6.2.7 Explore Opportunities for Route 46 Redevelopment**

Market forces have been successful to date in reclaiming abandoned retail facilities and in locating new retail centers along Route 46. Nonetheless, older sections of this highway frontage, both in the Kenvil section and between Route 80 and the former Ledgewood Circle, warrant a careful examination of appropriate redevelopment options. The Township should explore the ways in which a redevelopment plan could identify existing areas of concern, formulate appropriate redevelopment strategies and permit the near-term implementation of a redevelopment plan or plans. As the pace of redevelopment accelerates through the Route 46 corridor, it will become increasingly attractive for new investment.

#### **6.2.8 Monitor Actions of the Highlands Council**

Roxbury Township is within the Highlands Region and includes lands in the Preservation Area, which will require DEP development approvals and will require the Township to conform its plans and ordinances to the plan developed by the Highlands' Council.

Beyond the requirement of conformance, a provision of the Act allows municipalities within the Preservation area to identify whether this area should be designated as a "no development" area from which development density may be transferred out of the Preservation Area into designated receiving areas (either in the Planning Area, or outside of the Highlands Region); or a "low development" area, which will permit very low-density development in accordance with rigorous development regulations.

It is the recommendation of the Planning Board that the Highlands planning process be closely monitored, and that Roxbury conduct the appropriate analysis of the Preservation Area.

### **6.2.9 Address Relevant Zoning and Design Issues**

The Planning Board in preparing this report has identified a number of issues, which it has confronted in applying its Land Development Ordinance, which will require making recommendations to the Township Council to amend the Ordinance.

The following is a list of issues identified by the Board that will require analysis:

- Infill Development

One of the areas of concern is the Landing area, where infill development is creating drainage problems for the neighborhood and will ultimately result in the degradation of Lake Hopatcong. Concerns also relate to the difference between new infill development and the established character of existing development.

A series of potential responses to address this concern have been identified:

- Examine the extent of potential infill development that may occur,
  - Consider adoption of an Official Map or designation within the Master Plan that reserves vacant lots as part of a comprehensive drainage and lake protection plan for the area,
  - Promote development within the existing character of the area through the use of design standards to reduce mass, vertical plane setbacks and maximum building coverages,
  - Address the issue in the Master Plan calling for smaller houses (2 or 3 bedrooms) to provide policy direction to the Planning and Zoning Boards when considering an infill or redevelopment application within the area,
  - Establish maximum improvable area and building envelope standards.
- Residential Lot Size

A zoning recommendation identified by the Board was to increase the minimum lot size requirement for single-family homes in the OS district from 3 to 5 acres dependent upon the location of the zone.

- Main Street

The Planning Board should develop a zoning strategy to enhance the character of Main Street. The Board is concerned that the present B-1/A zoning does not provide the necessary controls to maintain the integrity of the area. Main Street has become an alternative to the congestion on Rt. 10 and traffic impacts are expected to increase.

Possible remedies being considered by the Board are strategies involving traffic calming and streetscape design elements such as lighting standards (no neon), sidewalk treatment and landscaping. A zoning option to permit professional offices and senior housing at a scale comparable to existing units could serve to appropriately reinforce the small town character of Main Street.

- Scenic Resources Management

A survey of natural and man-made visual resources should be conducted to identify specific sites, areas and viewsheds throughout the community. Where significant or exceptional visual assets are identified, explore providing increased protection through such methods as density reductions, increased setbacks and buffers, special architectural review and site design consideration.

- Other Recommendations

- Review permitted residential densities and nonresidential intensities and uses. The purpose of this review would be to determine the need for amendments and potential rezoning, if any, required to further the goals and objectives of the reexamination report and to accommodate the change in development conditions occurring since the last Master Plan update.
- Review local development controls and environmental protection efforts with the purpose of emphasizing and enhancing the protection of natural resources, with particular emphasis on surface and ground water resources, including riparian buffers.
- Establish minimum detention basin setbacks in the non-residential districts. Prohibit surface detention basins in the front yard area within the business districts and encourage subsurface stormwater management when possible.
- Consider increasing minimum frontage and lot width requirements in the B-2 Business District when a property is developed with retail or service uses.
- Consider amending the Vehicular Service Station conditional use requirements by considering the following:
  - No garage bay doors facing a road,
  - Garage bay doors must be opaque; only one horizontal row of windows 1-foot high should be permitted,

- Freestanding signs shall be a monument type sign and no greater than 70 square feet,
  - Prohibit vehicular service stations within a minimum distance of a private, public or non-public community well.
  - Update parking standards and require screening of vehicle storage areas.
- Update and reexamine parking requirements, specifically by use.
- Revise the sign regulations to:
    - i. Require monument signs,
    - ii. Prohibit murals and graffiti,
    - iii. Prohibit neon lighting on Main Street and in all historic districts,
    - iv. Limit the amount of neon lighting in Business Districts to the windows and establish standards to prevent a window from being fully wrapped in neon.
- Establish regulations requiring the identification of groundwater springs and vernal ponds and prohibit development on these features and/or in certain cases, permit remedial action related to these features.
- Review the cluster ordinance consistent with the revised Land Use objective of the Master Plan.
- Clarify the steep slopes/ridgeline ordinance.
- Enact standards that require minimum lot requirements to be calculated to exclude critical environmental features. In *Rumson Estates v. Fair Haven*, the New Jersey Supreme Court overturned the Manalapan decision and found that municipalities could define density or FAR differently from the MLUL. The Court further noted that the MLUL provides broad discretion by municipalities to use “other ratios and regulatory techniques” to achieve the purposes of the statute. More than half of the fifteen purposes of the MLUL express or imply environmental conservation objectives. Thus, in the aftermath of this Supreme Court pronouncement on municipal zoning prerogatives, it is appropriate to reexamine zoning approaches that account for the differential environmental characteristics of various properties.
- The Planning Board should create architectural design standards for the nonresidential zones to establish stronger guidelines that reflect desired architecture. Such standards may include:
    - i. Regulate cantilevers of upper stories beyond the lower floor,
    - ii. Provide a distinct base, middle, and cap,
    - iii. Require decorative block base/bulkhead.
- Update landscape design standards and prohibit invasive exotic plants.

- Revise the tree conservation ordinance so that a tree removal permit is specifically limited to the removal of trees and stumps and not the stripping of topsoil.
- Establish an expiration date for zoning permits.
- The Township has received various requests to rezone certain non-residential zones for age-restricted housing. These requests should be thoroughly explored and community input should be sought.
- The Planning Board also identified some errors in the Land Use Plan Element and Land Use Plan map that carried through to the 2001 Zoning Map. These errors should be corrected.
- Regulations governing the size and placement of satellite dishes should be reviewed.
- Although no State legislation currently enables municipalities to collect impact fees, the Planning Board supports the adoption of impact fee enabling legislation so the Township can adopt a community impact fee ordinance to assess the facility impacts of new development and collect fees to help offset these impacts.
- Eliminate lot averaging in the I-5 and I-10 Districts
- Ongoing analysis of the build-out potential of undeveloped and underdeveloped lands will reveal the extent of permitted future development. The Planning Board should consider the planning and zoning implications of the build-out analysis as it may relate to Roxbury's carrying capacity to accommodate development and the effects on sensitive natural resources.

## **7. Recommendations regarding Redevelopment Area Designations**

To date Roxbury Township has not prepared or adopted any redevelopment plans for any areas of the municipality in accordance with the Local Redevelopment and Housing Law cited above. Based on the foregoing sections of the reexamination report, the Roxbury Planning Board recommends exploring and evaluating the merits of designating a redevelopment area for Route 46 to determine whether a redevelopment plan should be prepared to facilitate the revitalization of the Route 46 Corridor.

To advance the goals of the master plan, the Planning Board should determine whether a redevelopment area investigation should be prepared pursuant to the Local Housing and Redevelopment Law, as a first step toward determining the role of the municipality in the redevelopment process.

## Appendix A

### 1998 Master Plan Goals and Objectives

#### Land Use Plan Element

##### Residential

To preserve the integrity of existing residential areas.

- By decreasing the development intensity on undeveloped and underdeveloped land in residential areas and increasing the protection of open space, environmentally sensitive areas and natural areas to promote and maintain the overall quality of life for residents throughout the Township.
- By maintaining a development intensity and population density appropriate to the regional location of the Township, the natural constraints of the land area, and the location of public facilities and utilities.
- By assuring the compatibility of adjacent and infill land uses and development to protect neighborhoods from inappropriate types and densities of development, to maintain property values and protect the quality of life of residents in existing neighborhoods.
- By utilizing cluster development to create useable patterns of open spaces where appropriate to the existing character of the area and to the benefit of the community.
- By amending development regulations where appropriate to maintain the scale of development in existing neighborhoods, the open space character and visual quality via the use of methods such as, but not limited to: setbacks, residential floor area ratios, maximum square footage requirements and impervious cover requirements.

##### Commercial

To control commercial development.

- By siting commercial development along specified highway corridors and by arranging such development on sites in a manner which bests protects nearby residential areas from potential conflicts, avoids environmentally sensitive areas and provides adequate landscape and setback areas from adjacent roadway.
- By regulating the appearance and functioning of new and redeveloped highway commercial development to promote an improved visual environment, thus making the Township a more desirable place to live and work.

- By ensuring that the scale of development does not result in traffic, which exceeds the capacity of the adjoining roadway to reasonably accommodate it safely and within an acceptable level of service.
- By developing regulations to promote a scale, type, design and intensity of commercial development in appropriate locations, which is compatible with the protection of surface and groundwater, quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.

### Industrial

To control industrial development.

- By reserving land suitable for industrial use in relation to utilities, access to arterial and primary roadways and rail access.
- By siting such development in a manner to preserve the greatest amount of open space and reduce impervious coverage.
- By developing regulations to promote a scale, type, design and intensity of commercial development in appropriate locations, which is compatible with the protection of surface and groundwater, quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.
- By further defining the types of permitted industrial uses in the Township and to exclude from those permitted uses, any which are found to be potentially dangerous/in conflict with the goal of protecting the surface and groundwater quality of the Township and region.

### Housing Plan Element

To provide for a variety of housing densities and types.

- By permitting development of a range of residential densities and building types appropriate to local needs and the age requirements of Township residents consistent with protection of natural resources and environmentally sensitive areas to maintain a high quality of life for Township residents.
- By designating land areas appropriate to the characteristics of each residential land use type.
- By encouraging municipal action to sponsor needed housing programs, with emphasis upon measures to induce the provision of such housing by private and non-profit developers where necessary.



To maintain the quality of existing housing.

- By maintaining the quality of municipal services to residential areas.
- By updating maintenance codes and enforcement regulations.

To meet affordable housing obligations in connection with COAH requirements and meet the need for senior citizen housing.

### **Circulation Plan Element**

To improve the efficiency of the Township road network.

- By strongly discouraging non-local and commercial truck traffic in residential neighborhoods.
- By improving local circulation (i.e. street linkages) between residential neighborhoods while also discouraging nonresidential traffic and excessive speed in these areas.
- By continuing the coordinated capital improvement program for road improvements, construction and reconstruction.
- By improving intersections which are unsafe or congested.
- By encouraging major roadway and interchange improvements or construction, including the Ledgewood Circle and the Commerce Boulevard Extension.
- By regulating the quality of the roadside environment, reducing visual clutter, increasing landscaping and reducing the number of driveways.
- By limiting access to critical environmental areas in all subdivision and site plan design to the greatest degree possible.
- By strongly encouraging bus service serving major commercial and suitably dense residential areas of the Township in cooperation with such organizations as McRides of Morris County.
- By providing for regional mass transit and encouraging ride sharing programs, staggered work hours, and other traffic management programs.
- By continuing to encourage development of bikeway and walkway systems, particularly in and between residential developments, with connections, as appropriate, to nonresidential areas.

- By developing a sidewalk plan linking schools, public uses and recreation areas.

To provide revised street design standards that accommodate streets that are safe, economical and appropriate to the function of the particular street.

### **Utility Service Plan Element**

To monitor potable water supply and encourage programs to provide adequate supply of potable water for future needs in accordance with the principles of the Safe Drinking Water Act.

- By regular testing of municipal wells to ensure potability, including the testing of municipal and non-public community wells.
- By encouraging residents to test their on-site private wells.
- By continuing to extend public water to areas of groundwater contamination.
- By eliminating gaps in the water distribution and storage system to correct low water pressures.
- By interconnecting as many wells and water supply systems as possible throughout the Township.
- By discouraging large amounts of interbasin transfer of water (wastewater, stormwater, potable, and surface waters) to prevent the depletion of groundwater resources.

To provide adequate sanitary sewer service to all residents.

- By supporting required maintenance of existing treatment plants and collection systems.
- By preserving sewer capacity for low cost housing obligations.
- By limiting service in sparsely populated areas or where infeasible due to natural constraints.

To regulate storm drainage effectively and alleviate flooding damage in the Township and in downstream areas.

- By preparation of a comprehensive drainage plan for the Township in accordance with regional drainage planning.
- By preserving natural system corridors through various means including expansions of stream buffer setbacks.

- By restricting development in flood hazard areas.
- By using new technologies, such as geographic information systems (GIS) in the development of water management plans.
- By promoting best management practices in all site designs.

### **Community Facilities Plan Element**

To promote a superior level of community facilities well located in regard to population and accessibility, and built with due consideration to site amenities, needed facilities and adjacent land uses.

- By continuing to provide information to the school District regarding population growth and development trends for assessing educational facility needs.

To plan for and provide adequate fire protection and emergency services for Township residents especially during the day.

- By encouraging the coordination of emergency services with surrounding municipalities.
- By encouraging appropriately located emergency access in all subdivision site design in coordination with review by local emergency service providers.

To continue to provide facilities for community groups and cultural activities as needed.

To provide facilities necessary for efficient operation of municipal administrative functions.

### **Recreation, Park and Open Space Plan Element**

To provide a network of publicly owned and other park areas and permanently preserved open space of appropriate type and location to support a full range of active and passive recreational activities; of sufficient size and quality to maintain an ecologically balanced community; located within walking or bicycling distance to serve residential, school and employment locations.

- By prioritizing and addressing the needs for the continued maintenance of the existing parks, recreation and open space areas before making major expenditures to acquire additional park, recreation and open space sites.
- By identifying large, potential park sites most vulnerable to potential development and determining a priority acquisition schedule for these sites.

- By identifying priority acquisition sites for supplemental parks in each residential area of the Township.
- By encouraging County acquisition of parklands.
- By encouraging the long-term preservation of private and semi-public park and open space areas.
- By protecting valuable conservation areas and preserving them for limited recreational use.
- By requiring future higher density development to provide useable open space and recreational areas for its residents, and by requiring proper development and continuing maintenance of on-site recreational facilities.
- By establishing high development standards and criteria for parks and open space areas.
- By developing park facilities with an emphasis on broadening the outdoor recreation opportunities within each neighborhood area, and with an emphasis on good ecology and sound development and maintenance practices.
- By developing non-motorized pathway systems connecting major recreational area, schools and parks.
- By periodic review and update of park acquisition and development planning in order to insure an ecologically balanced community and provide for a sufficient amount and quality of parks and open space land to insure a healthy environment in the Township.

### **Conservation Plan Element**

To preserve and maintain the ecological, historic, visual, agricultural and scenic resources of the Township; to preserve the environment and to maintain and enhance the overall quality of life for Township residents.

- By limiting or prohibiting development in critical environmental areas and areas subject to environmental constraints.
- By limiting environmental degradation and adverse impacts such as noise, water and air pollution due to improper use of land.
- By discouraging types and intensity of development which may cause, individually or cumulatively, significant environmental degradation or pollution.

- By encouraging the highest quality site design which limits potential environmental degradation.
- By encouraging land development which does not aggravate drainage problems affecting the township and downstream communities.
- By preserving resources such as the Conklin Pond viewshed area.
- By prohibiting stream channel relocation and development and by providing for suitable wildlife habitat.
- By continuing to work with State and County officials to promote their efforts to identify and protect wellhead protection areas and other environmentally sensitive areas throughout the community.
- By seeking open space funding from the state and the County whenever available.
- By updating the Township's Natural Resource Inventory.
- By the development of an Township-wide open space plan to provide a continuous network of open space along streams, slopes, scenic areas and critical environmental areas.
- By acquiring land through fee-simple acquisition, the acquisition of development rights and clustering for a linked open space system, along the major stream corridors and hillsides in Roxbury Township.
- By protecting, maintaining and where possible, enhancing historical and cultural resources.

To encourage recycling and alternatives to the incineration of toxic and solid wastes.

### **Visual Design Plan Element**

To preserve and enhance the visual environment, both natural and man-made

- By cataloging the visual assets and liabilities present in the Township as part of a Natural Resource Inventory or as part of a separate Master Plan study.
- By working with adjoining communities to ensure that intermunicipal scenic resources such as ridgelines are protected from unnecessary or visually intrusive disturbance.

- By continuing to improve design standards for building and site improvements and examining current architectural guidelines with the goal of providing enhanced visual character for all new or renovated structures.
- By encouraging the highest architectural and site design possible for all new residential and nonresidential projects.
- By providing district design plans with specific development standards.
- By reviewing and upgrading the design standards for landscaping, particularly in nonresidential areas and in connection with buffer yards, lawn treatments and detention basin location and landscaping associated with the roadside environment.
- By continuing to review and upgrade design standards for all signage.

## Attachment 1: Census Demographics

### Roxbury Township and Morris County Age Comparison - 1990 and 2000

Age	1990		2000		% Change	
	Roxbury	Morris County	Roxbury	Morris County	Roxbury	Morris County
<b>Total population</b>	<b>20,429</b>	<b>421,353</b>	<b>23,883</b>	<b>470,212</b>	<b>16.91</b>	<b>11.60</b>
Under 5 years	1,392	27,637	1,705	32,906	22.49	19.07
5 to 9 years	1,603	25,941	1,922	34,234	19.90	31.97
10 to 14 years	1,645	26,040	1,824	32,425	10.88	24.52
15 to 19 years	1,580	27,735	1,496	26,598	-5.32	-4.10
20 to 24 years	1,262	30,046	943	20,571	<b>-25.28</b>	<b>-31.53</b>
25 to 29 years	1,333	34,919	1,124	26,928	-15.68	-22.88
30 to 34 years	1,630	36,538	1,747	36,761	7.18	0.61
35 to 39 years	1,884	35,863	2,406	44,021	27.71	22.75
40 to 44 years	2,054	36,377	2,225	42,444	8.33	16.68
45 to 49 years	1,620	31,909	1,989	37,332	22.78	17.00
50 to 54 years	1,073	24,056	1,850	34,535	72.41	<b>43.56</b>
55 to 59 years	918	21,024	1,386	27,524	50.98	30.92
60 to 64 years	751	18,846	903	19,403	20.24	2.96
65 to 69 years	620	15,020	671	15,706	8.23	4.57
70 to 74 years	422	11,044	636	13,685	50.71	23.91
75 to 79 years	318	8,128	483	11,061	51.89	36.09
80 to 84 years	164	5,610	320	7,426	<b>95.12</b>	32.37
85 to 89 years*	160	4,620	170	4,327		
90 years and over			83	2,325		

\*1990 Census cohorts for age is 85 years and over. 2000 Census Cohorts 90 years and over.

Data source: 1990 census table P011 and 2000 Census table P13

## Attachment 1: Census Demographics (continued)

### Year 2000 Household Characteristics - Roxbury and Morris County

	Roxbury		Morris County	
<b>Total population</b>	<b>23,883</b>	<b>100</b>	<b>470,212</b>	<b>100</b>
<b>In households</b>	23,761	99.5	461,026	98
<b>Householder</b>	8,364	35	169,711	36.1
<b>Spouse</b>	5,589	23.4	106,544	22.7
<b>Child:</b>	8,062	33.8	145,343	30.9
Own child under 18 years	6,073	25.4	110,560	23.5
Other relatives	1,039	4.4	20,944	4.5
Under 18 years	293	1.2	4,857	1
<b>Nonrelatives</b>	707	3	18,484	3.9
<b>Unmarried partner</b>	307	1.3	6,321	1.3
<b>In group quarters</b>	122	0.5	9,186	2
<b>Institutionalized population</b>	65	0.3	4,462	0.9
<b>Noninstitutionalized population</b>	57	0.2	4,724	1

Data source: 2000 Census table DP-1

### General Housing Characteristics for Roxbury and Morris County 1990 and 2000

	1990		2000		% Change	
	Roxbury	County	Roxbury	County	Roxbury	County
<b>OCCUPANCY STATUS</b>						
Total housing units	6,799	155,745	8,550	174,379	26	12
Occupied housing units	6,497	148,751	8,364	169,711	29	14
Vacant housing units	302	6,994	186	4,668	-38	-33
<b>TENURE</b>						
Occupied housing units	6497	148,751	8,364	169,711	29	14
Owner-occupied housing units	5,744	110,089	7,033	129,039	22	17
Renter-occupied housing units	753	38,662	1,331	40,672	77	5
<b>VACANCY STATUS</b>						
Vacant housing units	302	6,994	186	4,668	-38	-33
For rent	154	2,094	40	1,209	-74	-42
For sale only	29	1,821	36	727	24	-60
Rented or sold, not occupied	35	767	29	662	-17	-14
For seasonal, recreational, or occasional use	46	1,373	37	1,237	-20	-10
For migratory workers	0	6	3	10	100	67
Other vacant	38	933	41	823	8	0

Data sources: 1990 and 2000 Census tables QT-H1



## Appendix B

### 2005 Master Plan Goals and Objectives

#### Land Use Plan Element

##### Residential

To preserve the integrity of existing residential areas.

- By decreasing the development intensity on undeveloped and underdeveloped land in residential areas and increasing the protection of open space, environmentally sensitive areas and natural areas to promote and maintain the overall quality of life for residents throughout the Township.
- By assuring the compatibility of adjacent and infill land uses and development to protect neighborhoods from inappropriate types and densities of commercial, industrial and residential development, to maintain property values and protect the quality of life of residents in existing neighborhoods.
- By encouraging cluster development where it is beneficial and appropriate to protect the character of the area and to create useable patterns of open space that benefit of the community.
- By amending development regulations where appropriate to maintain the scale of development in existing neighborhoods, the open space character and visual quality via the use of methods such as, but not limited to: architectural standards, setbacks, residential floor area ratios, maximum square footage requirements and impervious cover requirements.

##### Commercial

To control commercial development and its impacts.

- By preventing direct vehicular access into existing residential zones and neighborhoods from non-residential development.
- By limiting the hours of operation of commercial establishments within 200 feet of a residential district.
- By siting commercial development along specified highway corridors and by arranging such development on sites in a manner which best protects nearby residential areas from potential conflicts, avoids environmentally sensitive areas and provides adequate landscape and setback areas from adjacent roadway.
- By regulating the appearance and functioning of new and redeveloped commercial development through enhanced landscaping, architecture and site layout, thus

promoting an improved visual environment making the Township a more desirable place to live and work.

- By ensuring that the intensity of development does not result in traffic, which exceeds the capacity of the adjoining roadway to reasonably accommodate it safely and within an acceptable level of service.
- By developing regulations to promote a scale, type, design and intensity of commercial development in appropriate locations, which is compatible with the protection of surface and groundwater, quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.
- By promoting commercial and industrial roadways to provide access to adjacent commercial and industrial properties where feasible.
- By prohibiting the use of neon in historic districts.
- By improving sign regulations to reduce visual clutter.
- By improving parking lot designs so as to reduce pedestrian and vehicle conflicts and improve overall circulation.
- By promoting all retail establishments to have a rear loading area in an effort to prevent delivery of goods through the front door and parking of delivery trucks in the drive aisle.

#### Major Office and Industrial

To control major office and industrial development.

- By identifying land suitable for industrial use in relation to utilities, access to arterial and primary roadways and rail access.
- By siting such development in a manner to preserve the greatest amount of open space, avoid environmentally sensitive areas, minimize adverse impacts to adjacent properties and reduce impervious coverage.
- By developing regulations to promote a scale, type, design and intensity of office and industrial development in appropriate locations, which is compatible with the protection of surface and groundwater quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive areas.
- By further defining the types of permitted industrial uses in the Township and to exclude from those permitted uses any which are found to be potentially dangerous

and/or in conflict with the goal of protecting the surface and groundwater quality of the Township and region.

### General

To recognize that the Township is part of a special resource area, the Highlands, and that the Township intends to consider the goals and objectives of the Highlands Water Protection and Planning Council in implementing the Regional Highlands Master Plan.

To consider the State Development and Redevelopment Plan policies as they apply in Roxbury Township

### **Housing Plan Element**

To provide for a variety of housing densities and types.

- By permitting densities and building types appropriate to local needs with consideration given to infrastructure capacity and municipal services, protection of natural resources and protection of environmentally sensitive areas thus maintaining a high quality of life for Township residents.
- By designating appropriate land areas for various types of residential development, with suitable characteristics to accommodate each existing or proposed residential land use type.

To maintain the quality of existing housing.

- By maintaining the quality of municipal services to residential areas.
- By updating maintenance codes and enforcement regulations.

To meet affordable housing obligations in connection with COAH requirements.

- By requiring new developments to provide for any mandated growth share obligation they produce.

### **Circulation Plan Element**

To improve the efficiency of the Township road network.

- By strongly discouraging non-local and commercial truck traffic in residential neighborhoods.
- By improving local circulation and discouraging non-residential traffic and excessive speed in residential neighborhoods.

- By continuing the coordinated capital improvement program for road improvements, construction and reconstruction.
- By encouraging improvements to intersections that are unsafe or congested.
- By encouraging major roadway and interchange improvements, including the realignment of Commerce Boulevard and access to the south side of the Route 10/46 intersection.
- By regulating the quality of the roadside environment, reducing visual clutter, increasing landscaping, increasing parking setbacks from adjoining roadways and reducing the number of driveways.
- By encouraging bus service serving major commercial and suitably dense residential areas of the Township in cooperation with such organizations as McRides of Morris County.
- By encouraging regional mass transit and encouraging ride sharing programs, staggered work hours, and other traffic management programs.
- By continuing to encourage development of bikeway and walkway systems, particularly in and between residential developments, with connections, to public land.
- By developing a sidewalk plan linking residential areas to schools, public uses, recreation and non-residential areas.

To provide revised street design standards that accommodate streets that are safe, economical and appropriate to the classification of the particular street.

- By working with Morris County and New Jersey Department of Transportation to address the needs of the Township on County and State roadways.
- By securing funding from Morris County and the State of New Jersey to advance local circulation objectives and improve local roadways.

### **Utility Service Plan Element**

To monitor potable water supply and encourage programs to provide an adequate supply of potable water for future needs in accordance with the principles of the Safe Drinking Water Act, while maintaining a financially viable utility.

- By ensuring future water supply and storage facilities in the Township's water system will adequately provide for public health and safety.
- By maximizing the operating efficiency and use of existing infrastructure.

- By integrating infrastructure contemplated to serve presently proposed development with the concept for ultimate service area build-out.
- By planning for additional supply of water.
- By recognizing that improvements to be made must be suitable for phasing.
- By optimizing capital investment in new facilities.
- By improving connectivity of water system to more efficiently use available water supplies.
- By reflecting a policy of looping all proposed water mains where practical and in accordance with the Residential Site Improvement Standards (RSIS).
- By reflecting a policy that the costs for water system improvements required for future development are borne by the sponsors of the development projects.
- By allowing that the costs for water system improvements, which are sized beyond what is needed to provide potable water service for the development proposing the improvements, shall be eligible for cost recovery from future developers benefiting from such improvements.
- By protecting water rates for existing system users.
- By reflecting a policy of not accepting new stand alone water systems in the Township.
- By developing a written Policy and Procedures Manual for the Water Department.
- By formalizing the procedure for determining available water system capacity and assigning water allocations.
- By regular testing of municipal wells to ensure potability, including the testing of municipal and non-public community wells.
- By encouraging residents to test their on-site private wells.
- By promoting the extension, where necessary, of public water to developed areas experiencing groundwater contamination, to protect the public health.
- By discouraging large amounts of interbasin transfer of potable water to prevent the depletion of groundwater resources.

To provide adequate sanitary sewer service and reasonable rates to all customers.

- By supporting required maintenance of existing treatment plants and collection systems, and enforcement of septic management regulations.
- By reviewing sewer service areas as necessary to account for existing development, topography and environmental constraints
- By limiting service in sparsely populated areas or where infeasible due to natural constraints.

To regulate storm drainage effectively and alleviate flooding damage in the Township and in downstream areas.

- By preparation of a comprehensive drainage plan for the Township in accordance with regional drainage planning and newly adopted stormwater regulations.
- By preserving natural system corridors through various means including expansions of stream buffer setbacks.
- By discouraging development in flood hazard areas.
- By using technology, such as geographic information systems (GIS) in the development of water management plans.
- By promoting best management practices in all residential and non-residential site designs.

### **Community Facilities Plan Element**

To promote a superior level of community facilities well located in regard to population and accessibility, and built with due consideration to site amenities, needed facilities and adjacent land uses.

- By continuing to provide information to the school District regarding population growth and development trends for assessing educational facility needs.

To plan for and provide adequate fire protection and emergency services for Township residents especially during the day.

- By encouraging the coordination of emergency services with surrounding municipalities.
- By encouraging appropriately located emergency access in all subdivision and site designs in coordination with review by local emergency service providers.

To continue to maintain facilities for community groups and cultural activities as needed.

To provide facilities necessary for efficient operation of all municipal functions.

### **Recreation, Park and Open Space Plan Element**

To provide a network of publicly owned and other park areas and permanently preserved open space of appropriate type and location to support a full range of active and passive recreational activities; of sufficient size and quality to maintain an ecologically balanced community; located within walking or bicycling distance to serve residential, school and employment locations.

- By prioritizing and addressing the needs for the continued maintenance of the existing parks, recreation and open space areas.
- By identifying priority acquisition sites to enlarge existing open space lands.
- By encouraging County acquisition of parklands.
- By encouraging the long-term preservation of private and semi-public park and open space areas.
- By protecting valuable conservation areas and preserving them for limited recreational use.
- By requiring future higher density development to provide useable open space and recreational areas, and by requiring proper development and continuing maintenance of on-site recreational facilities.
- By developing park facilities with an emphasis on broadening the outdoor recreation opportunities within neighborhoods, and with an emphasis on good ecology and sound development and maintenance practices.
- By developing a Trails and Greenways Plan connecting residential neighborhoods to recreational areas, and schools and encouraging adoption of the Plan as an element of the Master Plan.
- By updating the open space plan regularly in consideration of changing needs of the community.
- By pursuing acquisition of open space as described in the open space plan.

## **Conservation Plan Element**

To preserve and maintain the ecological, historic, visual, agricultural and scenic resources of the Township; to preserve the environment and to maintain and enhance the overall quality of life for Township residents.

- By limiting or prohibiting development in critical environmental areas and areas subject to environmental constraints.
- By limiting environmental degradation and adverse impacts such as noise, run-off, water and air pollution due to improper use of land.
- By discouraging types and intensity of development which may cause, individually or cumulatively, significant environmental degradation or pollution.
- By encouraging the highest quality site design which limits potential environmental degradation.
- By discouraging land development that would aggravate existing drainage problems affecting the township.
- By prohibiting stream channel relocation and development and by providing for suitable wildlife habitat.
- By continuing to work with State and County officials to promote their efforts to identify and protect wellhead protection areas and other environmentally sensitive areas throughout the community.
- By seeking open space funding from the State and the County whenever available.
- By acquiring land through fee-simple acquisition, the acquisition of development rights and clustering for a linked open space system, along the major stream corridors and hillsides in Roxbury Township.
- By protecting, maintaining and where possible, enhancing historical and cultural resources.
- By developing regulations that require identification of viewsheds and mitigation of viewshed impacts.
- By planning for appropriate stewardship of Township owned open space and recreation lands to protect the value and integrity of these resources over time.

To encourage recycling and alternatives to the incineration of toxic and solid wastes.



## **Visual Design Plan Element**

To preserve and enhance the visual environment, both natural and man-made.

- By cataloging the visual assets and liabilities present in the Township as part of a separate Master Plan study.
- By working with adjoining communities to ensure that intermunicipal scenic resources such as ridgelines are protected from unnecessary or visually intrusive disturbance.
- By continuing to improve design standards for building and site improvements and examining current architectural guidelines with the goal of providing enhanced visual character for all new or renovated structures.
- By encouraging the most appropriate architectural and site design features possible for all new residential and nonresidential projects.
- By reviewing and upgrading the design standards for landscaping, particularly in nonresidential areas and in connection with buffer yards, detention basin location and landscaping associated with the roadside environment.
- By continuing to review and upgrade design standards for all signage and to eliminate visual clutter.