

**RESOLUTION 2015-**

**BOROUGH OF WHARTON LAND USE BOARD**

**MORRIS COUNTY, NEW JERSEY**

REEXAMINATION OF THE BOROUGH OF WHARTON MASTER PLAN PURSUANT TO N.J.S.A. 40:55D-89 SPECIFICALLY WITH RESPECT TO THE PROVISIONS OF THE NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING ACT (N.J.S.A. 13:20-1 ET SEQ.) AND MUNICIPAL CONFORMANCE WITH THE HIGHLANDS REGIONAL MASTER PLAN, PREPARED AND PROVIDED FOR ADOPTION PURSUANT TO N.J.S.A.

40:55D-28

**WHEREAS**, the Land Use Board of the Borough of Wharton, Morris County, State of New Jersey (“Land Use Board”), was established pursuant to all requirements and provisions of the New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.); and

**WHEREAS**, the Land Use Board adopted the current Wharton Borough Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on October 11, 2005; and

**WHEREAS**, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

**WHEREAS**, the Highlands Regional Master Plan (RMP) was adopted by the Highlands Council on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

**WHEREAS**, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

**WHEREAS**, the Planning Area of the Highlands Region is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Borough of Wharton is located entirely within the Highlands Region, and contains approximately 1,362 acres, all of which are in the Planning Area; and

**WHEREAS**, on December 8, 2009, Wharton Borough submitted a Petition for Plan Conformance for all lands lying in the Planning Area; and

**WHEREAS**, Wharton Borough's Petition for Plan Conformance included the designation of a large portion of the Borough as a Highlands Center; and

**WHEREAS**, on August 3, 2011, the Highlands Council approved Wharton Borough's petition for Plan Conformance for all lands lying in the Planning Area and designating the Highlands Center within the Borough; and

**WHEREAS**, according to the Highlands Act and the Plan Conformance Guidelines, Wharton Borough's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Wharton Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

**WHEREAS**, Wharton Borough's Plan Implementation Schedule includes development of a Highlands Center Plan, a Highlands Master Plan Element for areas outside the Center, and appropriate Land Use Ordinances to implement resource protection within the Borough; and

**WHEREAS**, N.J.S.A. 40:55D-89 provides that each municipality within the State of New Jersey periodically re-examine its Master Plan policies and assumptions, zoning restrictions, and site plan and subdivision regulations, and prepare and adopt by resolution a report on the findings of such reexamination; and

**WHEREAS**, the Land Use Board has conducted such periodic reexaminations of the Master Plan since the initial date of its adoption and adopted reports setting forth its findings of each such reexamination, in accordance with the provisions of N.J.S.A. 40:55D-89; and

**WHEREAS**, the Land Use Board did subsequently conduct a reexamination of the municipal master plan and land use regulations, in view of the model Highlands Master Plan Element for Planning Areas and the model Highlands Area Land Use Ordinance for Planning Areas provided by the Highlands Council, to identify the specific changes needed to conform the municipal planning documents to the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Land Use Board reexamination also considered the nature of Wharton Borough as a Highlands Center and acknowledges that specific planning for the Center Area should be completed by creating a Highlands Center Plan to address many of the planning goals related to the Highlands Center and conformance with the Highlands Regional Master Plan; and

**WHEREAS**, the Land Use Board reexamination also acknowledged that the Planning Area within the Borough outside of the Center is subject to the model Highlands Master Plan Element for Planning Areas; however, this document should be completed following development of the Highlands Center Plan so that it can build upon the site specific planning completed for the Highlands Center; and

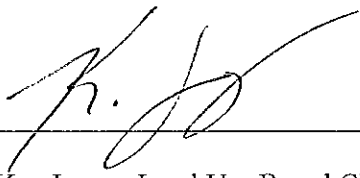
**WHEREAS**, the Land Use Board reexamination also recommends adoption of appropriate ordinances within the Highlands Center Area and in the Planning Area to substantially achieve protection of resources, although it may not include adoption of the model Highlands Land Use Ordinance; and

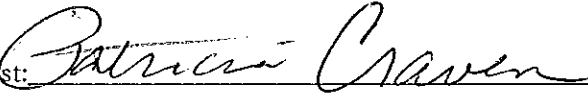
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, and in accordance with all associated requirements of the MLUL, the Land Use Board held a public hearing on the Reexamination of the Wharton Master Plan and the proposed Highlands Center Plan and Planning Area Master Plan Element pursuant to N.J.S.A. 40:55D-10(a), on March 11, 2015; and

**WHEREAS**, the Land Use Board has determined after reexamination of the master plan, receipt of public comment, and public deliberation regarding same, that the Wharton Master Plan must be amended to include a Highlands Center Plan Element and a Highlands Planning Area Master Plan Element; and

**WHEREAS**, the Land Use Board has determined that the adoption and implementation of the documents noted above is in the public interest and protects public health and safety and promotes the general welfare;

**NOW, THEREFORE BE IT RESOLVED**, that the Land Use Board hereby makes and adopts the findings of fact and all recommendations as set forth in the “2015 Wharton Master Plan Reexamination Report,” dated March 10, 2015, prepared by Jessica C. Caldwell, P.P., A.I.C.P., a reexamination of the Wharton Master Plan and development regulations conducted specifically to address the task of achieving conformance with the provisions of the New Jersey Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and the Highlands Regional Master Plan.

Signed:   
Ken Loury, Land Use Board Chair

Attest:   
Patricia Craven, Land Use Board Secretary

Dated: 3-10-15

# 2015 MASTER PLAN REEXAMINATION REPORT

## BOROUGH OF WHARTON

Morris County, New Jersey



### WHARTON BOROUGH LAND USE BOARD

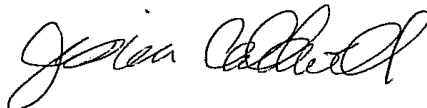
Ken Loury, Chairperson  
Roger Steele, Vice-Chairperson  
William J. Chegwidde, Mayor  
Thomas Yeager, Councilman  
Charlotte Kelly  
Marc Harris  
Jared Coursen  
Patrick O'Brien  
Peter Rathjens  
Jennifer O'Malley-Dorr  
Brian Bosworth

Alan Zakin, Esq., Board Attorney  
Chris Borinski, P.E., Board Engineer  
Jessica C. Caldwell, P.P., A.I.C.P., Board Planner

**MARCH 10, 2015**

The original of this document was signed and sealed  
in accordance with N.J.S.A. 45:14A-12.

**Prepared by:**



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Jessica C. Caldwell, P.P., A.I.C.P., Board Planner

License No. 5944

**BOROUGH OF WHARTON**  
**2015 MASTER PLAN REEXAMINATION REPORT**

**Introduction**

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The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. 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.
4. 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.
5. The recommendations of the Land Use Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The current Wharton Master Plan was adopted by the Land Use Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on October 11, 2005. Since the time of adoption of the last Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council (“Highlands Council”) on July 17, 2008, which became effective on September 8, 2008; c) the requirement of the Highlands Act that municipal Master Plans and regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located within the Highlands

Preservation Area; and d) the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area; and e) the affirmative decision of the Borough of Wharton Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in the Planning Area, as set forth by Resolution O-17-14 adopted on November 24, 2014.

Accordingly, the Land Use Board has reexamined the Borough Master Plan and development regulations to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth by the Highlands Act. It is the intent of this Report to identify the specific revisions needed to bring the Borough Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

## 1. Major Land Development Problems & Objectives

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The major problems and objectives relating to land development in the Borough at the time of the adoption of the last reexamination report which have changed, specifically as a result of the passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, include the following:

- a. **Future Bypass Connector Road for North Main Street and Dewey Avenue.** The signalized intersection at North Main Street and Dewey Avenue continues to be problematic in terms of the delays experienced by motorists due to large volumes at this intersection. The intersection serves the majority of vehicles entering and exiting the Borough via the nearby highway network. It also facilitates movements for north/south and east/west traffic destined for adjoining municipalities. A potential bypass road has been the subject of ongoing engineering studies and technical coordination with Morris County officials regarding geometric design and funding.
- b. **Central Business District Improvements.** Following adoption of the 2005 Reexamination, the municipality began to explore the design issues related to streetscape and aesthetic improvements for the Main Street Central Business District corridor. Some business and property owners have recently upgraded the appearance of buildings and made improvements. The formerly dormant Chamber of Commerce has also been resurrected in order to better coordinate events and efforts at establishing an identity for the business district. The area could be strengthened through coordination with recreation and historic resources. The proximity of the Morris Canal and other historic points of interest could lend support to growth of the Central Business District.
- c. **Redevelopment of Former Air Products Site.** The former Air Products industrial site (Block 801, Lot 5.1) occupies 11.77 acres and is located on the southern side of East Dewey Avenue, just west of the Route 15 intersection. It is also relatively close to the Route 80 interchange. The site is currently vacant and all the previously existing industrial structures have been removed. The property adjoins an environmentally sensitive 13 acre tract to the south. If the bypass road is constructed, it will likely adjoin the west side of the Air Products parcel, thereby increasing its attractiveness for redevelopment. The site is currently zoned for industrial use. However, it is in a transitional location, based on the existing land use pattern, and future uses should be thoroughly evaluated with regard to fiscal, environmental and traffic impacts.
- d. **Recognition of Environmental Constraints.** The developed nature of the Borough, real estate market trends and state regulations such as the Highlands



Act and NJDEP Flood Hazard Areas Rules, create additional pressure for the redevelopment of properties in the community. Since the last Master Plan, the Borough implemented a steep slope ordinance and tree preservation ordinance to preserve vegetation and existing topographic characteristics. The imposition of NJDEP's Flood Hazard Area regulations increased stream buffers for Category One Streams to 300 feet and other streams and tributaries may have designated buffers of up to 150 feet. Some lots that were previously available for larger developments may now have much smaller buildable areas. Finding ways to balance protection of environmental resources with positive development in the community is essential to the future of the Borough.

## **2. Extent of Reduction/Increase in Problems & Objectives**

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The extent to which each of the problems and objectives listed in item 1 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, is indicated below, in the same order provided at 1, above:

- a. **Future Bypass Connector Road for North Main Street and Dewey Avenue.** The signalized intersection at North Main Street and Dewey Avenue continues to require improvement and coordination among various governmental entities. This is the primary point of entry to the Borough from the north and remains in need of redesign for efficient movement of traffic through the Borough.
- b. **Central Business District Improvements.** The Main Street Central Business District corridor would continue to benefit from coordination with cultural and historic resources. The connection between leisure retail, dining and entertainment can be given added visitor appeal through enhancements of nearby intersection and cultural/historic uses. The Highlands Council has designated funding for a Sustainable Economic Development Plan for the Borough which can provide a road map to positive economic growth in the community and continue strengthening the economic development in the Central Business District.
- c. **Redevelopment of Former Air Products Site.** The former Air Products industrial site (Block 801, Lot 5.1) continues to represent a redevelopment opportunity in an easily accessible portion of the Borough. Coordination among government entities would transform a stagnant 11 acre parcel into a ratable producing productive land use.
- d. **Recognition of Environmental Constraints.** The imposition of NJDEP's Flood Hazard Regulations that increased stream buffers to up to 300 feet in

some areas of the Borough, limits the potential to fully develop some lots within the Borough. Conformance to the Highlands Regional Master Plan will also result in resource protection, primarily for the areas outside the Center. Given that the Borough has adopted steep slopes protections and tree protection, additional protections may be limited to buffers from waterways and reduced development on undeveloped lots outside of the Highlands Center. Therefore, the potential for redevelopment and maximizing of existing land use assets, particularly in the designated Highland Center, are vital for future growth in the community.

### **3. Significant Changes in Assumptions, Policies, Objectives**

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Since the adoption of the Wharton Borough Master Plan on October 11, 2005, the passage of the Highlands Act, adoption of the Regional Master Plan by the Highlands Council, and the adoption by the Governing Body of its resolution to conform the municipal planning documents to the Regional Master Plan, have significantly altered and increased the goals and objectives that must be addressed in the Wharton Master Plan. The decision by the Governing Body to conform to the Highlands Regional Master Plan included the designation of a Highlands Center for a large portion of the Borough. This Highlands Center designation requires specific planning to identify development and redevelopment opportunities within the context of resource protection for Highlands' area resources. The area outside of the Highlands Center requires planning in the context of the Highlands Planning Area, including but not limited to incorporating a variety of Highlands Resource protections consistent with the Highlands Regional Master Plan. Given the small area of the Borough, just 2.2 square miles, finding ways to consolidate planning and ordinances across the entire Borough to cover both the Highlands Center and the Highlands Planning Areas would create efficiency and ease of implementation.

### **4. Specific Recommended Changes to the Master Plan**

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The Land Use Board recommends that specific changes to the Wharton Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all as outlined in detail, in the "Highlands Planning Area Master Plan Element" approved in draft form by the Highlands Council as part of the Borough's Petition for Plan Conformance. However, in order to implement planning for the Highlands Center, a Highlands Center Plan is recommended to be developed prior to adoption of the Highlands Planning Area Master Plan Element. Changes to the Highlands Planning Area Master Plan may be warranted in order to implement protection of resources for both the Highlands Center and the Planning Area within the Borough. The Highlands Council approval of the draft Highlands Planning Area Master Plan Element anticipated changes to adapt the model to the specific needs of the Borough. This is recommended following completion of the Highlands Center Plan for the Borough.

## **5. Specific Recommended Changes to Development Regulations**

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The Land Use Board recommends that ordinances be considered following development and adoption of the Highlands Center Plan and the Highlands Planning Area Master Plan Element. The most efficient and reasonable approach to implementing ordinances is to provide a uniform approach to resource protection in the Borough. The Highlands Center Plan should guide this process and provide the appropriate recommendations for future ordinances.

## **6. Changes Recommended for Incorporation of Redevelopment Plans**

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At this time, the Land Use Board considers two areas of the community appropriate for consideration regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.) as follows:

Area 1 – Meadow Avenue Industrial Area: This potential redevelopment study area is located east of North Main Street and adjoins Interstate Route 80 to the south. The area consists of several parcels developed with light industrial uses, fronting on Meadow Avenue. These parcels are located in close proximity to major roadway connections, such as Route 15 to the north, and are situated between commercial and residential uses. Redevelopment with residential or mixed-use commercial/residential development could be a viable option for this area. Additionally, jobs producing uses, such as light manufacturing, offices and the like, are also possible within the context of redevelopment to provide for more efficient use of the land, remediation of any environmental contamination on the site, and more development of modern structures.

Area 2 – Air Products Site: The vacant parcel on the south side of East Dewey Avenue is a gateway property at the east entrance to the Borough from Route 15. The property is located opposite a new multi-family residential development known as Avalon Wharton. The Air Products Site has roadway frontage on East Dewey Avenue and redevelopment options should be explored. This area also has potential to provide for jobs producing uses such as light manufacturing, offices and the like, within the context of redevelopment to provide for more efficient use of the land, remediation of any environmental contamination on the site and construction of more modern structures.