

**2012 MASTER PLAN REEXAMINATION REPORT**

**AND**

**MASTER PLAN AMENDMENT**

**BOROUGH OF BLOOMSBURY  
HUNTERDON COUNTY, NEW JERSEY**

**ADOPTED  
NOVEMBER 20<sup>th</sup>, 2012**

**In consultation with:  
The Borough of Bloomsbury Planning Board  
The New Jersey Highlands Council**

**Prepared by:**

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

## Introduction

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

*“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.”*

The Borough of Bloomsbury Planning Board adopted the most recent Periodic Reexamination on November 18, 2003. Prior that that, a reexamination report was completed on November 18, 1997 and December 1990. In addition, the Bloomsbury Borough Planning Board last adopted Master Plan was in 1979. Bloomsbury as also adopted a Housing Plan Element and Fair Share Plan on May 18, 2010 to address the Third Round COAH regulations.

The impetus for this report is to meet the requirements of the Borough of Bloomsbury's Plan Conformance to the Highlands Regional Master Plan and as such has included the language provided by the Highlands Council into this Reexamination Report. The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

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

The previous reexamination report identified a series of problems and objectives that existed in 2003. The following is a summary of those issues:

1. A more defined method for a single-family cluster option should be incorporated into the land development regulations. The permitted density of the single-family cluster option should not exceed the density permitted under a conventional subdivision.
2. The Borough seeks additional outside funding sources to maintain and improve road conditions in the Borough.
3. The completion of the Milford Road bridge improvements was completed but continued maintenance and improvements should continue. In addition the same improvements and policy should be applied to the Route 579 bridge.
4. The Borough should avoid creating long cul-de-sacs and as a means of providing alternative emergency vehicle as well as passenger vehicle access.
5. Off-tract improvements for new development and redevelopment should continue to be sought.
6. Non-local and commercial through-traffic on residential streets remains very much a concern of the Borough. Ways of preventing this through-traffic, not just discouraging it, should be examined and implemented where appropriate and practical.
7. The Borough encourages sidewalks for new developments and redevelopment areas, however, in areas where large lots are proposed consideration of the total amount of impervious areas should be considered for its appropriateness.
8. The Borough’s previous concerns regarding the provisions of the State code requiring a municipality to be a co-permittee (jointly with a developer or provider of a wastewater treatment facility) has been repealed and no longer applies throughout the State.

9. The Borough completed a recreation needs survey and a plan for park improvements was formulated but not adopted by the Borough's governing body due to lack of funding.
10. The Borough encourages developers to provide access or right-of-way to all citizens of the community, especially allow the riverfront area. The Borough encourages private owners to allow for public access to recreation and open space areas.
11. The Borough recommends that Borough- owned land on the riverfront should be improved as a public park. The Borough has no immediate intention to plan or implement a greenway along the river, nor to acquire land from private property owners for that purpose. However, to the extent that private property owners would be willing to voluntarily permit public access to the waterfront, they are encouraged to do so.
12. The Borough recommends that part of the submission and review requirements for any development application which includes the formation of a homeowner association, that the deed restrictions and bylaws concerning the provision and maintenance of private open space and recreational amenities be approved during the application review process.
13. The Borough recommends that the submission and review requirements for development approvals be amended to include review, and subsequent conditions of approvals of all applicable outside agency jurisdiction. In addition the applicants are encouraged to utilize the Musconetcong Watershed Guidelines at time of application.
14. Development applications should include stream setback and flood hazard areas; use of drought-tolerant plantings for certain projects; preservation of wooded areas; and provision of conservation easements for environmentally sensitive areas. In particular, the following requirements should be included:
  - a. Stream setback requirements and guidelines for construction in a flood hazard area should be amended to dovetail with and reinforce the current State-mandated standards for all projects.
  - b. In all multifamily residential and nonresidential projects, the use of drought-tolerant, indigenous plants should be encouraged to reduce water consumption. In addition, the use of vegetative ground cover alternatives to lawns should also be encouraged to reduce the use of fertilizers and pesticides.
  - c. in all projects, the preservation of wooded areas, or the supplementation of plantings to create or strengthen wooded areas should be encouraged as opposed to the clearing and removal of

natural vegetation and their replacement by large expanses of lawn or other types of vegetated or landscaped areas.

- d. Where developments contain areas of freshwater wetlands, wetland transition areas, stream buffers and other environmentally-sensitive areas, encourage the creation of conservation easements so as to protect these areas from the impacts of development.
15. Historic preservation remains an important goal of the Borough and recommends the following actions:
    - a. Form an historic commission;
    - b. Prepare a Historic Preservation Element of the Master Plan
    - c. Designate historic district(s) and apply for a listing of buildings and/or the district on the State's register; and
    - d. Adopt an historic preservation ordinance.
    - e. In addition, the Borough encourages the maintenance and rehabilitation of historic buildings through public education, including an awareness of technical and economic assistance available from County, State and federal agencies and other nonprofit preservation groups.
  16. The Borough recommends a section on stormwater management be added to the Public Utilities Element of the Borough's Master Plan.
  17. The Borough recommends that an Economic Plan Element be added to the Borough's master plan.
  18. The Borough endorses the goal of providing for its fair share of low- and moderate-income housing to meet its fair share obligation. The Borough currently provides for its fair share obligation by requiring an affordable housing set-aside in the Planned Unit Development (PUD) zone.
  19. The Borough did participate in the State Development and Redevelopment Plan cross-acceptance process and started the process of obtaining center designation status. An initial application was submitted and additional information requested by the State was furnished but was withdrawn after inactivity in September 2001.
  20. Greenwich Township has withdrawn its application for a discharge allocation certificate and has no plans to pursue the construction of a sewer treatment plant. In addition, the Township has amended the floor area ratio permitted in its industrial zone to a point where on-site disposal would be sufficient to handle the effluent generated by a build-out of the industrial area.
  21. The Borough wishes to prevent, and would strongly discourage, any further development of service stations and truck stops, either adjacent to residential uses or anywhere else in the Borough. The negative impacts

associated with the uses have become a detriment to the quality of life for Borough residents, in particular the adjoining residences. The Borough recognizes that such uses are entitled to continue as established and encourages any improvements with regard to traffic safety and congestion. In other parts of the Borough that are currently zoned B-2 or other zoning designations which permit retail and business uses to be established, more balanced, locally-oriented business uses are encouraged to meet the needs of the Borough's population.

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

Since the time of adoption of the last reexamination, 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 affirmative decision of the Borough of Bloomsbury Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in the Preservation Area.

The inclusion of Bloomsbury Borough fully in the Preservation Area of the Highlands Region directly impacted many of the goals and objectives set out in the 2003 reexamination report as well as the extent to which many of the issues raised have been addressed. There have been specific changes in the Borough that directly impacts the issues previously identified in the 2003 Reexamination Report, including:

1. The inclusion of the Borough in the Highlands Preservation Area, with minimum septic density at 1 unit per 25 to 88 acres for Major Highlands Development, requires a review of the Borough's existing zoning and in particular the Planned Unit Development (PUD) Zone located on Block 31, Lot 1. The PUD zone currently allows for gross density of seven and two-tenths (7.2) dwelling units per acre, with a net of up to three (3) dwelling units per acre for the single-family residential area and up to ten (10) dwelling units per acre for the multifamily residential area with such net densities computed as averages for the entire single-family residential development area or multifamily residential development area. In light of the Highlands Regional Master Plan and the Borough's conformance, this zone will require amended standards (see previous Goal #1).
2. The Borough has received outside funding sources to maintain and improve road conditions (see previous Goal #2). The Borough was successful in securing grants for Main Street and Willow Avenue which included street, curb, sewer and

stormwater repair and construction. In addition the Borough applied for a Safe Route to School (SRTS) grant in December 2011. SRTS is a federal, state and local effort to enable and encourage children, including those with disabilities, to walk and bicycle to school.

3. The bridges in Bloomsbury require continued maintenance and repair (see previous Goal #3). The Borough recognizes that the County has jurisdiction over projects related to the Route 579 bridge, however, the Borough should continue to partner with the County on any work conducted in the Borough.
4. Bloomsbury's Phase 1 and 2 project for Main Street, as discussed previously, addressed many of the issues of reducing non-local and commercial through traffic on residential streets (See Goal #6).
5. The Borough's application for an SRTS grant encourages pedestrian activities in the Borough. The Borough still seeks sidewalks where appropriate for new developments as indicated in Goal #7.
6. The Borough continues to seek means to provide access to the Musconetcong waterfront (See Goal #10). The recent plan by the Army Corp of Engineers to remove the dam may provide additional access.
7. As discussed in the prior reexaminations Goal #14, the Borough continues to support the protection of critical environmental resources, especially when considering development applications. The Borough's inclusion in the Preservation Area of the Highlands will aid tremendously in this effort. The Borough is particularly considered with natural resource protection in the ROM zone and the North Street area, where the riparian area requires additional protection.
8. The Borough is partnering with the Highlands to prepare the Township's Wastewater Management Plan, which would include stormwater management (See Goal #16). In addition, the Highlands and NJDEP Stormwater Management regulations will be part of the Borough's Plan Conformance process.
9. The Highlands Council amended grant agreement with Bloomsbury includes allocation of funding to prepare a Economic Development Plan which addresses the concern identified in Goal #17. The Borough continues to actively seek any and all redevelopment and economic development opportunities in order to provide additional and new tax ratables.
10. The Borough has submitted a Third Round Housing Element and Fair Share Plan to address Bloomsbury's affordable housing obligation and meet the requirements of Highlands Plan Conformance (See Goal #18).
11. Bloomsbury previously participated in cross-acceptance in the State Development and Redevelopment Plan and began the process of Center Designation. The passage of the Highlands Regional Master Plan and the process of Plan Conformance now replaces this effort and the Borough has withdrawn from the SDRP process.
12. Bloomsbury has recently adopted a renewable energy ordinance to encourage alternative forms of energy production.
13. In an effort to address ongoing concerns regarding property maintenance and enforcement, the Borough has established a series of ordinances to address property maintenance and establish better noise and light standards

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

### **Highlands Water Protection and Planning Act**

The 2004 Highlands Water Protection and Planning Act established a comprehensive regional planning structure for a New Jersey Highlands Region consisting of 88 municipalities in seven counties. The Act established the NJ Highlands Council, which was charged in the legislation with preparing a regional master plan for the Highlands Region. The essence of this legislation is protection of Highlands water resources upon which an estimated 8 million people in NJ and Pennsylvania are dependent for their water supply. This legislation also calls for the protection of Highlands natural resources and divides the Region into two management areas: the Preservation Area, which includes strict land use controls; and the Planning Area, within which conformance with a Highlands Regional Master Plan called for in the Act is voluntary.

The Governor signed Highlands Executive Order 114 (EO-114) requiring Highlands Council and COAH to coordinate revised 3rd round Highlands’ municipal fair share calculations for Highlands municipalities. EO-114 also directed the NJDEP to coordinate water supply and wastewater management planning with the NJ Highlands Regional Master Plan, and perhaps most significantly, directs that the NJDEP may not issue approvals for additional water supply and wastewater management facilities in areas of the Highlands (i.e. watersheds) that are in a water supply deficit.

### **Highlands Regional Master Plan**

In July 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP), which sets forth goals, policies and strategies for water and natural resource protection, including land use policies which designate an overlay zoning program for all lands in the Highlands region. The RMP divides the region into two areas identified as the “preservation area” and the “planning area”. In the Preservation Area, the Highlands Act requires that all municipalities conform to the RMP. Planning Area municipalities may conform to the RMP, but are not required to do so. In September 2008 Governor Corzine allowed Highlands Regional Master Plan, which was adopted by the Highlands Council in July, to take effect.

Bloomsbury Borough is one of five municipalities located entirely within the Highlands Preservation Area and therefore subject to the NJDEP regulations under the Highlands Water Protection and Planning Act as well as the Highlands Regional Master Plan.



Within the Preservation Area, the goals of the regional master plan seek to:

- (1) protect, restore, and enhance the quality and quantity of surface and ground waters therein;
- (2) preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of a Highlands environment which contains the unique and significant natural, scenic, and other resources representative of the Highlands Region;
- (3) protect the natural, scenic, and other resources of the Highlands Region, including but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora;
- (4) preserve farmland and historic sites and other historic resources;
- (5) preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land;
- (6) promote conservation of water resources;
- (7) promote brownfield remediation and redevelopment;
- (8) promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment; and
- (9) prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area.

### **State Strategic Plan: New Jersey's State Development & Redevelopment Plan (SSP)**

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

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

The goals of the SSP include:

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

### Objectives

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

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

### Objectives

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

### 3. Preservation and Enhancement of Critical State Resources

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

### Objectives

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

### 4. Tactical Alignment of Government

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

### Objectives

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

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

- Major Urban Centers, as previously identified by the 2001 State Plan
- Areas identified as –Priority Industry Clusters

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

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

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

## **Municipal Land Use Law**

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

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

Local regulators may find that concerns will emerge since the hardware used for harnessing solar or wind power can have significant visual impacts on community character. This may require the development of policies and regulations to minimize the intrusion of these changes into the built environment, particularly as they affect historic resources and districts. Additionally, as municipalities seek to encourage innovative

conservation and sustainable development techniques, an evaluation should be undertaken as to how the local Master Plan and Zoning Ordinance can influence and incentivize desirable changes.

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

### *Renewable Energy*

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

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

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

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

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

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

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

## **Conversion Bill**

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

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

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

## **2.5% Non-Residential Development Fee**

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

This legislation does the following:

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

## **Renewable Energy Facilities on Preserved Farmland**

When a farm is preserved, the landowner covenants that the preserved farm will only be used for agricultural purposes in a restriction that runs with the land. An amendment to the Agricultural Retention and Development Act to permit the installation and operation of biomass, solar or wind energy generation facilities on preserved farmland was enacted on January 16, 2010.

## **Wastewater Management Plans**

On March 24, 2010, the Commissioner of the New Jersey Department of Environmental Protection issued Administrative Order No. 2010-03 extending the deadline for wastewater management planning entities to submit revised wastewater management plans (WMPs), until April 7, 2011. WMPs govern where new sanitary sewer lines can be built, by defining the sewer service area (SSA). Properties outside the SSA are to be served by septic systems.

In the Highlands Region, when the Highlands Council approves a Petition for Plan Conformance for an entire municipality, the Highlands Council will develop a draft WMP in collaboration with the municipality and NJDEP. When the municipality concurs with the draft WMP, it is provided to NJDEP for final review, public comment and adoption. Through this process, municipalities are able to implement their new sewer service areas and other WMP provisions on a more expeditious schedule, in conformance with the RMP.

## **Permit Extension Act**

On January 18, 2010, A-4347 was signed into law extending the protections of the Permit Extension Act of 2008 for an additional 2.5 years beyond the initial “extension period” (January 1, 2007 through July 1, 2010). The “extension period” will now last until December 31, 2012, after which the running of the approval periods will resume for up to 6 months, until June 30, 2013.

## **The NJDEP Stormwater Management Rules**

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

The Municipal Stormwater Regulation Program has assigned New Jersey municipalities into Tier A or Tier B. Tier A Municipalities are generally located within the more densely populated regions of the state or along or near the coast. Bloomsbury is a Tier B municipality because it is located in a more rural, non-coastal region. A Tier B Municipal Stormwater General Permit authorizes the discharge of stormwater from small municipal

separate storm sewers. The Tier B permit focuses on new development and redevelopment projects and public education.

## **Hunterdon County 2007 Growth Management Plan**

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

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

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

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

## **Hunterdon County Farmland Preservation Plan**

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

Hunterdon County's Farmland Plan also advances TDR as a land use planning tool to shift development from one location to another, allowing preservation in certain areas and designating other areas for growth. "Development should be transferred to ... optimal growth areas where infrastructure can be provided while simultaneously preserving open space or farmland...".

## **Affordable Housing**

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

On October 8, 2010 the Appellate Division again issued a decision [In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing] which invalidated the “growth share” methodology along with a number of other provisions in COAH’s third round rules. This matter is now pending before the New Jersey Supreme Court.

COAH has since been replaced by Governor Christie with a new entity known as Local Planning Services within the Department of Community Affairs.<sup>1</sup> As of this Reexamination Report there are no specific changes recommended in the HE/FSP until such time as the NJ Supreme Court issues a decision and appropriate rule changes are instituted.

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

The Planning Board recommends that specific changes to the Borough of Bloomsbury Master Plan and zoning ordinance be considered, including modifications to the underlying objectives, policies and standards. The Borough of Bloomsbury revises the Goals and Objectives for as follows:

1. Repeal the PUD zoning district and associated cluster provision and provide new bulk regulations that conform to the Highlands Regional Master Plan and any applicable and associated NJDEP regulations.
2. The Borough continues to seek additional outside funding sources to maintain and improve road conditions in the Borough.
3. Communicate and coordinate, as possible, with the County regarding the improvements and policies applied to the Route 579 bridge.
4. Off-tract improvements for new development and redevelopment should continue to be sought.
5. The Borough encourages sidewalks for new developments and redevelopment areas, however, in areas where large lots are proposed consideration of the total amount of impervious areas should be considered for its appropriateness.
6. Continue to upgrade park facilities such as repurposing the lower baseball field to soccer/lacrosse or multi-purpose field.
7. The Borough encourages developers to provide access or right-of-way to all citizens of the community, especially allow access to the riverfront area. The Borough

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



encourages private owners to allow for public access to recreation and open space areas.

8. The Borough recommends that Borough- owned land on the riverfront should be improved as a public park. The Borough has no immediate intention to plan or implement a greenway along the river, nor to acquire land from private property owners for that purpose. However, to the extent that private property owners would be willing to voluntarily permit public access to the waterfront, they are encouraged to do so.
9. The Borough recommends that part of the submission and review requirements for any development application which includes the formation of a homeowner association, that the deed restrictions and bylaws concerning the provision and maintenance of private open space and recreational amenities be approved during the application review process.
10. The Borough recommends that the submission and review requirements for development approvals be amended to include review, and subsequent conditions of approvals of all applicable outside agency jurisdiction. In addition the applicants are encouraged to utilize the Musconetcong Watershed Guidelines at time of application.
11. Development applications should include stream setback and flood hazard areas; use of drought-tolerant plantings for certain projects; preservation of wooded areas; and provision of conservation easements for environmentally sensitive areas. In particular, the following requirements should be included:
  - a. Stream setback requirements and guidelines for construction in a flood hazard area should be amended to dovetail with and reinforce the current State-mandated standards for all projects.
  - b. In all multifamily residential and nonresidential projects, the use of drought-tolerant, indigenous plants should be encouraged to reduce water consumption. In addition, the use of vegetative ground cover alternatives to lawns should also be encouraged to reduce the use of fertilizers and pesticides.
  - c. in all projects, the preservation of wooded areas, or the supplementation of plantings to create or strengthen wooded areas should be encouraged as opposed to the clearing and removal of natural vegetation and their replacement by large expanses of lawn or other types of vegetated or landscaped areas.
  - d. Where developments contain areas of freshwater wetlands, wetland transition areas, stream buffers and other environmentally-sensitive areas, encourage the creation of conservation easements so as to protect these areas from the impacts of development.

12. Historic preservation remains an important goal of the Borough and recommends the following actions:
- e. Form an historic commission;
  - f. Prepare a Historic Preservation Element of the Master Plan
  - g. Designate historic district(s) and apply for a listing of buildings and/or the district on the State's register; and
  - h. Adopt an historic preservation ordinance.
  - i. In addition, the Borough encourages the maintenance and rehabilitation of historic buildings through public education, including an awareness of technical and economic assistance available from County, State and federal agencies and other nonprofit preservation groups.
13. The Borough wishes to prevent, and would strongly discourage, any further development of service stations and truck stops, either adjacent to residential uses or anywhere else in the Borough. The negative impacts associated with the uses have become a detriment to the quality of life for Borough residents, in particular the adjoining residences, in particular emissions from idling vehicles, light pollution, congestion and illegal parking conditions. The Borough recognizes that such uses are entitled to continue as established and encourages any improvements with regard to traffic safety and congestion. In other parts of the Borough that are currently zoned B-2 or other zoning designations which permit retail and business uses to be established, more balanced, locally-oriented business uses are encouraged to meet the needs of the Borough's population.

The 2003 reexamination report recommended a series of specific updates and changes to the Master Plan and Land Development Ordinance, many will be addressed through the Highlands Plan Conformance Process but are outlined here to ensure they are reviewed at the time of Master Plan and Land Development Ordinance review and adoption.

### **Master Plan Updates and Changes**

The Borough recommends that the specific Master Plan updates include those outlined in the draft "Highlands Preservation Area Master Plan Element" approved by the Highlands Council as part of the Borough of Bloomsbury's Petition for Plan Conformance. In addition the Borough identifies the following Master Plan updates and changes:

- Prepare a Historic Preservation Element in order to maintain and enhance the historic character of the Borough.
- Prepare an Economic Plan Element, as part of the Highlands Plan Conformance process, to include all aspects of economic development, and insure that the Borough's Land Use Plan and Zoning Map would provide for sufficient tax revenue-generating developments to offset those land uses which demand the provision of municipal services and costs, as well as educational costs and services.

- Amendment or updating of a number of the Borough’s Master Plan’s present elements should also be undertaken, some elements will be addressed through the Highlands Plan Conformance process including:
  - Land Use Element
  - Circulation Element, to include examination of ways to:
    - limit traffic through local residential streets;
    - enhance safety, including better visibility at busy intersections in the Borough;
    - control speeding and promote traffic calming, including the use of signage and other methods available;
    - ensure that adequate parking is provided for new development and redevelopment;
    - enforce parking violations on municipal roads;
  - Conservation Element
    - introduce measures to protect and improve environmentally-sensitive areas
    - Utilization of the Musconetcong Watershed and Highlands Environmental Resource Inventory
  - Community Facilities Element
    - Examine the adequacy of the Borough’s space and facilities for administration (“Borough Hall”). While no alternatives are currently available at this time, the Borough should identify future needs in the event of future possibilities to address current deficiencies arise.
    - Examine the potential for school facilities to become overcrowded
  - Open Space and Recreation Element
    - examine measures to preserve open space,
    - provide public access to the Musconetcong River-front
    - Examine possibility of creating a park on Borough-owned property along its length
  - Utilities Element
    - examine of the adequacy of the Borough’s stormwater drainage system
    - examine the need to prepare a Borough-wide sewer management plan.
- Address ongoing concerns over the enforcement of zoning and property maintenance codes, noise and light nuisance complaints

### **Recommended changes to the Zoning Ordinance**

Possible changes to the zoning code which require consideration by the Borough’s governing body are the following:

- Adoption of a new development application checklist ordinance as part of Highlands Plan conformance to ensure that applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan and conditioned

upon subsequent approval by the Highlands Council or the New Jersey Department of Environmental Protection (NJDEP) for land located in whole or in part within the Highlands Preservation Area.

- The provision of sidewalks on both sides of the street in the Borough, where appropriate.
- The provision of adequate width for Borough streets, as well as adequate curbing and paving specifications for new developments.
- Updating or amending the Borough's sign regulations and providing an information sign design book with new development applications.
- Addressing standards for a variety of accessory structures, such as decks and pools particularly in the Fawn Run Development.
- Protection of the scenic views of current residential developments.
- Setbacks for development in general, and for the Fawn Run development in particular.
- Repealing the PUD Zone and its associated cluster subdivision option. The cluster provisions are not consistent with the Highlands Preservation Area regulations and that area will need to be reviewed and rezoned as necessary to comply with outside agency regulations.
- Stormwater drainage requirements for nonresidential development. (The RSIS standards already address all residential developments)
- Impervious coverage limitations for all developments should be reviewed and brought into alignment with state regulations, including the Highlands and NJDEP.
- Adding recycling requirements for multifamily and nonresidential developments seeking site plan approval, as per the mandate of the State regulations.
- Adopting supplementary development regulations in areas of the Borough underlain by limestone to insure the safety of life and property in the Borough.
- maintaining and strengthening the character of existing established single-family residential neighborhoods,
- prevent illegal or inappropriate conversions to multifamily housing.

In addition to these specific changes and updates to Bloomsbury's Master Plan and Zoning regulations, the Borough also seeks to investigate the following issues and development opportunities:

- Providing mass-transit support infrastructure such as a Park and Ride facility.
- Investigate how any possible expansion of the NJ Transit Rail Line might impact the Borough.
- Possible designation and implication of Brownfield Designation for the North Street Development
- Potential establishment of Group Home and Special Needs Housing in the Borough to address Bloomsbury's affordable housing obligation.

***C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12 A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality."***

To date, Bloomsbury Borough 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.