

2016 MASTER PLAN REEXAMINATION REPORT

Town of Clinton Hunterdon County, New Jersey



TOWN OF CLINTON LAND USE BOARD

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SEPTEMBER 2016

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

Prepared by:

A handwritten signature in black ink, appearing to read "J. Kyle". The signature is written over a horizontal line.

James T. Kyle, PP/AICP, Town Planner



License No. 5667

Adopted by the Town of Clinton Land Use Board on October 4, 2016

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Introduction

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 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.

The current Town of Clinton Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on May 6, 2008. The Board subsequently adopted amendments to the Master Plan in May of 2010, updating the Housing Element and Fair Share Plan.

Since the time of adoption of the last amendment to the 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; 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 Town of Clinton Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in both the Preservation Area and Planning Area, as set forth by Resolution #111-09 adopted on October 13, 2009.

Accordingly, the Land Use Board has reexamined the Town of Clinton 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 Town of Clinton Master Plan and development regulations into conformance with the Highlands Regional Master Plan. It should be noted this reexamination report does not address major problems and objectives from the 2008 Master Plan external to Highlands-related issues. The Governing Body and Land Use Board will likely embark on substantial review and update of the 2008 Master Plan starting in 2017, sufficient to address the Municipal Land Use Law requirement that the Master Plan and development regulations be reexamined every 10 years.

1. Major Land Development Problems & Objectives

The major problems and objectives relating to land development in the Town 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. Lands in the northeast corner of Clinton have been included in the Highlands Preservation Area and are subject to the policies and restrictions contained in the Highlands Water Protection and Planning Act (the Act) for that area. The remainder of the Town is included in the Planning Area.
- b. The existing Policies, Goals and Objectives of the Master Plan and the Land Use Plan Element do not contain specific reference to conformance with the Highlands Regional Master Plan, nor do they address the specific requirements for conformance to the Highlands Regional Master Plan.
- c. Current regulations, including those contained in the “Town of Clinton Land Use Ordinance,” do not address the policies and restrictions set forth in the Act. This includes the Zoning Map, which does not address inclusion of Highlands Zones and Subzones as a regulatory framework related to environmental and resource protection as outlined in the Highlands Regional Master Plan.
- d. The Town’s permit forms and checklist documents do not address specific requirements for development in the Highlands Area of the Town of Clinton, nor do they address items required for exemptions from the requirements of the Act and Highlands Regional Master Plan.
- e. While the Conservation Plan Element adopted with the Town of Clinton Master Plan in 2008 in some measure addresses environmental consideration, the Town does not have a comprehensive natural resource inventory that addresses factors regulated by the Highlands Act.

2. Extent of Reduction/Increase in Problems & Objectives

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. The Town of Clinton has embarked on the process of conformance to the Highlands Regional Master Plan for both the Preservation and Planning Areas.

While the Town petitioned the Highlands Council in 2009, and completed some work in 2010, since that time none of the required supporting documents and ordinance changes have been implemented.

- b. The Town of Clinton Land Use Board will consider adoption of the Highlands Master Plan Element and the Environmental Resource Inventory. The Highlands Master Plan Element will update the Policies, Goals and Objectives of the Town and ensure conformance with the policies and regulations of the Highlands Regional Master Plan. The Land Use Board will also consider a checklist ordinance to provide a basis for including the Regional Master Plan in the day to day development process that occurs in Clinton.
- c. Subsequent to consideration and adoption of the Highlands Master Plan Element, the Land Use Board will forward ordinance amendments and zoning map amendments to implement the regulatory framework required for the Highlands Area. Drafts of the Highlands Area Checklist Ordinance have been reviewed by the Land Use Board and will provide an interim approach until the full Highlands Land Use Ordinance can be considered by the Governing Body.
- d. Upon consideration and adoption of the Highlands Area Land Use Ordinance by the Governing Body, permit forms and checklists will need to be updated to accurately reflect Highlands Area requirements and exemptions.
- e. The Highlands Council has provided grant money to prepare an Environmental Resource Inventory that will provide the basis for appropriate consideration of Highlands-related requirements.

3. Significant Changes in Assumptions, Policies, Objectives

Since the adoption of the Town of Clinton Master Plan on May 6, 2008, 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 objectives that must be addressed in the Town of Clinton Master Plan, including but not limited to incorporating a variety of Highlands Resource protections, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality.

4. Specific Recommended Changes to the Master Plan

The Land Use Board recommends that specific changes to the Town of Clinton Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all

as outlined in detail, in the “Highlands Master Plan Element” approved by the Highlands Council as part of the Town’s Petition for Plan Conformance (copy attached herewith).

5. Specific Recommended Changes to Development Regulations

The Land Use Board recommends that the specific changes, as detailed in the document titled “Town of Clinton Highlands Area Land Use Ordinance,” approved by the Highlands Council as part of the Town’s Petition for Plan Conformance, eventually be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Element of the Master Plan. In addition, the Board recommends interim changes to the Town Development Application checklist ordinance(s), effective until such time as the Highlands Area Land Use Ordinance is adopted and put into effect by the Governing Body. These changes would require that evidence of consistency with the Highlands Regional Master Plan be submitted with Development Applications as a requirement of Application completeness, as provided in the attached Ordinance entitled “Town of Clinton Highlands Area Checklist Ordinance.”

6. Changes Recommended for Incorporation of Redevelopment Plans

The Land Use Board recently prepared a Preliminary Investigation for Determination of a “Non-condemnation” Area in Need of Redevelopment for areas along West Main Street. While the Board has not taken action on that investigation as of the date of this reexamination report, the recommendation was to declare an area surrounding Global Ag and Clinton Music Hall as an area in need of redevelopment. This includes Block 11, Lots 15.01 and 17, Block 23, Lots 13 and 13.01, a portion of Block 24, Lot 2, Block 24, Lots 1, 3, 6 and 8, a portion of Block 25, Lot 8, and Block 25, Lots 15, 16, 17, 18, 19 and 20.