

Highlands Plan Conformance - Module 3
Washington Township
Morris County, NJ

December 8, 2009

Washington Township, Morris County, NJ is located in the NJ Highlands Region. Lands in Washington Township have been designated both Preservation Area and Planning Area, with approximately 87% of its lands designated Preservation Area. Washington Township received Third Round Substantive Certification from the NJ Council on Affordable Housing (COAH) on December 10, 2007, under N.J.A.C. 5:94-1 et seq.

This Module 3 submission includes a copy of Washington Township's adopted and COAH certified third round Housing Plan Element and Fair Share Plan; a summary of housing obligations, including Worksheet D, which identifies an adjusted third round housing obligation, based upon Highlands Council Plan Conformance Module 2 buildout model; and a consistency discussion for an inclusionary site in Washington Township's certified third round fair share plan. Washington Township has not yet determined whether amended third round substantive certification will be sought.

Washington Township is petitioning the NJ Highlands Council for RMP Conformance for both the Preservation Area, and the Planning Area. A final determination regarding Planning Area Plan Conformance is expected to be made during the first few months of 2010. With that determination will be a selection as to whether the Township may seek an amendment from COAH to its third round certification utilizing a Highlands RMP Adjusted Growth Projection.

At this time, Washington Township's interest in sending any affordable housing obligation to another Highlands municipality has not been determined. A significant portion of the Township's third round obligation is to be satisfied through an inclusionary site, which is discussed below. Elimination of the site from the third round Fair Share Plan is expected to result in the need to send a portion of Washington's affordable housing obligations to another municipality in the Highlands Region.

Third Round Site Description:

Consistency Discussion – Certified Third Round Inclusionary Site

Washington Township's certified Third Round Fair Share Plan identifies Block 19, Lots 5, 6 & 7 (451 Schooley's Mountain Road) as an inclusionary site consisting of 360 age-restricted condominium units, of which 45 units are approved affordable housing. All local and DEP approvals have been secured for development of this site. The development of this site in the near future is doubtful due to market conditions.

A NJ Highlands Council Consistency Report for Block 19, Lots 5, 6 & 7 was generated utilizing the Highlands Council's web-based site consistency interface. The following

discussion is based, in part, on the report generated from the Highlands Council's website.

The site is approximately 120-acres and designated Planning Area, and includes Conservation Zone and Protection Zone designation. The site is situated on the west side of Schooley's Mountain Road along the banks of the Musconetcong River in the north portion of the Township near Hackettstown and Mansfield Township. The site is 120-acres of primarily agricultural fields and includes forested hedgerows. Lot 6 is almost entirely forested, but not designated existing forest in the HC Consistency report. Historically, the site was managed as a single unit of farmland, and could continue to function as a farm in the future the economic environment for agriculture provides a sufficient financial incentive for farming.

The entire site is designated Forest Resource Area in the Planning Area, however only a minor inclusion of existing forest is noted on the tract, on Lot 6, along Schooley's Mountain Road and adjacent to existing forest in the Preservation Area off site.

The approved development will require extension of water and sewer to the site to serve the 360 units of approved development. The approved development is essentially a clustered arrangement. Of the approximately 120-acres of land, approximately 50-acres are to be placed in conservation easement. The Conservation Easement Area is divided between two areas of the site: (1) the floodplain of the Musconetcong River and a minor tributary to the river which traverses the site; and (2) an upland open farmland area located at the corner of Schooley's Mountain Road and Newburgh Road. Development will consume approximately 60% of the tract.

RMP policies discourage the conversion Conservation and Protection Zone lands, including Forest Resource Area lands to development. Plan policies call for cluster arrangements that are significantly more conservative than the approximately 40% open 60% development pattern approved for this site. This development proposal originated as a sprawl development pattern of single-family detached age-restricted dwellings that was to consume the entirety of the site. Washington Township revised its ordinances to require clustering and a substantial open space set aside following the initial sprawl development proposal submission. This occurred concurrent with the drafting and adoption of the Highlands Act, before a plan or plan policies had been developed.

The RMP consistency report for Block 19, Lots 5, 6 & 7 designates:

- The entirety of the site as a High Integrity Forest Subwatershed;
- 300' Highlands Open Waters Protection Buffer along the Musconetcong River and the unnamed tributary, which transects the site. These extend beyond the Township's 150' Riparian buffer that is identified on the development plan for this tract. The existing approved development plan calls for disturbance of Highlands Open Waters Protection Buffer;
- Moderate Integrity Riparian Areas are designated throughout, but not entirely encompassing the tract. Plan policies call for prohibiting disturbance of Riparian

Areas in the Protection Zone, unless a waiver is approved by the Highlands Council or NJDEP.

- Critical Wildlife habitat narrowly limited to the Musconetcong River, its banks, but not extending significantly onto the tract;
- Carbonate rock for the entirety of the site. The Township required Phase I and II Geologic studies in connection with the approved development for this site. The development plan for the tract has been designed to prevent ground water quality changes and to avoid potential changes to carbonate rock hydrology that may result in hazards to the public, sinkhole formation, etc.;
- New water availability for this tract appears to include range of -0.99(-.10) and -7.10(-1.00);
- The tract appears to be designated a Net Water Availability Current Deficit Area (as per above);
- Wellhead protection areas across the entirety of Lots 5, 6 & 7, including Tier 1 and Tier 2;
- Two sites identified with Public Community Water connections and two domestic sewage connections, including the existing farmhouse on the tract (soon to be demolished) and a building used as an intergenerational daycare center for Heath Village (owner of Lots 5, 6 & 7), which operates a continuous care retirement community on the east side of Schooley's Mountain Road, and which is located in the Preservation Area; and
- No bus routes or park and ride facilities within one-half mile of the tract.

It appears that RMP policies would preclude development of the subject parcel as approved under a Plan Conformance scenario if the development application were to be submitted after Planning Area conforming ordinances were in effect. However, at this point in time, it appears that the development approvals granted for development of this site remain in effect.

It is noteworthy, however that the Township's most recent Periodic Reexamination of Municipal Plan and Regulations that was adopted pursuant to Section 89 of the Municipal Land Use Law calls for a change in zoning for the subject tract to permit only nonresidential development (see 2009 Periodic Reexamination Report provided in appendix to this petition). Washington Township's planning orientation for the subject properties has returned to a focus on employment creation and tax ratable generation. This was the underlying planning objective for the OR Zone, prior to the adoption of the age-restricted overlay zone, which resulted in the approval of 360-units of age restricted development for the tract. This change results from two factors: (1) market changes, which indicate an ample regional supply of age-restricted housing in the region, and (2) the disproportionate supply of residential land use serving the under age 55 segment of the population in the Township.

Summary of Adjusted Growth Share Projection Based On Land Capacity (Introduction to Workbook D)

Municipality Code: **1438**

[Muni Code Lookup](#)

Municipality Name: **Washington Township**

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share	Growth Share Based on Highlands RMP
Residential Growth	602	267
Residential Exclusions	0	0
Net Residential Growth	602	267
Residential Growth Share	120.40	53.40
Non-Residential Growth	1,288	618
Non-Residential Exclusions	0	0
Net Non- Residential Growth	1,288	618
Non-Residential Growth Share	80.50	38.60
Total Growth Share	201	92

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Washington Township may file this Workbook and use a Residential Growth Share of 53.4 plus a Non-residential Growth Share of 38.6 for a total Highlands Adjusted Growth Share Obligation of 92 affordable units

Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

Municipality Name: Washington Township

Residential COs Issued

As Published by D C S	166
Per Municipal Records (if different)	166
Qualified Residential Demolitions	

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See [N.J.A.C. 5:97-2.5\(a\)1.v.](#)) A Certification Form must be completed and submitted for each qualifying demolition.

[Get Demolition Certification Form](#)

Non-residential CO's by Use Group	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	3,150	3,150		2.8	8.82
M	8,486	8,486		1.7	14.43
F	0	0		1.2	0.00
S	74,387	74,387		1.0	74.39
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	0	0		3.2	0.00
A3	0	0		1.6	0.00
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	6,582	6,582		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
Total	92,605	92,605	0		97.63

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[Proceed to COAH Data and RMP Module 2 Build-out Data](#)

[Proceed to Exclusions Tab](#)

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Washington Township

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

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COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

Municipality Name: Washington Township

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.
Allocating Growth To Municipalities

Residential	Non-Residential
602	1,288

Highlands RMP Buildout Analysis

From Module 2
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints
Updated as of October 2, 2009

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	0	0
Septic System Yield	38	63	101
Total Residential Units	38	63	101
Non-Residential Jobs – Sewered	0	520	520

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)
[Retrun to Enter Actual Growth](#)
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Comparative Analysis Detail For Washington Township

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

	COAH			Highlands	
	Residential	Non-Residential		Residential	Non-Residential
Projected Growth From COAH Appendix F(2)	602	1,288	RMP Build-out results from Mod2 Table 4 Actual Growth from COs issued 2004 through 2008	101	520
Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built			Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab COs for prior round affordable units built or projected to be built		
Inclusionary Development	0		Inclusionary Development	0	
Supportive/Special Needs Housing	0		Supportive/Special Needs Housing	0	
Accessory Apartments	0		Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0		Municipally Sponsored or 100% Affordable	0	
Assisted Living	0		Assisted Living	0	
Other	0		Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0		Market Units in Prior Round Inclusionary development built post 1/1/04	0	
Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab			Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab		
Affordable units	0		Affordable units	0	
Associated Jobs		0	Associated Jobs		0
Net Growth Projection	602	1,288	Net Growth Projection	267	618
Projected Growth Share (Residential divided by 5 and jobs divided by 16)	120.40	80.50	Projected Growth Share (Residential divided by 5 and jobs divided by 16)	53.40	38.60
Total Projected Growth Share Obligation	201	Affordable Units		92	Affordable Units

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