

2012 MASTER PLAN REEXAMINATION REPORT

TOWN OF HACKETTSTOWN

Name of County, New Jersey



ADOPTED: MARCH 27, 2012

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



TOWN OF HACKETTSTOWN PLANNING BOARD

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A handwritten signature in black ink, appearing to read "Gerald DiMaio".

**TOWN OF HACKETTSTOWN
2012 MASTER PLAN REEXAMINATION REPORT**

Introduction

1. 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):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 Hackettstown Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on October 1988. The Board subsequently adopted amendments to the Master Plan in July of 1994, July of 2001, January of 2008 and April of 2010, affecting the following Master Plan Elements, respectively: Land Use Element.

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 (“HWPPC”) 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 Hackettstown Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in the Preservation Area, as set forth by a resolution adopted on November 9, 2009 and for lands in both the Preservation Area and in the Planning Area, and as set forth by a resolution adopted on January 10, 2011.

Accordingly, the Planning Board has reexamined the Town 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 Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

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. Preservation and revitalization of Main Street.
 - i. The 2008 Master Plan Reexamination Report indicated that preservation and revitalization of Main Street was an issue in 2001 and continued to be an issue in 2008. The document states that “concern relates to the appearance of the downtown area and the feasibility of establishing architectural standards”.
- b. Historic District issues and concerns.
 - i. In both the 2001 and 2008 Reexaminations this was indicated as an issue. Concern over the requirements of the Historic District and whether or not Main Street should be a part of the Historic District were raised. Recommendations to revise the historic preservation ordinance and create an updated historic resources inventory were made.
- c. The feasibility of using waterways for recreation purposes should be investigated. Pedestrian trails and bikeways parallel to waterways should also be studied.
 - i. Recreational space in the Town is limited and these resources could provide linear recreation. Both the 2001 and 2008 Reexamination noted this as an issue.
- d. The Conservation Plan Element should be reviewed and revised as appropriate taking into consideration recent court cases dealing with environmental constraint ordinances.
 - i. Both the 2001 and 2008 Reexamination noted this as an issue.
- e. Hackettstown should pursue center designation in accordance with the provisions of the State Development and Redevelopment Plan.
 - i. Between 1995 and 1997 the Town actively pursued center designation as a Regional Center. This was put on hold during the 1997 – 1999 Cross Acceptance and Reexamination process and was never again resumed.
- f. Mountain Avenue

- i. The area of Mountain Avenue should be investigated to see if it qualifies as an area in need of redevelopment. Other redevelopment zones should be pursued in addition to Mountain Avenue.

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. Main Street

- i. The HWPPC has provided the Town with a grant to prepare a Form-Based Code for the downtown area, which would include new bulk requirements and architectural guidelines to guide the appearance of both buildings and signage. A Form-Based Code will assist in alleviating this issue.

- b. Historic District

- i. The HWPPC has provided the Town with a \$5,000 grant to update the existing Historic Preservation Plan Element with appropriate architectural guidelines. This grant will resolve issues with regard to the ordinance, but not the historic resource inventory update that was noted in the 2008 Reexamination Report.

- c. Waterways

- i. The HWPPC has provided the Town with a \$20,000 grant to develop plans to protect and restore the Musconetcong River and investigate the potential for a recreational greenway. This grant will permit the Town to complete this long awaited study.

- d. Conservation Plan Element

- i. The HWPPC has provided the Town with a grant to complete an Environmental Resource Inventory. A draft document was submitted to the HWPPC in 2009. Comments have been received and an updated draft will be presented to the Hackettstown Planning Board in spring of 2012. The awarded HWPPC grant will resolve this issue.

e. Center Designation

i. Part of the Town's Petition for Plan Conformance was Highlands Center Designation for approximately 742 acres of the municipality. The Highlands Center includes the downtown, Centenary College Campus, the designated Historical District, all of the major employers and all of the Town's affordable housing sites. Highlands Center Designation resolves this issue and is a major achievement for the municipality.

f. Mountain Avenue

i. The HWPPC has provided the Town with a grant to investigate redevelopment opportunities within the designated Highlands Center. Mountain Avenue is within the designated Highlands Center. While this grant will start the process, it will not cover the costs to review numerous sites and qualify each of them as an Area in Need of Redevelopment and create each site's respective Redevelopment Plan.

3. Significant Changes in Assumptions, Policies, Objectives

This section analyzes 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, land uses, housing conditions, circulation, conservation of natural resources, energy conservation and changes in State, county and municipal policies and objectives.

HWPPC

Since the reexamination of the Town Master Plan in January of 2008, 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 objectives that must be addressed in the Town 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.

Census

2010 Census data is being continually released. The Town of Hackettstown has increased in population from 8,984 in 2000 to 9,724 persons in 2010. As for housing

units, the Town has a total of 3,755 housing units, of which 180 or 4.8% are vacant. The average household size in Hackettstown was 2.48 persons, while the average family size was 3.09 persons in 2010.¹

4. Specific Recommended Changes

This section of the report outlines the specific changes that are 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.

HWPPC

The Planning Board recommends that specific changes to the Town of Hackettstown Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all as outlined in detail, in the “Highlands Preservation and Planning Area Master Plan Element” approved by the Highlands Council as part of the Town’s Petition for Plan Conformance.

The Planning Board recommends that the specific changes, as detailed in the document titled “Town of Hackettstown Highlands Preservation and Planning Area Land Use Ordinance,” approved by the Highlands Council as part of the Town’s Petition for Plan Conformance be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Preservation and Planning Area Element of the Master Plan.

5. Changes Recommended for Incorporation of Redevelopment Plans

Finally, this report contains recommendations of the Planning Board concerning the incorporation of redevelopment plans.

At this time the Planning Board makes no findings or recommendations 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.).

RESOLUTION

REEXAMINATION OF THE TOWN OF HACKETTSTOWN 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 Planning Board of the Town of Hackettstown, Warren County, State of New Jersey ("Planning 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 Planning Board adopted the current Town of Hackettstown Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) in January 2008; 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 Planning 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 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, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; 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 Town of Hackettstown is located in the Highlands Region with lands lying within both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, on November 9, 2009 the Governing Body of the Town of Hackettstown, held a noticed public meeting during which it adopted a resolution noticing of its intent to Petition the Highlands Council for Plan Conformance with respect to that portion of the municipality located within the Preservation Area; and

WHEREAS, on January 11, 2011 the Governing Body of the Town of Hackettstown, held a noticed public meeting during which it adopted a resolution noticing of its intent to Petition the Highlands Council for Plan Conformance with respect to the whole of the municipality, which lies within both the Preservation and Planning Area; and

WHEREAS, the Planning Board did subsequently conduct a reexamination of the municipal master plan and land use regulations, in view of the model Highlands Master Plan Element and model Highlands Area Land Use Ordinance 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 Planning Board reexamination was assisted by preparation of detailed, draft versions of the Master Plan Highlands Element and Highlands Area Land Use Ordinance, each tailored by municipal staff and professionals, to the specific circumstances of the Town of Hackettstown, providing for a comprehensive and explicit representation of the changes required to conform these documents to the Regional Master Plan; and

WHEREAS, the Planning Board reexamination was completed over the course of a two-month period, from January 2012 through February 2012, inclusive of a collaborative process

with the Highlands Council specifically to ensure that all necessary master plan and regulatory provisions necessary for Plan Conformance were appropriately considered; and

WHEREAS, on March 27, 2012) the Planning Board did hold a noticed public meeting for the purpose of initiating a public discussion concerning conformance with the Regional Master Plan and the components of the municipality's Petition for Plan Conformance to the Highlands Council, including specifically, the Highlands Preservation and Planning Area Master Plan Element and the Highlands Area Land Use Ordinance; and

WHEREAS, on August 3, 2011, during a duly-noticed public hearing and following receipt of public comment and public deliberation, the Highlands Council did approve the Town's Petition for Plan Conformance and did formalize such approval through the adoption of Highlands Council Resolution No. 2011-25; and

WHEREAS, on March 8, 2012 the Governing Body of the Town of Hackettstown did hold a public meeting at which it did adopt Ordinance No. 2012-01 petitioning the Highlands Council for Plan Conformance for its lands within the Planning Area; 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 Planning Board held a public hearing on the Reexamination of the Town of Hackettstown Master Plan and the proposed Highlands Planning and Preservation Area Master Plan Element pursuant to N.J.S.A. 40:55D-10(a), on March 27, 2012 and

WHEREAS, the Planning Board has determined after reexamination of the master plan, receipt of public comment, and public deliberation regarding same, that the Town of Hackettstown Master Plan must be amended to incorporate the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Planning Board has determined that the adoption and implementation of the Highlands Element of the Master Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby makes and adopts the findings of fact and all recommendations as set forth in the "2012 Town of Hackettstown Master Plan Reexamination Report," dated March 12, 2012, prepared by Paul M. Sterbenz, P.E. P.P. and Darlene A. Jay, P.P., AICP, a reexamination of the Town of Hackettstown 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.

Dated: March 29, 2012

Gerald DiMaio

GERALD DiMAIO, Chairman

Town of Hackettstown Planning Board

ATTEST:

Patricia D. Zotti

Patricia D. Zotti, Secretary

Town of Hackettstown Planning Board