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2007 Reexamination report

Borough of Flemington
Hunterdon County, New Jersey

Adopted July 24, 2007

July 25, 2007

REEXAMINATION REPORT

BOROUGH OF FLEMINGTON
HUNTERDON COUNTY, NEW JERSEY

Adopted Pursuant to *N.J.S.A.* 40:55D-28b(3)
and *N.J.S.A.* 52:27D-310

Adopted July 24, 2007

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I. INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Township Council, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law *N.J.S.A.* 40:55D-1 et seq., a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted master plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a Reexamination at least every six years. Five specific topics are to be considered in the Reexamination Report. These are:

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," P.L.1992, c.79 (C.40A:12A-1 et al.) 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.[1]

II. Prior Planning Efforts

The most recent planning documents adopted by the Planning Board (now Land Use Board) are summarized below.

1997 Master Plan

The Planning Board (now Land Use Board) of the Borough last adopted a Master Plan on July 29, 1997 consisting of several chapters, or elements (including background studies). These include Goals and Objectives, Existing Environmental Factors, Analysis of Existing Land Use, Analysis of Existing Zoning, Existing Utility Services, Community Facilities Plan, Open Space and Recreation Plan, Land use Plan, Housing Plan, Circulation and Parking Plan, Historic Preservation Plan, Recycling Plan and an Analysis of Consistency with other Planning Documents.

In addition to the general statement of goals and objectives included in the first section of the 1997 Master Plan, more specific goals and objectives are included as recommendations within particular elements of the 1997 Master Plan. The progress to date regarding the goals and objectives from the 1997 Master Plan is discussed under Section III, below.

1999 Reexamination Report

In 1999, the Borough adopted a Reexamination Report that reviewed the goals and objectives for development, as well several obstacles to development that were identified in the 1997 Master Plan. The 1999 Reexamination Report also examined the worsening of several problems related to traffic congestion and recommended that the Circulation Element of the Master Plan be revised to address the need for a traffic light at Church Street and Broad Street, the creation of a Route 202 bypass road, the need for control of access along Reaville Avenue and Route 202, and establishing an appropriate right-of-way width along Reaville Avenue.

2001 Centers Designation Report

In 2001, the Borough submitted a report petitioning the State Planning Commission (now the Office of Smart Growth) to amend the State Plan policy map to designate Flemington as a Regional Center. In December 2001, the petition was approved, although the Borough was designated as a Town Center rather than a Regional Center. The 2001 Centers Designation

1 *N.J.S.A.* 40:55D-89

report discusses the Borough's planning goals and objectives and its relationship to State Plan policy objectives, provides population and employment estimates, analyzes local resources and development capacity, and provides a detailed Planning Implementation Agenda (PIA).

The Planning Implementation Agenda was updated in 2004 and in October, 2006 a report was submitted to the Office of Smart Growth regarding the status of all planning activities since the Borough's designation as a Town Center in 2001.

2003 Land Use Plan Amendment

In July 2003 the Borough amended the Land Use Element of the Master Plan to revise the land use classification of an area at the corner of Walter Foran Boulevard and Main Street. With the realignment of Main Street and Walter Foran Boulevard, this intersection became more heavily utilized. The current Townhouse (TH) land use designation was inappropriate because it did not recognize the increased traffic passing by the site and the size of the lot. Accordingly, the Land Use Plan was amended to change the designation of this area to PO Professional Office land use.

2005 Housing Plan Amendment

In response to the adoption of the "third round" rules regarding affordable housing by the New Jersey Council on Affordable Housing (COAH) in December, 2004, the Borough completed an amendment of the Housing Element and Fair Share Plan of the Master Plan in November 2005.

III. Major Problems and Objectives at the Time of the Adoption of the 1999 Reexamination Report and the Extent to which They have Changed

1997 Master Plan Goals and Objectives

The 1999 Reexamination Report reiterated the general planning goals and objectives from the 1997 Master Plan, as follows:

- Integration of the residential and commercial segments of Flemington Borough to benefit the entire community.
- Protect and promote the integrity of the existing residential districts within the Borough.
- Strengthen and promote the commercial sector.
- Consider and plan for areas of rapid growth within the Borough, including the County justice complex and Walter Foran Boulevard.

The Borough has made progress towards all of these goals, although clarification of several of the goals and the addition of a general goal statement regarding historic preservation is recommended under Section V, below. The Borough has also accomplished a number of the specific goals and objectives identified in 1997 Master Plan's Community Facilities Plan Element, Land Use Plan Element, Circulation and Parking Plan Element, and Historic Preservation Plan Element; and addressed the traffic congestion recommendations from the 1999 Reexamination Report as indicated below:

Community Facilities

- The Police Department has been relocated to Main Street.

Land Use Planning

- A new land development ordinance was prepared in 1999. There have been a number of amendments to the LDO, with the most recent revision of the LDO to incorporate amendments completed in February 2007.

- Capital Improvements Programs have been prepared in accordance with N.J.S.A 40:55D-29.

- A Center Designation petition report was prepared and submitted to the State Planning Commission (now Office of Smart Growth). The Borough was designated as a Town Center in December, 2001.

Circulation and Parking

- A speed limit of 25 mph has been set on all of the interior Borough streets.

- Park Avenue has been designed to realign to meet Foran Boulevard.

- Traffic lights have been installed at the intersection of Broad Street and Church Street.

- Along Reaville Avenue, the width of the right-of-way has been increased and the approval of plans for a new shopping center will help control access along this roadway.

Historic Preservation

- Review of development applications within the Borough's Historic District is required pursuant to §1404 of the Land Development Ordinance.

- The Borough purchased the oldest home in the Borough (Fleming Castle) with Borough funds.

Development Constraints

The 1999 Reexamination Report included a description of six obstacles to development/problem areas that were specifically identified in the 1997 Master Plan including the lack of developable land, the need for additional park and recreational areas, the lack of parking, retail development spillage into Raritan Township, inadequate historic preservation controls, and the need for streetscape improvements between the Route 12 outlet centers and the downtown area. These issues continue to be a concern and are addressed in the recommendations outlined under Section V below.

IV. Changes in Assumptions, Policies and Objectives at the Local, County and State Levels

The section below lists additional changes in assumptions, policies and objectives at the local, county, state and regional levels that will have an impact on land use in Flemington:

2001 State Development and Redevelopment Plan

In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. This Plan concluded the extensive statewide "Cross-Acceptance" planning process that had been initiated by the release of the 1997 State Plan Reexamination Report and Preliminary Plan. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.).

Under the 2001 State Plan, the Borough of Flemington is located entirely within the Fringe Planning Area (PA3). The 2001 State Plan also identified the Borough as an Existing Regional Center; however, as discussed above, the State Planning Commission subsequently designated the Borough as a Town Center in December 2001.

2004 Preliminary State Plan

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process.

Under the 2004 Preliminary State Plan, the statewide goals, strategies and policies as outlined in the 2001 State Plan remain fundamentally the same. However, the 2004 Plan proposes to reorganize the Plan to consolidate the goal statements and background sections for the existing eight goals under one statement and background section and to relocate policies and strategies

under a specific goal. The State Plan Policy Map also remains fundamentally the same under the 2004 Preliminary Plan, although greater detail is provided with regard to the location of parkland and open space and sewer service areas. Flemington is identified as a Designated Town Center in the 2004 Preliminary State Plan Policy Map.

Council on Affordable Housing Rules

On December 20, 2004, COAH adopted its third round rules, which apply a "Growth Share" methodology to determine the amount of affordable housing a municipality must provide during the ten year period of 2004 to 2014 (*N.J.A.C.* 5:94-1 *et seq.*). Third round Housing Elements and Fair Share Plans must address three affordable housing components: the rehabilitation share, the prior round recalculated obligation, and the growth share obligation. The growth share methodology marks a significant departure from COAH's two prior rounds of affordable housing needs assessment. The growth share approach links the production of affordable housing with residential and non-residential growth in each municipality. The key changes to the third round methodology are ratios that require one affordable unit for every 8 market rate housing units constructed and one affordable unit for every 25 jobs as expressed in new square footage of nonresidential space constructed in each municipality.

On November 10, 2005, the Borough adopted a new Housing Element and Fair Share Plan to address COAH's Third Round rules. The Housing Element addresses the Borough's rehabilitation obligation, prior round housing obligation and third round "growth share" obligation through a variety of strategies and initiatives. Satisfaction of the rehabilitation obligation and administration of the program will be done by the Hunterdon County Housing Corporation (HCHC). The prior round obligation, specifically the four (4) unit RDP, will be satisfied by the Allen Street Inclusionary Development, and the Borough's prior round unmet need will be satisfied with units at the Church Street Complex, the accessory apartment program and the development fee ordinance. The twenty-five (25) unit third round growth share obligation will be satisfied through a variety of measures including surplus credits from the Allen Street inclusionary development, the Church Street Complex, alternative living facilities, a municipally sponsored rental program, a municipal buy-down program and affordable units that will result from implementation of the growth share ordinance.

NJDEP Stormwater Management Requirements

In February 2004, the NJDEP published two sets of new stormwater rules. The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A), which addresses the reduction of pollutants associated with existing stormwater runoff. The second set of rules, known as the Stormwater Management Rules (N.J.A.C. 7:8), sets forth the required components of regional and municipal stormwater management plans and establishes the stormwater management design and performance standards for new (proposed) development. Together the two sets of rules are intended to establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

As required under the new stormwater management rules, the Borough prepared a Municipal Stormwater Management Plan (MSWMP) in 2006. The goals of the MSWMP include reducing flood damage, minimizing increases in stormwater runoff from new development, reducing soil erosion, assuring the adequacy of culverts and bridges, maintaining groundwater recharge, preventing an increase in nonpoint source pollution, maintaining the integrity of stream channels, minimizing pollutants in stormwater runoff, and protecting public safety through proper design and operation of stormwater basins.

Development outside of Downtown Flemington

Both the 1997 Master Plan and 1999 Reexamination Report identified a concern regarding the extensive retail and other development beyond Flemington proper that threatened to "swallow up" the Borough. In recent years this trend has continued. For example, in 2001, the Borough approved the development of approximately 150,000 sf. of retail space within an upscale "life styles" shopping center (Flemington Shoppes) located on Reaville Avenue, and within Raritan Township, over 600,000 sf. of retail development has been constructed over the past decade, including Home Depot and other nation-wide retailers. The potential redevelopment of several underutilized commercial sites within the downtown is considered under Section VI, below.

V. RECOMMENDATIONS

1. Master Plan Goals and Objectives

The general statement of goals and objectives from the 1997 Master Plan should be updated as follows:

- Integrate the residential and commercial segments of Flemington Borough to benefit the entire community.
- Protect and promote the integrity of the existing residential districts within the Borough.
- Strengthen and promote the commercial sector, focusing on office uses, specialty retail, restaurants and redevelopment of underutilized properties within the Downtown Business District.
- Consider and plan for areas of professional office growth within the Borough, including the County justice complex and Walter Foran Boulevard.
- Protect and maintain Flemington's most important historic sites and district(s) and the historic character of Flemington's historic, commercial, and institutional resources while encouraging their development as commercial and cultural assets.

- Conversions of existing single family homes to two or more units should be discouraged. In the past several years the trend has been to convert two family units back to single family units which is positive for the community. The governing body should explore incentives to promote such "reverse" conversions. The borough should also revisit the two family zone to determine if amendments are needed.

2. Circulation and Parking

The following recommendations from the 1997 Master Plan regarding circulation and parking should be retained as follows:

- Once Park Street is realigned to meet Foran Boulevard, signalization will be required at the intersection of N. Main Street, Park Street and Foran Boulevard.

- It is recommended that a parking lot to the southwest of Mikasa on the west side of Main Street within Block 21 be created.

- The Borough's site plan ordinance should be revised to require cross-access and shared parking for properties throughout the Borough, since there are potential parking lots which would benefit from such a policy.

- Bike racks need to be provided by the downtown. A standard bike rack detail should be selected that is sympathetic to the architecture of the downtown and should then be used consistently. The Borough's site plan ordinance should be amended to include a requirement for bike racks for new or amended site plans for commercial buildings.

- The appearance of sidewalks, their condition, and their importance to the downtown dictate the need for government involvement, either by policing and requiring private restoration; or by public construction, with assessments attached to benefiting properties.

- It is recommended that the streetscape throughout the Borough be enhanced by the planting of additional street trees, and that the Borough Shade Tree Commission continue to pursue designation as a "Tree City."

- The Borough should investigate with NJ Transit the potential for passenger rail service from the greater Flemington area to the Somerville area. There should be integration with the regional rail systems to the northeast and southwest. The municipalities should consider the advantages and disadvantages of rail service.

- Sidewalk connections should be made between the Village Shops Zone to the Downtown Business Zone.

3. Historic Preservation

The following recommendations from the 1997 Master Plan regarding historic preservation should be retained as follows:

- Contribute to the improvement of the economy of Flemington by encouraging expenditures for the restoration and/or adaptive reuse of historic buildings for local purposes and to encourage and promote tourism.

- Enhance Flemington's History Preservation Program to foster local interest in and a greater appreciation of and support for historic and archeological resources.

- Establish more local incentive programs to provide assistance in the preservation of historic resources.

- Integrate historic preservation review criteria and data into the local planning and development review process.

In a joint arrangement with Raritan Township, Historic District Guidelines prepared by McCormick Taylor are currently being reviewed by the Historic Preservation Commission. It is recommended that as part of the next update of the Master Plan, the Historic District Guidelines be added as an appendix to the Master Plan's Historic Preservation Plan Element.

4. Economic Development

To help focus and encourage economic development efforts, the Land Use Board has recommended preparation of an Economic Development Plan Element as part of the next Master Plan update.

VI. REDEVELOPMENT OF UNDERUTILIZED SITES

Flemington Borough has not adopted any redevelopment plans pursuant to the Local Redevelopment and Housing Law. However, in conjunction with preparing the Reexamination Report, the subcommittee has identified several underutilized sites within the Borough that may have potential for redevelopment and/or adaptive reuse:

Agway Property on Walter Foran Boulevard

This site is considered to have potential for redevelopment given that most garden centers require a larger site and better access.

Old Agway Property

The Land Use Board has reviewed a concept plan for this site that proposed to adaptively reuse the existing buildings for retail and office use. As such, it appears that private redevelopment may occur on the property.

Village Shopping Zone

The Borough should recognize recent development in Flemington and surrounding areas which may require zoning amendments to ensure the economic vitality of the Village Shopping Zone.

Gas Station at the intersection of Williams and Main Street

The site's location at a downtown intersection creates a potential for redevelopment; however the presence of contaminated soils (Brownfields) may be challenging.

Flemington Cut Glass

There is some consensus that the redevelopment of this site should be mixed-use development, with retail uses oriented toward Main Street, and residential uses along Broad Street. The site may be appropriate for redevelopment as an artisan's village, where artists and/or craftsmen would live above their workshops. It is recommended that the redevelopment of the site be subject to detailed historic design guidelines (as discussed under Section V above) to ensure that the historic character of the area is maintained. The existing zoning on the site should be retained with consideration of an overlay zone.