

**RESOLUTION NO: 2013-02**

REEXAMINATION OF THE BOROUGH OF GLEN GARDNER 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, TO AMEND THE MASTER PLAN OF THE BOROUGH OF GLEN GARDNER TO INCLUDE THE SUPPLEMENT TITLED, BOROUGH OF GLEN GARDNER HIGHLANDS PRESERVATION MASTER PLAN ELEMENT

**WHEREAS**, the Planning/Zoning Board of Borough of Glen Gardner, Hunterdon County, State of New Jersey (“Planning/Zoning 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/Zoning Board adopted the current Borough of Glen Gardner Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on November 13, 2007; 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/Zoning 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**, Borough of Glen Gardner is located in the Highlands Region with lands lying within the Preservation Area only, as defined by section 7 of the Highlands Act; and

**WHEREAS**, on December 1, 2009 the Governing Body of Borough of Glen Gardner, held a noticed public meeting during which it adopted Resolution No. 09-72, a resolution noticing of its intent to Petition the Highlands Council for Plan Conformance with respect to the whole of the municipality, which lies fully within the Preservation Area; and

**WHEREAS**, the Planning/Zoning 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/Zoning 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 Borough of Glen Gardner, providing for a comprehensive and explicit representation of the changes required to conform these documents to the Regional Master Plan; and

**WHEREAS**, the Planning/Zoning Board reexamination was completed over the course of a 3-month period (February 2013-April 2013), 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 September 9, 2008, June 9, 2009, August 11, 2009 and November 10, 2009 the Planning/Zoning Board did hold noticed public meetings 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 Master Plan Element and the Highlands Area Land Use Ordinance; and

**WHEREAS**, on December 1, 2009 the Governing Body of Borough of Glen Gardner did hold a public meeting at which it held a public hearing on conformance with the Regional Master Plan and did adopt Resolution No. 09-72 petitioning the Highlands Council for approval of its Petition for Plan Conformance, prepared with respect to the whole of the municipality, which lies fully within the Preservation Area; and

**WHEREAS**, on December 7, 2009 the Borough of Glen Gardner did submit the Petition for Plan Conformance to the Highlands Council; and

**WHEREAS**, on December 16, 2010, during a duly-noticed public hearing and following receipt of public comment and public deliberation, the Highlands Council did approve the Borough's Petition for Plan Conformance and did formalize such approval through the adoption of Highlands Council Resolution No. 2010-15; and

**WHEREAS**, Highlands Council Resolution No. 2010-15 requires the Borough, after public notice, holding of public hearings, and in full accordance with all provisions of the MLUL, to adopt a revised master plan and land use ordinance to bring them into conformance with the Regional Master Plan; 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/Zoning Board held a public hearing on the Highlands Environmental Resource Inventory and Highlands Master Plan Element on September 11, 2012; 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/Zoning Board held a public hearing on the Reexamination of the Borough of Glen Gardner Master Plan pursuant to N.J.S.A. 40:55D-10(a) on May 14, 2013; and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning/Zoning Board hereby makes and adopts the findings of fact and all recommendations as set forth in the "2013 Master Plan Reexamination Report, Borough of Glen Gardner, Hunterdon County, New Jersey" dated April 2013, prepared by Robert F. Melvin, P.P. and Michael K. Mueller, P.P., a reexamination of the Borough of Glen Gardner 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; and

**NOW, THEREFORE BE IT RESOLVED**, by the Planning/Zoning Board of the Borough of Glen Gardner as follows:

1. The Board hereby adopts the 2013 Reexamination Report and all of the zoning and land use regulatory changes recommended therein as an Amendment to the Master Plan for the Borough of Glen Gardner.
2. A copy of the adopted 2013 Reexamination Report and this resolution shall be placed on file in the Office of the Borough Clerk and shall be filed with the Hunterdon County Planning Board within 30 days of its adoption and sent to the Clerks of each municipality adjoining the Borough of Glen Gardner.
3. This resolution shall take effect immediately.

I, Nancy Lawrence, Land Use Board Secretary for the Borough of Glen Gardner, in the County of Hunterdon, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the said Board on the 11th day of June, 2013.

  
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Nancy Lawrence, Land Use Board Secretary

**2013 MASTER PLAN REEXAMINATION REPORT**

**BOROUGH OF GLEN GARDNER  
Hunterdon County, New Jersey**

**BOROUGH OF GLEN GARDNER PLANNING/ZONING BOARD**

**Thomas Grochowicz, Chairman, Class IV  
Shawn Damboise, Vice-Chairman, Class IV  
Mayor Stanley Kovach, Class I  
Jack O'Brien, Council Member, Class III  
Meg Cox, Class IV  
Mark Hall, Class IV  
Georgeann Hitzel, Class II  
Sara Mimiman, Class IV  
Joe Tapp, Class IV**

**Nancy Lawrence, Board Secretary  
Judy Bass, Deputy Board Secretary  
William A. Shurts, Board Attorney  
Robert Clerico, Board Engineer  
Elizabeth C. McKenzie, Board Planner**

**ADOPTED JUNE 2013**

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

**Prepared by:**

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**Robert F. Melvin, AICP/PP, Group Melvin Design License No. 33LI00401800  
Michael K. Mueller, AICP/PP, Group Melvin Design License No. 33LI00222800**

**BOROUGH OF GLEN GARDNER  
2013 MASTER PLAN REEXAMINATION REPORT**

**Introduction**

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Glen Gardner Borough, one of Hunterdon County's historic villages, is located in the northwestern quadrant of Hunterdon County. Of the 88 municipalities in the Highlands region, 15 are located in Hunterdon County. Glen Gardner is one of only one of five in the Highlands region that falls entirely within the Highlands Preservation Area. The Borough is 998 acres or about 1.5 square miles in size. It had a population of 1,958 in 2007, according to U.S. Census estimates, which translates into approximately 840 households.

The historic core of Glen Gardner, situated along Main Street (County Route 645), parallels the Spruce Run stream corridor. The designated historic district also includes a portion of Sanatorium Road. Main Street and Route 31 traverse the Borough in a north-south direction at its lower elevations. Main Street is largely residential, with homes on very small lots, well under an acre in size. The Glen Gardner Inn, the municipal building, post office and general store all reside in the heart of the village as well. Newer, larger lot residential development is dispersed primarily on residential roads off of Hill Road east of Main Street. Spruce Hills, a condominium community built in the 1980s, and Parkside Apartments, constructed in the 1970s, are located off of Glen Manor Drive west of Route 31. Small retail stores, commercial uses and restaurants are scattered along Route 31. Grochowicz Farms is situated at the north end of the Borough where Main Street and Route 31 converge. Eastern Concrete Materials operates a quarry at the southern tip of the Borough, east of the railroad tracks.

More than 45% of Glen Gardner is forested land, according to 2002 NJDEP land use/land cover data. Approximately 39% of Glen Gardner is developed. Most of this (328.6 acres) is residential development. Farmland occupies only 8.3% of the Borough, comprising but a handful of properties, mostly at the northern limits of the Borough. The quarry site, classified as barren land, occupies 2.4% of the Borough's land base. The remainder of the Borough consists of water and adjacent wetlands.

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 Master Plan 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/Zoning 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 ensuing sections of this Reexamination Report addresses each of the following topics.

The current Borough of Glen Gardner Master Plan was adopted by the Planning/Zoning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) in April of 1989. The Board subsequently adopted Periodic Reexamination Reports in 1994, 2000, and 2007 and adopted new Housing Elements and Fair Share Plans in December of 2005 and June of 2010. The year 2007 Reexamination Report was prepared by Elizabeth C. McKenzie, PP/AICP. The 2007 Reexamination Report noted that since the adoption of the 1989 Master Plan, various special studies had been undertaken, the zoning and land use ordinance had been amended from time to time, and that a new Housing Element and Fair Share Plan had been prepared and adopted in December of 2005 as an amendment to the Master Plan. Following the adoption of the 2007 Reexamination Report the Board addressed the New Jersey Highlands "Initial Assessment Grant Report" prepared by Caroline Armstrong, PP/AICP of Group Melvin Design and has subsequently adopted both the Highlands Preservation Area Master Plan in September of 2012 and the Highlands Environmental Resources Inventory in September of 2012.

Since the time of the last Reexamination of 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 affirmative decision of

the Borough of Glen Gardner Governing Body to conform to the Highlands Regional Master Plan for lands located in the Preservation Area, as set forth in Resolution #09-72 adopted on December 1, 2009.

In light of these changes, the Planning/Zoning Board has reexamined the Borough's Master Plan and development regulations once again 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 Borough's Master Plan and development regulations into conformance with the Highlands Regional Master Plan.



## **1. Major Land Development Problems & Objectives**

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The major problems and objectives relating to land development in the Borough at the time of the adoption of the last Reexamination Report were as follows:

- a. The 2007 Master Plan Reexamination Report had noted that the State Legislature adopted the Highlands Water Protection and Planning Act in 2004 and that Glen Gardner had been placed wholly within the Highlands Preservation Area. On November 30, 2006, the Highlands Council published its draft Regional Master Plan. Municipalities located within the Highlands Preservation Area would be expected to adopt new Master Plans and zoning and development regulations to be consistent with the Highlands Regional Master Plan and all applicable Rules and Regulations of the Highlands Council and/or the NJDEP.
- b. The 2007 Master Plan Reexamination Report had noted that Glen Gardner remained in Planning Area 5 on the State Plan and was identified as an existing village, though center designation had never been formally declared. According to the Highlands Act, once the Highlands Regional Master Plan was adopted, towns located within the Preservation Area would be required to reconcile their plans with the Highlands Regional Master Plan.
- c. The 2007 Master Plan Reexamination Report had noted that communities abutting Glen Gardner were zoned for low densities of development, consistent with the environmental sensitivity of the area. Glen Gardner's permitted densities and intensities of non-residential development along the Route 31 corridor tended to be higher than those of adjacent communities, which was primarily a reflection of existing development patterns. Much of the Borough's zoning would have to be revisited once the Highlands Regional Master Plan was adopted and new Rules were promulgated.
- d. The 2007 Master Plan Reexamination Report had noted that the Hunterdon County Growth Management Plan was adopted in 1986 and had not, until 2007, been proposed for amendment. In September of 2007, the County issued a draft of its new 2007 Growth Management Plan. Glen Gardner had been shown as a "small town" in the County's 1986 Plan, which endorsed infill development, preservation of undeveloped outlying areas, economic revitalization of existing business areas and the separation of regional and local traffic in small towns such as Glen Gardner. The Borough's land use policies were consistent with these recommendations. The draft 2007 Growth Management Plan contained more generalized policies for the development and preservation throughout the County and was less specific about the recommendations for each municipality.

- e. The 2007 Master Plan Reexamination Report stated that the Borough needed to make efforts to avail itself of funding and grant programs that could be used for planning and infrastructure improvements and for land acquisition. The effect of the Highlands Act had been to shut down new construction in the Highlands Preservation Area. Consequently, the Borough could not anticipate that current expenses for such acquisitions and planning would be able to be spread over an expanded tax base in the future. Consequently, efforts to obtain outside funds were deemed to be critical.
- f. The 2007 Master Plan Reexamination Report had noted that NJDEP adopted new Stormwater Management Regulations in 2004; which had a substantial impact on the way the Board could review and approve development applications. The Board adopted a Stormwater Management Plan in 2005, and the Governing Body enacted a Stormwater Management Ordinance in 2006, in compliance with the NJDEP regulations. Although there has been little in the way of development applications that would require the Board to address stormwater management issues, the whole approach to design and planning of stormwater runoff had changed. Additionally, as part of the State's Stormwater Management Regulations, all C-1 waterways were required to maintain a 300 foot buffer. In the Highlands Preservation Area, all the waterways are classified C-1. Moreover, this regulation included the provision of a 300 foot transition area along any wetlands.
- g. The 2007 Master Plan Reexamination Report noted that the State had GIS data available from a Landscape Project concerning the existence of known or suspected habitats for threatened and endangered species. The Borough would need to adopt stream corridor regulations (consistent with the C-1 waterway regulations) and woodland protection that would help to maintain these habitats where they exist in Glen Gardner.
- h. The 2007 Master Plan Reexamination Report noted that the New Jersey Council on Affordable Housing (COAH) issued its third round Rules in December of 2004. Municipalities, like Glen Gardner, whose second round certifications had essentially expired, were protected by extensions of their previous certifications based upon the commitment of each municipality to submit a third round Housing Element and Fair Share Plan on or before December 20, 2005. Glen Gardner fulfilled its commitment; its third round Housing Element and Fair Share Plan was before COAH for review.

COAH's third round Rules, adopted in December of 2004, base a municipality's obligation to provide low and moderate income housing on the amount of

market-rate and non-residential growth that has occurred, and is projected to occur, in the municipality between January 1, 2004 and December of 2013. This is a very different approach from that used in prior COAH rounds, where each municipality's obligation was based upon an allocation formula. The growth share methodology as contemplated in COAH's adopted Rules would require municipalities to be continuously seeking new ways to provide low and moderate income housing as development occurs in order to keep up with the growth share obligation. In January of 2007, however, the Appellate Court invalidated significant portions of COAH's Rules having to do so, primarily, with the projection of the housing need and the idea that developers should be required to provide affordable housing with no compensatory density bonuses or other benefits. The Supreme Court upheld the Appellate Court's findings, and COAH had a deadline of December of 2007 to issue revised Rules. Until this occurs, it is not known what Glen Gardner's third round affordable housing obligation will be.

Glen Gardner has a "prior cycle" project that was constructed in the early 1970's with Farmer's Home Administration funds. At the time it was built, it contained 48 affordable rental housing units (40 of them for senior citizens and 8 of them open to handicapped persons of all ages). This project is known as the Parkside Apartments.

After the initial period of controls expired, during the 1990s, the project was refinanced. It is operating a little differently now than it had been when it was first established in the 1970s. It still provides housing for low and moderate income households holding Section 8 vouchers. These households are referred to Parkside by the State and Parkside is required to take them if they are referred. As well, the few original residents who still live at Parkside are protected from changes in the rental requirements applicable to their particular units for as long as they remain there. However, COAH has determined that the current restrictions do not require that a unit remain available to a low or moderate income household after the first 30 days. Moreover, the units are no longer deed restricted, and the owner is entitled to rent the unit to anyone at a market rate rent level if the State does not refer a household holding a Section 8 voucher within 30 days of notification of a unit's availability. Consequently, the Borough cannot rely on these units to satisfy its currently estimated Third Round COAH obligation of two (2) units, as it had hoped to do when the 2005 Housing Element and Fair Share Plan was prepared and adopted.

In order for the Borough to be able to count the units at Parkside toward the fulfillment of Glen Gardner's affordable housing obligations in the third round,

new deed restrictions would have to be placed on the units, limiting them to affordability to and occupancy only by low, moderate and very low income households for a period of at least 30 years. Early in 2007, the owner of Parkside, who was once again seeking to refinance the project, petitioned the Mayor and Council for a resolution from the Borough committing to an extension of the current agreement for a Payment in Lieu of Taxes. In exchange for this commitment, the owner of Parkside agreed to extend affordability controls for a period of at least 30 years on 10 of the 48 units at Parkside so that they will be available for occupancy by and affordable to qualified low, moderate and very low income households, consistent with COAH's Rules and the Uniform Housing Affordability Controls. The terms of the Agreement are still being finalized, and we do not yet know what Glen Gardner's third round obligation will be, but it appears that these 10 units can be used to satisfy all or a substantial portion of the third round obligation.

When COAH's revised Rules are issued, the adopted Housing Element and Fair Share Plan that was submitted to COAH in 2005 will have to be amended and re-sent to COAH along with a new petition for Substantive Certification. If the Borough's third round obligation turns out to be greater than 10 units, other approaches to providing affordable housing will have to be considered. Given Glen Gardner's location entirely in the Highlands Preservation Area, however, this may prove difficult. One of the options being discussed is whether or not there is any downside to the Borough in opting out of COAH's voluntary process.

Some of the recommendations of the 2000 Reexamination Report, such as shared housing, ECHO housing and other forms of affordable housing, especially for seniors, should continue to be investigated for their potential to serve low and moderate income housing needs even if COAH credit is not received for them.

- i. The 2007 Master Plan Reexamination Report had recommended that the Borough undertake whatever measures it could within the confines of the Highlands Rules and regulations currently in effect, to enhance and revitalize its business community.

One specific recommendation to help achieve this was to rezone the Glen Gardner Inn property (Lot 8, Block 8), which is currently located in the VR-1 zone, to a Commercial Office (CO) designation. Rezoning the Glen Gardner Inn from a residential designation to a commercial designation would acknowledge its historical presence in Glen Gardner as a commercial property and would

make requests for improvements to this prominent site and building easier to justify.

Additionally, it was recommended that the regulations for the CO zone be amended to permit outdoor dining at restaurants. Outdoor dining would be permitted as a conditional use at any restaurant in the CO zone, provided the hours of operation were reasonable (recognizing that the CO zones tend to abut residential uses). It was recommended that other reasonable limitations be developed to appropriately site and regulate outdoor dining areas wherever they were permitted. Allowing outdoor dining in the CO zone would not only promote and encourage the success of existing restaurant businesses but could also help attract new restaurants to Glen Gardner, promoting the vitality of Glen Gardner's "downtown". If new restaurants came into the Borough, and could meet the conditions for outdoor dining, they would be encouraged to offer it.

The CO Commercial Office zone should also be amended to allow use B-14, Residential Flats, as a permitted principal use in the district. A number of the commercial uses in this zone already have residential uses above the first floor. These uses should be acknowledged and permitted in the zoning for the Borough.

Another recommendation was to expand the existing PRO Professional Office zones to acknowledge existing non-residential uses and to provide for future economic growth in appropriate locations. A specific proposal was to extend the PRO zone encompassing the veterinary hospital on School Street further to the south. This would permit some of the non-historic single-family homes along that stretch of School Street, all of which have deep enough rear yards to provide room for parking, to be converted to professional office use as the demand arose.

- j. The 2007 Master Plan Reexamination Report had recommended that the restrictiveness concerning the setback requirements for decks and porches on smaller lots (less than one-half acre in area) be addressed. The side yard setbacks that are reasonable and appropriate elsewhere are simply not workable on lots smaller than one-half acre. The Board recommended that the then current ordinance be amended to reduce the side yard setback requirements applicable to decks and porches on lots smaller than one-half acre, and in particular to allow decks and porches to extend directly back from the rear of a building as long as there is no further encroachment into a non-conforming side yard. Along with this change, it would be appropriate to impose a limitation on how much of

the rear yard space on a lot would be permitted to be occupied by a combination of accessory buildings, decks and porches.

- k. The 2007 Master Plan Reexamination Report had recommended that the fee schedule for development applications be amended to increase escrow account deposits for site plans so that they cover the true costs of they cover the true costs of professional reviews and to reduce application fees and escrow deposits for variances involving only decks and porches. The notion of lowering the application fees and escrow deposits required for variances that involved only decks and porches made sense, since, in most cases, construction of a deck or porch did not involve extensive professional review (unless the property was proposed to be regraded). A suggestion was made to cut the application fee in half in all cases involving only a deck or porch and to cut the required escrow deposit in half where no regrading was proposed in connection with a deck or porch (where regrading is contemplated), however, the escrow deposit should not be reduced).
- l. The 2007 Master Plan Reexamination Report had recommended that the Borough work with the Highlands Council and with ANJEC, both of whom had funding and grant programs for planning and the preparation of necessary development regulations to comply with the Highlands Act, to obtain funding and develop a timetable that would allow work to be completed on a new Master Plan and an amended Land Use Ordinance in time to obtain Plan Endorsement from the Highlands Council.
- m. The 2007 Master Plan Reexamination Report had recommended that at the same time as Ordinances were being amended to comply with the Highlands regulations, the RSIS standards could be incorporated by reference into the Land Use Ordinance, unless the Highlands Council developed Special Area Standards that would be applicable to the Preservation Area and if so, these would likely control.
- n. The 2007 Master Plan Reexamination Report had recommended that funding be applied for to permit the acquisition of additional land for parks and community facilities and even for affordable housing. It was noted that grant money could be applied for to fund the preparation of sidewalk plans.
- o. The 2007 Master Plan Reexamination Report had recommended that the Borough should explore ways of accommodating development in the absence of sewers, consistent with the regulations that would ultimately apply to the Highlands Preservation Area. This could include investigating low nitrate

producing sewage disposal systems, such as constructed wetlands sewage treatment systems. This would, of course, require the preparation of a new Wastewater Management Plan. If the resource protection objectives of the Highlands are to be meshed with the economic revitalization objectives of the Borough, creative solutions would be required, and exploration of these solutions would have to take place.

- p. The 2007 Master Plan Reexamination Report had recommended that the Land Use Ordinance be amended to adopt appropriate regulations consistent with the Highlands Rules and regulations to address development on steep slopes, woodland protection and stream corridor protection. Examples of such ordinances would be obtained from other towns, and the Hunterdon County Smart Growth Toolbox should be consulted for model ordinances that could be relevant to Glen Gardner and other Highlands Preservation Area towns.
- q. The 2007 Master Plan Reexamination Report had recommended that additional work may need to be done to the Land Use Ordinance to eliminate references to public sewerage and to the higher densities such infrastructure would allow, depending upon the policies articulated in the Highlands Regional Master Plan.
- r. Finally, the 2007 Master Plan Reexamination Report had recommended that the section of the Borough's Land Use Ordinance regulating cellular telephone towers be revisited and amended as needed.

## **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 the adoption of the Borough's 2007 Reexamination Report and 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, as indicated below:

- a. On December 16, 2010 the Highlands Planning Council adopted Resolution 2010-15 which approved the Borough of Glen Gardner "Petition for Plan Conformance".
- b. The Planning/Zoning Board prepared a draft "Highlands Element" Master Plan Element supplement with input from the Highlands Council staff. The Board adopted this element in September of 2012 after a thorough review.

- c. The Planning/Zoning Board shall continue to give consideration to establishing greater buffer dimension ordinance requirements along C-1 waterways.
- d. The Planning/Zoning Board prepared a draft "Highlands Environmental Resource Inventory" with input from the Highlands Council staff. The Board incorporated this inventory, by reference, into its Master Plan, by way of adoption in September of 2012.
- e. The Planning/Zoning Board adopted a new Housing Element & Fair Share Plan in June 2010 to address COAH affordable housing requirements.
- f. On September 18, 2007 the Governing Body approved Ordinance 2007-06 which amended Chapter 104, the Land Use Ordinance of the Borough of Glen Gardner, to rezone Block 8, Lot 8 from VR-1 Village Residential-1 to CO Commercial Office Zone and to permit outdoor dining at restaurants and taverns as a Conditional Use in the CO District.
- g. On December 18, 2007 the Governing Body approved Ordinance 2007-08 which amended Chapter 104, the Land Use Ordinance of the Borough of Glen Gardner, New Jersey to rezone Block 8, Lot 8, from VR-1 Village Residential to CO Commercial Office Zone; to permit outdoor dining at restaurants and taverns as a Conditional Use in the CO District; to amend the development fee schedule by increasing escrow deposits for site plan review and by decreasing application fees for variances involving only a deck or porches and by decreasing escrow deposits for variances involving decks and porches not involving any regarding the site; and to modify side yard setback requirements for decks and porches on lots less than one-half acre while also establishing a limit on the percentage of rear yard coverage by decks, porches and accessory buildings and structures on lots less than one-half acre.
- h. On July 28, 2011 the Governing Body approved Ordinance 2011-04 which amended Chapter 104, the Land Use Ordinance of the Borough of Glen Gardner, New Jersey to amend uses permitted in the CO Commercial Office Zone to include agricultural uses as well as farmstands and to add provisions addressing expansions of pre-existing residential uses in a Commercial Office Zone.
- i. On December 15, 2011, the Governing Body approved Ordinance 2011-14 which amending various sections the Land Use Ordinance of the Borough of Glen Gardner, New Jersey that recognized the growing trend of residential and



commercial property owners desiring to install equipment and structures to produce energy from renewable sources such as solar and wind power.

- j. The Planning/Zoning Board has prepared a draft "Highlands Checklist Ordinance (A Supplement to the Land Use Ordinance of the Borough) with input from the Highlands Council staff. The Board intends to recommend to the Governing Body that this Ordinance be adopted after a thorough review. The draft ordinance will update public notice and submission requirements and incorporate Highlands Council call-up provisions for applications for development in the Highlands Preservation Area.
- k. The Governing Body will be introducing an ordinance that amends Chapter 104 of the Code of the Borough of Glen Gardner by adding Checklist Requirements for applications for development in the Preservation Area of the Highlands Region within the Borough of Glen Gardner. The Planning/Zoning Board finds that this Ordinance will be consistent with its already adopted Highlands Master Plan Supplement for the Borough and the proposed Land Use Ordinance Amendments.

### 3. Significant Changes in Assumptions, Policies, Objectives

Since the Reexamination of the Borough Master Plan on November 13, 2007, 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 Borough 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. Changes 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. To continue to recognize, give consideration to, and take action on the planning problems and objectives contained in the Borough's 2007 Periodic Reexamination Report as amended through October 9, 2007 and presented in Section II on pages 9 through 12. The Borough's 2007 Periodic Reexamination Report was adopted on November 13, 2007. The Borough remains committed to implementing recommendations found in the 2007 Reexamination Report including but not limited to the need to prepare a pedestrian circulation plan, making recommendations for pocket parks and for connecting trails along the

Spruce Run and increasing the land available for parks and for community facilities.

- b. To promote the Highlands Preservation and Planning Area Goals as identified in the Borough's New Jersey Highlands and Glen Gardner Borough "Initial Assessment Grant Report" dated March 3, 2009. Reference to goals and objectives can be found on page 10.
- c. To recognize that Major Highlands development must comply with a series of very stringent environmental standards governing septic system densities, impervious surfaces, open waters buffers, flood hazard areas, steep slopes, upland forests, historic and archaeological areas, rare, threatened or endangered animal species, and unique or irreplaceable land types including vernal habitats and ecological communities.
- d. To acknowledge the need to manage growth in ways that respects the Borough's rural and sensitive environmental context.
- e. To receive the benefit of a potential reduction in future affordable housing obligations if the Borough's Master Plan conforms to the Highlands Regional Master Plan.
- f. To recognize the need to study and possibly amend the Land Development Ordinance to address ordinance items identified in the Borough's "Initial Assessment Grant Report" that was prepared for the Highlands by the Borough.

#### **4. Specific Recommended Changes to the Master Plan**

The Planning/Zoning Board recommends that specific changes to the Borough of Glen Gardner Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all as outlined in detail, in the "Highlands Preservation Area Master Plan Element" approved by the Highlands Council as part of the Borough's Petition for Plan Conformance and adopted by the Board on September 12, 2012 (copy previously forwarded to the Highlands). In addition, the Board desires to update the Master Plan by addressing the following:

- a. Prepare a public park design study for the Bell Avenue Preserve (otherwise known as Block 4, Lot 2) which contains 28.17 acres. Also, evaluate the appropriateness of rezoning this site "Park". See enclosed Study Area Base Map which shows the location of this park site. The park is envisioned to be a passive

park that may include all or some of the following: trails, ball fields, a parking lot, signage, access for fishing, picnic areas and the like.

- b. Study the possibility of removing existing single-family houses located along Glen Manor Drive and Carol Court and others in the vicinity from the MP Multi-Family Residential District. Rezone by way of an existing zone district or create a new residential zone district that reflects current conditions. See enclosed Study Area Base Map which shows the location of this study area.
- c. Prepare a Stream Corridor Protection/ Restoration Plan as per the most recent Highlands Implementation Plan Schedule and incorporate the results of the plan into the Borough Master Plan. See enclosed Study Area Base Map which shows the location of the Spruce Run Stream Corridor. There is a need to identify the exact locations where problems exist within this stream corridor and then to submit a scope of services to the Highlands prior to the release of study findings.
- d. Update the Land Use Plan Element of the Master Plan to include an open space inventory and plan that addresses all privately and publicly owned preserved properties and other issues and matters that the Board finds appropriate. The basis of Open Space Plan preparation shall be mapping contained in the current Borough Master Plan, the recently adopted Highlands Environmental Resource Inventory, the recently adopted Highlands Preservation Area Master Plan Element and other available documents and sources of information. The Open Space Plan shall include an inventory of potentially vulnerable resources, potential open space linkages, an analysis of unprotected resources, and shall make recommendations.
- e. Study the possibility of rezoning existing single-family houses that are now located within or adjacent to the CO Commercial Office Zone. See enclosed Study Area Base Map which shows the location of two (2) study areas that include Block 9, Lot 25 and Block 15 Lots 3.03, 14 and 15.

## **5. Specific Recommended Changes to Development Regulations**

The Planning/Zoning Board recommends that the Borough adopt the Highlands Area Development Application Checklist Ordinance (copy attached). The ordinance requires 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 "An Ordinance Amending the Land Use Ordinance of the Borough of Glen Gardner to update Public Notice and submission requirements and

incorporate Highlands Council call-up provisions for applications for development in the Highlands Preservation Area”.

Due to extremely limited development potential of the Preservation Area in the Borough of Glen Gardner (resulting from both the application of the NJDEP Preservation Area Rules to the particular characteristics of Preservation Area Lands in the Borough and the existence of extensive areas of already preserved lands), the Governing Body and the Highlands Council together have determined that the adoption of the complete Highlands Preservation Area Land Use Ordinance based on the Highlands Council’s model, is not necessary to implement Plan Conformance in the Borough. The adoption of the ordinance revising submission requirements pertinent to Applications for Development provides a more efficacious means of ensuring that development within the municipality achieves compliance with the standards and protections required under the Highlands Regional Master Plan.

The 2009 New Jersey Highlands “Initial Assessment Grant Report” identifies a number of projects that should be undertaken by the Borough to achieve consistency with Regional Master Plan goals, policies, and objectives. The following is a list created from a review of the grant report. These projects will be evaluated by the Planning/Zoning Board to establish a priority ranking of the suggestions and which of the suggestions are no longer relevant or no longer require a review and/or action by the Board. Some of the projects require a Master Plan amendment and some of the projects require an ordinance drafting and adoption or both. The projects are identified by topic in the order presented in the report:

a. What May be Needed to Achieve RMP Forest Area Planning Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Strategies for managing and protecting forest resources consistent with RMP goals, policies and strategies, to be included in an updated Conservation Plan.
- ✓ Community Forestry Plan to be adopted as part of the Borough Master Plan.
- ✓ Revised land development regulations requiring submission of forest conservation and mitigation plans.
- ✓ Revised land development regulations to require applicants to map upland forests.
- ✓ Revised land development regulations to prohibit deforestation in forest resource areas unless the activity is exempt from the Highlands Act, is a major Highlands

development that received NJDEP approval, or is an agricultural/horticultural activity.

- ✓ Low impact development best management practices to be incorporated in the land development regulations as a means of having development applicants mitigate forest impacts.
- ✓ Tree clearing ordinance.

b. What May be Needed to Achieve RMP Master Plan and Land Development Regulation Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Updated Conservation Plan goals, policies, and objectives consistent with the RMP.
- ✓ Review of municipal stormwater management plan and ordinance to determine extent of change needed to be consistent with RMP requirements.
- ✓ Amended land development regulations requiring identification and mapping of riparian areas; limiting disturbance of existing natural vegetation or increase in impervious cover within high and moderate integrity riparian areas to the minimum feasible in areas beyond the required buffers; requiring maintenance or restoration of habitat value of a riparian area; prohibiting modifications to riparian areas in the Protection Zone unless an applicant is granted a waiver from NJDEP and Highlands Council; restricting modifications to riparian areas in the existing Community Zone that would negatively impact water quality and habitat value of a riparian area; requiring low impact development best management practices for development within a riparian area; and requiring restoration and enhancement of previously impaired riparian areas, where feasible as mitigation to any permitted modification to riparian area requirements.
- ✓ Local stream corridor protection/restoration plan that is consistent with RMP requirements.

c. What May be Needed to Achieve RMP Steep Slope Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ A Conservation Plan that acknowledges steep slope protection areas and constrained slope categories as defined in the RMP and associated goals, policies, and objectives.
- ✓ Revised land development regulations requiring applications to identify steep slope protection areas as defined by the RMP.
- ✓ Revised land development regulations that prohibit land disturbance within severely and moderately constrained slopes except for linear development.
- ✓ Revised land development regulations requiring use of low impact best development practices for land disturbance or development in constrained or limited constrained slopes or that involves an approved disturbance of a severely constrained or moderately constrained slope.

d. What May be Needed to Achieve RMP Critical Habitat Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Mapping and written description of critical habitat areas based on RMP definitions.
- ✓ Updated Conservation Plan goals, policies, and objectives consistent with the RMP goals, policies, and objectives.
- ✓ Habitat conservation and management plan as part of the Borough Master Plan.
- ✓ Critical habitat and management program as part of a habitat conservation and management plan.
- ✓ Critical habitat overlay district with standards and requirements consistent with the RMP, including use of low impact development best practices in critical habitat areas.

e. What May be Needed to Achieve RMP Land Preservation and Stewardship Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Open space element as part of the Master Plan, which includes an inventory of existing preserved lands. See Item 4.d. above.
- ✓ Revised land use regulations that require open space easements to be dedicated to the Highlands Council along with one additional entity that can be the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or a qualifying non-profit organization(s).
- ✓ Revised land development regulations specifying monitoring programs for preserved lands and/or easements.

f. What May be Needed to Achieve RMP Water Supply and Quality Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Water use and conservation management plan.
- ✓ Protection of prime ground water recharge areas through land use regulations.
- ✓ Minimum site design guidelines and permissible uses within prime ground water recharge areas, including prohibition of development in prime ground water recharge areas unless needed to avoid critical habitat, open water buffers or moderately or severely constrained steep slopes.
- ✓ Land use regulations requiring that disruption of prime ground water recharge areas must be minimized by implementing low impact development best management practices and that any disruption affect no more than 15% of the prime ground water recharge area on the site.
- ✓ Land use regulations requiring use of low impact development best management practices for stormwater management and wellhead protection.

g. What May be Needed to Achieve RMP Water and Wastewater Infrastructure Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Regulations to ensure proper septic system operation and maintenance.

- ✓ Regulations requiring that new residential development relying on septic systems include location for a replacement disposal field.

#### h. What May be Needed to Achieve RMP Agriculture Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Possibly, a farmland preservation plan.
- ✓ Land development regulations limiting non- agricultural uses within the agricultural resource area to those supportive of farmland preservation, agricultural sustainability, protection of important farmland soils and resources.
- ✓ Revised land development regulations that require open space easements to be dedicated to the Highlands Council along with one additional entity that can be the municipality, County Agriculture Development Board, State Agriculture Development Committee, Green Acres or qualifying non-profit organization.
- ✓ Revised land development regulations that address buffer requirements between development and adjacent agricultural lands.

#### i. What May be Needed to Achieve RMP Historic, Cultural, Archaeological, and Scenic Resources Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Submit to the Highlands Council any historic sites or districts proposed for inclusion in the municipal master plan so they can be evaluated for inclusion on the Highlands Region Historic and Cultural Resources Inventory. Local and Highlands Council inventories should be consistent with each other.
- ✓ Updated and amended Historic Preservation Plan to ensure that it addresses all aspects of the Municipal Land Use Law provisions.
- ✓ Land use regulations to protect scenic resources.
- ✓ Land use regulations requiring site plan and subdivision applications to include identification of any cultural, historic or archaeological resources listed on the



Highlands Historic and Cultural Resource inventory that may be affected by the proposed development.

j. What May be Needed to Achieve RMP Future land Use, Redevelopment and Smart Growth Consistency

To achieve consistency with RMP goals, policies and objectives, Glen Gardner Borough will study the need to prepare and adopt the following:

- ✓ Local land use and site analysis to identify potential redevelopment sites, if any.
- ✓ Revised land development regulations to include the requirement for low impact development best management practices.
- ✓ Possibly an Economic Plan Element.

Lastly the Board recommends changes to the Borough Development Application checklist ordinance that the Borough adopt the Highlands Area Development Application checklist ordinance (copy attached herewith). 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 "Checklist Ordinance."

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Planning/Zoning 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.). If redevelopment of a particular site appears to be a desirable possibility at some point in the future, and it may well be, the Borough can decide then whether such redevelopment can be accommodated by zoning or should be addressed through a formal redevelopment process.