

RESOLUTION 2013-03

TOWNSHIP OF VERNON LAND USE BOARD

SUSSEX COUNTY, NEW JERSEY

REEXAMINATION OF THE TOWNSHIP OF VERNON 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 TOWNSHIP OF VERNON TO INCLUDE THE SUPPLEMENT TITLED, TOWNSHIP OF VERNON HIGHLANDS PRESERVATION AREA MASTER PLAN ELEMENT DATED MAY 2013”

WHEREAS, the Land Use Board of the Township of Vernon, Sussex County, State of New Jersey (“Land Use 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 Land Use Board adopted the current Vernon Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) in July 2010; and

WHEREAS, the Land Use Board adopted a Highlands Element of the Vernon Master Plan and associated reexamination report in September 2012; however subsequent changes to the model Highlands Master Plan Element were made by the Highlands Council in December 2012, necessitating adoption of an updated Highlands Master Plan Element of the Vernon Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28); 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 Land Use 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 Township of Vernon is located in the Highlands Region with lands lying within the both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, on November 12, 2009 the Governing Body of the Township of Vernon, held a noticed public meeting during which it adopted Resolution No. 09-182, 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, the Land Use 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 Land Use 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 Township of Vernon, providing for a comprehensive and explicit representation of the changes required to conform these documents to the Regional Master Plan; and

WHEREAS, the Land Use Board reexamination was completed over the course of a 23-month period November 2009 – September 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 November 4, 2009 the Land Use 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 Area Master Plan Element and the Highlands Area Land Use Ordinance; and

WHEREAS, on November 12, 2009 the Governing Body of the Township of Vernon did hold a public meeting at which it held a public hearing on conformance with the Regional Master Plan and did adopt Resolution No. 09-182 petitioning the Highlands Council for approval of its Petition for Plan Conformance, prepared with respect to [that portion of the municipality located within the Preservation Area; and

WHEREAS, on December 8, 2009 the Township of Vernon did submit the Petition for Plan Conformance to the Highlands Council; and

WHEREAS, on May 17, 2012, during a duly-noticed public hearing and following receipt of public comment and public deliberation, the Highlands Council did approve the Township's Petition for Plan Conformance and did formalize such approval through the adoption of Highlands Council Resolution No. 2012-15; and

WHEREAS, Highlands Council Resolution No. 2012-15 requires the Township, 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 Land Use Board held a public hearing on the Reexamination of the Vernon Master Plan and the proposed Highlands Preservation Area Master Plan Element pursuant to N.J.S.A. 40:55D-10(a), on September 26, 2012; and

WHEREAS, the Land Use Board has determined after reexamination of the master plan, receipt of public comment, and public deliberation regarding same, Vernon Master Plan must be

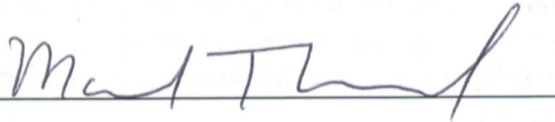
amended to incorporate the goals, requirements and provisions of the Regional Master Plan;
and

WHEREAS, the Land Use 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 Land Use Board hereby makes and adopts the findings of fact and all recommendations as set forth in the "2013 Vernon Master Plan Reexamination Report," dated May 2013, prepared by Jessica C. Caldwell, P.P., A.I.C.P., a reexamination of the Vernon 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.

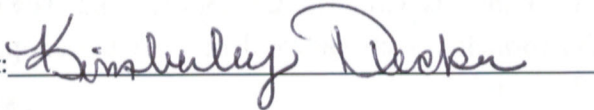
BE IT FURTHER RESOLVED, that the Vernon Land Use Board hereby adopts the Vernon Highlands Preservation Area Master Plan Element, dated May 2013, and prepared by Jessica C. Caldwell, P.P., A.I.C.P. based upon the model Master Plan Highlands Element provided to Highlands municipalities by the Highlands Council.

Signed: _____



Martin Theobald, Land Use Board Chair

Attest: _____



Kimberly Decker, Land Use Board Administrator

Dated: _____

5/8/13

2013 MASTER PLAN REEXAMINATION REPORT

TOWNSHIP OF VERNON

Sussex County, New Jersey



VERNON TOWNSHIP LAND USE BOARD

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Valerie Seufert, Alternate 3

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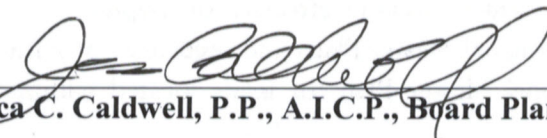
Michael Garofalo, Esq., Board Attorney

Cory Stoner, P.E., C.M.E., Board Engineer

MAY 2013

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

Prepared by:



Jessica C. Caldwell, P.P., A.I.C.P., Board Planner

License No. 5944



TOWNSHIP OF VERNON
2013 MASTER PLAN REEXAMINATION REPORT

Introduction

The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
4. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
5. The recommendations of the Land Use 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 Vernon Master Plan was adopted by the Land Use Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on July 28, 2010. Since the time of adoption of the last 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; and d) the affirmative decision of the Township of Vernon Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in the Preservation Area, as set forth by Resolution 09-182 adopted on November 12, 2009.

Accordingly, the Land Use Board has reexamined the Township 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 Township Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

To this effort, a Highlands Master Plan Element was adopted by the Land Use Board in September 2012. Subsequently, the Highlands Council implemented changes to the model Highlands Master Plan Element provided to municipalities that impact the methods for calculating density and potential development of parcels in the Highlands Preservation Area. This change to the methodology for development provides the foundation for adoption of a model ordinance based on the model Master Plan Element. Given the impact of the change to the model Master Plan to implementation of the ordinance, the Land Use Board is considering adoption of the revised Highlands Master Plan Element in order to maintain consistency of implementation during Plan Conformance.

1. Major Land Development Problems & Objectives

The major problems and objectives relating to land development in the Township 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. The Highlands Act severely restricted development and land use in the Highlands Preservation Area;
- b. Regulation of land use within the Highlands Preservation Area shifted to control by the Highlands Council and the NJDEP; and
- c. The Township was required by the Highlands Act to conform its land development ordinance and municipal master plan to the Highlands Regional Master Plan.

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. Conformance to the Highlands Regional Master Plan will bring some development approvals back to the Township for land in the Preservation Area; and
- b. Conformance to the Highlands Regional Master Plan may offer more options to land owners within the Preservation Area.

3. Significant Changes in Assumptions, Policies, Objectives

Since the adoption of the Vernon Master Plan on July 28, 2010, 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 Vernon Master Plan, including but not limited to incorporating a variety of Highlands Resource protections, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality.

4. Specific Recommended Changes to the Master Plan

The Land Use Board recommends that specific changes to the Vernon 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 Township’s Petition for Plan Conformance and updated as noted above in December 2012 by the Highlands Council and modified for Vernon Township in May 2013 (copy attached herewith).

5. Specific Recommended Changes to Development Regulations

The Land Use Board recommends that the specific changes, as detailed in the document titled “Vernon Highlands Preservation Area Land Use Ordinance,” approved by the Highlands Council as part of the Township’s Petition for Plan Conformance be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Preservation Area Element of the Master Plan. In addition, the document entitled, “An Ordinance Amending the Land Use Ordinance of the Township of Vernon to Update Submission Requirements for Applications for Development,” be adopted by the Governing Body to immediately require Highlands Council determinations be issued prior to review of development applications by the Land Use Board for properties in the Preservation Area.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Land Use 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.).

