

2018 REEXAMINATION REPORT

LUMBERTON TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY



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1.0 Introduction

Pursuant to N.J.S.A. 40:55D-89, each municipality is required to perform a periodic reexamination of its Master Plan every ten years. Lumberton Township last performed a Reexamination Report of its Master Plan in October 2009 and is scheduled to conduct a full Reexamination Report in 2019. In advance of the full Reexamination Report, the Township must perform a partial reexamination with the intent on ensuring compliance with its constitutional requirement to obtain compliance with the Third Round Affordable Housing Compliance period. The Township determined that in order to enact changes necessary to achieve compliance, that the Township would be required to review its Housing Element and Fair Share Plan, Land Use Element and TDR Element.

- 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 increased subsequent to such date.
- c. The extent to which there have been significant assumptions, policies, and objectives forming the basis for the master plan of 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 recycling 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 Land Use 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) in 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.

Lumberton Township adopted a Master Plan in 1994 (1994 Master Plan) that was updated in August, 2009 (2009 Master Plan Update). On October 5, 2000, a 2000 Reexamination Report of the Master Plan Land Use Element Relating to the I-3 Zoning District was adopted (2000 Reexamination of I-3 District). A

Reexamination Report was adopted August 19, 2002 (2002 Report) and on May 1, 2003, a Recreation and Conservation Master Plan Element (Open Space and Recreation Plan (2003 Master Plan Element) was adopted. A Farmland Preservation Plan Element of the Master Plan was adopted on January 20, 2005 (2005 Master Plan Element)

The Land Use Board Reexamined the Master Plan in 2009 (2009 Reexamination). The 2009 Reexamination Report revisited and updated the Goals and Objectives, Land Use Element, Circulation Element, Community Facilities Plan Element and Recreation and Farmland Preservation Plan Element which were originally adopted in by the Planning Board (now Land Use Board) in 1994 and in 2002.

This 2018 Report will consider the Master Plan and the 2002 and 2009 Reports specifically for compliance with the Township's Third Round Affordable Housing Obligation. A full reexamination of all of the elements is planned for 2019.

2.0 Review of Past Conditions and Changes in Goals and Objectives.

As discussed above, the MLUL provides that the reexamination report shall review the major problems and objectives relating to land development in the municipality at the time of the last reexamination report and shall discuss the extent to which such problems and objectives have been reduced or have increased to such date.

Based on this evaluation and the changing conditions within the Township, Section 5.0 of this reexamination report establishes new goals to aid the Township in compliance with its Affordable Housing Obligation.

Among the goals established in the 2009 Report, the Land Use Board recommended the following:

- Preservation of the remaining rural and agricultural character of the Township.

Evaluation: The Township adopted a transfer of development rights program in 1997 (TDR1) and expanded that program in 2009 (TDR2). TDR1 was highly successful in preserving vast acres of farmland through the Township. The success of TDR2 was not realized as property owners did not enroll in the program for either sending or receiving area properties. Nonetheless, there has been no significant impact in the development of rural and agricultural areas of the Township.

- Re-evaluation of the Transfer of Development Rights Program

Evaluation: As noted above, TDR2 was not an effective program for shifting development. Despite this, the Township did not experience significant growth in either the sending or receiving areas. The program has become non-operational as owners have not enrolled their properties in the program nor sought to buy credits. A portion of the lands identified as TDR2 receiving area on Eayrestown Road has been identified as an area capable of development to meet the Township's affordable housing needs. Therefore, it is necessary to repeal the non-functioning TDR2 program to remove this barrier to court compliance. In doing so, it is appropriate to return the underlying rural agriculture district to two acre lot minimums instead of the five acre minimums under the TDR program.

- Continue to concentrate new development and redevelopment in the northeastern part of the Township to encourage orderly growth and to permit the most economic extension of municipal facilities to newly developed or redeveloped areas; and

Evaluation: The Township has and continues to use the power of redevelopment to promote economic growth and to create opportunities for the development of affordable housing. This is present on both Route 38 and Eayrestown Road. Through redevelopment overlay standards, the Township was able to promote the development of these areas to meet the Township's affordable housing needs for the Third Round compliance period.

- Promotion of Redevelopment of Route 38.

Evaluation: As noted, the Township has been successful in promoting redevelopment along Route 38 in the Township's redevelopment zones.

3.0 Changing Conditions

Similar to the 2009 Report, the assessment of goals and objectives in Section 2.0 as well as discussions with the Land Use Board and Township officials reveal that the Township continues to focus on three major development initiatives: (1) the redevelopment of the Route 38 corridor; (2) the ineffective implementation of TDR2; and the need to comply with the Township's Affordable Housing Obligation. As a result, the following conclusions or facts are presented:

- Continued appropriate development of the Route 38 corridor creates employment opportunities and provides needed neighborhood services.
- Because the voluntary TDR2 program languished with a lack of participation by willing property owners, the TDR2 program has expired by operation of law. Repealing and replacing the program with standard zoning and in some instances opportunities for redevelopment will

stimulate the Township's success in providing new housing and meeting its affordable housing obligation.

- The Court has tentatively approved the Township's Third Round affordable housing obligation through the development of two sites on Route 38 and Eayrestown Road.

4.0 Changes in Assumptions

A complete review of the extent to which there have been significant assumptions, policies, and objectives forming the basis for the master plan of development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, and other factors will be presented in the 2019 Reexamination Report, however, the assumptions identified in the 2009 Reexamination Report appear to be consistent with the current climate. Through the outlined changes, the Township will achieve its affordable housing compliance in 2018 and reexamine the entire Master Plan in 2019.

5.0 Recommended Goals

Based on the discussions under the prior sections of this examination report, the following goals are set for this limited 2018 Reexamination Report:

5.1 Land Use

- Re-evaluate the existing Transfer of Development Rights Program.
- Promote Redevelopment of Route 38.
- Use Redevelopment opportunities to allow for realistic opportunities for the construction of affordable housing.

5.2 Affordable Housing

- Ensure the consistency of the Township's Master Plan and compliance with the Court and the Township's Agreement with the Fair Share Housing Center (FSHC).
- Update the Housing Element and Fair Share Plan to ensure compliance with the Court, the Township's Agreement with the Fair Share Housing Center (FSHC) and NJAC 5:93 Council on Affordable Housing rules and regulations as applicable.

5.3 TDR Element

- Eliminate the TDR Element.
- Update zoning standards consistent with the elimination of the voluntary TDR Program.

6.0 Policy Recommendations

In order to meet the Township's needs and to address the goals set forth in this limited 2018 Reexamination Report, the Land Use Board makes the following policy recommendations:

- Eliminate the TDR program and replace the underlying zoning with a lot size of two acres instead of the currently required five acres.
- Establish redevelopment areas and higher density zones on Route 38 and Eayrestown Road to continue to promote future development in the northeastern portion of the Township.
- Update the Housing Element and Fair Share Plan to ensure compliance with the applicable Third Round affordable housing rules and regulations.