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# 2022 MASTER PLAN REEXAMINATION REPORT

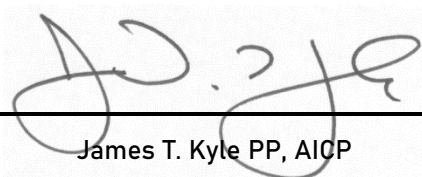
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Township of Pohatcong  
Warren County, New Jersey

September 13, 2022

ADOPTED BY THE LAND USE BOARD ON SEPTEMBER 26, 2022

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## INTRODUCTION

The municipal Master Plan, adopted by the Planning Board (or Land Use Board in the case of Pohatcong), sets forth the Township's land use policies and is the principal document that addresses the manner in which development, redevelopment, conservation and/or preservation should occur within the 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 forth 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 to the zoning ordinance and zoning map which are adopted by the Township Council and 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., (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments, reexamination reports 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 Land Use Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. The Municipal Land Use Law now includes a provision allowing a municipality to waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built-out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped. This provision does not currently apply to the Township of Pohatcong.

A Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

- 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 planning, 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," into the Planning 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.
- f) The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to,

commercial districts and, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

A Reexamination Report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new Master Plan. Alternatively, if the recommendations set forth in the Reexamination Report are themselves substantially in such form constituting an amendment or addendum to the Master Plan and adopted in accordance with the procedures prescribed by the MLUL for adoption of a Master Plan, it can be considered an amendment to the Master Plan.

This Reexamination Report includes all components required pursuant to the Municipal Land Use Law and is based upon review of the 2013 reexamination report prepared by the Board.

## **PAST PLANNING EFFORTS**

Pohatcong Township adopted its last Comprehensive Master Plan in December of 1993, including goals and objectives, a land use plan, a recreation and community facilities plan, a stormwater plan, a solid waste and recycling plan, a circulation plan and a housing element and fair share plan. It is worthwhile to note the goals and objectives of the plan were based in large part on responses to a character and visual preference survey conducted in November of 1989.

Subsequent to the Land Use Board's adoption of the 1993 master plan, the Township has undertaken the following planning activities:

- 1998 – Amendment to the Utility Element
- 1998 – Amendments to the Land Use Plan and Housing Plan
- 1998 – Amendment to the Traffic Element
- 1999 – Adoption of a Housing Element and Fair Share Plan
- 1999 – Adoption of Farmland Preservation Plan Element
- 1999 – Housing Element and Fair Share Plan
- 2000 – Periodic Reexamination Report
- 2004 – Adoption of an Open Space and Recreation Plan Element
- 2005 – Adoption of a Stormwater Management Plan
- 2005 – Adoption of a Third Round Housing Plan
- 2008 – Adoption of a Farmland Preservation Plan Element
- 2009 – Stormwater Pollution Prevention Plan
- 2010 – Master Plan Reexamination Report
- 2010 – Housing Element and Fair Share Plan
- 2013 – Master Plan Reexamination Report
- 2015 – Farmland Preservation Plan

## **A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report**

The 2013 Master Plan Reexamination Report noted that a majority of the problems and objectives cited in the 2010 Master Plan Reexamination had not changed. However, due to the passage of the Highlands Act, the adoption of the Regional Master Plan, and the decision to conform to the Regional Master Plan, the problems and objectives were updated. The objectives detailed in the 2010 Reexamination Report include:

1. Preserve remaining open space and forested land, natural features and farms, where possible.
2. Plan for design infill of single-family homes in existing “hamlets” or potentially for a new village, which accommodates a portion of Pohatcong’s fair share of affordable housing.
3. Limit any strip commercial development, and prepare redevelopment standards for existing commercial areas, concentrating on façade improvements, parking, landscaping and signs.
4. Encourage design and development standards, which respond to positive aesthetic values of the community.
5. Encourage street configurations, which are in character with the rural/suburban character of the community and with special consideration to future village qualities.

The extent to which the problems and objectives had been modified as a result of the conformance to the Regional Master Plan were also detailed in the 2013 reexamination report as follows:

1. Preserve remaining open and forested land, natural features and farms, where possible.

Preservation of open spaces and farmland continue to be key objectives in Pohatcong. As part of the Highlands Plan Conformance Process, the Township Environmental Commission recently adopted an Environmental Resource Inventory (ERI). The ERI noted that the majority of the Township is located in the Preservation Area of the Highlands and that much of the designated Preservation area is zoned R-1 Rural Residential (1 unit per 5 acres) and AP Agricultural Preservation.

The Township continues to actively participate in the farmland preservation programs administered by Warren County and the State.

The Township is also currently undertaking an intermunicipal Transfer of Development Rights feasibility study which will assist in implementing this objective.

2. Plan for design infill of single-family homes in existing “hamlets” or potentially for a new village, which accommodates a portion of Pohatcong’s fair share of affordable housing.

This objective is no longer valid and is proposed to be deleted since this objective specifically addressed the need of affordable housing in the Township. The Township has a “surplus” of affordable housing.

3. Limit and additional strip commercial development, and prepare redevelopment standards for existing commercial areas, concentrating on façade improvements, parking, landscaping and signs.

The Land Use Board recently approved the redevelopment of the former Walmart site. The approval included improvements to the facades, landscaping and parking. The Township continues to consider improvements to their commercial corridors particularly Route 22 as a principal goal. The Combined Land Use Ordinance should be reviewed and amended, where appropriate, to address commercial development.

4. Encourage design and development standards, which respond to positive aesthetic values of the community.

This goal continues to be important and should be considered in relationship to the Highlands Regional Master Plan. Since the Township is participating in the Plan Conformance process, this goal will be addressed in subsequent planning documents including potential revisions and refinements to the Township Combined Land Use Ordinance.

5. Encourage street configurations, which are in character with the rural/suburban character of the community and with special consideration to future village qualities.

This continues to be an objective particularly along major commercial corridors. The Township Combined Land Use Ordinance and Capital Improvement Program should be reviewed in light of this objective.

#### Specific Changes Recommended for the Master Plan and Development Regulations

A number of changes were recommended to the Township's Master Plan at the time the 2013 reexamination report was prepared, "including modifications to the underlying objectives, policies and standards, all as outlined in detail, in the "Highlands Preservation/Planning Area Master Plan Element" approved by the Highlands Council as part of the Township's Petition for Plan Conformance". In short, the following recommendations were proposed:

1. Vision Statement

Pohatcong Township whose name is said to mean "stream between split hills" is located in picturesque northwest New Jersey. The beautiful Township has a unique and dual blend of a "small town" feel in the Shimer, Parkside and Huntington neighborhoods in the northern section while the southern portion contains rural farmlands, historic homesteads, river and creek-side locales and small quaint villages.

Pohatcong Township was settled in the early 1700's and formally established in 1881. It is situated in the southwest corner of Warren County and is accessible from Routes 22, 78 and 519. These major corridors have made Pohatcong an ideal area for growth and development over the past decade. Growth has primarily taken place in the northern portion of the Township with commercial development being the major development type.

For the next decade, Pohatcong should have the opportunity to have continued growth in the northern section of the Township while preserving remaining open and forested land whenever possible. While there has historically been a focus on land preservation, future policy must be balanced to assure economic sustainability and landowner equity. This approach will balance Pohatcong's economic needs with the rural and historic integrity of the Township. Development should include ample walking paths for residents and shoppers alike as well as contributions for park and recreation and development.



Pohatcong's housing policy should reflect current trends including a greater focus on multifamily housing in general and rental housing in particular. The "millennial" and "X" generation population's lack of commitment to homeownership should be noted. Pohatcong has been experiencing a loss in population which should serve as a clear example of this phenomenon. New multifamily housing developments should respond to the aesthetic values of the community and character of the Township.

When Pohatcong adopts these policies, it will undoubtedly become a model for smart growth and development and an ideal place to be for current and future residents and visitors alike.

## **2. Revised Goals and Objectives**

- a. Preserve remaining open and forested land, natural features and farms, where possible.
  - i. Complete a natural feature analysis of the Township, determine those areas most suitable for preservation and integrate these into an open space plan including viewsheds from both public and private roads.
  - ii. Preserve and enhance stream corridors, open space vistas and stands of mature trees, integrating them with parks, open space and pedestrian linkages.
  - iii. Adjust building density to the environmental suitability for development of each site, using gross density on buildable land. Maximize open space.
  - iv. Provide a zoning option on remaining open land for cluster development.
  - v. Incorporate historic rural/farm structures into development schemes whenever possible.
  - vi. Where safety and drainage are not compromised, maintain a rural character to existing road in the "rural area" of the Township with characteristics such as two lane roads with no curbing, grass setbacks or extensive landscaping.
  - vii. Acquire additional open space for parks, exploring possible developer contributions.
  - viii. Consider intramunicipal transfer of development credits from farmland into appropriate receiving areas, as a mechanism for preserving farmer's equity for land while preserving open space.
- b. Prepare standards for existing commercial areas, concentrating on façade improvements, parking, landscaping and signs.
  - i. Encourage the redevelopment of the facades of strip commercial buildings, as well as parking lot landscaping whenever there is a change of use, occupancy or ownership.
  - ii. Implement a sign control ordinance, decreasing height and intensity of signs in all areas including billboards and temporary signs, particularly along collector and arterial roads.
  - iii. Encourage additional service and shopping facilities in existing commercial areas.
- c. Encourage design and development standards, which respond to positive aesthetic values of the community.
  - i. Encourage a land use pattern which encourages lower density development in a rural setting in the preservation area.
  - ii. Preserve and enhance historic places and buildings, and encourage the maintenance of historical farms and patterns of buildings and roads including existing farms.

- iii. Recognize the existing pattern of development particularly in existing residential neighborhoods and commercial areas in the Planning Area.
  - d. Encourage street configurations, which are in character with the Township.
    - i. Promote the visual improvement of the Township's major arterials, planting additional street trees and requiring on-site landscape improvements, particularly along major commercial routes.
    - ii. Discourage the widening of existing collector, sub-collector and residential access roads, while limiting new roads to smaller sub-collectors.
    - iii. Where safety and drainage are not compromised, limit existing rural roads to one lane in each direction, with non-paved shoulders.
    - iv. Avoid large front yard parking lots. Intensive screening and landscaping should be required.
- 3. Shimer School Property – recommendation for a 100% affordable project.
- 4. Industrial zone between New Brunswick Avenue and Interstate 78 – recommendation to retain industrial use but consider high end retail outlet option.
- 5. Toll/Oberly/Victoria Ridge/Resnick Tracts – recommendation to have Oberly/Resnick tracts revert to R-1 zoning
- 6. EAI/Hamptons at Pohatcong – recommendation to rezone the property for multifamily.
- 7. Recommendations from the 2010 reexamination report.
  - a. Rezone R-3 zone to the rear of Phillipsburg Mall to R-1. (in 2013 this recommendation was found to be valid and should be implemented)
  - b. Rezone portions of the B-3 zone along Route 122 near the Phillipsburg border to B-2 and the remainder to R-4. (in 2013 this recommendation was found to be valid and should be implemented)
  - c. Develop post development standards for AH and R-1 ARH zones to accommodate individual homeowner site improvements following completion of the project. (in 2013 it was noted the recommendation is no longer valid)
  - d. Combine the R-4V and B-2 zones in Warren Glen to form a single R-4V Zone. (in 2013 this recommendation was found to be valid and should be implemented)
  - e. Rezone the norther portion of the industrial zone in Warren Glen to R-1 to reflect the fact that the property is in Open Space Protection. (in 2013 this recommendation was found to be valid and should be implemented)
  - f. Rezone the remainder of the Industrial Zone south of Route 78 to R-1 and AP as appropriate. (in 2013 it was noted this issue should be studied further relative to farmland preservation efforts)
  - g. Investigate the potential designation of the Industrial Zone to Warren Glen as an Area in Need of Redevelopment or as a Highlands Redevelopment Area....The Township should explore the likelihood that the mill property will ever be revitalized and should consider rezoning the area to R-4V or to some other Redevelopment Designation. (in 2013 this recommendation was found to be valid and should be implemented)
  - h. Designate additional areas of the Township Agricultural Preservation Zone. (in 2013 this recommendation was found to be valid and should be implemented)
  - i. The Township should consider the long-term development potential of the Quarry once the current use of the quarry is completed. The Master Plan should address this area in more detail. (in 2013 this recommendation was found to be valid and should be implemented)
  - j. Draft new design standards for commercial development along Route 22 to incorporate the latest in design standards in any private capital redevelopment in the

- corridor. (in 2013 this recommendation was found to be valid and should be implemented)
- k. Revise Circulation Plan Element to address the Route 22 and Route 122 intersection. (in 2013 this recommendation was found to be valid and should be implemented)
- l. Address the continued flooding problems by creating:
  - Additional design criteria for flood prone areas
  - A flood hazard control overlay zone for flood prone areas with more stringent development standards
- m. Requiring flood mitigation measures with any proposed development in flood prone areas (in 2013 this recommendation was found to be valid and should be implemented)
- 8. Specific changes to development regulations, which primarily focused on Highlands-related issues.

## **B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date**

The problems and objectives from the 2013 reexamination report noted above are discussed in more detail below, including any update on the current status of the recommendation.

1. Vision Statement - The vision statement remains as set forth in the 2013 reexamination report.
2. Revised Goals and Objectives - The revised goals and objectives remain as set forth in the 2013 reexamination report.
3. Shimer School Property - recommendation for a 100% affordable project. Since the 2013 reexamination report, the Township Council has designated the Shimer School property as an area in need of redevelopment. While the idea of a 100% affordable housing project was assessed, the scoring criteria for the NJHMFA 9% tax credit financing program meant such a project was not viable. As such, the site will now be developed with an inclusionary project, with a minimum of 20% of the units proposed being affordable to low and moderate income households.
4. Industrial zone between New Brunswick Avenue and Interstate 78 - recommendation to retain industrial use but consider high end retail outlet option. The owner of the property recently secured site plan approval for a 660,000 square foot warehouse and distribution use.
5. Toll/Oberly/Victoria Ridge/Resnick Tracts - recommendation to have Oberly/Resnick tracts revert to R-1 zoning. This recommendation has yet to be implemented.
6. EAI/Hamptons at Pohatcong - recommendation to rezone the property for multifamily. Since the 2013 reexamination report, the developer received subdivision and site plan approval to construct 233 units consisting of 90 single-family homes, 99 market rate townhomes and 44 affordable townhomes.
7. Recommendations from the 2010 reexamination report.
  - a. Rezone R-3 zone to the rear of Phillipsburg Mall to R-1. (in 2013 this recommendation was found to be valid and should be implemented) This recommendation has yet to be implemented.

- b. Rezone portions of the B-3 zone along Route 122 near the Phillipsburg border to B-2 and the remainder to R-4. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- c. Develop post development standards for AH and R-1 ARH zones to accommodate individual homeowner site improvements following completion of the project. (in 2013 it was noted the recommendation is no longer valid) **This recommendation has yet to be implemented. It should be noted that the property comprising the R-1, ARH zone is now preserved.**
- d. Combine the R-4V and B-2 zones in Warren Glen to form a single R-4V Zone. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has been implemented.**
- e. Rezone the northern portion of the industrial zone in Warren Glen to R-1 to reflect the fact that the property is in Open Space Protection. (in 2013 this recommendation was found to be valid and should be implemented) **) This recommendation has yet to be implemented.**
- f. Rezone the remainder of the Industrial Zone south of Route 78 to R-1 and AP as appropriate. (in 2013 it was noted this issue should be studied further relative to farmland preservation efforts) **This recommendation has yet to be implemented.**
- g. Investigate the potential designation of the Industrial Zone to Warren Glen as an Area in Need of Redevelopment or as a Highlands Redevelopment Area....The Township should explore the likelihood that the mill property will ever be revitalized and should consider rezoning the area to R-4V or to some other Redevelopment Designation. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- h. Designate additional areas of the Township Agricultural Preservation Zone. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- i. The Township should consider the long-term development potential of the Quarry once the current use of the quarry is completed. The Master Plan should address this area in more detail. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- j. Draft new design standards for commercial development along Route 22 to incorporate the latest in design standards in any private capital redevelopment in the corridor. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- k. Revise Circulation Plan Element to address the Route 22 and Route 122 intersection. (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**
- l. Address the continued flooding problems by creating:
  - Additional design criteria for flood prone areas
  - A flood hazard control overlay zone for flood prone areas with more stringent development standards**This recommendation has yet to be implemented.**
- m. Requiring flood mitigation measures with any proposed development in flood prone areas (in 2013 this recommendation was found to be valid and should be implemented) **This recommendation has yet to be implemented.**

8. Specific changes to development regulations, which primarily focused on Highlands-related issues. **This recommendation has yet to be fully implemented through adoption of the Highlands Land Use Ordinance, although the referral ordinance has been adopted.**

### C. Relevant changes in assumptions, policies and objectives at the local, county and state levels

Since adoption of the 2013 reexamination report, the US Census was conducted in 2020 and the Census Bureau continues to publish American Community Survey estimates. The most recently available data is presented and discussed on the following pages, with the data source cited within each table. It should be noted that much of the detailed data from the 2020 Census is not yet available, therefore 2019 American Community Survey data is provided in its place. Unfortunately, this means that some data from the 2019 ACS is out of synch with actual counts taken in the 2020 Census, but the statistical information from the ACS remains useful.

| TABLE 1: TOTAL HOUSING UNITS    |              |         |               |         |                  |         |
|---------------------------------|--------------|---------|---------------|---------|------------------|---------|
| 2020 Decennial Census; Table H1 |              |         |               |         |                  |         |
| Type                            | Pohatcong    |         | Warren County |         | New Jersey       |         |
|                                 | Estimate     | Percent | Estimate      | Percent | Estimate         | Percent |
| Occupied Housing Units          | 1,308        | 90.9%   | 41,587        | 92%     | 3,231,874        | 89%     |
| Vacant Housing Units            | 131          | 9.1%    | 3,886         | 9%      | 384,740          | 11%     |
| <b>TOTAL HOUSING UNITS</b>      | <b>1,439</b> |         | <b>45,473</b> |         | <b>3,616,614</b> |         |

| TABLE 2: TOTAL HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE |                     |         |
|--|---------------------|---------|
| 2019 ACS 5-Year Estimates; Table DP04                        |                     |         |
| Units in Structure   | Total Housing Units | Percent |
| 1, detached  | 1,291               | 90%     |
| 1, attached  | 54                  | 4%      |
| 2  | 36                  | 3%      |
| 3 or 4   | 46                  | 3%      |
| 5 to 9   | 0                   | 0%      |
| 10 to 19 units   | 12                  | 1%      |
| 20 or more units   | 0                   | 0%      |
| Mobile Home  | 0                   | 0%      |
| Boat, RV, Van, etc.  | 0                   | 0%      |
| <b>TOTAL HOUSING UNITS</b>                                   | <b>1,439</b>        |         |

**TABLE 3: OCCUPIED HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE**

2019 ACS 5-Year Estimates; Table S2504

| Units in Structure                  | Owner-Occupied | Percent of Owner-Occupied | Renter-Occupied | Percent of Renter-Occupied | Total Occupied | Percent of Total Occupied |
|-------------------------------------|----------------|---------------------------|-----------------|----------------------------|----------------|---------------------------|
| 1, detached                         | 1078           | 98%                       | 109             | 52%                        | 1,187          | 91%                       |
| 1, attached                         | 21             | 2%                        | 33              | 16%                        | 54             | 4%                        |
| 2                                   | 0              | 0%                        | 9               | 4%                         | 9              | 1%                        |
| 3 or 4                              | 0              | 0%                        | 46              | 22%                        | 46             | 4%                        |
| 5 to 9                              | 0              | 0%                        | 0               | 0%                         | 0              | 0%                        |
| 10 or more                          | 0              | 0%                        | 12              | 6%                         | 12             | 1%                        |
| Mobile home or other                | 0              | 0                         | 0               | 0                          | 0              | 0                         |
| <b>TOTAL OCCUPIED HOUSING UNITS</b> | <b>1,099</b>   | <b>84%</b>                | <b>209</b>      | <b>16%</b>                 | <b>1,308</b>   | <b>-</b>                  |

**TABLE 4: TOTAL HOUSING UNITS BY YEAR STRUCTURE BUILT**

2019 ACS 5-Year Estimates; Table DP04

| Year Structure Built       | Units        | Percent |
|----------------------------|--------------|---------|
| Built 2014 or later        | 19           | 1%      |
| Built 2010 to 2013         | 0            | 0%      |
| Built 2000 to 2009         | 11           | 1%      |
| Built 1990 to 1999         | 58           | 4%      |
| Built 1980 to 1989         | 65           | 5%      |
| Built 1970 to 1979         | 129          | 9%      |
| Built 1960 to 1969         | 260          | 18%     |
| Built 1950 to 1959         | 317          | 22%     |
| Built 1940 to 1949         | 199          | 14%     |
| Built 1939 or earlier      | 381          | 27%     |
| <b>TOTAL HOUSING UNITS</b> | <b>1,439</b> |         |

**TABLE 5: TOTAL HOUSING UNITS BY NUMBER OF ROOMS**

2019 ACS 5-Year Estimates; Table DP04

| Number of Rooms            | Units        | Percent |
|----------------------------|--------------|---------|
| 1 room                     | 0            | 0%      |
| 2 rooms                    | 0            | 0%      |
| 3 rooms                    | 35           | 2%      |
| 4 rooms                    | 122          | 9%      |
| 5 rooms                    | 338          | 24%     |
| 6 rooms                    | 370          | 26%     |
| 7 rooms                    | 284          | 20%     |
| 8 rooms                    | 140          | 10%     |
| 9 rooms or more            | 150          | 10%     |
| <b>TOTAL HOUSING UNITS</b> | <b>1,439</b> |         |

**TABLE 6: TOTAL HOUSING UNITS BY NUMBER OF BEDROOMS**

2019 ACS 5-Year Estimates; Table DP04

| Number of Rooms            | Units        | Percent |
|----------------------------|--------------|---------|
| No bedroom                 | 0            | 0%      |
| 1 bedroom                  | 51           | 4%      |
| 2 bedrooms                 | 374          | 26%     |
| 3 bedrooms                 | 683          | 48%     |
| 4 bedrooms                 | 304          | 21%     |
| 5 or more bedrooms         | 27           | 2%      |
| <b>TOTAL HOUSING UNITS</b> | <b>1,439</b> |         |

| TABLE 7: OWNER OCCUPIED HOUSING VALUES       |              |         |              |         |
|--|--------------|---------|--------------|---------|
| 2019 & 2010 ACS 5-Year Estimates; Table DP04 |              |         |              |         |
| Housing Values                               | 2010 Units   | Percent | 2019 Units   | Percent |
| Less than \$50,000                           | 0            | 2%      | 22           | 2%      |
| \$50,000 to \$99,999                         | 14           | 3%      | 29           | 3%      |
| \$100,000 to \$149,999                       | 78           | 9%      | 96           | 9%      |
| \$150,000 to \$199,999                       | 162          | 36%     | 400          | 36%     |
| \$200,000 to \$299,999                       | 516          | 31%     | 344          | 31%     |
| \$300,000 to \$499,999                       | 357          | 16%     | 171          | 16%     |
| \$500,000 to \$999,999                       | 27           | 2%      | 21           | 2%      |
| \$1,000,000 or more                          | 0            | 2%      | 16           | 2%      |
| Pohatcong Township Median                    | \$257,900.00 | -       | \$200,500.00 | -       |
| Warren County Median                         | \$307,300.00 | -       | \$264,200.00 | -       |

| TABLE 8: OCCUPIED HOUSING UNITS BY GROSS RENT |                 |         |                     |         |
|---|-----------------|---------|---------------------|---------|
| 2019 ACS 5-Year Estimates; Table DP04         |                 |         |                     |         |
| Gross Rent                                    | Pohatcong Units | Percent | Warren County Units | Percent |
| Less than \$500                               | 0               | 0%      | 827                 | 8%      |
| \$500 to \$999                                | 26              | 17%     | 2992                | 27%     |
| \$1,000 to \$1,499                            | 117             | 76%     | 5054                | 46%     |
| \$1,500 to \$1,999                            | 12              | 8%      | 1228                | 11%     |
| \$2,000 to \$2,499                            | 0               | 0%      | 561                 | 5%      |
| \$2,500 to \$2,999                            | 0               | 0%      | 230                 | 2%      |
| \$3,000 or more                               | 0               | 0%      | 55                  | 1%      |
| Median (dollars)                              | \$1,230         | (X)     | \$1,132             | (X)     |
| No rent paid                                  | 54              | (X)     | 825                 | (X)     |
| TOTAL OCCUPIED UNITS PAYING RENT              | 155             | -       | 10,947              | -       |



**TABLE 9: MONTHLY HOUSING COSTS AS A PERCENTAGE OF  
HOUSEHOLD INCOME  
2019 ACS 5-Year Estimates; Table B25074**

| Income            | Pohatcong Households     | Percentage of Household Income (Pohatcong)     |              |              |              |          |                 |
|-------------------|--------------------------|--|--------------|--------------|--------------|----------|-----------------|
|                   |                          | 0-<br>19.9%                                    | 20-<br>24.9% | 25-<br>29.9% | 30-<br>34.9% | 35%<br>+ | Not<br>computed |
| < \$10,000        | 0                        | 0  | 0            | 0            | 0            | 0        | 10              |
| \$10,000 – 19,999 | 18                       | 0  | 0            | 0            | 0            | 18       | 0               |
| \$20,000 – 34,999 | 55                       | 0  | 0            | 0            | 0            | 23       | 32              |
| \$35,000 – 49,999 | 32                       | 0  | 0            | 9            | 23           | 0        | 0               |
| \$50,000 – 74,999 | 87                       | 38   | 34           | 0            | 0            | 0        | 15              |
| \$75,000 – 99,999 | 0                        | 0  | 0            | 0            | 0            | 0        | 0               |
| \$100,000 or more | 7                        | 0  | 0            | 0            | 0            | 0        | 7               |
| Total             | 199                      | 38   | 34           | 9            | 23           | 41       | 64              |
| Percent Total     |                          | 19%  | 17%          | 5%           | 12%          | 21%      | 32%             |
| Income            | Warren County Households | Percentage of Household Income (Warren County) |              |              |              |          |                 |
|                   |                          | 0-<br>19.9%                                    | 20-<br>24.9% | 25-<br>29.9% | 30-<br>34.9% | 35%<br>+ | Not<br>computed |
| < \$10,000        | 821                      | 8  | 13           | 34           | 19           | 569      | 178             |
| \$10,000 – 19,999 | 1551                     | 46   | 84           | 98           | 131          | 939      | 253             |
| \$20,000 – 34,999 | 2461                     | 107  | 39           | 117          | 379          | 1616     | 203             |
| \$35,000 – 49,999 | 1740                     | 112  | 230          | 397          | 447          | 519      | 35              |
| \$50,000 – 74,999 | 2117                     | 366  | 542          | 474          | 255          | 376      | 104             |
| \$75,000 – 99,999 | 1603                     | 1140   | 183          | 140          | 55           | 27       | 58              |
| \$100,000 or more | 1479                     | 1117   | 118          | 63           | 28           | 0        | 153             |
| Total             | 11772                    | 2896   | 1209         | 1323         | 1314         | 4046     | 984             |
| Percent Total     |                          | 25%  | 10%          | 11%          | 11%          | 34%      | 8%              |

**TABLE 10: INDICATORS OF HOUSING DEFICIENCY**

2019 ACS 5-Year Estimates; Table DP04

| Total Number of Occupied Units | Lack of Plumbing | Lack of Kitchen | No Telephone Service |
|--------------------------------|------------------|-----------------|----------------------|
| 1,308                          | 0                | 0               | 39                   |

There are a number of noteworthy facts from the preceding 10 tables related to housing characteristics of the Township, including:

- Of the Township's 1,439 total estimated housing units, about 91% are occupied, following a similar trend to the County (92%) and New Jersey as a whole (89%).
- Single- family detached units make up the vast majority (90%) of the Township's housing stock, with single family attached having the next highest share (4%).
- 63% of the housing units within the Township were built prior to 1960, and 27% of all housing units were built prior to 1939.
- 78% of housing units have 3 bedrooms or less.
- Median housing values have dropped in the last 9 years, both in the Township and the County as a whole.
- Monthly housing costs exceed 30% of household income for 33% of households in the Township. This is a lower percentage compared to Warren County overall, where 45% of households have monthly costs exceeding 30% of household income.

Overall these statistics highlight a lack of housing variety within the Township and point to an issue of affordability, as fully 1/3 of households are spending more than 30% of monthly income on housing costs.

**TABLE 11: POPULATION OVER TIME**

1990 &amp; 2000 &amp; 2010 &amp; 2020 Census Data; Table P2

| Geography          | 1990      | 2000      | 2010      | 2020      |
|--------------------|-----------|-----------|-----------|-----------|
| Pohatcong Township | 3,591     | 3,416     | 3,339     | 3,241     |
| Warren County      | 91,607    | 102,437   | 108,692   | 109,632   |
| New Jersey         | 7,730,188 | 8,414,350 | 8,791,894 | 9,288,994 |

**TABLE 12: AGE DISTRIBUTION OVER TIME**

2010 &amp; 2019 ACS 5-Year Estimates; Table S0101

| Age Group                 | 2010         | Percent | 2019         | Percent | Percent Change |
|---------------------------|--------------|---------|--------------|---------|----------------|
| Under 5 years             | 224          | 7%      | 184          | 6%      | -0.22%         |
| 5 to 9 years              | 160          | 5%      | 135          | 4%      | -0.18%         |
| 10 to 14 years            | 228          | 7%      | 192          | 6%      | -0.19%         |
| 15 to 19 years            | 231          | 7%      | 181          | 6%      | -0.28%         |
| 20 to 24 years            | 245          | 7%      | 193          | 6%      | -0.27%         |
| 25 to 29 years            | 194          | 6%      | 180          | 6%      | -0.08%         |
| 30 to 34 years            | 173          | 5%      | 197          | 6%      | 0.12%          |
| 35 to 39 years            | 211          | 6%      | 212          | 7%      | 0.01%          |
| 40 to 44 years            | 312          | 9%      | 212          | 7%      | -0.47%         |
| 45 to 49 years            | 333          | 10%     | 225          | 7%      | -0.48%         |
| 50 to 54 years            | 194          | 6%      | 258          | 8%      | 0.25%          |
| 55 to 59 years            | 299          | 9%      | 213          | 7%      | -0.40%         |
| 60 to 64 years            | 160          | 5%      | 313          | 10%     | 0.49%          |
| 65 to 69 years            | 82           | 2%      | 218          | 7%      | 0.63%          |
| 70 to 74 years            | 41           | 1%      | 136          | 4%      | 0.70%          |
| 75 to 79 years            | 143          | 4%      | 77           | 2%      | -0.85%         |
| 80 to 84 years            | 115          | 3%      | 44           | 1%      | -1.62%         |
| 85 years and over         | 58           | 2%      | 38           | 1%      | -0.52%         |
| <b>TOTAL POPULATION</b>   | <b>3,396</b> |         | <b>3,208</b> |         | <b>-0.06%</b>  |
| <b>Median Age (years)</b> | <b>37</b>    |         | <b>39.8</b>  |         |                |

**TABLE 13: AGE DISTRIBUTION**

2019 ACS 5-Year Estimates; Table S0101

| Age Group               | Pohatcong    |         | Warren County  |         | New Jersey       |         |
|-------------------------|--------------|---------|----------------|---------|------------------|---------|
|                         | Number       | Percent | Number         | Percent | Number           | Percent |
| Under 5 years           | 184          | 6%      | 4,777          | 5%      | 511,925          | 6%      |
| 5 to 9 years            | 135          | 4%      | 5,742          | 5%      | 524,592          | 6%      |
| 10 to 14 years          | 192          | 6%      | 6,357          | 6%      | 563,204          | 6%      |
| 15 to 19 years          | 181          | 6%      | 6,904          | 7%      | 555,206          | 6%      |
| 20 to 24 years          | 193          | 6%      | 6,484          | 6%      | 536,034          | 6%      |
| 25 to 29 years          | 180          | 6%      | 5,970          | 6%      | 576,949          | 7%      |
| 30 to 34 years          | 197          | 6%      | 5,542          | 5%      | 571,509          | 6%      |
| 35 to 39 years          | 212          | 7%      | 5,632          | 5%      | 576,841          | 7%      |
| 40 to 44 years          | 212          | 7%      | 6,365          | 6%      | 567,263          | 6%      |
| 45 to 49 years          | 225          | 7%      | 7,827          | 7%      | 584,884          | 7%      |
| 50 to 54 years          | 258          | 8%      | 8,850          | 8%      | 615,092          | 7%      |
| 55 to 59 years          | 213          | 7%      | 9,180          | 9%      | 620,252          | 7%      |
| 60 to 64 years          | 313          | 10%     | 7,594          | 7%      | 603,364          | 7%      |
| 65 to 69 years          | 218          | 7%      | 5,892          | 6%      | 464,475          | 5%      |
| 70 to 74 years          | 136          | 4%      | 4,574          | 4%      | 372,527          | 4%      |
| 75 to 79 years          | 77           | 2%      | 3,378          | 3%      | 264,771          | 3%      |
| 80 to 84 years          | 44           | 1%      | 2,037          | 2%      | 179,292          | 2%      |
| 85 years and over       | 38           | 1%      | 2,757          | 3%      | 194,010          | 2%      |
| <b>TOTAL POPULATION</b> | <b>3,208</b> |         | <b>105,862</b> |         | <b>8,882,190</b> |         |
| Median Age (years)      | 42.1         |         | 44.4           |         | 40.2             |         |

**TABLE 14: RACIAL & ETHNIC BREAKDOWN**

2020 Census Data; Table P1

| Races & Ethnicities                        | Pohatcong    |              | Warren County  |              | New Jersey       |              |
|--|--------------|--------------|----------------|--------------|------------------|--------------|
|  | Number       | Percent      | Number         | Percent      | Number           | Percent      |
| White alone                                | 2,779        | 93%          | 104,667        | 89%          | 4,816,381        | 66.1%        |
| Black or African American alone            | 100          | 0.1%         | 3,030          | 2.6%         | 1,154,142        | 15.8%        |
| American Indian and Alaska Native alone    | 7            | 0.1%         | 92             | 0.1%         | 11,206           | 0.2%         |
| Asian alone                                | 43           | 1.6%         | 5,677          | 4.8%         | 942,921          | 12.9%        |
| Native Hawaiian and Other Pacific Islander | 2            | 0.0%         | 8              | 0.0%         | 1,944            | 0.0%         |
| Other                                      | 69           | 0.5%         | 535            | 0.5%         | 70,354           | 1.0%         |
| Multi-racial                               | 241          | 4.3%         | 4,009          | 3.4%         | 289,471          | 4.0%         |
| <b>NOT HISPANIC OR LATINO TOTAL</b>        | <b>3,026</b> | <b>95.9%</b> | <b>118,018</b> | <b>91.5%</b> | <b>7,286,419</b> | <b>78.4%</b> |
| Hispanic or Latinx                         | 215          | 4.1%         | 10,929         | 8.5%         | 2,002,575        | 21.6%        |
| <b>2020 POPULATION TOTAL</b>               | <b>3,241</b> |              | <b>128,947</b> |              | <b>9,288,994</b> |              |

As seen in Table 11, the Township's population has been slightly declining over time, with a decrease of about 300 residents over 30 years. Median age of residents has increased by almost 3 years from 2010 to 2019, with most age ranges seeing slight decline with slight growth in the 50 to 54, 60 to 64, 65 to 69, and 70 to 74 year ranges. Ethnicity of Township residents is predominantly white alone at 93%, with small percentages being multi-racial with a small percentage of the population being Hispanic or Latinx.

**TABLE 15: HOUSEHOLD INCOME IN THE PAST 12 MONTHS**

2019-ACS 5 YEAR ESTIMATES; Table S1901

| Incomes (In 2019 Inflation-Adjusted Dollars) | Pohatcong   | Warren County | New Jersey  |
|--|-------------|---------------|-------------|
|  | Estimate    | Estimate      | Estimate    |
| Less than \$10,000                           | 3.1%        | 3.3%          | 4.9%        |
| \$10,000 to \$14,999                         | 1.3%        | 3.2%          | 3.2%        |
| \$15,000 to \$24,999                         | 4.1%        | 6.7%          | 7.1%        |
| \$25,000 to \$34,999                         | 6.3%        | 7.5%          | 6.9%        |
| \$35,000 to \$49,999                         | 12.3%       | 9.8%          | 9.4%        |
| \$50,000 to \$74,999                         | 17.7%       | 15.4%         | 14.6%       |
| \$75,000 to \$99,999                         | 15.8%       | 14.9%         | 12.1%       |
| \$100,000 to \$149,999                       | 19.6%       | 20.0%         | 17.7%       |
| \$150,000 to \$199,999                       | 11.2%       | 9.5%          | 10.1%       |
| \$200,000 or more                            | 8.5%        | 9.6%          | 14.0%       |
| Median income (dollars)                      | \$83,115.00 | \$81,307.00   | \$82,545.00 |

**TABLE 16: POVERTY STATUS**

2019-ACS 5 YEAR ESTIMATES; Table S1701

|   | Pohatcong | Warren County | New Jersey |
|---|-----------|---------------|------------|
|   | Estimate  | Estimate      | Estimate   |
| Population (for whom status was determined) | 3,208     | 104,274       | 8,706,202  |
| Population below poverty level              | 224       | 7,885         | 869,081    |
| Percent below poverty level                 | 7.0%      | 7.6%          | 10.0%      |

**TABLE 17: EDUCATIONAL ATTAINMENT**

2019-ACS 5 YEAR ESTIMATES; Table S1501; \*Percentages do not add up 100%

| Population 25 years and over    | Pohatcong | Warren County | New Jersey |
|---------------------------------|-----------|---------------|------------|
|                                 | Percent   | Percent       | Percent    |
| Highschool or equivalent        | 32.8%     | 30.6%         | 27.2%      |
| Some college, no degree         | 19.2%     | 19.1%         | 16.4%      |
| Associate's degree              | 12.0%     | 8.8%          | 6.5%       |
| Bachelors degree                | 21.8%     | 22.1%         | 24.2%      |
| Graduate or professional degree | 8.9%      | 10.9%         | 15.5%      |

**TABLE 18: SELECTED TRANSPORTATION CHARACTERISTICS**

2019-ACS 5 YEAR ESTIMATES; Table DP03

| Method of Transportation          | Pohatcong |         | Warren County |         | New Jersey |         |
|-----------------------------------|-----------|---------|---------------|---------|------------|---------|
|                                   | Estimate  | Percent | Estimate      | Percent | Estimate   | Percent |
| Drove Alone (car, truck, or van)  | 1,525     | 89.3%   | 43,958        | 81.4%   | 3,086,231  | 71.2%   |
| Carpooled (car, truck, or van)    | 80        | 4.7%    | 4,509         | 8.3%    | 346,868    | 8.0%    |
| Public Transportation             | 14        | 0.8%    | 820           | 1.5%    | 505,619    | 11.7%   |
| Walked                            | 37        | 2.2%    | 1,315         | 2.4%    | 122,948    | 2.8%    |
| Other                             | 21        | 1.2%    | 823           | 1.5%    | 79,061     | 1.8%    |
| Worked from Home                  | 30        | 1.8%    | 2,590         | 4.8%    | 196,157    | 4.5%    |
| Total Workers (16 years and over) | 1,707     |         | 54,015        |         | 4,336,884  |         |
| Mean travel to work (minutes)     | 36.2      |         | 36.0          |         | 32.2       |         |

**TABLE 19: SELECTED ECONOMIC CHARACTERISTICS**

2019-ACS 5 YEAR ESTIMATES; Table DP03

| Employment Status             | Pohatcong |         | Warren County |         | New Jersey |         |
|-------------------------------|-----------|---------|---------------|---------|------------|---------|
|                               | Estimate  | Percent | Estimate      | Percent | Estimate   | Percent |
| Employed                      | 1,740     | 64.8%   | 55,354        | 63.2%   | 4,422,491  | 61.9%   |
| Unemployed                    | 128       | 4.8%    | 3,464         | 4.0%    | 258,093    | 3.6%    |
| Armed forces                  | 0         | 0.0%    | 27            | 0.0%    | 9,265      | 0.1%    |
| Not in labor force            | 816       | 30.4%   | 28,780        | 32.8%   | 2,458,460  | 34.4%   |
| Population 16 years and older | 2,684     |         | 87,625        |         | 7,148,309  |         |
| Unemployment Rate             | 6.0%      |         | 5.9%          |         | 5.5%       |         |

Median income of Township residents lags behind that of Warren County but continues to outpace the state median, and 3.4% of the population is estimated to be below poverty level. More than 67% of residents have attained some form of college degree, and 57% have attained a

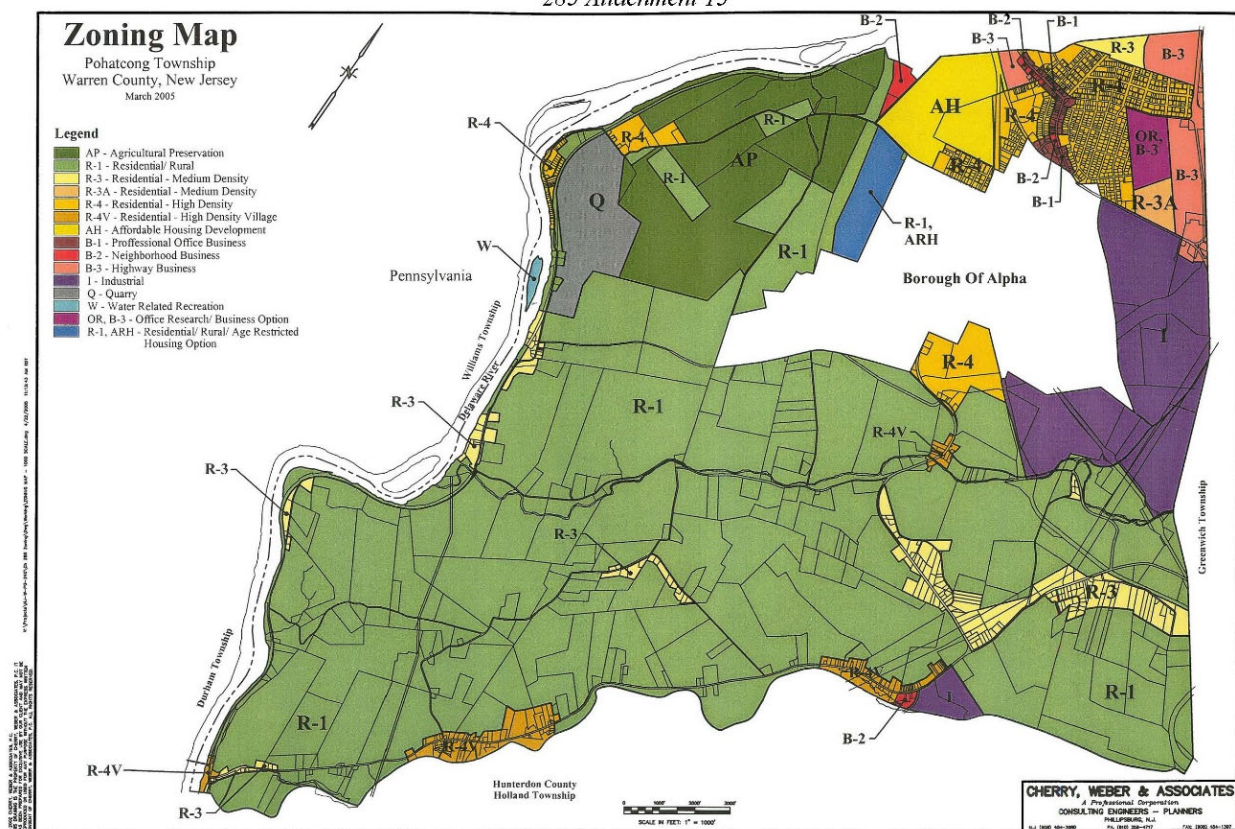
bachelor's degree or higher. Unemployment was estimated to be around 5% in 2019, with nearly 70% of Township residents employed in the workforce.

## 1. Existing Land Use and Zoning

Pohatcong is divided into 15 zoning districts, including 8 residential zone districts, 3 commercial districts, an industrial district, a quarry district, a water-related recreation district and one office/research district as shown on the zoning map below. Residential zone districts cover the majority of the Township, with commercial districts located along highway corridors and major collector roadways with a small area of commercial zoning in Warren Glen. In order to achieve consistency with the Highlands Regional Master Plan for both the Planning and Preservation Areas, zone designations will need to be reviewed as the Highlands Land Use Ordinance is prepared.

### ZONING

285 Attachment 15



Several state, regional, county, and local planning events have occurred subsequent to the 2013 Master Plan Reexamination Report, or were not covered at that time. The following section identifies the relevant changes in assumptions, policies and objectives that have occurred and the impact on land use and planning policies in Pohatcong Township.

## **2. Climate Change Related Hazard Vulnerability Assessment**

In 2021, the Municipal Land Use Law, N.J.S.A. 40:55D-28 was amended to include a provision requiring a hazard vulnerability assessment related to climate change be included in any adopted land use plan elements of the Master Plan. N.J.S.A. 40:55D-28.h was added and states that a climate change related hazard vulnerability assessment shall (i) analyze current and future threats and vulnerabilities to the municipality from climate change-related natural hazards (ii) include a build-out analysis of future development and an assessment of the threats and vulnerabilities associated with the future development (iii) identify critical facilities, utilities, roadways, and other infrastructure necessary for evacuation and sustaining quality of life during a natural disaster (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan (v) provide strategies and design standards that may reduce or avoid natural hazard risks (vi) include a specific policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed plan (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey department of Environmental Protection. In (i), the statute defines climate change-related natural hazards as including but not limited to increased temperatures, drought, flooding, hurricanes and sea-level rise. In (vi), the statute details the plans which include natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan.

The New Jersey Highlands Council is currently seeking a consultant to prepare a model document for municipal use in preparing the required hazard vulnerability assessment, which will also include climate resiliency and environmental sustainability recommendations. It is anticipated the model will be available in late 2022 and that implementation funding will be available from the Highlands Council through the plan conformance process to permit the Township to prepare and adopt the required assessment.

## **3. Master Plan Sustainability Element**

In 2008 the Municipal Land Use Law was amended to include the option to prepare a “Green Buildings and Environment Sustainability Element” of the municipal master plan. As noted in the amendment to N.J.S.A. 40:55D-29b(16), this element “shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design”.

## **4. State Development and Redevelopment Plan**

In March 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. 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.). This State Plan places the Township in the Metropolitan Planning Area (PA1).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendment to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather a new State Plan, the "State Strategic Plan: New Jersey's State Development & Redevelopment Plan", was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The Township should monitor the State's efforts toward adopting a new State Plan and respond accordingly.

Current mapping provided by the New Jersey Department of State Office of Planning Advocacy no longer shows Planning Area designations for the Township, as it is entirely within the Highlands Area, and the Highlands Act and Regional Master Plan addresses such areas within the State.

## **5. Wireless Telecommunications Facilities**

There have been two changes to regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an "eligible facility" to modify an existing wireless tower or base station if such a change does not "substantially change" the physical dimensions of the tower or base station. The term "substantial change" is not defined by the law. Until regulation or case law is issued on this topic, the Township will need to carefully interpret this on a case-by-case basis.

The second regulatory change is an amendment to the Municipal Land Use Law, N.J.S.A. 40:55D-46.2. This new section states applications for collocated equipment on a wireless communications support structure shall not be subject to site plan review provided three requirements are met: 1) the structure must have been previously approved; 2) the collocation shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief. Township ordinances should be revised to reflect federal law.

In the coming years, it is anticipated that providers of fifth-generation wireless technology ("5G") will seek to install wireless facilities, typically on utility poles and lampposts, throughout the region. 5G offers subscribers much faster data speeds and, with that, new and enhanced technological capabilities. The Township should take appropriate steps to control and regulate

the implementation of 5G technology by adopting ordinances which implement processes and regulate, among other things, the size, location, and appearance of 5G wireless facilities.

## **6. Affordable Housing**

On December 20, 2004, COAH's first version of the Third Round rules became effective some five years after the end of the Second Round in 1999. At that time, the Third Round was defined as the time period from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004 through January 1, 2014. The Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development within a municipality.

On January 25, 2007, a New Jersey Appellate Court decision, *In re Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J. Super. 1, invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules within six months to address the deficiencies identified by the Court. COAH missed this deadline but did issue revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). COAH largely retained the growth share approach, but implemented several changes intended to create compliance with the 2007 Appellate Court decision. Additionally, the Third Round was expanded from 2014 to 2018.

Just as various parties challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision, *In re Adoption of N.J.A.C. 5:96 and 5:97*, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH's third round regulations. The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality but invalidated the regulations by which the agency assigned housing obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula. Instead, COAH was directed to use similar methods that had been previously used in the First and Second rounds. The Court gave COAH five months to address its ruling and provide guidance on some aspects of municipal compliance.

COAH sought a stay from the NJ Supreme Court of the March 8, 2011 deadline that the Appellate Division imposed in its October 2010 decision for the agency to issue new Third Round housing rules. The NJ Supreme Court granted COAH's application for a stay and granted petitions and cross-petitions to all the various challenges to the Appellate Division's 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in *In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing*, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20th meeting and failed to adopt the draft rules it had issued on April 30, 2014. In response, FSHC filed a motion in aid of litigant's rights with the NJ Supreme Court, and oral argument on that motion was heard on January 6, 2015.

On March 10, 2015, the NJ Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (*In re Adoption of N.J.A.C. 5:96 & 5:97*, 221 NJ 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred

responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this was that municipalities may no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities must now apply to the Courts, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Master to the Court, reviewed municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, that was to be addressed by the trial courts. However, the NJ Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld (including but not limited to Redevelopment Bonuses), as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), that found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation requires an expanded definition of the municipal Present Need obligation to include low- and moderate-income households formed during the gap period; however, this component of the obligation is a new-construction obligation rather than a rehabilitation obligation.

Accordingly, the municipal affordable housing obligation is now composed of the following 4 parts:

- Present Need (rehabilitation),
- Prior Round (1987-1999, new construction),
- Gap Present Need (Third Round, 1999-2015, new construction), and
- Prospective Need (Third Round, 2015 to 2025, new construction).

In addition to the State agency activity and judicial decisions, the New Jersey Legislature has amended the Fair Housing Act in recent years. On July 17, 2008, Governor Corzine signed P.L. 2008, c. 46 (referred to as the "Roberts Bill", or "A500"), which amended the Fair Housing Act. Key provisions of the legislation included the following:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (hereinafter "RCAs") as a compliance technique available to municipalities whereby a municipality could transfer up to 50% of its fair share to a so called "receiving" municipality;
- It added a requirement that 13% of all affordable housing units and 13% of all similar units funded by the state's Balanced Housing Program and its Affordable Housing Trust Fund be restricted to very low-income households (30% or less of median income); and
- It added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection after its enactment, which commenced on the four-year anniversary of the law (July 17, 2012).

These amendments to the Fair Housing Act are not promulgated in any valid COAH regulations. However, the requirement to expend development fees within four-years of their collection was determined in a Middlesex County Superior Court case to instead have the first four-year period to begin upon a Judgment of Repose, or upon a finding by the Court that the municipality is determined to be non-compliant (IMO of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances). Superior Courts around the State have been guided by this decision.

In July of 2015, the Township filed a declaratory judgment action with the Superior Court and ultimately entered into a settlement agreement with Fair Share Housing Center in 2018. The settlement agreement set forth the Township's affordable housing obligations, including a rehabilitation obligation of 6 units, a Prior Round Obligation of 47 units and a Third Round Prospective Need of 138 units. Since that time, the Township has been considering alternatives to rezoning contemplated for the Phillipsburg Mall site to address the Third Round Prospective Need, as the owner of the property was opposed to residential zoning. After careful consideration, a compliance approach has been reached and memorialized in an amended settlement agreement with Fair Share Housing Center. The amended agreement, dated May 18, 2022 includes the following mechanisms and credits:

- 24 affordable rental units from inclusionary development in the High Street Redevelopment Area. The project was recently approved by the Land Use Board.
- 12 affordable rental units from inclusionary development in the Shimer School Redevelopment Area. A redevelopment plan will be introduced by Township Council in September of this year.
- Inclusionary development at the EAI tract, providing 44 affordable housing units.
- A 100% affordable housing development either along New Brunswick Avenue or South Main Street, consisting of at least 60 units.
- Existing credits from the Biding Peace age-restricted project.
- Supportive housing credits from an existing project on Liggett Boulevard.

On August 9, 2022, the amended settlement agreement was the subject of a fairness hearing before the Honorable Robert A. Ballard, Jr., P.J.Cv., and an order determining "Mount Laurel Settlement to Be Fair and Reasonable" was filed on August 22, 2022 as a result of that hearing. The Township has 120 days from entry of the order to prepare and adopt an amended Housing Element and Fair Share Plan, Spending Plan and ordinances necessary to implement the Agreement, with a draft of ordinances to be provided to the Court-appointed Special Master within 90 days of the order.

## **7. COVID-19 Pandemic**

While the COVID-19 pandemic continues today, it is clear it will have a lasting impact on the State's economy and how its residents and business operate and interact with one another well into the future. The impact of the pandemic on the Township will likely not be fully understood, however this Reexamination Report offers opportunity to consider what changes to land use policies are necessary to facilitate businesses and residents enjoying success and quality of life during and after the pandemic.

Since the Governor declared a State of Emergency on March 9, 2020, Township business and residents have suffered the health and economic consequences. Through these challenging

times, a few trends have appeared, and it seems likely they will continue through the pandemic and perhaps beyond.

- Economic Repercussions. While the impact remains unknown, it is clear that temporary business closures, and reduced business activity, may result in permanent business closures that could lead to vacant commercial and office spaces. The Township may need to contend with vacancies and will need to monitor this trend and potentially consider if additional permitted uses are appropriate so as to welcome new businesses to the Township. The economic repercussions may go beyond the commercial market and impact the residential market.
- Work from home. Employees across the state have been forced to work from home during the pandemic. For some people and businesses, this has been very successful and is desired to continue beyond the pandemic. This will increase the demand for home offices – perhaps a den, spare bedroom, or finished basement or attic space. It may also increase the desire for a home office as small business owners realize convenience and reduced costs of working from home.
- Multigenerational Housing. It is likely the Township will see increased instances where adult children and/or parents of homeowners are living together. This is a trend that predates the pandemic but is likely to be exacerbated by economic repercussions. This may increase the demand for larger homes, in-home and accessory suites, and accessory apartments.
- Outdoor dining. With the rates of virus transmission significantly lower in outdoor spaces employing social distancing, the desire for restaurants to have outdoor dining has dramatically increased. As such, demand for outdoor dining along sidewalks and in areas of parking lots may increase. It is possible this demand for outdoor dining may extend beyond the COVID-19 Pandemic. This change in demand should be supported in the Township beyond the pandemic since it has the potential to enhance the attractiveness of commercial areas and can contribute toward these areas serving as Township gathering spaces.
- Pedestrian and bicycle facilities. With the temporary closure of businesses and residents working from home, the desire to walk and bike around the community for recreation increased. It is likely this will create new habits among residents and increase the demand for safe and convenient pedestrian and bicycle facilities. The Township should explore how these facilities can be provided between destinations where they do not exist and where enhancements are necessary.
- Drop-off / Pick-up. Temporary closure of businesses and concern about safety of indoor spaces have exacerbated trends in increased demand for take-out food and deliveries of online purchases and restaurant food. The Township may be faced with increased demand for customer pick up locations and home delivery. Such accommodations may require a reconfiguration of parking lots and drive aisles for convenient pick-up. Additionally, these accommodations will not only address safety concerns during the pandemic but will also enhance convenience of local businesses.

## 8. Electric Vehicles

The popularity of electric personal vehicles has grown substantially. In lieu of purchasing fuel at a gas station, these vehicles charge their batteries between trips. While many owners will conduct charging at their home and will do so in accordance with the applicable building code, many will also need and/or desire to charge while at work, shopping or otherwise out of their homes. This requires electric vehicle charging stations. In fact, support for charging stations is consistent with the Strategy 1 of the *2020 New Jersey Energy Master Plan* which states, “Reducing Energy Consumption and Emissions from the Transportation Sector, including encouraging electric vehicle adoption, electrifying transportation systems, and leveraging technology to reduce emissions and miles traveled.”



*Example electric vehicle charging station*

Amendments to the Municipal Land Use Law adopted in August of 2021 included many provisions specific to the installation of electric vehicle supply equipment, including:

- New definitions for “make-ready” and “electric vehicle supply equipment”.
- Applications proposing the installation of electric vehicle supply equipment in any zoning district within the Township must be treated as a permitted accessory use or structure.
- Applications proposing the installation of electric vehicle supply equipment or make-ready parking spaces at an existing gasoline service station, existing retail establishment or any other existing building shall not require site plan or other land use board review nor variance relief and shall be approved by the issuance of a zoning permit by the administrative officer, provided the following requirements are met:
  - The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - The proposed installation complies with the construction codes adopted in or promulgated pursuant to the “State Uniform Construction Code Act,” P.L. 1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charge stations.
- An application shall be deemed complete if:
  - The application, including the permit fee and all necessary documentation, is determined to be complete;
  - A notice of incompleteness is not provided within 20 days after the filing of the application; or

- A one-time written correction notice is not issued by the jurisdiction within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- Installations are subject to applicable local and Department of Community Affairs inspection requirements.
- Each application involving multiple dwellings with 5 or more units, as a condition of preliminary site plan approval shall:
  - Prepare as make-ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of make-ready parking spaces
  - Within three years following the date of the issuance of a certificate of occupancy, install electric vehicle supply equipment in an additional one-third of the original 15 percent of make-ready parking spaces; and
  - Within 6 years following the date of issuance of a certificate of occupancy, install electric vehicle supply equipment in the final one-third of the original 15 percent of make-ready parking spaces.
- Throughout the installation of electric vehicle supply equipment in make-ready parking spaces, at least 5 percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- As a condition of preliminary site plan approval, each application involving a parking lot or parking garage shall:
  - Install at least 1 make-ready parking space if there are 50 or fewer off-street parking spaces
  - Install at least 2 make-ready parking spaces if there will be 50 to 75 off-street parking spaces
  - Install at least 3 make-ready parking spaces if there will be 76 to 100 off-street parking spaces
  - Install at least 4 make-ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces
  - Install at least 4 percent of the total parking spaces as make-ready parking spaces, at least 5 percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces
- Parking spaces with electric vehicle supply equipment or make-ready equipment shall count as at least 2 parking spaces for the purposes of complying with a minimum parking requirement, but may not reduce total required parking by more than 10 percent.
- Requiring the adoption of a model land use ordinance by the Commissioner of Community Affairs, which shall be effective in each municipality.
- Permitting municipalities to adopt reasonable standards to address installation, sightline and setback requirements or other health and safety-related specifications for electric vehicle supply equipment or make-ready spaces.

## 9. Time of Application Law

The Municipal Law Use Law “time of decision” rule was altered by adoption of the “time of application” rule in May of 2010. This amendment changed the long-standing practice that permitted municipalities to change zoning requirements and standards up until the time a

decision was rendered by an approving board on a particular application. Provided an applicant submits an “application for development”, which is defined as “the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L. 1975, c.291 (C.40:55D-1 et seq.)”, the zoning requirements in place at the time of submission shall govern the application. The only exception is for those ordinance requirements relating to health and public safety. Recent case law on this issue has determined that an applicant is required to submit all information necessary to be considered a complete application, including all information required by submission checklists contained in the ordinance.

## **10. Stormwater Management Requirements**

All municipalities in the State were required to adopt new comprehensive stormwater management regulations by March 2, 2021, regulations that were required to be consistent with NJDEP stormwater management rules. The new rules implement more stringent requirements for stormwater control and promote the use of nonstructural stormwater management techniques. The Township adopted its new Stormwater Control ordinance in September of 2020. Recent activity at the State level in the form of amendments to the rules will need to be assessed when they are published.

## **11. Renewable Energy**

There have been a number of amendments to the Municipal Land Use Law relative to renewable energy facilities. These include:

- A new definition for “inherently beneficial use”, which includes solar, wind and photovoltaic energy generating facilities
- Solar panels not counting as impervious surface, therefore exempting them from impervious coverage requirements
- Permitting solar, photovoltaic and wind electrical generating facilities as being permitted on sites over 20 acres within any industrial zone district in the State

The Zoning Ordinance currently permits small solar energy systems (2,500 square feet of area or less) and ground-mounted solar arrays for solar production systems (2 to 20 megawatts). It also conditionally permits small wind energy systems.

## **12. New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act**

On the heels of a 2020 referendum where the voters of New Jersey approved the legalization of personal cannabis use by adults, the legislature adopted the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act. The Act established different classes of licensing applicable to the cultivation, processing, wholesaling, sale and delivery of cannabis products and required municipalities to either opt out of permitted cannabis businesses or establish local land use controls related to any of the classes established in the Act. Inaction by a municipality by the August 21, 2021 deadline established in the Act required a waiting period of 5 years to enact land use controls and made cultivation, manufacturing, selling



and reselling of cannabis permitted uses within all industrial zones and the selling of cannabis permitted uses within all retail zones within a municipality. Even upon opting out of permitting cannabis businesses, a municipality may not restrict the delivery of cannabis within its borders. The Township Council adopted an ordinance in 2021 opting out of permitting any class of cannabis business within Pohatcong.

### **13. Short Term Rentals**

Since the last reexamination of the master plan in 2013, short term rentals brokered through companies such as Air-BnB and VRBO have become increasingly popular. While certainly more of an issue for shore towns and municipalities near other popular vacation spots in New Jersey, there are land use considerations for the Township, as short term rentals brokered through websites present potential impacts to single family neighborhoods. While recent review of these websites showed some short term rentals offered within Pohatcong, the possibility of additional short term rentals exists in the future and regulations should be adopted to address potential land use impacts, particularly in single family neighborhoods.

Short term rental units should only be permitted in residential zones, and perhaps not in all residential zones within the Township. Where permitted, short term rental of residential space should be an accessory use to the residential principal use of the property and only where the specific rental unit is licensed to assure compliance with conditions designed to protect the residential nature of the area. The residential use to which the short term rental unit is accessory must be occupied by the owner as a primary residence or within a second dwelling unit on a property where the primary dwelling is owner-occupied. Any short term rental unit should only be a portion of a single-family home or one unit of a duplex or two-family home. An entire single-family home should only be permitted as a short term rental unit where more than one single-family home is present on the same lot or within a short distance (i.e. 500 feet) in common ownership. Multifamily dwellings of more than two units should not be permitted as short term rental units.

Any ordinance considered to permit short term rentals should include the restrictions noted above. It should also include standards requiring adequate off-street parking for both the principal residential use, consistent with the New Jersey Residential Site Improvement Standards, plus one additional parking space for each room offered for rent. Occupancy limits of no more than 2 adults per rented room should be included. The Township should establish licensing standards and appropriate licensing fees for short term rentals, and licenses should be required on an annual basis. In this manner properties that are the subject of complaints that impact adjacent properties can have their license revoked. Appendix 1 includes a draft short term rental ordinance for consideration by the Township Council.

#### **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.**

The Land Use Board recommends that specific changes to the Pohatcong Township Master Plan and development regulations be adopted, as discussed in more detail below. Many of these recommendations have been carried forward from the 2013 reexamination report, however new recommendations and changes are proposed. It is also recommended the Township continue

its plan implementation program to achieve conformance with the Highlands Regional Master Plan for the Planning Area. Text indicated in red summarizes any recommendations from the 2013 reexamination report.

1. Vision Statement – The Land Use Board recommends the Vision Statement contained in the 2013 reexamination report be reviewed and refined as necessary.
2. Revised Goals and Objectives – The Land Use Board recommends the goals and objectives set forth in the 2013 reexamination report be reviewed and refined as necessary. While these goals remain valid, development of more specific objectives covering a broader range of topics should be considered.
3. Shimer School Property – **recommendation for a 100% affordable project** – The Land Use Board recommends the Township continue to work with the redeveloper of the site to arrive at a redevelopment plan to permit multifamily residential development. Given the challenges facing the Township in meeting its affordable housing obligations, this site is critical to providing opportunities for low and moderate income housing, particularly given its location in close proximity to services and employment. Under the requirements of the Highlands Regional Master Plan, all inclusionary developments are required to provide a minimum setaside of low and moderate income housing units equal to 20% of the total units proposed.
4. Industrial zone between New Brunswick Avenue and Interstate 78 – **recommendation to retain industrial use but consider high end retail outlet option** – Given recent approval of a warehouse/distribution use for the entirety of the tract, the Land Use Board recommends no further action relative to existing zoning.
5. Toll/Oberly/Victoria Ridge/Resnick Tracts – **recommendation to have Oberly/Resnick tracts revert to R-1 zoning** – The Land Use Board recommends the zoning designations be adjusted consistent with the proposed zoning map contained in Appendix 5. Properties not preserved should revert to R-1 zoning.
6. EAI/Hamptons at Pohatcong – **recommendation to rezone the property for multifamily** – Given recent approvals granted to the developer, the Land Use Board recommends no further action on this issue.
7. Recommendations from the 2010 reexamination report.
  - a. **Rezone R-3 zone to the rear of Phillipsburg Mall to R-1** – The Land Use Board recommends this issue be studied in conjunction with plan conformance activities and expansion of the Highlands Center. It should be noted the property was recently designated as an area in need of redevelopment by Township Council, and Lopatcong Township designated the adjacent parcel to the north as an area in need of redevelopment in late 2021. While the site is located within the Planning Area, it is not within a sewer service area and is in the Conservation and Conservation Environmentally Constrained subzones. Much of the property (Block 1, Lot 1) is undevelopable due to open water buffers required for the tributary of the Lopatcong Creek along the southern boundary of the tract. A redevelopment plan was introduced by Township Council in August and is expected to be adopted on second reading in September. As such, this recommendation is no longer applicable.
  - b. **Rezone portions of the B-3 zone along Route 122 near the Phillipsburg border to B-2 and the remainder to R-4** – Given the more intense commercial uses permitted in the B-3 Highway Business zone (hotels and motels, fast-food restaurants) and the environmental characteristics of the largest lot designated B-3 in this area, the B-3 designation should be eliminated altogether with existing residential lots reclassified to R-4 along Maple Avenue. Consistent with the Township's settlement agreement

with Fair Share Housing Center, Block 38, Lot 1 is proposed to be rezoned for a 100% affordable housing project. Portions of Block 38, Lot 1 that are currently improved with parking for adjacent uses along South Main Street should be included within the B-2 zone, as shown on the proposed zoning map in Appendix 5.

- c. **Develop post development standards for AH and R-1 ARH zones to accommodate individual homeowner site improvements following completion of the project** – This recommendation is no longer valid.
- d. **Rezone the northern portion of the industrial zone in Warren Glen to R-1 to reflect the fact that the property is in Open Space Protection** – The Land Use Board recommends this property be rezoned to AP Agricultural Preservation, as shown on the proposed zoning map in Appendix 5.
- e. **Rezone the remainder of the Industrial Zone south of Route 78 to R-1 and AP as appropriate** – The Land Use Board recommends that any properties permanently preserved as open space or farmland be reclassified to AP Agricultural Preservation. Other properties not preserved should be reclassified as R-1. Given that this entire area is within the Highlands Preservation Area, the I Industrial zone classification is no longer appropriate.
- f. **Investigate the potential designation of the Industrial Zone to Warren Glen as an Area in Need of Redevelopment or as a Highlands Redevelopment Area....The Township should explore the likelihood that the mill property will ever be revitalized and should consider rezoning the area to R-4V or to some other Redevelopment Designation.** – The Land Use Board considers this recommendation still valid, and the issue should be explored. The Township will need to work with the Highlands Council to determine if a redevelopment designation is appropriate for the site.
- g. **Designate additional areas of the Township Agricultural Preservation Zone.** – The Land Use Board recommends that all properties permanently preserved as open space or farmland be reclassified as AP Agricultural Preservation consistent with the proposed zoning map in Appendix 5.
- h. **The Township should consider the long-term development potential of the Quarry once the current use of the quarry is completed. The Master Plan should address this area in more detail.** – The Land Use Board recommends the reclamation plan be explored in the future, but notes that new ownership believes the facility still has significant remaining life.
- i. **Draft new design standards for commercial development along Route 22 to incorporate the latest in design standards in any private capital redevelopment in the corridor.** – The Land Use Board recommends this issue be studied further, and this recommendation remains valid. It should be noted that additional development potential is limited, although the Board has recently reviewed and approved applications for additional development along the corridor.
- j. **Revise Circulation Plan Element to address the Route 22 and Route 122 intersection.** – The issue of the Route 22/122 intersection is one that requires significant coordination with NJDOT as well as the surrounding communities of Alpha and Greenwich. As noted elsewhere in this report, a large warehouse project was recently approved along the corridor and continuing development of industrial uses in Alpha will mean increased traffic volumes at this intersection, including the potential for a significant increase in truck traffic. Given the impact on local residents, a long-term solution should be explored to ease traffic concerns at this key intersection. The Township should work with Alpha and Greenwich Township

cooperatively and seek funding from the New Jersey Highlands Council to study this issue and identify both short and long-term solutions as well as the possibility of developer-funded improvements or off-tract contributions.

- k. **Address the continued flooding problems by creating:**
  - **Additional design criteria for flood prone areas**
  - **A flood hazard control overlay zone for flood prone areas with more stringent development standards**

Given the issue of climate change and recent impacts from storm events in 2021, the Land Use Board recommends the flood hazard control overlay be considered in conjunction with updates to the zoning map. FEMA flood hazard mapping should form the basis for the overlay, but this should be conducted in the context of providing information to property owners. The Board feels that current rules and regulations implemented at the State level adequately address protective measures required for development in flood hazard areas and additional requirements in the zoning ordinance are not warranted. As the Township works with the Highlands Council on the hazard vulnerability assessment and additional information is available, policy issues can be revisited.

- l. **Requiring flood mitigation measures with any proposed development in flood prone areas.** – The Land Use Board recommends this issue be studied in conjunction with recommendation k above. While NJDEP flood hazard rules and the associated permitting process largely determine the nature of development that can occur within flood hazard areas, there is benefit to defining these areas on the zoning map. It is also anticipated that NJDEP will propose changes to the flood hazard rules in the next 6 to 9 months, which could alter how development in flood hazard areas occurs.
8. **Specific changes to development regulations, which primarily focused on Highlands-related issues.** – The Land Use Board recommends the Township continue with the plan implementation process and adopt the Master Plan Highlands Element and the Highlands Land Use Ordinance to further conformance with the Highlands Regional Master Plan.
  9. The Land Use Board recommends the development of park and recreation facilities behind the Pohatcong Township School continue to be studied, including but not limited to the provision of playing fields and other supporting facilities such as pavilions and bathrooms.
  10. The Land Use Board recommends Attachment 8, “B-2 Neighborhood Business Performance Regulations”, be amended to remove references to public sewer and public water. Unlike the B-1 zone, there are areas of B-2 within the Township where water and sewer are not available, rendering sites undevelopable without use variance relief. As sites cannot be developed without evidence of adequate water supply and sewage disposal facilities, eliminating this requirement in no way affects the general welfare and the zoning scheme and eliminates an unnecessary burden for landowners with properties in the B-2 zone.
  11. The Land Use Board recommends that Township Council adopt a short term rental ordinance, consistent with the draft ordinance included in Appendix 1 of this reexamination report. Short term rentals have the potential to impact residential neighborhoods and should be regulated to limit such impacts.
  12. The Land Use Board recommends that Township Council adopt an ordinance regulating the keeping of animals within the Township, particularly in more suburban neighborhoods. Keeping of animals on properties other than farms can negatively impact

quality of life for neighbors and can lead to health concerns. A draft ordinance is included in Appendix 2 of this report.

13. Owners of the quarry operating in the Township have recently appeared before the Land Use Board seeking interpretation related to uses permitted in the Quarry zone. As the industry has evolved, certain practices and production of certain products has become more prevalent, but involve use of raw and recycled materials brought to the quarry from off site, contrary to the Board's interpretation of the intent of the zone based on definitions contained in Chapter 213, Quarrying. The Land Use Board recommends the purpose and permitted uses within the Quarry zone be clarified as being quarry-related, as they have interpreted such through an official action of the Board. A draft ordinance is included in Appendix 3.
14. The Township should adopt the State's model EV charging ordinance as part of the zoning ordinance, consistent with Appendix 4.
15. The Land Use Board recommends establishing the AH-3 Affordable Housing zone on Block 38, Lot 1, consistent with the Township's settlement agreement with Fair Share Housing Center. The goal is to develop a 100% affordable housing project on the property, and appropriate standards should be developed for this use.

**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.**

Pohatcong Township currently has five redevelopment areas designated, including the Shimer School Redevelopment Area, the Phillipsburg Mall Redevelopment Area, the High Street Redevelopment Area, the Carpentersville South Main Redevelopment Area and the Block 1, Lot 1 Redevelopment Area. At present, only the High Street Redevelopment Plan has been adopted however the Mall, Shimer School and Block 1, Lot 1 redevelopment plans are pending adoption. The Land Use Board recommends that all five redevelopment areas be indicated on the zoning map and that the development regulations be updated accordingly when redevelopment plans are adopted.

**F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts and, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.**

The Planning Board notes the most appropriate location for public electric vehicle infrastructure is within the B-3 Highway Business district. Running along State Route 22, the Highway Business district includes many commercial uses where charging infrastructure could reasonably be provided. While other business districts exist within the Township, commercial uses and parking in these areas are generally smaller in scale, with less space available for charging infrastructure.

Any changes to local development regulations required can be accommodated through incorporation of the model EV charging ordinance into Pohatcong's ordinance, as provided in Appendix 4.

## **Appendix 1 – Short Term Rental Ordinance**

### **§ 285-23.3 Short Term Rental Unit**

**A. Purpose.** The provisions of this section are intended to license and regulate residential short term rental units within the Township to protect the health, safety, morals and general welfare of residents by limiting potential deleterious effects from such rentals. Short term rentals of less than thirty (30) days are permitted as accessory uses in certain cases and provided they are in compliance with the standards set forth below.

#### **B. Definitions**

**Owner** shall mean the individual or individuals or entity holding title to a property

**Owner-occupied** shall mean the owner of the property resides on the property or in the principal dwelling unit on the property and identifies same as their principal residence. Should the owner of the property or dwelling unit be an entity, then at least one member of the entity with at least a 50% interest in ownership must reside on the property or in the principal dwelling unit on the property and identify it as their principal residence.

**Principal residence** shall mean a dwelling occupied by the Mortgagor or owner in fee simple or by a lessor leasing for a term of not less than 6 months, maintained as his or her permanent residence and within which they reside the majority of the calendar year. The term "principal residence" shall not include a home utilized as an investment property or a vacation home.

**Short term rental unit** shall mean any dwelling unit or portion of an owner-occupied dwelling unit or secondary dwelling unit or units offered to the public by any means for rent and occupancy for a period of less than thirty (30) days. Short term rentals shall not include rooms within bed-and-breakfast inns as that term is defined in Chapter 123 of the Code of Pohatcong Township nor to legally existing hotels, motels or rooming houses.

#### **C. Regulated short term rental units and prohibition of certain short term rental units.**

**(1) When licensed in accordance with these regulations,** the following short term rental units shall be permitted accessory uses within the Township of Pohatcong subject to the requirements set forth herein:

- (a) Rental of a dwelling unit
- (b) Rental of a room or rooms within an owner-occupied dwelling unit

**(2) The following short term rentals are expressly prohibited**

- (a) Rental of a room or rooms within a dwelling unit that is not owner-occupied
- (b) Rental of a multifamily dwelling unit
- (c) Rental of any accessory structure that does not qualify as a dwelling unit

**D. Requirements.** Short term rental units shall be permitted accessory uses within the Township of Pohatcong subject to the following requirements:

- (1) The short term rental unit shall be located in the Township's residential zoning districts, but shall not be located in the AH or AH-3 zone districts.



- (2) The property and structure or structures legally situated on the property shall comply with all performance regulations applicable to the zone district within which the property is located as set forth in the Township of Pohatcong Zoning Ordinance.
- (3) The owner of a short term rental unit within the Township shall obtain a short term rental permit from the Township Clerk prior to occupancy.

**E. Application process for short term rental units.**

- (1) Applicants for a short term rental unit permits shall submit, on an annual basis, an application for a short term rental unit permit to the Township Clerk, who shall, with the assistance of other Township departments as necessary, review and either approve or deny said permit. Any application for a short term rental permit shall be submitted on the application form provided by the Township Clerk and be accompanied by a nonrefundable \$500.00 application fee.
- (2) Prior to approval of a short term rental unit permit application, a certificate of occupancy shall be required. Said certificate of occupancy shall include confirmation of compliance with all fire safety regulations, building code requirements and property maintenance codes.
- (3) At the time a short term rental unit permit application is submitted to the Township Clerk, the owner shall also provide:
  - (a) proof of current ownership of the property that is subject of the short term rental unit permit application
  - (b) proof of general liability insurance with minimum coverage of \$1,000,000 and \$2,000,000 umbrella. Said coverage shall indemnify, save, protect and hold harmless the Township of Pohatcong and its agents from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action and losses.
  - (c) plans identifying the room or rooms to be made available for rent should the rental not comprise the entire dwelling
- (4) Any short term rental unit permit issued by the Township shall be valid for a period of one year from the date of issuance and shall be renewed on an annual basis by submission of a new short term rental unit permit application and \$500.00 application/registration fee. Any short term rental unit permit issued shall automatically expire one year from the date of issuance if not renewed and cannot be transferred to any subsequent owner upon transfer of title.

**F. Short term rental unit operations requirements**

- (1) All short term rental units within the Township of Pohatcong shall comply with all applicable rules, regulations and statutes of the Township of Pohatcong and State of New Jersey, including regulations governing such lodging uses, as applicable.
- (2) Occupancy shall be limited to bedrooms within a short term rental unit and is limited to no more than 2 persons per bedroom. Occupancy of rooms other than bedrooms is prohibited.
- (3) No signage identifying the short term rental unit is permitted.
- (4) All occupants of short term rental units shall comply with all ordinances of the Township of Pohatcong, including but not limited to ordinances regulating noise and nuisances. All owners of short term rental units shall ensure compliance with all ordinances or face possible revocation of the short term rental unit permit.
- (5) The owner of the short term rental unit shall post, at eye level on the inside surface of the front door of the short term rental, the following information:

- (a) Owner name and contact information, including mobile phone number
- (b) Phone numbers of the Pohatcong Township Police Department and Fire Department
- (c) Information regarding trash and recycling pickup
- (d) Notification of obligation to comply with all requirements of the Code of the Township of Pohatcong, including compliance with noise and nuisance ordinances.

**G. Violations and penalties**

- (1) The provisions of this ordinance shall be enforced by the Township Zoning Officer, Township Clerk or the Township Police Department.
- (2) Any person found in violation of this ordinance shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine in the amount of \$200 per day, not to exceed a maximum of \$2,000 for each violation.
- (3) All fines and/or penalties issued for violation of this ordinance shall be due and payable to the Township within thirty calendar days, and the Township after thirty days may pursue any and all remedies available by law to recover unpaid fines and penalties.
- (4) If the short term rental is the subject of one or more substantiated criminal complaints, the Township Clerk may revoke the short term rental permit.

## **Appendix 2 – Chicken and Poultry Ordinance**

## Chapter 89 Animals

### Article IV Keeping of Chickens and Other Poultry

§89-26 On properties other than those devoted to agricultural or horticultural use and eligible for farmland assessment, the following requirements shall be met.

- A. The keeping of chickens and other poultry shall be prohibited on multiunit properties, including any property in common ownership as part of a homeowner's association or owned or maintained by a management company or landlord.
- B. A maximum of six (6) chickens or poultry may be kept on any one property.
- C. Roosters shall be prohibited.
- D. Chickens and other poultry shall be provided an enclosure which is covered, ventilated, and predator/rodent resistant. Said enclosure shall provide a minimum of four (4) square feet per bird when outdoor space of equal or greater space is provided or ten (10) square feet per bird where outdoor space of equal or greater space is not provided. Enclosures shall be located within side and rear yards only.
- E. Chickens and other poultry and their enclosure shall be contained within an area completely enclosed by fencing a minimum of four (4) feet in height, and shall not be permitted to roam freely outside of fenced areas.
- F. The enclosure and any fenced run shall be well drained so that there is no accumulation of moisture. The floors and walls of the enclosure shall be kept in a clean and sanitary condition, with all droppings collected at least weekly. Animal solid waste shall be kept in a covered and secured container until composted, applied as fertilizer or transported off-premises.
- G. All enclosures shall be a minimum of 10 feet from a side or rear lot line.

### **Appendix 3 – Quarry Zone Ordinance**

§ 285-21. Q Quarry.

- A. Purpose (Q). The quarry designation is assigned to the area currently dedicated to the quarry operation on Carpentersville Road and is intended to permit the continuation of quarrying operations consistent with the definition of such use as contained in Chapter 213 of the Code of Pohatcong Township. It is the intent of these standards to limit operations to the manufacture and sale of products derived solely from the natural earth materials extracted from the site or other natural earth materials imported to the site. It is the further intent of these standards to provide separation and buffering to surrounding residential uses and to limit, to the greatest extent reasonable, impacts from truck traffic associated with quarrying operations
- B. Permitted uses - Quarrying and mining of earth and rock.
  - (1) Quarrying and mining of earth and rock including the following associated uses
    - (a) Quarrying operations.
    - (b) Processes of manufacturing, fabricating, packaging, treatment or conversion of products from the natural earth materials extracted from the site or natural earth materials imported to the site.
    - (c) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto related to the natural earth materials extracted from the site or natural earth materials imported to the site.
    - (d) Office buildings for business, professional, executive and administrative purposes related to quarrying operations.
    - (e) Warehouses for the storage of products manufactured on the site.
    - (f) Wholesale distribution centers for the distribution of products manufactured at the site.
    - (g) Trucking terminals to support the operation of vehicles associated with a quarrying operation.
    - (h) Bulk storage of both natural earth materials extracted from the site or imported to the site or products manufactured from natural earth materials.
  - (2) Farms and agricultural uses.
  - (3) Wireless communications towers and antennas when the tower or antenna is located on property owned, leased, or otherwise controlled by the Township of Pohatcong or Board of Education and provided that a license or lease authorizing the antennas has been approved by the Township of Pohatcong, subject to the conditions set forth in § 285-39J.

- (4) Renewable energy facilities that engage in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy, provided that the facility shall be subject to compliance with the standards imposed for public utilities set forth in § 285-30. [Added 2-15-2011 by Ord. No. 10-16]

C. Permitted accessory uses (Q).

- (1) Private garage and storage buildings which are necessary to store any vehicles, equipment or materials associated with a permitted use on the premises.
- (2) Accessory buildings and structures normally incidental to and subordinate to the principal use.
- (3) Small solar energy systems.

D. Conditional uses (Q).

- (1) Wireless communications towers and antennas in accordance with § 285-39J .
- (3) Small wind energy systems.
- (4) Ground-mounted solar arrays for solar production systems.

E. Performance regulations for principal uses (Q) shall be in accordance with 285 Attachment 12. All quarrying operations shall be setback a minimum distance of 200 feet from any property lines, including any permitted accessory or conditional uses.<sup>1</sup>

F. Performance regulations for accessory uses (Q). All building and structures shall be located within the setbacks of principal building and structures.

G. Performance regulations for quarry operations (Q). See Chapter 213, Quarrying, of the Pohatcong Township Code for performance standards for quarry operations.

H. Performance regulations for conditional uses (Q). See Article V regarding the performance standards for conditional uses.

## **Appendix 4 – Model EV Charging Ordinance**



#

**AN ORDINANCE  
AUTHORIZING AND ENCOURAGING  
ELECTRIC VEHICLE**

**SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

***[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E.]***

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the **{name of municipality}** \_\_\_\_\_ of **{name of county}** \_\_\_\_\_.

WHEREAS, supporting the transition to electric vehicles contributes to **{name of municipality}** \_\_\_\_\_'s commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the **{name of municipality}** \_\_\_\_\_ encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of **{name of municipality}** \_\_\_\_\_ adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals **{list #s or names}** \_\_\_\_\_ of the Master Plan as well as the land

use, circulation, and **{other e.g., environmental, sustainability}**\_\_\_\_\_ elements of the Master Plan; and

WHEREAS, the **{name of municipality}**\_\_\_\_\_ encourages greater ownership and use of electric vehicles, thus the **{name of municipality}**\_\_\_\_\_ is amending the **{Zoning/Development Regulations/Land Use Ordinance}**\_\_\_\_\_ to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the **{Committee/Council}**\_\_\_\_\_ of the **{name of municipality}**\_\_\_\_\_ County of **{name of county}**\_\_\_\_\_, State of New Jersey as follows:

***{Note: Title of the Ordinance, policy statements, and Purpose of the ordinance are optional sections and may be changed by the municipality.}***

## **FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

### **A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

## B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station." ***{Note: Definition is directly from legislation and cannot be changed.}***

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other

components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.). ***{Note: Definition is directly from legislation and cannot be changed.}***

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

### C. Approvals and Permits

***{Note: Section C. of the model ordinance is mandatory and may not be altered.}***

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The ***{administrative official/zoning officer and/or municipal engineer}*** \_\_\_\_\_ shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of ***{name of municipality}*** \_\_\_\_\_’s land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or

regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the **{administrative official/zoning officer}** \_\_\_\_\_ within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

#### **D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

***{Note: Section D of the model ordinance is mandatory and may not be altered.}***

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements**

***{Note: Section E of the model ordinance is mandatory and may not be altered. }***

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to **{Section number for Parking Requirements}** \_\_\_\_\_.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

#### **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

***{Note: Municipalities may deviate from the reasonable standards set forth in Section F to address installation, sightline, and setback requirements or other health- and safety-related specifications for EVSE and Make-Ready parking spaces. Nothing in this section of the ordinance shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of EVSE or Make-Ready parking spaces.}***

- 1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

2. Installation:

- a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. ***{Note: The use of time limits is optional and shall be determined by the owner.}***
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or ***{Section \_\_\_\_\_}***. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

***{Note: Municipalities may establish alternative penalties than those listed above by ordinance.}***



***{Note: Municipality may put the locations of the publicly-accessible, municipally-owned EVSE parking spaces in this ordinance and the fees associated with charging/parking at those spaces. See Section 6. below for Usage Fees.}***

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

#### 4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with ***{name of municipality}*** \_\_\_\_\_'s ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, **{name of municipality}** \_\_\_\_\_ shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

## 5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitting at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

## 6. Usage Fees

- a. For publicly-accessible municipal EVSE **{Optional}**: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be \_\_\_\_\_ for each hour that the electric vehicle is connected to the EVSE **{or per kWh}**.

- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

## **SECOND: SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

## **THIRD: REPEAL OF PRIOR ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

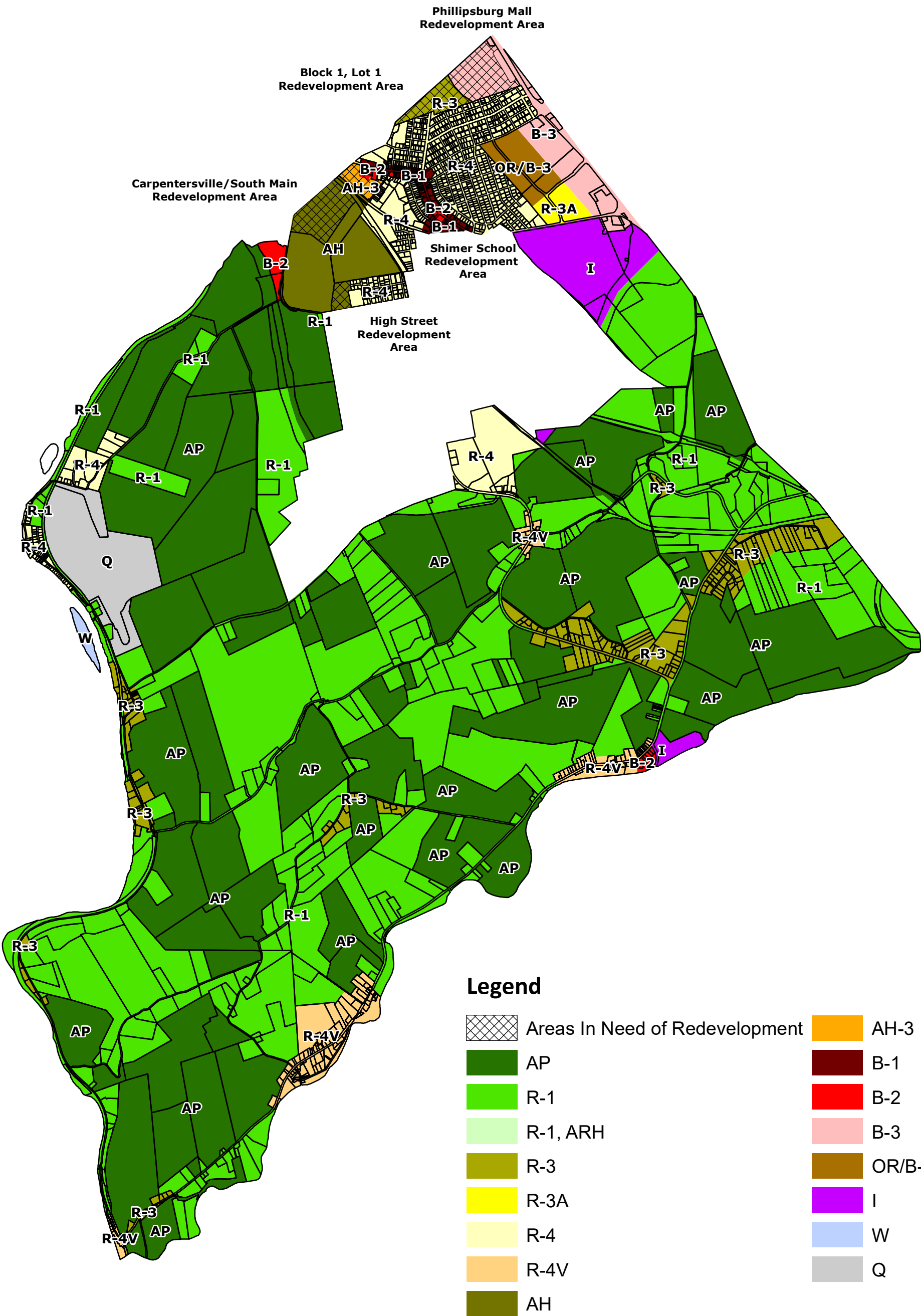
## **FOURTH: EFFECTIVE DATE**

***{Note: This section is only applicable if the municipality amends the ordinance to change the reasonable standards.}***

This ordinance shall take effect after final passage and publication as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the

## **Appendix 5 – Proposed Zoning Map**



**Proposed Zoning Map - September 2022**  
**Pohatcong Township**  
**Warren County, New Jersey**

Map Scale = 1:32,400  
1"=2,700'

0 1,350 2,700 5,400 Feet



Map Prepared by:  
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Data Sources:  
NJOIT OGIS

**KMA**  
KYLE+MCMANUS ASSOCIATES

POLICY  
PLANNING  
DESIGN