

**SUPPLEMENTAL MODIFICATION
TO THE MASTER PLAN
REEXAMINATION REPORT**

**TOWN OF HACKETTSTOWN
WARREN COUNTY, NEW JERSEY**

DECEMBER 2008

Adopted _____

Prepared by:



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INTRODUCTION

The Town of Hackettstown Planning Board performed a reexamination of its Master Plan and development regulations during the 2006 and 2007 calendar years pursuant to the provisions in NJSA 40:55D-89. The reexamination report was adopted by the Planning Board at its January 2008 meeting.

The report that was adopted by the Planning Board examined twenty-nine (29) separate land use issues/problems in accordance with NJSA 40:55D-89 of the Municipal Land Use Law (MLUL) which requires Planning Boards to review:

- a. The major problems and the 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 and policies forming the basis for the Master Plan and development regulations as last revised.
- d. The specific changes recommended for the Master Plan or development regulations, if any, including objectives, policies, and standards or whether a new plan or regulations should be prepared.

This supplement to the January 2008 reexamination report deals with Part 13 of the reexamination report. This section of the reexamination report analyzed the feasibility of expanding the limits of the Health Facilities (HF) District near the Hackettstown Regional Medical Center property. The following language relative to recommended changes/modifications was incorporated into the reexamination report in Part 13D:

“It is recommended that the Town explore the potential of expanding the area of the Health Facilities Zone into the current Limited Manufacturing Zone district. This zoning change should be considered to attract higher quality uses to the area around the hospital. The presence of the Hackettstown Regional Medical Center as the region's primary medical center should be exploited to capture businesses in emerging specialties of cell therapy, bio-life sciences and medical information technology as well as offices for medical specialists. To support the medical center, the HF Zone should expand its list of permitted uses to allow educational facilities designed to train medical personnel as well as uses which support its mission such as hospice services. The area around the hospital would also be appropriate in the future for medical retail services such as surgical and home health supplies, manufacturer of prosthetic and other medical devices as well as a limited range of housing for its medical staff, age-restricted and elderly households including a continuing care retirement community and assisted living facilities. All residential units involving either medical staff or age-restricted households should provide a set aside for non-age restricted affordable housing units consistent with Council on Affordable Housing regulations.

Private for-profit medical uses should also be permitted as a conditional use in the LM zone within a half mile of the HF zone.

It is recommended that the HF Zone be expanded to Bilby Road replacing the existing LM Zone. This area will eventually be interconnected to the current medical center which would facilitate improved emergency access. An expanded HF Zone should be viewed as a regional medical park campus that should encompass a range of uses that would complement the medical center.”

MUNICIPAL LAND USE LAW REQUIREMENTS

In accordance with NJSA 40:55:D-89 of the Municipal Land Use Law, this “Supplemental Modification to the Master Plan Reexamination Report” includes an addressment of the following:

- a. The major problems and objectives relating to the 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 been 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 density and distribution of population and land uses, housing conditions, circulation, conservation or natural resources, energy conservation collection, dispositions and recycling of designated recyclable materials, and changes in State, county and municipal polices and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

MAJOR PROBLEMS AND OBJECTIVES

The feasibility of expanding the limits of the Health Facilities (HF) District was reviewed in the most recent reexamination report that was adopted in 2008 by the Board. This issue was reviewed again since a request by several property owners to expand the HF District to Bilby Board was not approved by the Board during the 2001 Master Plan Reexamination.

In the recently completed reexamination report, the Board indicated that the Town should explore the potential of expanding the HF District to Bilby Road (See specific recommendations in Part 13D of the reexamination report). The zoning change would provide for a variety of commercial and residential development centered about the Hackettstown Regional Medical Center.

CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES

Since the adoption of the master plan reexamination report in January 2008, a number of problems have developed that will make it difficult for the Hackettstown Regional Medical Center or other entity to construct medical related uses in an expanded HF District in the short term. These problems include:

1. Local and national economic conditions have caused Hackettstown Regional Medical Center (HRMC) to reconsider a number of projects. Except for the completion of the medical arts building on Lot 1 in Block 45, no new projects are planned at this time. HRMC is only planning a renovation/remodel of existing space within the hospital at this time.
2. The November 12, 2008 resolution adopted by the Council on Affordable Housing (COAH) imposed a scarce resource restraint on all Highlands communities under COAH's jurisdiction, which includes the Town of Hackettstown. The scarce resource restraint applies to all municipal actions, associated development approvals, water allocation, and wastewater allocation except various residential developments, including residential developments that include at least a 20 percent set-aside on-site for affordable housing. This scarce resource restraint will remain in effect until either the municipality receives substantive certification from COAH for its third round plan or if the municipality demonstrates to COAH that appropriate measures have been taken to preserve scarce land, water, and sewer resources and that these resources have been dedicated on a priority basis for the production of affordable housing, whichever is earlier.

Since the Town's Housing Element and Fair Share Plan will not be filed until December 2009, it is not known when substantive certification would be received from COAH that would allow projects other than residential projects with affordable housing components to be constructed.

In addition to the economic and regulatory issues indicated above that will make it difficult for the type of construction desired by the Town in the recent master plan reexamination, the Town has determined that it has significant affordable housing obligations and that two (2) parcels along Bilby Road (Lots 1.01 and 2 in Block 45) that are part of the HF rezoning discussed in Part 13D of the 2008 Master Plan Reexamination report are needed to satisfy the growth share and rehabilitation elements of the third round obligation. These parcels are key to compliance with the third round housing element and fair share plan because:

1. They are currently vacant.
2. They are served by underground utilities.

3. They are of a size that would permit a considerable number of units, including affordable units, to be constructed.
4. There are few, if any, vacant tracts in locations that would not impact established, well maintained single-family residential neighborhoods in the Town.

It should be noted that the current owner of Lots 1.01 and 2 in Block 45, Van Paftinos, desires to build multi-family residential housing on these tracts and is amenable to constructing family rental units with a minimum 40% set aside. If a development with two hundred (200) family rental units were built on the site with eighty (80) affordable units, the Town would be eligible for an additional fifty-three (53) bonus credits based upon the recently completed Housing Element and Fair Share Plan. Thus, the Town would yield potentially one hundred thirty-three (133) growth share units, more than 50% of the total required by COAH'S third round methodology.

The construction of multi-family housing on the tract by Mr. Paftinos, while not related directly to HRMC or other medical services entity, will still help HRMC in that employees would be eligible to rent the units being constructed by Mr. Paftinos. Such rentals would benefit the employees, HRMC, and the Town and would be in compliance with the recommendations in Part 13D of the January 2008 Master Plan Reexamination.

RECOMMENDATIONS

It is recommended that the Master Plan Reexamination Report, Part 13D, be amended to include a recommendation that a Planned Family Rental Development Overlay District be established on Lots 1.01 and 2 in Block 45 to permit family rental units with a minimum 40% set-aside for the construction of affordable housing units. A maximum of two hundred 200 units would be permitted on these tracts to offset the expenses associated with the development of the tracts and in recognition that 40% of the units will have affordability controls for a thirty (30) year period pursuant to COAH guidelines in order for the Town to receive credit for the same. In addition, a maximum of 15,000 square feet of commercial space would be permitted to be used for retail, general office, and/or medical offices. The base zoning, which is currently the LM District, is still recommended to be changed to the HF District pursuant to the recommendations in Part 13D of the 2008 Master Plan Reexamination Report.

Standards must be developed for the overlay district and incorporated into Section 605 of the Land Development Code (LDO). The following general standards are recommended:

1. The maximum number of units shall be 200.
2. All units shall be rental units for families. No age restricted units are permitted.
3. At least 40% of the total number of units shall be subsidized or otherwise made affordable to "low" and "moderate" income non-age restricted households, as discussed and defined in the "Mt. Laurel II" Supreme Court Decision and the Council on Affordable Housing regulations.

4. Individual dwelling units set aside for affordable housing shall meet the minimum net habitable floor area per number of bedrooms as required by COAH regulations.
5. A maximum of 15,000 square feet of commercial space is permitted to be constructed on Lot 1.01 in Block 45 in a freestanding building(s) as part of any family rental unit development. General office, retail and medical office uses are permitted to be constructed in such a building.
6. A site plan application must be filed with the Planning Board for the entire overlay district and not in phases so that all development impacts can be assessed and compliance with the LDO confirmed.
7. The following uses shall be permitted:
 - a. Principal Uses Permitted:
 1. Family rental apartments.
 2. Retail sales of goods and services on the first floor of a freestanding commercial building. Financial Service Centers are not considered retail sales of goods and services and are not permitted.
 3. Offices and office buildings.
 4. Health related professional, business, and/or medical/dental offices.
 5. Public playgrounds, public conservation areas, public parks, public open space and “public purpose uses” in accordance with Section 200 of the LDO.
 - b. Accessory Permitted Uses:
 1. Commercial swimming pool in accordance with Section 515 of the LDO.
 2. Clubhouse, community building or center and accessory recreation facilities typically associated with the principal uses.
 3. Parking facilities in accordance with Sections 508 and 605 of the LDO.
 4. Refuse enclosures.
 5. Stormwater Management facilities.
 6. Fences and walls (See Section 503).
 7. Signs (See Section 513).
8. The applicant shall provide for the management of surface water in accordance with Section 525 of the LDO and all applicable RSIS requirements.
9. A land area or areas equal in aggregate to at least two hundred fifty (250) square feet per dwelling unit shall be designated on the site plan as active and passive recreational use for the residents of the overlay district. Lands allocated for above ground stormwater management facilities are not permitted to be used to comply with the recreation area requirements in this subsection.
10. Residential units shall comply with the Residential Site Improvement Standards (RSIS) as to the amount of off-street parking to be provided. Retail and commercial uses shall provide one (1) parking space for every 200 square feet of floor area. The quantity of parking in

commercial areas can be reduced up to 25 percent of the total required off-street parking if permitted by the Board based upon a showing of shared parking potential.

In addition, parking areas shall comply with the following:

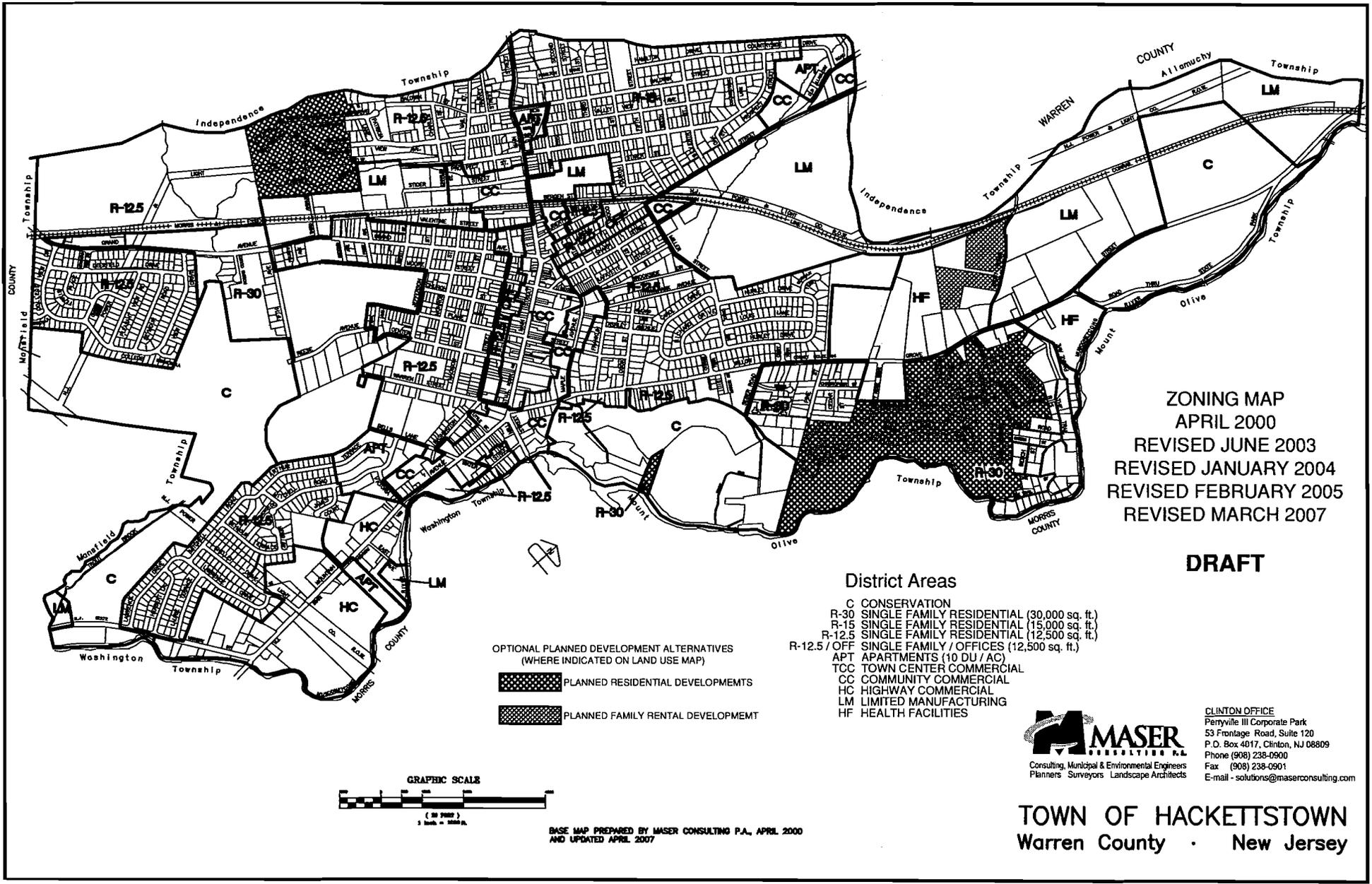
- a. Areas around or within parking areas that are not paved shall be suitably landscaped. All such landscaping shall be indicated on the plan and be in addition to landscaping otherwise required or necessary;
 - b. Parking for visitors shall be provided and indicated on the site plan;
 - c. All parking areas shall be illuminated in accordance with the provisions in Section 504 of the LDO;
 - d. Drainage systems shall be installed in parking areas in accordance with Section 525 of the LDO and the provisions in the RSIS;
 - e. If the Board agrees to defer the paving of certain parking areas, the applicant shall agree in writing on the plan to construct and pave any or all of the future parking areas should the parking areas prove to be inadequate to accommodate the on-site parking needs of the premises.
11. The maximum lot coverage in aggregate on Lots 1.01 and 2 in Block 45 shall be 55%.
 12. All driveways and parking areas shall be constructed at least 10 feet from any property lines, except that the setback for parking areas and driveways from the Bilby Road right-of-way line shall be at least 20 feet.
 13. The number of driveway openings within the Bilby Road right-of-way shall be minimized. The Developer shall secure permission from the owner of Lot 1 in Block 45 to utilize the existing driveway on this tract in an effort to minimize driveway openings as part of the family rental unit development.
 14. Building height for family rental unit buildings shall not exceed fifty-two (52) feet or four (4) stories.
 15. The bedroom mix of the low and moderate income residential units provided shall be as follows unless otherwise directed by the Council on Affordable Housing (COAH):
 - a. One bedroom units – 20% of the overall number of units.
 - b. Two bedroom units – 60% of the overall number of units.
 - c. Three bedroom units – 20% of the overall number of units.
 16. No building shall be situated within fifty (50) feet of a property boundary except that the setback for buildings to the Bilby Road right-of-way line shall be one hundred (100) feet.

Provisions other than those enumerated above shall be added to the LDO as needed and appropriate.

ATTACHMENT 'A'

PROPOSED ZONING MAP

AMENDMENT



ZONING MAP
 APRIL 2000
 REVISED JUNE 2003
 REVISED JANUARY 2004
 REVISED FEBRUARY 2005
 REVISED MARCH 2007

DRAFT

District Areas

- C CONSERVATION
- R-30 SINGLE FAMILY RESIDENTIAL (30,000 sq. ft.)
- R-15 SINGLE FAMILY RESIDENTIAL (15,000 sq. ft.)
- R-12.5 SINGLE FAMILY RESIDENTIAL (12,500 sq. ft.)
- R-12.5 / OFF SINGLE FAMILY / OFFICES (12,500 sq. ft.)
- APT APARTMENTS (10 DU / AC)
- TCC TOWN CENTER COMMERCIAL
- CC COMMUNITY COMMERCIAL
- HC HIGHWAY COMMERCIAL
- LM LIMITED MANUFACTURING
- HF HEALTH FACILITIES

- OPTIONAL PLANNED DEVELOPMENT ALTERNATIVES
 (WHERE INDICATED ON LAND USE MAP)
-  PLANNED RESIDENTIAL DEVELOPMENTS
 -  PLANNED FAMILY RENTAL DEVELOPMENT



BASE MAP PREPARED BY MASER CONSULTING P.A., APRIL 2000
 AND UPDATED APRIL 2007



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