

**David R. Troast, L.L.C**

Consulting Professional Planner & Landscape Architect  
Member of the American Institute of Certified Planners

Telephone (201) 280-9350

53 Ninth Avenue  
Hawthorne, NJ 07506-1749

# **Master Plan Reexamination Report**

## **For**

## **Wantage Township** Sussex County, New Jersey

October 24, 2009

Prepared By: David R. Troast, L.L.C.  
53 Ninth Avenue  
Hawthorne New Jersey

This report has been signed and sealed in the original in accordance with N.J.A.C. 13:41 – 1.3

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David R. Troast, P.P., A.I.C.P., C.L.A.  
LI005150, AS00621

## **Reexamination Report:**

**1.0 Introduction:** The Municipal Land Use law (MLUL) under N.J.S. 40:55D-89 requires each municipality to periodically reexamine their Master Plan at a minimum of every six years. The importance of the Master Plan is clearly documented in the MLUL as the basis for establishing the policies and directives for the decision making process in zoning and capital spending in local government.

**2.0 Evaluation Criteria:** The following criteria have been established in the Municipal Land Use Law.

**2.01** “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.” Source MLUL.

The Land Use Board completed a Reexamination Report in March of 2003 prepared by David R. Troast, LLC of Hawthorne New Jersey. The Reexamination Report was a companion document which resulted in adoption of a new Master Plan on May 10, 2003. The Master Plan was revised in 2005 to incorporate the Housing and Fair Share Plan; the Route 23 Corridor Development Policies in 2006 and the revised Housing and Fair Share Plan in 2008. The Master Plan has been a comprehensive fluid document providing the basis for decisions by the Governing Body and Land Use Board.

1. The Master Plan should be updated to address the changes in the New Jersey State Development and Redevelopment Plan Adopted March 1, 2001.
2. The Housing obligation of round two, the remaining of round one and the anticipated obligation of round three should be addressed in an updated Master Plan consistent with the State Plan and based on the carrying capacity of the land and realistic potential infrastructure.
3. An updated Plan will provide the basis to plan and respond to the planning process of the Sussex County Strategic Growth Plan.
4. Residential Densities and “smart growth” techniques should be examined to meet the challenges of managing growth, while retaining viable farmland and protecting environmentally sensitive land and water resources. This specifically relates to the constraints section of the Land Use Regulations.
5. Commercial zoning should be examined to ensure viable mixed used centers consistent with “smart growth” policies and transportation planning.
6. The Development Regulations should be updated to be consistent with the new Master Plan.

The following are issues identified in the 1994 Reexamination Report prepared by Harold Pellow & Associates of Augusta New Jersey are current issues still relevant and impacting land development in Wantage Township.

1. Reinvestment and adaptive reuse of existing under-utilized commercial properties was identified as a priority.
2. The impacts of the State Plan, Sussex County Wastewater Plan, and Wetland Regulations on commercial properties was identified as a factor that would limit economic growth.
3. Land Use Regulations should be examined to develop alternatives to the constraints ordinance in residential zones to be consistent with the court decisions.

**2.02.** “The extent to which such problems and objectives have been reduced or have increased subsequent to such date.” Source MLUL.

The following actions by the Township Committee and Land Use Board during the 2003 to 2009 time period address many of the issues identified in the 2003 Reexamination Report. Their actions include the adoption of the 2003 Master Plan, Storm Water Master Plan, two Housing and Fair Share Plans, the establishment of the RE-5 Zone, Planned Small Community Villages and Hamlets Zone and the Route 23 Planned Commercial Zone.

1. Adoption of Ord. 2004-14 Residential Development Fees for low and moderate- income housing.
2. Township’s response to Sussex County Strategic Growth Plan December 27, 2004
3. Adoption of Ord. 2005-2 Revising R-1 Zone District to the RE-5 Residential District with three development options 1). Traditional development 5 acres lots, 2). Environment Preservation 2 ½ acre min. lot with constraints, 3). Open Space/Agricultural Preservation 5 acre with cluster option and mandatory side aside of land.
4. Land Use Board Hearing on Master Plan Amendment March/April 2005 involving Transfer Development Credits and the Route 23 Corridor. Amendment was not adopted because of significant public opposition.
5. Adoption of Ord. 2005-3 Aquifer Protection and Well Testing to ensure adequacy of potable groundwater supply for new development.
6. Wantage Master Plan Amendment Housing and Fair Share/Growth Share Plan adopted December 2005 and submitted by Township Committee to COAH for certification.
7. Adoption of Ord. 2006-12 Amending Ord. 2004-11 by replacing revised Growth Share Requirements for Affordable Housing.
8. Wantage Master Plan Amendment August of 2006 redefining the development policies and goals for the Route 23 Corridor consistent with discussions with County Planner.
9. Adoption of Ord. 2006-9 establishing the Planned Small Community Villages and Hamlets (PSC) to manage future growth consistent with smart growth

policies of the Master Plan, Sussex County Strategic Growth Plan and the New Jersey State Plan.

10. Land Use Board Approval Wantage Village and Wantage Ridge Site Plans  
January 2007
11. Land Use Board Adopted the Housing and Fair Share and the Township Committee submitted the Plan to the Council on Affordable Housing (COAH) in December 2008 for Substantive Certification.

The above stated actions by the Wantage Township Committee and Land Use Board clearly show the commitment to comply with the intent and purposes of the NJ State Development and Redevelopment Plan, COAH Rules and the Sussex County Strategic Growth Plan in addressing the land use planning and capital improvement priorities as required under the Municipal Land use Law.

**2.03.** “The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or Development Regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and Municipal policies and objectives.” MLUL

1. The economic development surge from 2003 to 2006 has made developable land scarce and has forced the development pressure further west into Sussex County along the major road corridors. Wantage Township has experienced steady growth in the past, but the demand for housing in the region increased pressure to develop the rolling farmland into traditional housing developments. This trend has been temporarily stopped by the economic crisis on Wall Street and the current mortgage financial crisis of 2008 and 2009. Real estate values and high unemployment has caused an increase in property foreclosures and mortgage lending restrictions slowing the home building and the resale real estate market.
2. The State Planning Commission Adopted “The New Jersey State Development and Redevelopment Plan” on March 1, 2001 and recently released a new draft revised State Plan in 2009. The draft State Plan still designates Wantage Township as a limited growth area in Planning Areas 4 and 5. The Plan calls for growth to occur in “Centers” or “nodes” tied to existing or potential infrastructure and transportation. The 2003 Master Plan and subsequent revisions by Wantage Township Land Use Board are generally consistent with the policies of the new draft State Plan. An updated Environmental Resource Inventory and Analysis would guide the decision making process for the Township on future land use planning.

3. Sussex County completed the Sussex County Strategic Growth Plan and received State Planning Commission endorsement. The Wantage Master Plan is generally consistent with the County Plan. The Waste Water Plan component is currently being examined with the County Planners to permit the smart growth policies of the Master Plan.
4. The Council on Affordable Housing will be releasing the mandated affordable housing obligation for each municipality in 2005 and revised rules on October 20, 2008. Wantage submitted a Housing and Fair Share Plan for substantive certification to the Council On Affordable (COAH) in December of 2005 and was rejected because of a “builder’s remedy” lawsuit filed one day prior to submission of the Wantage Plan. The New Jersey Superior Court released Wantage Township in June of 2009 after a Fairness Hearing with respect to its proposed new Housing Element and Fair Share Plan. Wantage Township prepared and submitted a new Housing Element and Fair Share Plan to COAH in December of 2008 and is currently working with COAH towards substantive certification approval.

**2.04.** “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.” MLUL.

1. Residential Densities and “smart growth” techniques should be examined to meet the challenges of managing growth, while retaining viable farmland and protecting environmentally sensitive land and water resources. This specifically relates to the constraints section of the Land Use Regulations.
2. Commercial zoning should be examined to ensure viable mixed used centers consistent with “smart growth” policies and transportation planning specifically the southern end of the Route 23 corridor.
3. Zoning inconsistent with the Master Plan and Master Plan Amendments should be modified including commercial zoning not in “Centers” or in development “nodes”.
4. The Development Regulations should be updated to be consistent with the new Housing and Fair Share Plan.
5. The Master Plan requires an updated Recycling Element as required by the New Jersey Source Separation and Recycling Act Adopted in 1987.
6. Update the Open Space, Farmland Preservation Master Plan Elements including trail and greenway networks.
7. Prepare Historic and Economic Master Plan Elements.

8. Update the Conservation/Environmental Element concerning Category One Waters, wildlife habitat, endangered species, forest management and wetlands and other environmental issues as required.
9. Continue to provide affordable housing consistent with the COAH Rules including growth share within development patterns, group homes and assisted living opportunities.
10. Develop an Energy Master Plan Element to address alternate energy solutions consistent with clean energy policies including the regulation of wood or coal boilers.
11. Examine site development related issues impacting the health, safety and the character of the Zone Districts including but not limited to detention basins, retention basins, pet shelters, animal shelters, storage units (PODS), vehicle storage, signage and lighting.

**2.05.** “The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing law, N.J.S. 40A:12A-1 et seq., 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.” MLUL.

Wantage Township has not implemented this section of the State Statutes.

**3.00 Conclusion:** The Reexamination Report provides the vehicle to evaluate the existing policies and plans of a municipality in the context of the State, region and within the municipality.

**The conclusion of this Reexamination Report is for Wantage Township to proceed with the evaluation of the issues identified in this Reexamination Report and modify the Master Plan Development and Zoning Regulations as required.**