

MASTER PLAN REEXAMINATION

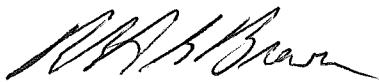
TOWNSHIP OF GREENWICH

CUMBERLAND COUNTY, NEW JERSEY

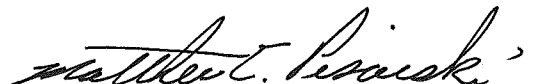
**Prepared for the Greenwich Township Planning Board
by the Cumberland County Department of Planning & Development**

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Original is signed and sealed in accordance with N.J.A.C. 13:41

As required by Section 40:55D-89 of the New Jersey Municipal Land Use Law (MLUL), municipalities must periodically review and revise if necessary, their municipal Master Plan every six years. In compliance with the statutory requirements of the MLUL, this Master Plan Re-examination Report has been adopted by resolution of the Planning Board. In the preparation of this reexamination, the following documents were reviewed:

- ▶ Greenwich Township Future Land Use Plan, 1978;
- ▶ Master Plan Re-Examination Report, adopted by resolution on July 20, 1982;
- ▶ An Amendment to the Master Plan of Greenwich Township, adopted by resolution on December 6, 1982;
- ▶ Master Plan Re-examination Report, 1988;
- ▶ Master Plan Re-examination Report, 1994;
- ▶ Greenwich Township Master Plan, 1995;
- ▶ Greenwich Township Master Plan, 2000;
- ▶ Master Plan Re-examination Report, adopted by resolution on May 3, 2004.

This reexamination report is intended to present a concise overview of the Township's present Master Plan with recommendations for changes, if any, to the Master Plan or to the development regulations which flow from it. These recommendations are based on any significant changes occurring since the last Master Plan Re-examination (May 2004) and are described in this re-examination.

A copy of this report, along with the aforementioned resolution, shall be submitted to the Cumberland County Planning Board and to the Municipal Clerks of each adjoining municipality. This Re-examination functions as fulfillment of Section 40:55D-89 of the Municipal Land Use Law which requires that a Re-examination report shall state:

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last re-examination report;
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
3. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives;
4. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared;
5. The recommendations of the 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 seq.*) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

I. MAJOR PROBLEMS & OBJECTIVES RELATING TO LAND DEVELOPMENT AT THE TIME OF THE ADOPTION OF THE LAST RE-EXAMINATION REPORT, AND THE EXTENT THEY HAVE BEEN REDUCED OR INCREASED

At the time of the creation and adoption of the 1995 Master Plan there were no major problems facing the Township beyond the typical issues that may confront a small town in the course of daily operation. This level of stability is reflected in the fact that the seven (7) goals and objectives adopted in the 1995 Master Plan reflect nearly the same land use guidelines stipulated in the Township's 1978 Future Land Use Plan. These objectives fall within three fundamental categories listed below with a commentary on their status. All goals and objectives are still found to be valid.

Cultural Landscape

Goal 1 (1995 Master Plan): "Preserve the existing historical character of Greenwich Village, Head of Greenwich, Springtown and the surrounding countryside."

Goal 4 (1995 Master Plan): "Designate and Manage the Cultural Landscape as a special quality of life feature of the Township."

Through maintenance of standards related to the National Historic District located along Ye Greate Street, the Township has successfully maintained the historic nature of the community. By approving the preservation of both sides of Greenwich-Bridgeton Road through the Farmland Preservation Program, the Township has protected a main arterial entry to the village from development, thereby preserving the historic gateway to Greenwich.

Natural Resources

Goal 2 (1995 Master Plan): Protect the environment and natural resource base.

Goal 3 (1995 Master Plan): Maintain agriculture as a mainstay of the community.

Land Use Guideline (1978 Future Land Use Plan): Ecologically sensitive areas should be kept in their natural state or undergo only limited development.

Land Use Guideline (1978 Future Land Use Plan): In order to encourage the preservation of prime farmlands, development should be encouraged on agriculturally marginal soils that have high or moderate development potential. The conversion of agriculturally productive lands into nonagricultural uses is discouraged.

The Township of Greenwich contracted with the Delaware Valley Regional Planning Commission (DVRPC) to complete an Environmental Resources Inventory, adopted by the Township's Planning Board on February 1, 2010. This inventory will be used to prioritize future preservation and conservation initiatives.

Limited Rural Development

Goal 5 (1995 Master Plan): Allow for housing opportunities that are in keeping with the existing community character.

Goal 6 (1995 Master Plan): Provide for limited, locally oriented development opportunities.

Goal 7 (1995 Master Plan): Provide for sustainable economic and recreational opportunities adapted to the Township's natural resources.

Land Use Guideline (1978 Future Land Use Plan): The Township should seek to diversify its economic base by encouraging commercial, recreational, and industrial development which does not adversely impact Greenwich's rural and historic character.

With no major subdivision approvals since the completion of the last Master Plan, Greenwich Township continues to management growth effectively through comprehensive land use standards based on thoughtful planning.

II. EXTENT OF SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE MASTER PLAN OR DEVELOPMENT REGULATIONS

Conditions have been rather stable within Greenwich Township since the most recent Master Plan was adopted in 2000. However, due to dramatic fluctuations in the real estate market and the overall economy, continued local stability cannot be taken for granted. Greenwich Township would be well served by continuing its diligent review and monitoring of its development procedures and land use planning documents.

Density and Distribution of Population: The census records for Greenwich Township show a very stable population over the last 70 years. In fact, from 1940 to 2008 the population in Greenwich Township has decreased by only 5%, from 929 to 883 residents. As well, given the current zoning ordinance, the lack of sewer service and the high percentage of preserved acreage within the municipality, population density and distribution should not change significantly unless outside development pressures are directed at the Township.

Housing Affordability: While median housing value increased within Greenwich Township by 21% from 1990 to 2000, the increase within Cumberland County as a whole during the same period was 24%, indicating that the Township is in line with regional affordability figures. Although the median housing value in 2000 was 23% higher in Greenwich than in the county generally, the median household *income* was 33% higher in Greenwich. These figures portray a municipality with a housing stock price in proportion to household income, and although about ¼ higher than the county average, well within regional expectations. Median gross rent figures correspond with the trends expressed in the housing market.

Land Uses: Since 2000, there have been 17 development applications within the Township. Of those, only one was for a site plan, proposing 8,000 square feet of new development. There were 10 lot line adjustments with no new lots created and 6 subdivisions with 7 new lots created (1

application proposed 2 new lots and the other 5 applications created 1 new lot each). This modest activity has resulted in very little change to the landscape.

Housing Conditions: Since January 2000 a net total of 8 new residences have been constructed in the Township. This growth rate of approximately 1 new residential unit per year is considered very low and stable when compared to surrounding municipalities. In both the 1990 and 2000 census the average age of housing predated World War II. In 1990, the ratio of owner occupied to rental units was about 7 to 1. By 2000, this ratio had widened to about 9 to 1. During this same period, mortgage and rental data indicate that housing costs increased.

Historic Preservation: The Greenwich Township Master Plan includes lengthy discussion of the methods for preservation of the significant historic structures and landscapes which comprise the municipality. These historic resources are partially protected by a historic district designation listed on the National Register of Historic Places. The township has established local historic district regulations through its current municipal zoning ordinance and makes an effort to ensure persons with historic preservation expertise serve in its governance. Active participation in the farmland preservation program seems to be working effectively in preserving the cultural landscape of the township, and the lack of new development combined with thoughtful maintenance of existing resources has worked well to preserve individual structures. As the township's housing stock ages it will be important to encourage appropriate stewardship of historic resources while respecting the rights of property owners.

Circulation: No new roads have been constructed in the municipality since the 2000 Master Plan.

Conservation of Natural Resources: Productive agricultural soil and wide expanses of wetlands along the Cohansy River are the primary natural features within the Township. Although there is no immediate local threat to the Township's natural resources, it is with forethought that the municipality recently re-established its Environmental Commission. With the Environmental Commission's support of an Environmental Resource Inventory (ERI) earlier this year, the municipality is well prepared for future conservation initiatives. The ERI was completed by the Delaware Valley Regional Planning Commission (DVRPC) and identified seventeen Threatened and Endangered Species within Greenwich Township.

Regarding conservation of its agricultural base, the Township should consider participation in the Municipal Planning Incentive Grant Program through the State Agriculture Development Committee which should include a minimal municipal funding contribution to farmland preservation.

Energy Conservation: Promoting the construction of energy efficient homes, offices and public buildings remains an objective of the community. With the new emphasis on energy conservation exemplified by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, this is an area in which Greenwich Township may want to concentrate some renewed effort in future planning documents.

With Greenwich's early interest in sustainability, it is a good candidate for participation in the Sustainable Jersey program. Sustainable Jersey is a certification and incentive program for municipalities in New Jersey that want to go green, and addresses issues such as global warming,

pollution, biodiversity, buying locally, community outreach, green building, and sustainable agriculture.

Collection, Disposition and Recycling of Designated Recyclables: Greenwich Township continues to participate with the Cumberland County Improvement Authority's recycling program.

Changes in State Policies and Objectives: The State of New Jersey has been and continues to revise and produce new policies and procedures which may significantly affect Greenwich Township.

New Jersey State Development and Redevelopment Plan: The current State Plan, dating back to 2001, is intended to coordinate planning activities among the state, county and municipal levels of government. The result of an exhaustive cross-acceptance process, the State Plan has identified Greenwich Township as rural and environmentally sensitive, suggesting the promotion and planning of a balance between conservation and very limited growth. The plan recognizes the environmental constraints within the municipality which affect development and encourages the preservation of large contiguous tracts of farmland and open space.

In the case of Greenwich Township, on-the-ground reality is currently meeting the expectations set by the State Plan with large tracts of farmland and open space currently under preservation and growth remaining at very low figures.

Council on Affordable Housing (COAH): The Third Round Regulations administering affordable housing standards within the State of New Jersey were enacted in June 2008 and are applicable through 2018. These regulations, in combination with unmet obligations from prior rounds, project the need for 20 affordable housing units within Greenwich Township. Given the statistics regarding housing and population within the Township noted above, Greenwich would be well served by policies and efforts to promote affordable housing with the municipality.

Wastewater and Stormwater Management Plans: With goals including the control of nonpoint source pollution and saltwater intrusion, protection of sensitive environmental features and maintenance of a stable Statewide water supply, the Department of Environmental Protection (DEP) has been enacting and enforcing a variety of regulations affecting water supply and quality.

Given that the entirety of Greenwich Township is served by septic systems for wastewater discharge, these regulations play a significant role in zoning and land use issues. In July 2007, Greenwich Township enacted a Stormwater Control Ordinance which establishes design and performance standards for stormwater management measures. For wastewater, Greenwich Township is working with the Cumberland County Utilities Authority to draft an ordinance and plan for their section of the County Wastewater Management Plan. This plan may ultimately prove to be the guiding document for future land use as DEP is requiring the use of the nitrate dilution model in determining lot size. This model determines if nitrate concentrations within ground water caused by wastewater discharge can dilute enough to meet the New Jersey Ground Water Quality Standard within a watershed. The land area required to properly dilute the nitrates will potentially determine gross residential density within the Township.

Changes in County Policies and Objectives: The County of Cumberland has traditionally taken the position of balancing environmental conservation with economic development. This

policy continues to this day, with the completion earlier this year of a new County Farmland Preservation Plan, which targets over 2,500 acres of farmland within Greenwich Township for future preservation. In addition, the County is currently preparing an Open Space Plan which will assess and prioritize non-farm open space preservation into the foreseeable future.

III. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

Redefinition of “Family:” The current definition of “family” within Greenwich Township reads, “An individual or group of two or more persons related by blood, marriage, or adoption, or containing foster children placed in accordance with N.J.S.A. 40:55D, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.”

While an appropriate definition of “family” is basic to density and use prescriptions of zoning laws and to the applicability of building code laws, it is equally important to ensure that the definition is not so narrowly drawn as to exclude certain family members or families which are not biologically related or are non-traditional. The current definition is well written in that it does not differentiate between relatives of varying degrees of kinship, a practice deemed unconstitutional by the Supreme Court of the United States. As well, the definition includes persons beyond blood relatives and spouses.

However, courts have held that in zoning for stable neighborhoods in a single family district, local governments must include the functional and factual equivalents of natural families, as well as traditional families. Municipalities must define families to include groups of unrelated persons who constitute a family. The fundamental point at issue is that the definition of “family” must maintain the constitutional guarantee that no person shall be deprived of property without due process of law. Consequently, *this report recommends that the current definition of “family” be revised to ensure compliance with current law, particularly by removing or redefining the restriction of three (3) additional persons not related by blood, marriage, or adoption.*

Accessory Dwelling Units: American families are growing in number but shrinking in size. People are living longer, more people are staying single longer, and married couples are having fewer children. Most of these national trends are visible in the Census figures for Greenwich Township.

Generally, the housing stock in this nation has not kept up with this change in family demographics. Underused space in single-family houses is one of the nation’s largest untapped housing resources. These issues are exacerbated in Greenwich Township due to the historic nature and greater average square footage of much of the housing within the municipality when compared to surrounding municipalities.

Not only is family size changing, but so are the economic circumstances of families. As the population ages, many older people find themselves living in their family homes alone. They may need additional income to pay for health care services, cover home maintenance costs, or make mortgage payments. Others may want family members or caretakers to live nearby, while maintaining privacy for both parties. In New Jersey, the issue of ever-increasing property taxes adds to the economic concerns for home owners.

One method to mitigate these concerns is through the enactment of an Accessory Dwelling Unit (ADU) ordinance. ADUs are an efficient way to stabilize population densities in order to maintain an effective tax base. They can be used to concentrate population density in specific areas without making single-family neighborhoods structurally more dense. As well, ADUs foster aging “in place.” A recent survey conducted by AARP found that more than 80% of older homeowners would like to remain in their current homes, which is particularly applicable to Greenwich with its increasing average population age. With these considerations in mind, *this report recommends the enactment of an Accessory Dwelling Unit ordinance for Greenwich Township which complies with all applicable laws.*

Right-to-Farm Notification Clause: Greenwich Township currently contains over 2,000 acres of permanently preserved farmland. This is nearly 20% of the municipality’s total land mass. Farming has always been and continues to be the primary economic production for the Township. In 1981, the municipality enacted a Right-to-Farm Ordinance, which establishes as the policy of Greenwich Township the protection of commercial farm operations from nuisance actions and identifies farming and its ancillary activities as a permitted use everywhere in the Township regardless of zoning. The enactment of this ordinance in 1981 was a proactive move by the Township and preceded the State of New Jersey’s Right-to-Farm Act by two years. However, the ordinance does not contain what is often referred to as a notification clause. This clause stipulates the written notification of the municipality’s right to farm position to any interested party, often including property owners, developers, tax payers, residents seeking building permits and any other interested citizen. The purpose of the clause is to communicate the municipality’s position in an effort to forestall any violation of the ordinance. *This report recommends the creation and inclusion of a notification clause within Greenwich Township’s existing Right-to-Farm Ordinance.*

Country Code Ordinance: Neighboring Stow Creek Township, based on recommendations from the Cumberland County Department of Planning & Development, enacted a Country Code Ordinance earlier this year. Based on an ordinance enacted by Upper Freehold Township, Monmouth County, the ordinance identifies the rural nature of the community and is meant to further reiterate and expand upon the positions stipulated in the municipality’s Right-to-Farm Ordinance. The ordinance recognizes the inherent interest of the municipality’s residents to live in a rural setting and reminds them that the numerous benefits of residing “in the country” may also mean foregoing certain amenities or services typically afforded to residents in suburban and urban settings. The ordinance acknowledges that rural living and protection of the rural environment are in fact part of the policy of the Township.

Given that Greenwich Township has a strong history of farming and agriculture, and that agricultural activity will continue to be of primary importance within the municipality into the foreseeable future, *this report recommends the establishment of a County Code Ordinance in Greenwich Township.*

Council on Affordable Housing (COAH) Obligation: As part of the re-examination process, staff from the Cumberland County Department of Planning & Development invited Victoria Lods, Executive Director of the Cumberland County Habitat for Humanity Chapter to a Greenwich Township Planning Board meeting. Cumberland County Habitat for Humanity works with local municipalities, often in innovative ways, to provide affordable housing either

through new construction or rehabilitation of existing structures. The Third Round Regulations from COAH administering affordable housing standards within the State of New Jersey were enacted in June 2008 and are applicable through 2018. These regulations, in combination with unmet obligations from prior rounds, project the need for 20 affordable housing units within Greenwich Township.

Although it was not within the scope of this re-examination to provide a full resolution to the municipality's affordable housing obligation, methods to begin the process of municipal compliance with COAH standards were researched taking into consideration budgetary and staffing constraints within the Township. The resulting conclusions *recommend the establishment of an affordable housing working plan between Greenwich Township and Cumberland County Habitat for Humanity.*

Conditional Use in RA Zone: As an amendment to its Zoning, Subdivision and Site Plan Ordinance, the Township of Greenwich enacted a conditional use within its Residential-Agriculture Zone allowing for a conditional single family lot subdivision provided that five times the land area contained in the new lot be restricted in the form of a "deed restriction running with the land to the benefit of the Township of Greenwich." A recent applicant from Greenwich Township to the Farmland Preservation Program proposed using this conditional use to subdivide a conditional lot from his farm in anticipation of the remaining acreage being permanently preserved through the program. Upon review by the State Agriculture Development Committee it was determined that, based on the language of the ordinance, the compensation provided to the property owner for the development easement would have subtracted from it five times the land area contained in the subdivided lot, thereby reducing the total compensation received for farmland preservation. This calculation is due to the fact that based on the conditional use, this area of the farm would be, for all intents and purposes, permanently preserved by a covenant held by Greenwich Township.

Based on conversations with the Greenwich Township Planning Board, it was never the intent of the conditional use to negatively impact the compensation received through farmland preservation. Consequently, *it is the recommendation of this report that said conditional use within the RA Zone be monitored for its effectiveness in meeting the goals of the Master Plan and other development ordinances.*

Municipal Planning Incentive Grant Program: As mentioned previously, Greenwich Township contains over 2,000 acres of permanently preserved farmland. This acreage has been preserved either through the State or County Farmland Preservation Program. A growing number of municipalities within Cumberland County, recognizing the substantial benefits of farmland preservation, have established municipal farmland preservation programs. This process entails the completion of a municipal Farmland Preservation Plan and the application to the State Agriculture Development Committee for a Municipal Planning Incentive Grant. The grant provides cost-share funds for the acquisition of development easements on farmland. In Upper Deerfield and Hopewell Townships these grant funds have been used in conjunction with County and State funds to increase the reach of the Farmland Preservation Program. Although this effort would require some dedication of municipal funds for this purpose, the benefits outway the costs. Therefore, *this report recommends the completion of a municipal Farmland Preservation Plan for Greenwich Township and application to the Municipal Planning Incentive Grant Program.*

Restoration of Historic Dikes: The recently completed Greenwich Township Environmental Resource Inventory identifies saline intrusion as a “significant problem” in the township due to its impact on both residential drinking wells and agricultural irrigation. This encroachment of saline into the water table of Greenwich Township can be directly linked to damage within the dike system established in Greenwich Township in the 17th and 18th centuries. This damage has occurred within the past decade and has resulted in tidal flow occurring in areas which had become fresh water over the past 300 years. There are various degrees of damage throughout the system and repair costs fluctuate depending on the design of the repairs. The County of Cumberland and State of New Jersey have invested over \$4 million for the preservation of nearly 2,000 acres of agricultural land within Greenwich Township. This investment will be lost if fresh water is not available for irrigation. As well, flooding has occurred as a result of the damage to the dikes, which has damaged several historic homes within the Township. The highly significant cultural resources within the historic district of Greenwich are consequently also threatened by the damage in the dike system. Due to the immediate threat to drinking water, flooding hazards and agricultural viability, *this report recommends the immediate restoration of the historic dike system protecting Greenwich Township from saline encroachment and flooding.*

IV. RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE “LOCAL REDEVELOPMENT AND HOUSING LAW” 1992 INTO THE LAND USE ELEMENT OF THE MASTER PLAN AND RECOMMENDED CHANGES IN THE DEVELOPMENT REGULATIONS

There are no recommended changes at this time.